

# **State Council**

# **Summary Minutes**

## **1 December 2021**

## ORDER OF PROCEEDINGS

---

### OPEN and WELCOME

The Chair declared the meeting open at **4:18pm**.

### PAPERS

State Councillors had been distributed the followed papers under separate cover:

- Item 5.6 – Finance and Services Committee Minutes
- Item 5.7 – Selection Committee Minutes
- Item 5.8 – LGIS Board Minutes
- Item 5.9 – LGIS Scheme Management Agreement – **withdrawn**
- Item 5.10 – LGIS Review Actions update – CONFIDENTIAL
- Item 5.11 – Constitution and Governance Review
- Item 5.12 – WALGA President Position
- Item 5.13 – Appointments to State Council Policy Teams and Committees
- CEO's Report to State Council for December 2021;
- President's Report for December 2021 (previously emailed prior to Zone meetings).

## 1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

---

### 1.1 Attendance

|             |   |   |
|-------------|---|---|
| Members     | President of WALGA - <b>Chair</b><br>Deputy President of WALGA, Northern Country Zone<br>Avon-Midland Country Zone<br>Central Country Zone<br>Central Metropolitan Zone<br>Central Metropolitan Zone<br>East Metropolitan Zone<br>East Metropolitan Zone<br>Gascoyne Country Zone<br>Goldfields Esperance Country Zone<br>Great Eastern Country Zone<br>Great Southern Country Zone<br>Kimberley Country Zone<br>Murchison Country Zone<br>North Metropolitan Zone<br>North Metropolitan Zone<br>North Metropolitan Zone<br>Peel Country Zone<br>Pilbara Country Zone<br>South East Metropolitan Zone<br>South East Metropolitan Zone<br>South Metropolitan Zone<br>South Metropolitan Zone<br>South Metropolitan Zone<br>South West Country Zone | Mayor Tracey Roberts JP<br>President Cr Karen Chappel JP<br><br>Cr Ken Seymour<br>President Cr Phillip Blight<br>Cr Paul Kelly<br>Cr Helen Sadler<br>Cr Catherine Ehrhardt<br>Cr John Daw<br>President Cr Cheryl Cowell<br>President Cr Malcolm Cullen ( <b>Deputy</b> )<br>President Cr Stephen Strange<br>President Cr Chris Pavlovich<br>Cr Chris Mitchell JP<br>Cr Les Price<br>Cr Frank Cvitan JP<br>Mayor Mark Irwin<br>Cr Russ Fishwick JP<br>President Cr Michelle Rich<br>Mayor Peter Long<br>Cr Carl Celedin<br>Mayor Ruth Butterfield<br>Cr Doug Thompson<br>Mayor Carol Adams OAM<br>Mayor Logan Howlett JP<br>President Cr Tony Dean |
| Ex Officio  | President, LG Professionals WA  | Ms Annie Riordan  |
| Secretariat | Chief Executive Officer<br>EM Commercial & Communications   | Mr Nick Sloan<br>Mr Zac Donovan   |

|   |                    |
|---|--------------------|
| EM Governance & Organisational Services | Mr Tony Brown      |
| EM Infrastructure                       | Mr Ian Duncan      |
| Acting EM Strategy, Policy & Planning   | Ms Nicole Matthews |
| Principal, Special Projects             | Ms Narelle Cant    |
| Manager Strategy & Association          | Mr Tim Lane        |
| Governance                              |                    |
| Manager, Governance and Procurement     | Mr James McGovern  |
| Manager, Commercial Development         | Mr Andrew Blitz    |
| Employee Relations Service Manager      | Ms Davina Hunter   |
| Contract Manager, Energy and            | Mr Toby Costanzo   |
| Sustainability Development              |                    |
| Employee Relations Consultant           | Ms Natalie Abend   |
| Executive Officer Governance            | Ms Kathy Robertson |

Welcome to:

- State Councillors and WALGA secretariat
- Ms Annie Riordan, President of Local Government Professionals WA
- Deputy State Councillor President Cr Malcolm Cullen, Goldfields Esperance Country Zone

Observers:

- Deputy State Councillor President Cr Rosemary Madacsi, Avon-Midland Country Zone
- Deputy State Councillor Cr Paige McNeil, East Metropolitan Zone
- Deputy State Councillor Cr Melissa Northcott, South East Metropolitan Zone

## 1.2 Apologies

- The Rt. Hon. Lord Mayor Basil Zempilas, City of Perth
- State Councillor, President Cr Laurene Bonza, Goldfields Esperance Country Zone

## 1.3 Announcements

- 1.3.1** WALGA acknowledges the Whadjuk Nyoongar People who are the Traditional Custodians of this land we meet on today and pays respects to their Elders past and present.

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

---

### **2.1 Minutes of meeting held 3 September 2021**

---

Moved: President Cr Karen Chappel  
Seconded: Mayor Logan Howlett

That the Minutes of the WALGA State Council meeting held on [Friday, 3 September 2021](#) be confirmed as a true and correct record of proceedings.

**RESOLUTION 289.7/2021**

**CARRIED**

#### **2.1.1 Business arising from the Minutes of meeting held 3 September 2021**

Nil.

### **2.2 Minutes of special meeting held 13 October 2021**

---

Moved: President Cr Karen Chappel  
Seconded: Mayor Logan Howlett

That the Minutes of the WALGA State Council special meeting held on [Wednesday, 13 October 2021](#) be confirmed as a true and correct records of proceedings.

**RESOLUTION 289.7/2021**

**CARRIED**

#### **2.2.1 Business arising from the Minutes of the special meeting held 13 October 2021**

Nil.

### **2.3 Flying Minute – WALGA submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986***

---

Moved: President Cr Karen Chappel  
Seconded: Mayor Logan Howlett

That the [Flying Minute – WALGA submission on Guideline: Native Vegetation Referral, Part V \*Environmental Protection Act 1986\*](#) be confirmed as a true and correct record of proceedings.

**RESOLUTION 289.7/2021**

**CARRIED**

#### **2.3.1 Business arising from the Flying Minute – WALGA submission on Guideline: Native Vegetation Referral, Part V, Environmental Protection Act 1986**

Nil.

---

## 2.4 Flying Minute – Regional Telecommunications Review 2021

---

Moved: President Cr Karen Chappel  
Seconded: Mayor Logan Howlett

That the [Flying Minute – Regional Telecommunications Review 2021](#) be confirmed as a true and correct record of proceedings.

### RESOLUTION 289.7/2021

CARRIED

#### 2.4.1 Business arising from the Flying Minute – Regional Telecommunications Review 2021

Nil.

---

## 2.5 Flying Minute – Submission on Cost Recovery Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority

---

Moved: President Cr Karen Chappel  
Seconded: Mayor Logan Howlett

That the [Flying Minute – Submission on Cost Recovery Part IV of the \*Environmental Protection Act 1986\* – assessments by the Environmental Protection Authority](#) be confirmed as a true and correct record of proceedings.

### RESOLUTION 289.7/2021

CARRIED

#### 2.5.1 Business arising from the Flying Minute – Submission on Cost Recovery Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority

Nil.

---

## 2.6 Flying Minute – Student Transport Assistance Policy Framework Inquiry – WALGA Submission

---

Moved: President Cr Karen Chappel  
Seconded: Mayor Logan Howlett

That the [Flying Minute – Student Transport Assistance Policy Framework Inquiry – WALGA Submission](#) be confirmed as a true and correct record of proceedings.

### RESOLUTION 289.7/2021

CARRIED

#### 2.6.1 Business arising from the Flying Minute – Student Transport Assistance Policy Framework Inquiry – WALGA Submission

Nil.

---

## 2.7 Flying Minute – WALGA submission on Draft Native Vegetation Policy for WA

---

Moved: President Cr Karen Chappel  
Seconded: Mayor Logan Howlett

That the [Flying Minute – WALGA submission on Draft Native Vegetation Policy for WA](#) be confirmed as a true and correct record of proceedings.

**RESOLUTION 289.7/2021**

**CARRIED**

### 2.7.1 Business arising from the Flying Minute – WALGA submission on Draft Native Vegetation Policy for WA

Nil.

---

## 3. DECLARATION OF INTEREST

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

- Cr John Daw declared an interest in item 5.7: Selection Committee Minutes.

---

## 4. EMERGING ISSUES

Nil.

# Items

|  |           |
|--|-----------|
| <b>5. MATTERS FOR DECISION .....</b>   | <b>9</b>  |
| 5.1 Paid Family and Domestic Violence Leave Entitlements.....  | 9         |
| 5.2 Payment to Independent Committee Members (05-034-01-0005 TB) .....   | 13        |
| 5.3 2021 Annual General Meeting (01-003-02-0003 TB) .....  | 14        |
| 5.4 Review of advocacy positions relating to the Building Act 2011 and Building Regulations 2012 (05-015-02-0010 CL) .....   | 17        |
| 5.5 Draft WA Building Surveyors Code of Conduct (05-015-02-0010 CL) .....  | 19        |
| <b>MATTERS FOR CONSIDERATION BY STATE COUNCILLORS (UNDER SEPARATE COVER) .....</b>   | <b>21</b> |
| 5.6 Finance and Services Committee Minutes (01-006-03-0006 TB) .....   | 21        |
| 5.7 Selection Committee Minutes (01-006-03-0011 CO).....   | 22        |
| 5.8 LGIS Board Minutes .....   | 23        |
| 5.9 LGIS Scheme Management Agreement – CONFIDENTIAL.....   | 24        |
| 5.10 LGIS Review Actions update – CONFIDENTIAL .....   | 24        |
| 5.11 Constitution and Governance Review (01-004-05-002 TL/TB).....   | 26        |
| 5.12 WALGA President Vacation of Office.....   | 29        |
| 5.13 Appointments to State Council Policy Teams and Committees (01-004-07-0001) ....   | 30        |
| <b>6. MATTERS FOR NOTING / INFORMATION.....</b>  | <b>35</b> |
| 6.1 Local Government Support for Single Use Plastic Bans (01-006-02-0003) .....  | 35        |
| 6.2 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB) .....  | 36        |
| 6.3 WALGA submission on the National Climate Resilience and Adaptation Strategy ....   | 37        |
| 6.4 Closing the Gap Update.....  | 38        |
| 6.5 Submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians (03-030-03-0001 VB) ..... | 39        |
| 6.6 Wooroloo Independent Review Letter of Support (05-024-03-0011 SM) .....  | 40        |
| 6.7 State Budget Outcomes (05-088-03-0001 DT).....   | 41        |
| 6.8 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy (05-001-03-0018 ID) .....  | 42        |
| 6.9 Regional Telecommunications Review .....   | 43        |
| 6.10 WALGA submission on Guideline: Native Vegetation Referral, Part V Environmental Protection Act 1986 (05 095-03-0001 GM) .....   | 44        |
| 6.11 WALGA submission on Draft Native Vegetation Policy for Western Australia (05-095-03-0001 GM) .....  | 45        |
| 6.12 Submission on Cost Recovery Part IV of the Environmental Protection Act 1986 – assessments by the Environmental Protection Authority.....   | 46        |
| 6.13 Student Transport Assistance Policy Framework Inquiry – WALGA Submission (05-0005-03-0013 ID) .....   | 47        |
| 6.14 Work Health and Safety (WHS) Legislation Update .....   | 48        |
| <b>7. ORGANISATIONAL REPORTS.....</b>  | <b>49</b> |
| 7.1 Key Activity Reports.....  | 49        |

|            |  |           |
|------------|--|-----------|
| 7.1.1      | Report on Key Activities, Commercial and Communications Unit (01-006-03-0017 ZD)     | 49        |
| 7.1.2      | Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB) | 49        |
| 7.1.3      | Report on Key Activities, Infrastructure Unit (05-001-02-0003 ID)                    | 49        |
| 7.1.4      | Report on Key Activities, Strategy, Policy and Planning Unit (01-006-03-0017 NM)     | 49        |
| 7.2        | Policy Forum Report (01-006-03-0007 TB)  | 50        |
| 7.3        | President's Report   | 50        |
| 7.4        | CEO's Report   | 50        |
| 7.5        | Ex-Officio Reports   | 51        |
| 7.5.1      | LG Professional's Report   | 51        |
| 7.5.2      | City of Perth Report   | 51        |
| <b>8.</b>  | <b>ADDITIONAL ZONE RESOLUTIONS</b>   | <b>51</b> |
| <b>9.</b>  | <b>DATE OF NEXT MEETING</b>  | <b>53</b> |
| <b>10.</b> | <b>CLOSURE</b>   | <b>53</b> |



## 5. MATTERS FOR DECISION

### 5.1 Paid Family and Domestic Violence Leave Entitlements

*By Davina Hunter, Employee Relations Service Manager*

#### WALGA RECOMMENDATION

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).

|                                   |                                |
|-----------------------------------|--------------------------------|
| Avon Midland Country Zone         | WALGA recommendation supported |
| Central Country Zone              | WALGA recommendation supported |
| Central Metropolitan Zone         | WALGA recommendation supported |
| Gascoyne Country Zone             | WALGA recommendation supported |
| Goldfields Esperance Country Zone | WALGA recommendation supported |
| Great Eastern Country Zone        | WALGA recommendation supported |
| Great Southern Country Zone       | WALGA recommendation supported |
| Kimberley Country Zone            | WALGA recommendation supported |
| Murchison Country Zone            | WALGA recommendation supported |
| North Metropolitan Zone           | WALGA recommendation supported |
| Northern Country Zone             | WALGA recommendation supported |
| Peel Country Zone                 | WALGA recommendation supported |
| Pilbara Country Zone              | WALGA recommendation supported |
| South East Metropolitan Zone      | WALGA recommendation supported |

#### EAST METROPOLITAN ZONE

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 ten 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. to review the definition of family and domestic violence to ensure that it is broad and that it is not limited to violence only.

#### **SECRETARIAT COMMENT**

Section 106B(2) of the *Fair Work Act 2009* (Cth) includes the following definition:

***Family and domestic violence*** is violent, threatening or other abusive behaviour by a close relative of an employee that:

- (a) seeks to coerce or control the employee; and
- (b) causes the employee harm or to be fearful.

- (3) *A close relative of the employee is a person who:*
- (a) *is a member of the employee's immediate family; or*
  - (b) *is related to the employee according to Aboriginal or Torres Strait Islander kinship rules.*

*Note: Immediate family is defined in section 12.*

The definition of family and domestic violence in the modern awards refers back to this definition in the *Fair Work Act 2009* (Cth) and this definition is not only limited to violence.

15 out of 17 Zones have supported the entitlement for five days' paid family and domestic violence leave which is reflective of the results of the sector survey conducted by WALGA. If the entitlement to paid family and domestic violence leave is included by the Fair Work Commission in the Local Government Industry Award 2020, this is reflective of a minimum standard or entitlement. Individual Local Governments are able to introduce a policy or a clause in their enterprise agreement or industrial agreement which provides employees with 10 days' paid family and domestic violence leave.

## **SOUTH METROPOLITAN ZONE**

That State Council item 5.1 be amended by:

1. deleting the word "five" in point 2, and substituting the word "ten"; and
2. deleting the word "opposed" in point 4, and substituting the word "supports".

### **SECRETARIAT COMMENT**

Refer to secretariat comment above.

## **SOUTH WEST COUNTRY ZONE**

That in point 4, the word "oppose" be deleted and replaced with the words "does not support".

### **SECRETARIAT COMMENT**

The Zone amendment is accepted and included in the composite recommendation.

## **COMPOSITE RECOMMENDATION**

**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. does not support 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).**

## **MOTION**

**Moved:** Mayor Carol Adams  
**Seconded:** Cr Doug Thompson

**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 10 days' paid FDVL per year; and**
- 3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence.**

*President Cr Phillip Blight foreshadowed the Composite Recommendation.*

## **PROCEDURAL MOTION**

**Moved:** President Cr Tony Dean  
**Seconded:** Cr Chris Mitchell

**That the question be now put.**

**RESOLUTION 290.7/2021**

**CARRIED**

**THE MOTION AS ABOVE WAS PUT AND LOST**

## **MOTION**

**Moved:** President Cr Phillip Blight  
**Seconded:** Cr Les Price

**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. does not support 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).**

## **AMENDMENT**

**Moved: Cr Doug Thompson**

**Seconded: Mayor Carol Adams**

**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 as a minimum entitlement;**
- 3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and**
- 4. does not support the introduction of a new entitlement in modern awards, at this point in time, for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU).**

**RESOLUTION 291.7/2021**

**THE AMENDMENT WAS PUT AND CARRIED**

## **THE MOTION AS AMENDED NOW READS:**

**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 as a minimum entitlement;**
- 3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and**
- 4. does not support the introduction of a new entitlement in modern awards, at this point in time, for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU).**

**RESOLUTION 292.7/2021**

**THE AMENDED MOTION WAS PUT AND CARRIED**

## 5.2 Payment to Independent Committee Members (05-034-01-0005 TB)

By Tony Brown, Executive Manager Governance & Organisational Services

### WALGA RECOMMENDATION

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*.

|                                   |                                |
|-----------------------------------|--------------------------------|
| Avon Midland Country Zone         | WALGA recommendation supported |
| Central Country Zone              | WALGA recommendation supported |
| Central Metropolitan Zone         | WALGA recommendation supported |
| Gascoyne Country Zone             | WALGA recommendation supported |
| Goldfields Esperance Country Zone | WALGA recommendation supported |
| Great Eastern Country Zone        | WALGA recommendation supported |
| Great Southern Country Zone       | WALGA recommendation supported |
| Kimberley Country Zone            | WALGA recommendation supported |
| Murchison Country Zone            | WALGA recommendation supported |
| North Metropolitan Zone           | WALGA recommendation supported |
| Northern Country Zone             | WALGA recommendation supported |
| Peel Country Zone                 | WALGA recommendation supported |
| South East Metropolitan Zone      | WALGA recommendation supported |
| South Metropolitan Zone           | WALGA recommendation supported |
| South West Country Zone           | WALGA recommendation supported |

### EAST METROPOLITAN ZONE

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 of statutory committees under s.5.8 of the *Local Government Act 1995*.

### SECRETARIAT COMMENT

Section 5.8 of the *Local Government Act 1995* relates to the establishment of statutory committees. This item is proposing the Act be amended to enable a Local Government to pay an independent member of a committee an attendance fee, if the Local Government resolves to.

### PILBARA COUNTRY ZONE

The Zone does not support item 5.2.

### SECRETARIAT COMMENT

*All other Zones have supported this item.*

### WALGA RECOMMENDATION

Moved: President Cr Karen Chappel  
Seconded: Cr Chris Mitchell

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*.

**RESOLUTION 293.7/2021**

**CARRIED**

### **5.3 2021 Annual General Meeting (01-003-02-0003 TB)**

*By Tim Lane, Manager Strategy & Association Governance and Kathy Robertson, Executive Officer Governance*

#### **WALGA RECOMMENDATION**

**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.*
2. *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.*

|  |                                |
|--|--------------------------------|
| <b>Avon Midland Country Zone</b>         | WALGA recommendation supported |
| <b>Central Country Zone</b>              | WALGA recommendation supported |
| <b>Central Metropolitan Zone</b>         | WALGA recommendation supported |
| <b>East Metropolitan Zone</b>            | WALGA recommendation supported |
| <b>Gascoyne Country Zone</b>             | WALGA recommendation supported |
| <b>Goldfields Esperance Country Zone</b> | WALGA recommendation supported |
| <b>Great Eastern Country Zone</b>        | WALGA recommendation supported |
| <b>Great Southern Country Zone</b>       | WALGA recommendation supported |
| <b>Kimberley Country Zone</b>            | WALGA recommendation supported |
| <b>Murchison Country Zone</b>            | WALGA recommendation supported |
| <b>Northern Country Zone</b>             | WALGA recommendation supported |
| <b>Peel Country Zone</b>                 | WALGA recommendation supported |
| <b>Pilbara Country Zone</b>              | WALGA recommendation supported |
| <b>South East Metropolitan Zone</b>      | WALGA recommendation supported |
| <b>South Metropolitan Zone</b>           | WALGA recommendation supported |
| <b>South West Country Zone</b>           | WALGA recommendation supported |

## **NORTH METROPOLITAN ZONE**

That the recommendation be amended to insert the words “*at least*” to both parts of the CSRFF Funding Pool resolution in point 1 of the recommendation to read as follows:

### CSRFF Funding Pool and Contribution Ratios

*That WALGA lobby the State Government to:*

- 1. Increase the CSRFF funding pool to at least \$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 at least \$2 million per annum.*

## **SECRETARIAT COMMENT**

The Zones amendment is included in the composite recommendation.



## COMPOSITE RECOMMENDATION

Moved: President Cr Karen Chappel  
Seconded: President Cr Malcolm Cullen

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 at least \$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 at least \$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.*
2. *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.*

RESOLUTION 294.7/2021

CARRIED



## 5.4 Review of advocacy positions relating to the *Building Act 2011* and Building Regulations 2012 (05-015-02-0010 CL)

By Claire Lings, Project Officer, Building

### WALGA RECOMMENDATION

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.
6. 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.

|                                   |                                |
|-----------------------------------|--------------------------------|
| Avon Midland Country Zone         | WALGA recommendation supported |
| Central Country Zone              | WALGA recommendation supported |
| Central Metropolitan Zone         | WALGA recommendation supported |
| East Metropolitan Zone            | WALGA recommendation supported |
| Gascoyne Country Zone             | WALGA recommendation supported |
| Goldfields Esperance Country Zone | WALGA recommendation supported |
| Great Eastern Country Zone        | WALGA recommendation supported |
| Great Southern Country Zone       | WALGA recommendation supported |
| Kimberley Country Zone            | WALGA recommendation supported |
| Murchison Country Zone            | WALGA recommendation supported |
| Northern Country Zone             | WALGA recommendation supported |
| Peel Country Zone                 | WALGA recommendation supported |
| Pilbara Country Zone              | WALGA recommendation supported |
| South East Metropolitan Zone      | WALGA recommendation supported |
| South Metropolitan Zone           | WALGA recommendation supported |
| South West Country Zone           | WALGA recommendation supported |

## **NORTH METROPOLITAN ZONE**

That the recommendation be amended to include a reference to retrospective building control related fees and charges in point 4 of the recommendation to read as follows:

- 4 Existing, proposed and retrospective building control related fees and charges to be cost recovery for Local Government.

### **SECRETARIAT COMMENT**

Point 4 of WALGA's recommendation talks to both 'existing' and 'proposed' building fees and charges and the need for these to be set at a rate commensurate with the principles of cost-recovery. The current wording allows any fees that currently exists or is proposed by DMIRS in the future to be captured. This includes any existing or proposed fees that relate to retrospective applications.

### **WALGA RECOMMENDATION**

**Moved:** Cr Chris Mitchell  
**Seconded:** President Cr Tony Dean

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.
6. 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.

**RESOLUTION 295.7/2021**

**CARRIED**

## 5.5 Draft WA Building Surveyors Code of Conduct (05-015-02-0010 CL)

*By Claire Lings, Project Officer, Building*

### WALGA RECOMMENDATION

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.
2. Endorse the attached consultation response summary on the draft Code.

|                                   |                                |
|-----------------------------------|--------------------------------|
| Avon Midland Country Zone         | WALGA recommendation supported |
| Central Country Zone              | WALGA recommendation supported |
| Central Metropolitan Zone         | WALGA recommendation supported |
| East Metropolitan Zone            | WALGA recommendation supported |
| Gascoyne Country Zone             | WALGA recommendation supported |
| Goldfields Esperance Country Zone | WALGA recommendation supported |
| Great Eastern Country Zone        | WALGA recommendation supported |
| Great Southern Country Zone       | WALGA recommendation supported |
| Kimberley Country Zone            | WALGA recommendation supported |
| Murchison Country Zone            | WALGA recommendation supported |
| North Metropolitan Zone           | WALGA recommendation supported |
| Northern Country Zone             | WALGA recommendation supported |
| Peel Country Zone                 | WALGA recommendation supported |
| Pilbara Country Zone              | WALGA recommendation supported |
| South East Metropolitan Zone      | WALGA recommendation supported |
| South Metropolitan Zone           | WALGA recommendation supported |
| South West Country Zone           | WALGA recommendation supported |

## **WALGA RECOMMENDATION**

**Moved: Mayor Ruth Butterfield**  
**Seconded: Cr Frank Cvitan**

**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.**
- 2. Endorse the attached consultation response summary on the draft Code.**

**RESOLUTION 296.7/2021**

**CARRIED**

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

---

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

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

#### **WALGA RECOMMENDATION**

**Moved:** Cr Catherine Ehrhardt  
**Seconded:** President Cr Ken Seymour

**That the Minutes of the Finance and Services Committee Meeting held 17 November 2021 be endorsed.**

#### **RESOLUTION 297.7/2021**

**CARRIED**

#### **Executive Summary**

- The Finance and Services Committee met on 17 November 2021.
- The Minutes have been distributed to the members of the State Council under separate cover.

#### **Attachments**

- Finance and Services Committee Minutes, 17 November 2021
- Attachments to Minutes:
  - Item 2.1 – Management Financials Pack (detailed pack)
  - Item 2.3 – 2021-22 Budget Revision Pack
  - Item 3.1 – PSP Annual Report
  - Item 3.1 – Panel Contract

#### **Terms of Reference**

The Finance and Services Committee operates under the following delegated powers:

*On behalf of State Council, and in accordance with any policies, directions or limitations set by State Council, undertake the following functions:*

- *Determining key directions in relation to the establishment and/or development of new and current business opportunities that result in the delivery of outputs which enhance the financial and operational capacity of members and the Association.*
- *Adoption of business plans for the Association's service delivery units that deliver the key objectives within the Association's Strategic Plan, with regular monitoring of outcomes against agreed performance indicators.*
- *Oversee the financial management of the Association, including the recommendation of a draft annual Governance Budget to State Council, long term financial planning, monitoring/assessment of financial reports, approving and/or recommending budgetary reallocations to State Council, committing or reallocating reserve funds for special purposes, and auditing and presentation of the Association's annual accounts.*
- *Internal audit including monitoring/assessing compliance against financial and asset management and internal control policies.*
- *Oversee the delivery of business development, business management, human resource management and information management and corporate services.*
- *Establish a risk governance structure which ensures that management has implemented sound risk management policies and procedures across the Association, and which is regularly reviewed.*
- *Establish risk management and internal control performance indicators that are regularly evaluated through internal and external audit processes.*

## Background

Minutes of the Meeting of the Finance and Services Committee held on 17 November 2021 together with attachments have been distributed to the members of the State Council under separate cover.

## Comment

Finance and Services Committee members will be in attendance at the State Council meeting to respond to questions from members and provide any further explanation that may be sought.

### **5.7 Selection Committee Minutes – CONFIDENTIAL (01-006-03-0011 CO)**

*By Chantelle O'Brien, Governance Support Officer*

*Cr John Daw declared an interest in this item and left the meeting at 4:49pm.*

## **WALGA RECOMMENDATION**

**Moved:** Cr Doug Thompson  
**Seconded:** President Cr Stephen Strange

**That the recommendations contained in the 17 November 2021 Selection Committee Minutes be endorsed.**

### **RESOLUTION 298.7/2021**

**CARRIED**

*Cr John Daw returned to the meeting at 4:50pm.*

## **Executive Summary**

- The Selection Committee held their meeting on 17 November 2021 to consider nominees to be put forward for appointment for the following vacancies:
  - Public Library Working Group
  - Western Australian Planning Commission
  - Keep Australia Beautiful and
  - Rural Remote Education Advisory Committee
- The Minutes containing the Selection Committee's recommendations for State Council endorsement and resolution for noting, are provided as an attachment.

## **Attachment**

- Selection Committee Minutes, 17 November 2021

## **Background**

Pursuant to the resolution of State Council in February 2002, the WA Local Government Association Selection Committee was established to oversee the selection process for Local Government vacancies on boards and committees.

The Selection Committee conducts a merit-based and transparent assessment process encompassing the principle of "best person for the job". Upon completion of the assessment of nominations for vacancies, the Selection Committee either endorses preferred candidates for appointment (under delegated authority) or makes advisory recommendations to State Council for ratification of preferred candidates.

## Comment

### Public Library Working Group

Following the re advertisement of the newly created vacancy to represent Local Government on the Public Library Working Group from a tier 2 Local Government, one nomination was received from the Shire of Plantagenet.

### Keep Australian Beautiful

WALGA received a request from the Minister for Environment seeking a recommendation to appoint a member and deputy member to the Keep Australia Beautiful Council. One nomination was received from the incumbent.

### Western Australian Planning Commission

Following the October elections, the WA Planning Commission were seeking nominations for two vacancies to represent Local Government as Deputy Member Metropolitan and Non-Metropolitan Member. Ten nominations were received for the Metropolitan Deputy Member and three nominations were received for the Non-Metropolitan Member.

### Rural Remote Education Advisory Committee

Nominations were sought for a Member on the Rural Remote Education Advisory Committee and one nomination was received.

Minutes containing the Selection Committee's recommendations are attached.

## 5.8 LGIS Board Minutes

*By Craig Hansom, LGIS Contract Manager, Commercial and Communications*

### WALGA RECOMMENDATION

**Moved:** Mayor Logan Howlett  
**Seconded:** Cr Helen Sadler

**That State Council note the following summary of the LGISWA Scheme Board meeting held on 14 October.**

### RESOLUTION 299.7/2021

**CARRIED**

### Executive Summary

- The Board accepted the Scheme Auditors report.
- The Board adopted the LGISWA Annual Report 2021.
- The Minimum Capital Requirement was accepted as \$22.588 M from 1 July.
- Resolved that \$3.5 M of available capital be transferred to provisioning for surplus distribution.

### Attachments

- LGIS Board Minutes, 14 October 2021

### Background

The Minutes of the LGIS Board meeting held on 14 October have been distributed to the members of the State Council under separate cover.

## Comment

Items of note from the Minutes include:



- The Board considered and accepted the External Auditors Closing Report for the year ended 30 June 2021. The external auditor representatives provided a brief verbal commentary at the meeting on key points.
- Following the review and recommendation for adoption by the Finance and Audit Committee, the Board adopted the LGISWA Annual Report for 2021, including the Board Declaration.
- The Annual Report's Statement of Comprehensive Income shows an operating surplus from the year's activities of \$9.11 M which is a significant improvement on the \$1.33 M deficit of the previous year.
- The 30 June Balance Sheet shows net assets of \$39.58 M (a capital ratio of 185% vs MCR).
- Considering known risks and an increase in the Motor pooled cover, PwC Actuarial assessed the Minimum Capital Requirement as \$22.588 M from 1 July 2021. This was accepted by the Board.
- \$3.5 M of available capital will be transferred to provisioning for surplus distribution, with the funds to be allocated as \$3 M for future member Contributions credits and \$0.5 M for future special projects. This will result in the available capital ratio being 160% (\$2.2 M above the lower end of the Board's target range of 150-190%).

LGIS Board members include WALGA President Mayor Tracey Roberts, Cr Paul Kelly and WALGA CEO Nick Sloan. All intend to be in attendance at the State Council meeting to respond to questions and provide any further explanation that may be sought.

## **5.9 LGIS Scheme Management Agreement – CONFIDENTIAL**

*By Zac Donovan, Executive Manager, Commercial and Communications*

***Item withdrawn – further work to be carried out and an item will be presented to the March 2022 State Council meeting***

## **5.10 LGIS Review Actions update – CONFIDENTIAL**

*By Zac Donovan, Executive Manager, Commercial and Communications*

### **WALGA RECOMMENDATION**

**Moved:** Mayor Logan Howlett  
**Seconded:** Cr Doug Thompson

**That State Council note the update of the LGIS review action items.**

### **RESOLUTION 300.7/2021**

**CARRIED**

### **Executive Summary**

- State Council previously approved ten (10) actions to improve the governance, operation and future options required to ensure LGIS continues to meet the risk cover needs of the sector.
- Seven (7) of the actions are now complete.
- An updated LGIS Scheme Management Agreement is before State Council for approval at this meeting, which will bring the complete count to eight (8).
- The two (2) remaining actions are scheduled to be completed in the next 12 months.



## Background

WALGA has undertaken a comprehensive review of LGIS, commissioning three separate but sequential reports into governance, operation and future options required to ensure the service continues to meet the risk cover needs of the Local Government sector in WA.

In total the three independent reports – Deloitte, Gurry, Working Group – made 55 recommendations which were consolidated into themes for consideration by State Council by way of presentation and workshop to define a series of actions to be undertaken.

State Council endorsed ten (10) actions which included updating of the WALGA JLT/Marsh Scheme Management Agreement but also included a number of actions that would affect components of a future agreement.

## Comment

The status of the various actions associated with the LGIS review is outlined below. A status update was reported to the LGIS Board meeting on 25 November.

The following review actions are now complete:

- Increase insurance covers into Scheme that were previously offered by broking services;
- Undertake a Review of LGIS risk mitigation services; and
- Review the LGIS marketing function for efficiencies.

An updated LGIS Scheme Management Agreement is before State Council for approval at the March 2022 meeting.

Ongoing reviews and improved governance mechanisms continue to enhance the WALGA LGIS contractual and management framework. Most notably, these include the following review items that are proposed to be completed in the next 12 months:

- Benchmarking against other national schemes; and
- Development of a WALGA LGIS contingency plan.

The list of State Council approved LGIS review actions (Resolution 108.6/2019) is provided below.

| Item | Description  | Owner | Status   | Date   | Resolution |
|------|--|-------|----------|--------|------------|
| 1    | Increase Covers in Scheme                          | JLT   | Complete | Jul-21 | 236.4/2021 |
| 3    | Undertake Review of Risk Mitigation Services       | WALGA | Complete | Jul-21 | 237.4/2021 |
| 4    | Establish Aligned Scheme Benchmarks                | WALGA | Pending  | Dec-22 |            |
| 5    | Rebrand LGIS to recognise as WALGA Service         | WALGA | Complete | Nov-21 | 139.5/2020 |
| 6    | Encompass Marketing Function into WALGA Operations | WALGA | Complete | Mar-21 | 185.1/2021 |
| 7    | Update WALGA/JLT Agreement                         | WALGA | Pending  | Dec-21 |            |
| 8    | Update LGIS Corporate Governance Charter           | WALGA | Complete | Dec-21 | 152.6/2020 |
| 9    | State Council Review Delegations to LGIS Board     | WALGA | Complete | Dec-19 | 162.7/2019 |

|    |  |       |          |        |            |
|----|--|-------|----------|--------|------------|
| 10 | Return Board Member Induction to WALGA       | WALGA | Complete | May-20 | 108.6/2019 |
| 11 | LGIS Contingency Plan (Resolution 96.3/2020) | WALGA | Pending  | Dec-22 |            |

\* Item 2 was not endorsed by State Council.

## 5.11 Constitution and Governance Review (01-004-05-002 TL/TB)

*By Tony Brown, Executive Manager Governance and Organisational Services, and Tim Lane, Manager Strategy and Association Governance*

### WALGA RECOMMENDATION

**Moved:** President Cr Michelle Rich  
**Seconded:** Cr Doug Thompson

**That the proposed Constitution and Governance Review as outlined in this report be endorsed.**

### RESOLUTION 301.7/2021

**CARRIED**

### Executive Summary

- A Constitution and Governance Review is proposed to be undertaken, which would also incorporate a review of the Corporate Governance Charter and Standing Orders.
- Drivers for the review are as follows:
  1. State Council's 3 September 2021 resolution as outlined below;
  2. Misalignment of governance documents and layering of amendments over a number of years;
  3. Alignment with the Corporate Strategy 2020-2025 that focuses on contemporary governance and engagement models as a key strategic goal; and
  4. Proposed legislative reform to remove WALGA from being constituted under the *Local Government Act 1995*.
- The Constitution and Governance Review project is proposed to be completed over an 18-month timeframe, during the current term of State Council and in advance of the next Federal (after 2022), State and Local Government elections.

### Budgetary Implications

The proposed review is anticipated to require \$60,000, which will be funded via an allocation from the strategic program fund.

### Background

At the 3 September 2021 State Council meeting, State Council resolved that a report be prepared recommending amendment to the WALGA Constitution.

State Council's 3 September resolution follows:

1. ***In the event the WALGA President or State Councillor contest a State or Federal Election, in order to manage any perceived conflicts of interest, the following is hereby inserted into the Corporate Governance Charter:***
  - ***Ministerial Meetings – the Deputy President or relevant Policy Team Chair to accompany the President to all Ministerial Meetings;***
  - ***Parliamentary Commitments – the Deputy President or relevant Policy Team Chair to accompany the President to all WALGA related meetings with Members of Parliament;***

- **Media releases and responses – the Deputy President to be consulted in-conjunction with the President on all media responses and media releases with State or Commonwealth policy implications; and**
  - **Ministerial Letters – the Deputy President to be included on consultation on proposed correspondence to State and Commonwealth Ministers.**
  - **In the event of WALGA's advocacy position presenting a conflict of interest to the President in the combined judgement of the Deputy President and CEO, the Deputy President provides and responds to any public comment.**
2. **State Council request the CEO to provide a report to a future State Council meeting recommending amendment to the Association's Constitution to deal with matters related to State Councillors Candidature for State or Federal elections.**

As per point 1 of the resolution above, amendments were made to the Corporate Governance Charter to put into place protocols for a State Councillor or President contesting a State or Federal election.

The Corporate Governance Charter has been updated to include the protocols, which have been in place since the 3 September resolution.

Amending the Constitution is a more involved process, involving endorsement by State Council and endorsement by the membership. The process for amending WALGA's Constitution is outlined by Clause 29 of the [Constitution](#):

*The Constitution of the Association may be altered, added to or repealed by:*

- 1) *A resolution at any meeting of the State Council on the receipt of a special majority of not less than 75% of representatives or by their deputy representatives; and*
- 2) *A resolution at an Annual General Meeting or Special General Meeting passed by a majority of not less than 75% of delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:*
  - a. *75% of Ordinary Members who are eligible to vote are present or represented; and*
  - b. *the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.*

Since its adoption in 2001, the Constitution has been amended eight times. Amendments since 2001 have been in response to specific issues, following governance reviews, or at the request of State Council. Similarly, the Corporate Governance Charter has been amended 10 times since its adoption in 2004. Amendments to the Corporate Governance Charter have been made following governance reviews, and to reflect current practice. With amendments layered onto amendments, the Constitution has become confusing in places.

Importantly, a key goal of WALGA's [Corporate Strategy 2020-2025](#), endorsed by State Council in December 2020, is:

*We have contemporary governance and engagement models.*

As part of the secretariat's work to operationalise the corporate strategy, a review of WALGA's governance model and processes has been proposed to commence during 2022.

In addition, WALGA is proposed to be removed from the *Local Government Act 1995*, as part of the Minister for Local Government's legislative reform agenda [announced](#) on 10 November 2021. This proposal would have constitutional and governance implications.

## Comment

It is proposed that the governance review to be undertaken as part of the Corporate Strategy 2020-2025 be brought forward to commence immediately, as per State Council's 3 September 2021 direction. There are a number of drivers for the proposed review:

1. Alignment with the Corporate Strategy: *We have contemporary governance and engagement models*
2. State Council's 3 September 2021 resolution requesting amendment to the Constitution to "deal with matters related to State Councillors' Candidature for State or Federal elections"
3. Misalignment between key governance documents – Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from varying amendments over the past 15-20 years, and
4. Proposed legislative reforms to remove WALGA from being constituted under the *Local Government Act 1995*.

Broadly, the timing of the review would be as follows:

|   |                                 |
|---|---------------------------------|
| Commence review and develop project plan                          | December 2021 – February 2022   |
| Appoint independent consultant and establish working group        | March 2022                      |
| Independent governance review and assessment                      | April 2022 – October 2022       |
| Consider recommendations and determine options                    | December 2022                   |
| Drafting new documents or amendments as required                  | December 2022 – March 2023      |
| Constitutional amendments considered by State Council and members | May 2023 – September 2023 (AGM) |

The indicative timeline above would enable changes to be put into place during the current term of State Council and, excepting extraordinary circumstances, in advance of future elections, as follows:

- Local Government elections – 21 October 2023
- State Election – 8 March 2025
- Federal Election – likely to be late 2024 or early-mid 2025 following an election during the first half of 2022

Given the drivers noted above, alignment with the corporate strategy, and issues created with layers of amendments, the proposed review is recommended ahead of making further piecemeal amendments to the Constitution.

## 5.12 WALGA President Vacation of Office

By Nick Sloan, Chief Executive Officer

### Executive Summary

- WALGA President Mayor Tracey Roberts has advised of her resignation effective at the completion of the 1 December State Council meeting.
- State Council has discretion on how to proceed with regards to the Presidency, as outlined in the WALGA Constitution.
- There are two options available to State Council.

### Attachments

- Summary of WALGA President Vacation of Office Scenarios
- [State Council Full Minutes, May 2018](#)

### Background

The current WALGA President, Mayor Tracey Roberts, has announced her intention to resign effective at the completion of the State Council meeting on 1 December. As a result, the office of President will be vacant as per Clause 20(c) of the [WALGA Constitution](#).

The current President's term of office would have otherwise expired on 2 March 2022.

Given there is less than six months until the end of the term, clause 19(2) of the Constitution will apply:

#### **19 – Vacancy – President and Deputy President**

- (2) *Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council **may** convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.*

The issue of mid-term resignations was considered at the [May 2018 State Council meeting](#) when a constitutional amendment was being considered (see page 69). The result of this amendment was the insertion of clause 17A in the Constitution:

#### **17A – Rotation of Presidency**

- (1) *At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.*
- (2) *At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.*

This clause applies regardless of the length of time served by the President.

### Comment

State Council has discretion on how to proceed with regards to the Presidency.

There are two options as per clause 19(2). State Council may:

1. determine that the vacancy be filled by the current Deputy President until the next scheduled election (being 2 March 2022); or

2. call a special meeting to elect a new President for the balance of the term (that is, until the next scheduled election on 2 March 2022).

If State Council decide on option 1, only State Councillors from the Country constituency will be eligible to nominate for President (as per clause 17A) at the 2 March 2022 election.

If State Council decide on option 2, only State Councillors from the Country constituency will be eligible to nominate for President at the special meeting elections. Then, at the scheduled election in March 2022, only the incumbent President or State Councillors from the Metropolitan constituency would be eligible to nominate.

## MOTION

**Moved: President Cr Michelle Rich**

**Seconded: President Cr Chris Pavlovich**

1. That State Council note and accept the President's resignation and thank her for her service to WALGA and wish her best for the future.
2. That State Council determine that the vacancy be filled by the current Deputy President until the next scheduled election (being 2 March 2022).

**RESOLUTION 302.7/2021**

**CARRIED**

### **5.13 Appointments to State Council Policy Teams and Committees (01-004-07-0001)**

*By Nick Sloan, Chief Executive Officer*

#### **Executive Summary**

- The Corporate Governance Charter provides for the establishment of Policy Teams and delegated Committees.
- The recommendation has been guided by expression of interest forms submitted by each State Councillor.

#### **Background**

Pursuant to the Corporate Governance Charter, State Council has established several Committees with delegated powers and four Policy Teams that provide advice and input on policy issues.

Clause 19 of the [Corporate Governance Charter](#) outlines the membership and terms of reference of the Policy Teams and Committees.

Part 1 of the recommendation recommends appointments to the Finance and Services Committee and the four Policy Teams. As per the Corporate Governance Charter, every State Councillor will be appointed to one of the following:

- Finance and Services Committee
- Environment and Waste Policy Team
- Governance and Organisational Services Policy Team
- Infrastructure Policy Team
- People and Place Policy Team

The proposed Policy Team and Finance and Services Committee membership contained in part 1 of the recommendation is based on State Councillor expressions of interest first and second preferences.



Part 2 of the recommendation recommends appointments to the:

- Honours Panel
- Selection Committee
- Local Government House Trust Board
- Municipal Waste Advisory Council
- CEO Performance Review Committee

It should be noted that the Corporate Governance Charter stipulates that the Finance and Services Committee, the CEO Performance Review Committee and the Local Government House Trust will be chaired by the President, and the Honours Panel and the Selection Committee will be chaired by the Deputy President. Consequently, membership of these committee will change following the election of President and Deputy President.

### Comment

The table below outlines the membership of State Council committees during the previous term of State Council along with expressions of interest received by State Councillors.

| <b>CEO Performance Review Committee</b>   |   |
|---|---|
| <u>Membership 2019-2021</u>   | <u>Expressions of interest</u>  |
| President (Chair)<br>Deputy President, President Cr Karen Chappel<br><br>Metropolitan State Councillor, Cr Paul Kelly<br>Metropolitan State Councillor, Mayor Mark Irwin<br><br>Country State Councillor, President Cr Stephen Strange<br>Country State Councillor, Cr Ronnie Fleay   | Metropolitan State Councillors <ul style="list-style-type: none"> <li>• Cr Paul Kelly</li> <li>• Mayor Mark Irwin</li> <li>• Cr Helen Sadler</li> </ul> Country State Councillors <ul style="list-style-type: none"> <li>• President Cr Stephen Strange</li> <li>• President Cr Michelle Rich</li> <li>• Cr Chris Mitchell</li> <li>• President Cr Laurene Bonza</li> </ul> |
| <b>Honours Panel</b>  |   |
| <u>Membership 2019-2021</u>   | <u>Expressions of interest</u>  |
| Deputy President, President Cr Karen Chappel (Chair)<br><br>Metropolitan State Councillor, Cr Russ Fishwick<br>Country State Councillor, Cr Les Price<br><br>Non-executive member, Mr Murray Lang (resigned, Ms Lynne Craigie proposed)<br>Non-executive member, Ms Heather Henderson<br><br>Chief Executive Officer, Mr Nick Sloan<br>DLGSC, Mr Tim Fraser | Metropolitan State Councillors <ul style="list-style-type: none"> <li>• Cr Russ Fishwick</li> <li>• Cr Frank Cvitan</li> </ul> Country State Councillors <ul style="list-style-type: none"> <li>• Cr Les Price</li> <li>• President Cr Tony Dean</li> <li>• Cr Chris Mitchell</li> </ul>  |
| <b>Selection Committee</b>  |   |
| <u>Membership 2019-2021</u>   | <u>Expressions of interest</u>  |
| Deputy President, Cr Karen Chappel (Chair)<br><br>Country State Councillor, Cr Les Price  | Country State Councillors <ul style="list-style-type: none"> <li>• Cr Les Price</li> <li>• President Cr Tony Dean</li> </ul>  |

|  |  |
|--|--|
| Metropolitan State Councillor, Cr Catherine Ehrhardt<br><br>LG Professionals, Ms Candy Choo<br>Independent, Mr Damien Stewart  | Metropolitan State Councillors <ul style="list-style-type: none"> <li>• Cr Frank Cvitan</li> <li>• Mayor Carol Adams</li> <li>• Mayor Logan Howlett</li> <li>• Cr John Daw</li> </ul>  |
| <b>Local Government House Trust</b>  |  |
| <u>Membership 2019-2021</u><br><br>President (Chair)<br>Deputy President, President Cr Karen Chappel<br><br>Country State Councillor, Cr Chris Mitchell<br>Metropolitan State Councillor, Cr Paul Kelly<br><br>Country Constituency, Mayor Dennis Wellington<br>Metropolitan Constituency, Cr Carl Celedin<br><br>Chief Executive Officer, Mr Nick Sloan | <u>Expressions of interest</u><br><br>Country State Councillors <ul style="list-style-type: none"> <li>• President Cr Phillip Blight</li> </ul> Metropolitan State Councillors <ul style="list-style-type: none"> <li>• Cr Paul Kelly</li> <li>• Cr Frank Cvitan</li> <li>• Mayor Carol Adams</li> </ul> |
| <b>Municipal Waste Advisory Council</b>  |  |
| <u>Membership 2019-2021 (WALGA Appointments)</u><br><br>WALGA President (observer)<br>Mayor Logan Howlett<br>Cr Les Price<br>Mayor Ruth Butterfield<br>Cr Peter Abetz (through Selection Committee process)  | <u>Expressions of interest</u><br><br>Cr Les Price<br>Mayor Ruth Butterfield<br>Cr Doug Thompson   |
| <b>State Road Funds to Local Government Advisory Committee (SAC)</b>   |  |
| <u>Membership 2019-2021</u><br><br>Cr Julie Brown<br>President Cr Michelle Rich<br>President Cr Karen Chappel<br>President Cr Chris Pavlovich<br><br>Chief Executive Officer, Mr Nick Sloan  | <u>Expressions of interest</u><br><br><i>Not sought</i>  |



## WALGA RECOMMENDATION

Moved: Mayor Carol Adams

Seconded: Cr Doug Thompson

That the appointments to Policy Teams and the Finance and Services Committee outlined below be endorsed (subject to the election of the President and Deputy President):

### **RESOLUTION 303.7/2021**

**CARRIED**

#### ***Finance and Services Committee – (four State Councillors)***

- WALGA President (Chair)
- President Cr Karen Chappel
- Mayor Logan Howlett
- Cr Paul Kelly
- Cr Carl Celedin
- Mr Colin Murphy (independent representative)

#### ***Environment and Waste Policy Team – (five State Councillors)***

- Cr Doug Thompson
- Cr Les Price
- President Cr Michelle Rich
- Mayor Ruth Butterfield
- Cr John Daw

#### ***Governance and Organisational Services Policy Team – (five State Councillors)***

- Mayor Carol Adams
- Mayor Mark Irwin
- Cr Ken Seymour
- Cr Russ Fishwick JP
- President Cr Cheryl Cowell

#### ***Infrastructure Policy Team – (five State Councillors)***

- President Cr Stephen Strange
- President Cr Laurene Bonza
- President Cr Chris Pavlovich
- Cr Chris Mitchell
- Cr Helen Sadler

#### ***People and Place Policy Team – (five State Councillors)***

- President Cr Phil Blight
- Mayor Peter Long
- President Cr Tony Dean
- Cr Catherine Ehrhardt
- Cr Frank Cvitan JP

***Cr Paul Kelly withdrew his nomination for the Chief Executive Officer Performance Review Committee.***

**MOTION**

**Moved: Cr Les Price  
Seconded: President Cr Cheryl Cowell**

**That President Cr Stephen Strange and Cr Chris Mitchell be appointed to the Chief Executive Officer Performance Review Committee.**

***The motion was withdrawn.***

**MOTION**

**Moved: Cr Paul Kelly  
Seconded: Cr Catherine Ehrhardt**

**That the appointments to the remaining State Council Committees be referred back to the Secretariat in liaison with the Acting President for consideration and that recommendation for appointments be presented to State Council at the next ordinary meeting on 2 March 2022.**

**RESOLUTION 304.7.7/2021**

**CARRIED**

## 6. MATTERS FOR NOTING / INFORMATION

### 6.1 Local Government Support for Single Use Plastic Bans (01-006-02-0003)

*By Rebecca Brown, Manager, Waste and Recycling*

#### WALGA RECOMMENDATION

That WALGA note the introduction of the Single Use Plastics Bans.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

#### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett

Seconded: Mayor Peter Long

That WALGA note the introduction of the Single Use Plastics Bans.

**RESOLUTION 305.7/2021**

**CARRIED**

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

*By Rebecca Brown, Manager, Waste & Recycling*

### WALGA RECOMMENDATION

That WALGA note the resolutions of the Municipal Waste Advisory Council at its 25 August and 13 October 2021 meetings.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett  
Seconded: Mayor Peter Long

That WALGA note the resolutions of the Municipal Waste Advisory Council at its 25 August and 13 October 2021 meetings.

**RESOLUTION 305.7/2021**

**CARRIED**

### 6.3 WALGA submission on the National Climate Resilience and Adaptation Strategy

*By Garry Middle, Acting Environment Policy Manager*

#### WALGA RECOMMENDATION

That WALGA's submission to the Commonwealth Government National Climate Resilience and Adaptation Strategy (NCRAS) be noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

#### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett

Seconded: Mayor Peter Long

That WALGA's submission to the Commonwealth Government National Climate Resilience and Adaptation Strategy (NCRAS) be noted.

**RESOLUTION 305.7/2021**

**CARRIED**

## 6.4 Closing the Gap Update

*By Alina Hobson, Policy Officer, Resilient Communities*

### WALGA RECOMMENDATION

That the recent updates on Closing the Gap are noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett

Seconded: Mayor Peter Long

That the recent updates on Closing the Gap are noted.

**RESOLUTION 305.7/2021**

**CARRIED**

## 6.5 Submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians (03-030-03-0001 VB)

*By Vikki Barlow, Senior Policy Advisor, Resilient Communities*

### WALGA RECOMMENDATION

That the WALGA submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians, be noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett  
Seconded: Mayor Peter Long

That the WALGA submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians, be noted.

**RESOLUTION 305.7/2021**

**CARRIED**

## 6.6 Wooroloo Independent Review Letter of Support (05-024-03-0011 SM)

*By Cassandra Mora, Policy Officer, Emergency Management*

### WALGA RECOMMENDATION

That the Letter of Support to the Wooroloo Bushfire Independent Inquiry be noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett  
Seconded: Mayor Peter Long

That the Letter of Support to the Wooroloo Bushfire Independent Inquiry be noted.

**RESOLUTION 305.7/2021**

**CARRIED**



## 6.7 State Budget Outcomes (05-088-03-0001 DT)

By Daniel Thomson, Economist

### WALGA RECOMMENDATION

That the update on the 2021 State Budget be noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett  
Seconded: Mayor Peter Long

That the update on the 2021 State Budget be noted.

**RESOLUTION 305.7/2021**

**CARRIED**

## 6.8 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy (05-001-03-0018 ID)

*By Ian Duncan, Executive Manager, Infrastructure*

### WALGA RECOMMENDATION

That the WALGA submission to Infrastructure WA in response to the draft State Infrastructure Strategy, Foundations for a Stronger Tomorrow, be noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett

Seconded: Mayor Peter Long

That the WALGA submission to Infrastructure WA in response to the draft State Infrastructure Strategy, Foundations for a Stronger Tomorrow, be noted.

**RESOLUTION 305.7/2021**

**CARRIED**

## 6.9 Regional Telecommunications Review

*By Ian Duncan, Executive Manager, Infrastructure*

### WALGA RECOMMENDATION

That the endorsed submission to the Regional Telecommunications Review 2021 Committee be noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett  
Seconded: Mayor Peter Long

That the endorsed submission to the Regional Telecommunications Review 2021 Committee be noted.

**RESOLUTION 305.7/2021**

**CARRIED**

## 6.10 WALGA submission on Guideline: Native Vegetation Referral, Part V Environmental Protection Act 1986 (05 095-03-0001 GM)

By Garry Middle, Acting Manager Environment Policy

### WALGA RECOMMENDATION

That the endorsed WALGA submission on the draft *Guideline: Native Vegetation Referral* be noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett  
Seconded: Mayor Peter Long

That the endorsed WALGA submission on the draft *Guideline: Native Vegetation Referral* be noted.

**RESOLUTION 305.7/2021**

**CARRIED**

## 6.11 WALGA submission on Draft Native Vegetation Policy for Western Australia (05-095-03-0001 GM)

*By Garry Middle, Acting Manager Environment Policy*

### WALGA RECOMMENDATION

That the endorsed submission to the Department of Water and Environment Regulation on the Draft Native Vegetation Policy for Western Australia be noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett  
Seconded: Mayor Peter Long

That the endorsed submission to the Department of Water and Environment Regulation on the Draft Native Vegetation Policy for Western Australia be noted.

**RESOLUTION 305.7/2021**

**CARRIED**

## 6.12 Submission on Cost Recovery Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority

By Garry Middle, Acting Manager Environment Policy

### WALGA RECOMMENDATION

That the endorsed WALGA submission to the Department of Water and Environmental Regulation on Cost Recovery under Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority be noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett  
Seconded: Mayor Peter Long

That the endorsed WALGA submission to the Department of Water and Environmental Regulation on Cost Recovery under Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority be noted.

**RESOLUTION 305.7/2021**

**CARRIED**

## 6.13 Student Transport Assistance Policy Framework Inquiry – WALGA Submission (05-0005-03-0013 ID)

*By Ian Duncan, Executive Manager, Infrastructure*

### WALGA RECOMMENDATION

That the endorsed submission to the Parliamentary Public Accounts Committee Inquiry into the Student Transport Assistance Policy Framework be noted.

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett  
Seconded: Mayor Peter Long

That the endorsed submission to the Parliamentary Public Accounts Committee Inquiry into the Student Transport Assistance Policy Framework be noted.

**RESOLUTION 305.7/2021**

**CARRIED**

## 6.14 Work Health and Safety (WHS) Legislation Update

*By Susie Moir, Policy Manager, Resilient Communities*

### WALGA RECOMMENDATION

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

|                                   |                            |
|-----------------------------------|----------------------------|
| Avon Midland Country Zone         | WALGA recommendation noted |
| Central Country Zone              | WALGA recommendation noted |
| Central Metropolitan Zone         | WALGA recommendation noted |
| East Metropolitan Zone            | WALGA recommendation noted |
| Gascoyne Country Zone             | WALGA recommendation noted |
| Goldfields Esperance Country Zone | WALGA recommendation noted |
| Great Eastern Country Zone        | WALGA recommendation noted |
| Great Southern Country Zone       | WALGA recommendation noted |
| Kimberley Country Zone            | WALGA recommendation noted |
| Murchison Country Zone            | WALGA recommendation noted |
| North Metropolitan Zone           | WALGA recommendation noted |
| Northern Country Zone             | WALGA recommendation noted |
| Peel Country Zone                 | WALGA recommendation noted |
| Pilbara Country Zone              | WALGA recommendation noted |
| South East Metropolitan Zone      | WALGA recommendation noted |
| South Metropolitan Zone           | WALGA recommendation noted |
| South West Country Zone           | WALGA recommendation noted |

### WALGA RECOMMENDATION

Moved: Mayor Logan Howlett  
Secoded: Mayor Peter Long

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

**RESOLUTION 305.7/2021**

**CARRIED**



## **7. ORGANISATIONAL REPORTS**

---

### **7.1 Key Activity Reports**

---

|   |
|---|
| <b>7.1.1 Report on Key Activities, Commercial and Communications Unit (01-006-03-0017 ZD)</b> |
|---|

#### **WALGA RECOMMENDATION**

Moved: Cr Frank Cvitan  
Seconded: Cr Chris Mitchell

That the Key Activities Report from the Commercial and Communications Unit to the December 2021 State Council meeting be noted.

**RESOLUTION 306.7/2021**

**CARRIED**

|   |
|---|
| <b>7.1.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)</b> |
|---|

#### **WALGA RECOMMENDATION**

Moved: Cr Frank Cvitan  
Seconded: Cr Chris Mitchell

That the Key Activities Report from the Governance and Organisational Services Unit to the December 2021 State Council meeting be noted.

**RESOLUTION 306.7/2021**

**CARRIED**

|  |
|--|
| <b>7.1.3 Report on Key Activities, Infrastructure Unit (05-001-02-0003 ID)</b> |
|--|

#### **WALGA RECOMMENDATION**

Moved: Cr Frank Cvitan  
Seconded: Cr Chris Mitchell

That the Key Activities Report from the Infrastructure Unit to the December 2021 State Council meeting be noted.

**RESOLUTION 306.7/2021**

**CARRIED**

|   |
|---|
| <b>7.1.4 Report on Key Activities, Strategy, Policy and Planning Unit (01-006-03-0017 NM)</b> |
|---|

#### **WALGA RECOMMENDATION**

Moved: Cr Frank Cvitan  
Seconded: Cr Chris Mitchell

That the Key Activities Report from the Strategy, Policy and Planning Unit to the December 2021 State Council meeting be noted.

**RESOLUTION 306.7/2021**

**CARRIED**

## **7.2 Policy Forum Report (01-006-03-0007 TB)**

---

### **WALGA RECOMMENDATION**

Moved: Cr Chris Mitchell  
Seconded: President Cr Malcolm Cullen

That the report on the key activities of WALGA Policy Forums to the December 2021 State Council meeting be noted.

**RESOLUTION 307.7/2021**

**CARRIED**

*Mayor Mark Irwin left the meeting at 5:33pm.*

*Mayor Mark Irwin returned to the meeting at 5:35pm.*

## **7.3 President's Report**

---

### **WALGA RECOMMENDATION**

Moved: Mayor Logan Howlett  
Seconded: Cr Les Price

That the President's Report for December 2021 be received.

**RESOLUTION 308.7/2021**

**CARRIED**

## **7.4 CEO's Report**

---

### **WALGA RECOMMENDATION**

Moved: Mayor Logan Howlett  
Seconded: Cr Les Price

That the CEO's Report for December 2021 be received.

**RESOLUTION 308.7/2021**

**CARRIED**

*WALGA Chief Executive Officer, Mr Nick Sloan, and WALGA Deputy President, President Cr Karen Chappel, both thanked Mayor Tracey Roberts for her service to the Association and wished her all the best for the future.*

*Cr Helen Sadler left the meeting at 5:45pm and did not return.*

## 7.5 Ex-Officio Reports

---

### 7.5.1 LG Professional's Report

Ms Annie Riordan, President, LG Professionals WA, provided a report to the meeting.

*Cr Catherine Ehrhardt left the meeting at 5:45pm.*

*Cr Catherine Ehrhardt returned to the meeting at 5:47pm.*

### 7.5.2 City of Perth Report

The Rt. Hon. Lord Mayor Basil Zempilas was an apology for the meeting.

## 8. ADDITIONAL ZONE RESOLUTIONS

---

### MOTION

Moved: Cr Doug Thompson

Seconded: Mayor Carol Adams

That the Zone resolutions requesting additional time for comments on Local Government Legislative Reform be considered as a matter of urgency.

**RESOLUTION 309.7/2021**

**CARRIED**

### MOTION

Moved: Cr Doug Thompson

Seconded: Mayor Carol Adams

That WALGA requests that the Minister for Local Government extends the consultation period by 1 month to 4 March 2022.

**RESOLUTION 310.7/2021**

**CARRIED**

### MOTION

Moved: Cr Doug Thompson

Seconded: Mayor Carol Adams

That the additional Zone Resolutions from the December 2021 round of Zones meetings as follows be referred to the appropriate policy area for consideration and appropriate action.

**RESOLUTION 311.7/2021**

**CARRIED**

---

**CENTRAL COUNTRY ZONE**

---

***Police Resources in the Region (People and Place Policy Team)***

That the Central Country Zone call upon WALGA to advocate to State Government on the shortage of police in regional and remote areas.

***Sector ICT solution (Commercial and Communications Business Unit)***

That the Central Country Zone request WALGA to research providers and the viability of an in house ICT system.

---

**CENTRAL METROPOLITAN ZONE**

---

***Local Government Legislative Reform (Governance and Organisational Services)***

That the Central Metropolitan Zone strongly objects to the short consultation period and request an extension of time to 4 March 2022. Such a short consultation process does not allow proper consultation and is inconsistent with some of the suggested changes to legislation and sound governance.

---

**EAST METROPOLITAN ZONE**

---

***Local Government Legislative Reform (Governance and Organisational Services)***

That the Zone requests that the Minister for Local Government extends the consultation period by 1 month to 4 March 2022.

***Mandatory Vaccinations (COVID-19 Response Lead)***

Delegates requested that WALGA investigate whether Councillors are required to be vaccinated and provide further advice when this becomes available.

---

**GASCOYNE COUNTRY ZONE**

---

***Driving on Closed Roads (Infrastructure Policy Team)***

That WALGA:

1. Investigate technologies available to physically close roads remotely and provide costings for such;
2. Investigate the current legislative frameworks and provide comment on the remedies practicality of enforcing such;
3. Investigate and make comment on what other State Jurisdictions legislative interventions are used and the remedies provided thereunder to discourage motorists driving on closed roads.

---

**MURCHISON COUNTRY ZONE**

---

***Review of the Mining Act 1978 (Mining and Communities Policy Forum)***

That the Murchison Country Zone of WALGA:

1. Recommend WALGA conduct a survey of all Local Governments support a review of the *Mining Act 1978* with respect to supporting a review of those component of the *Mining Act 1978* that affect Local Governments; and
2. That the recommendation be forwarded to the Mining Communities Policy Forum of WALGA to undertake a review.

---

**NORTHERN COUNTRY ZONE**

---

***Local Government Legislative Reform (Governance and Organisational Services)***

That the Northern Country Zone of WALGA notes the WALGA State Council Agenda Late Item – Local Government Legislative Reform; and asks WALGA to request the Minister for Local Government to extend the consultation closure until 5 March 2022.

---

## **SOUTH EAST METROPOLITAN ZONE**

---

### ***Local Government Legislative Reform (Governance and Organisational Services)***

That the South East Metropolitan Zone requests WALGA to approach the State Government for an extension for submission on the reform proposal until 25 February 2022.

### ***Lobby the State Government for Funding to Provide Secondary Vehicle Access to Existing Developments in Bushfire Prone Areas (People and Place Policy Team)***

That the South East Metro Zone requests WALGA to lobby the State Government to provide funding for construction of secondary road access to developments created in bush fire prone areas prior to the gazettal of State Planning Policy (SPP 3.7) Planning for Bushfire Prone Areas and Guidelines.

---

## **SOUTH WEST COUNTRY ZONE**

---

### ***Legislative Council Reform (Governance and Organisational Services)***

That the South West Country Zone request WALGA to advocate to the Minister for Electoral Affairs and the Salaries and Allowances Tribunal to provide additional allowances to Members of the Legislative Council (MLC), on the proviso they have an office in country areas, to facilitate a regional presence of MLCs.

## **9. DATE OF NEXT MEETING**

---

The next meeting of the WALGA State Council will be a special meeting held via Microsoft Teams on **Wednesday, 23 February 2022** commencing at 4:00pm. The purpose of the meeting is to consider the Local Government legislative reform submission.

The next ordinary meeting of the WALGA State Council will be held in the Boardroom at WALGA on **Wednesday, 2 March 2022** commencing at 4:00pm.

The State Council meeting schedule for 2022 is as follows:

| <b>Date</b>   | <b>Venue</b>            |
|---|-------------------------|
| Wednesday, 23 February 2022<br>(special meeting to consider Local Government legislative reform submission) | Microsoft Teams         |
| Wednesday, 2 March 2022   | WALGA                   |
| Wednesday, 4 May 2022   | South Metropolitan Zone |
| Wednesday, 6 July 2022<br>(includes WALGA budget adoption)  | WALGA                   |
| Thursday, 8 – Friday, 9 September 2022  | Peel Country Zone       |
| Wednesday, 7 December 2022  | WALGA                   |

## **10. CLOSURE**

---

There being no further business the Chair declared the meeting closed at **5:55pm**.