



WALGA Advocacy Positions



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ABOUT WALGA

The Western Australian Local Government Association (WALGA) is an independent, member-based, not-for-profit organisation representing all of the 139 Councils in the WA Local Government sector.

The sector comprises 1,136 Elected Members and over 22,000 employees.

ABOUT THIS DOCUMENT

At WALGA we look to actively support and provide expertise to the WA Local Government sector, by advocating to the State and Federal Government on behalf of our Member Councils, Elected Members, our industry partners, stakeholders and local businesses.

The Advocacy positions in this manual are determined by State Council, with expert direction and advice from the WALGA team.

WALGA's vision is for agile and inclusive Local Governments enhancing community wellbeing and enabling economic prosperity.

Guiding Principles

WALGA's advocacy positions are determined by State Council as appropriate and are typically guided by the following principle, expressed in WALGA's *Strategic Plan 2020-2025*:

Our Sector Vision (what we aspire to)

Agile and inclusive Local Governments enhancing community wellbeing and enabling economic prosperity.

As Local Governments all over Western Australia exist for the benefit of local communities, WALGA's advocacy positions have been developed with community benefit front of mind.

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1. Intergovernmental Relations

This section addresses issues associated with the Local Government sector's relationship with the State and Federal Government.

1.1 State-Local Government Partnership Agreement

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| Position Statement | That a Partners in Government Agreement promoting a collaborative partnership approach be signed by the Premier, Minister for Local Government, Western Australian Local Government Association and Local Government Professionals WA at the commencement of each term of the State Government. |
| State Council Resolution | December 2020 – 142.6/2020 January 2012 – 2.1/2012 |
| Supporting Documents | Advocacy Positions for a New Local Government Act Metropolitan Local Government Reform Submission 2012 |

1.2 Constitutional Recognition of Local Government

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| Position Statement | Western Australian Local Governments support the financial and institutional recognition of Local Government in the Australian Constitution. |
| State Council Resolution | December 2008 – 452.6/2008 |

2. Governance & Organisational Services

Key issues associated with the *Local Government Act 1995* and related Regulations, Local Government revenue including rating, regional development, regional cooperation, recruitment, employee relations, training, service delivery and Local Government Reform.

2.1 Local Government Revenue

Local Government revenue is derived from four main sources:

- Rates
- Fees and charges
- Grants and contributions
- Profit from business enterprises

Local Government rates are an appropriate taxation mechanism for Local Governments to utilise to fund their activities. Local Government rates adhere to the five principles of taxation: equity, benefit, ability to pay, efficiency, simplicity.

As rating is based on property valuations, property owners will pay different amounts, meeting the principle of 'equity'. There are benefits associated with rates in terms of Local Government services. The ability of the ratepayer to pay is taken into account through each Council's deliberative process. Rates are not designed to change behaviour so cannot be considered inefficient. Finally, rates meet the principle of simplicity because they are understandable, hard to avoid and easy to collect.

2.1.1 Rating Exemptions Review

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| Position Statement | A broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the <i>Local Government Act 1995</i> . |
| State Council Resolution | February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 |

2.1.2 Rating Exemptions – Charitable Purposes

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| Position Statement | <ol style="list-style-type: none">1. Amend the <i>Local Government Act 1995</i> to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth <i>Aged Care Act 1997</i>;2. Either:<ol style="list-style-type: none">a) amend the charitable organisations section of the <i>Local Government Act 1995</i> to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; orb) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes |
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charitable organisations remain exempt from payment of Local Government rates.

3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the *Local Government Act 1995*.

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| Background | Exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers. There may be an argument for exemptions to be granted by State or Federal legislation. Examples include exemptions granted by the Commonwealth <i>Aged Care Act 1997</i> and group housing for the physically and intellectually disabled which is supported under a government scheme such as a Commonwealth-State Housing Agreement or Commonwealth-State Disability Agreement. |
| State Council Resolution | July 2022 – 363.5/2022 March 2019 – 06.3/2019 December 2017 – 122.6/2017 December 2015 – 118.7/2015 January 2012 – 5.1/2012 |
| Supporting Documents | Metropolitan Local Government Reform Submission 2012 |

2.1.3 Rating Exemptions – Department of Housing: Leasing to Charitable Organisations

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| Position Statement | That WALGA advocate to the Minister for Housing to include in the lease agreements with charitable institutions that they must pay Local Government rates on behalf of the Department of Housing recognising the services Local Government provides to its tenants. |
| Background | <p>An example of the detrimental and perhaps unintended consequences of rate exemptions for charitable purposes is the Department of Housing has historically made, and continues to make, rate payments to Local Government for public housing administered by the Department. This practice recognises that public housing tenants consume and benefit from Local Government services and facilities.</p> <p>Over recent years, the Department of Housing has undertaken an expanding program of devolving public housing to contracted management by charitable providers. In doing this, the Department has perhaps not contemplated the implications of the entitlement for charitable organisations to claim rate exemptions under section 6.26(2) of the <i>Local Government Act 1995</i>.</p> |

The communities in which there is higher public housing representation, are also often the communities that can least afford to underwrite the cost the consequential rate exemption claims; contributing to a systemic and increasing divide in the level of services and facilities provided to communities with most need.

WALGA advocates for intervention to ensure that the Department of Housing includes in future new, and renewal of, contracts for management or provision of public housing include a specified contractual obligation for payment of Local Government rates regardless of the provider's charitable status.

This intervention does not create an increased cost for the provision of public housing, it only ensures that the former status quo for public housing rate payments is reinstated and then maintained, ensuring that Local Governments do not unreasonably lose the capacity to provide services and facilities to support and enable our communities that are most in need to flourish.

State Council Resolution March 2020 – 29.1/2020

2.1.4 Rating Exemptions – Rate Equivalency Payments

Position Statement Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.

Background A particular example is the exemption granted to LandCorp by the *Land Authority Act 1992*. In 1998, the Act was amended to include provisions for LandCorp to pay the Treasurer an amount equal to that which would have otherwise been payable in Local Government rates, based on the principle of 'competitive neutrality'.

This matter is of concern to Local Governments with significant LandCorp holdings in their district. The shortfall in rates is effectively paid by other ratepayers, which means ratepayers have to pay increased rates because LandCorp has a presence in the district.

The current situation involving the Perth Airport demonstrates that such a system is appropriate and can work in practice. In this case, the Commonwealth Government requires the lessee to make a rate equivalency payment to the relevant Local Government and not the

Commonwealth. There is no reason why a similar system cannot be adopted for State Government Trading Entities.

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| State Council Resolution | September 2022 – 386.7/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017 January 2012 – 6.1/2012 |
| Supporting Documents | Metropolitan Local Government Reform Submission 2012 |

2.1.5 Rating Restrictions – State Agreement Acts

Position Statement Resource projects covered by State Agreement Acts should be liable for Local Government rates.

Background Before the 1980s, State Government conditions of consent for major resources projects in WA included the requirement for purpose-built towns in close proximity to project sites. These conditions were detailed in State Agreement Acts, which are essentially contracts between the State Government and proponents of major resources projects that are ratified by the State Parliament.

The requirement to provide community services and infrastructure meant State Agreement Acts typically included a Local Government rating restriction clause. Many of these towns have since been 'normalised' due to Local Governments, the State Government and utility providers assuming responsibility for services and infrastructure.

In 2011, the State Government introduced a new policy on 'the application of Gross Rental Valuation to mining, petroleum and resource interests' (the GRV mining policy). The policy would apply for a 3 year trial period from 1 July 2012. The trial period was recently extended until 30 September, pending the outcomes of a review of the policy. The primary objectives of the policy were to clarify the circumstances where Local Governments could apply GRV rating to mining land and enable the use of GRV rating on new (i.e. initiated after June 2012) mining, petroleum and resource interests. This included the application of GRV rating to new State Agreement Acts.

However, existing State Agreement Acts continue to restrict Local Government rating. Local Governments can only rate projects covered by existing Agreements in the unlikely event of 'both parties agree[ing] to adopt the

policy'¹. Alternatively, the State Government has also stated that 'projects that operate under existing State Agreements and currently exempt from rates may apply the policy as part of their respective Agreement Variation processes with the Department of State Development during the trial period'². Again, this statement suggests it is unlikely that the rating exemptions will be removed for existing State Agreements since variations are infrequent and there is no real requirement to remove the exemptions.

Rating exemptions on State Agreement Acts mean that Local Governments are denied an efficient source of revenue. There are also equity issues associated with the existing exemptions since they only apply to a select group of mining companies whose projects are subject to older State Agreement Acts. Removing the rates exemption clauses from the pre-July 2012 State Agreement Acts would provide a fairer outcome for all other ratepayers, including the proponents of new resources projects.

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|--------------------------|---|
| State Council Resolution | March 2019 – 06.3/2019 December 2017 – 121.6/2017 September 2014 – 89.4/2014 March 2014 – 10.1/2014 October 2011 – 116.5/2011 |
| Supporting Documents | Metropolitan Local Government Reform Submission 2012 |

2.1.6 Basis of Rates

Position Statement Section 6.28 of the *Local Government Act 1995* should be reviewed to examine the limitations of the current methods of valuation of land – gross rental value or unimproved value – and explore other alternatives, including simplifying and providing consistency in the rating of mining activities.

Background The method of valuation of land to be used as the basis of rating in Western Australia is either: Gross Rental Value for predominantly non-rural purpose; or unimproved value of land for rural purposes. These are the only two methods available under the Section 6.28 of the *Local Government Act 1995* in Western Australia.

Eastern State Local Governments can elect to rate on one of the following options:

¹ Barnett, C (Minister for State Development) & Castrilli J (Minister for Local Government) 2011, *Communities benefit from resources projects policy*, media release.

² Ibid.

- Site Value - levy on the unimproved value of land only and disregards the value of buildings, personal property and other improvements;
- Capital Value - value of the land including improvements;
- Annual Value - rental value of a property (same as GRV).

Alternative land valuation methods came under the scope of the WALGA Systemic Sustainability Study, particularly Capital Improved Valuations which is in operation in Victoria and South Australia.

State Council Resolution December 2022 – 394.8/2022
 March 2019 – 06.3/2019
 December 2017 – 123.6/2017

2.1.7 Cost of Revaluations

Position Statement That WALGA advocate to the State Government for the equal distribution of valuation costs for properties where the Water Corporation, the Department of Fire and Emergency Services and the Local Government require a valuation.

Background Local Governments are charged by the Valuer General to cover the cost of triennial Gross Rental revaluations and also for the annual unimproved revaluations. Currently, the Valuer General apportions the revaluation cost between the Local Government (39%), Water Corporation (39%) and Department of Fire and Emergency Services (22%) for the Emergency Services Levy (ESL). This apportionment is not prescribed in legislation, but is instead a matter of precedent, on the basis that DFES was collecting substantially less money through the ESL than the Water Corporation or relevant Local Government.

The Local Government sector takes the position that where each of the three organisations requires the valuation, the costs should be distributed equally on a one-third basis.

State Council Resolution March 2021 – 179.1/2021

2.1.8 Differential Rates

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| Position Statement | Section 6.33 of the <i>Local Government Act 1995</i> should be reviewed in contemplation of time-based differential rating, to encourage development of land. |
| Background | Concern at the amount of vacant land remaining in an undeveloped state for an extensive period of time and holding up development opportunities. |
| State Council Resolution | March 2019 – 06.3/2019 December 2017 – 123.6/2017 |

2.1.9 Rates Notices

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| Position Statement | Section 6.41 of the <i>Local Government Act 1995</i> should be amended to introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc.) without the requirement to issue individual instalment notices. |
| State Council Resolution | March 2022 – 324.2/2022 December 2017 – 123.6/2017 |

2.1.10 Recovery of Rates or Service Charges

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| Position Statement | Section 6.56 of the <i>Local Government Act 1995</i> should be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and service charges be recoverable and not be limited by reference to the 'cost of proceedings'. |
| State Council Resolution | July 2023 – 474.3/2023 March 2019 – 06.3/2019 December 2017 – 123.6/2017 |

2.1.11 Rate Setting and Forecasts

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| Position Statement | <p>The Local Government sector opposes rate capping or any externally imposed limit on Local Government's capacity to raise revenue as appropriately determined by the Council.</p> <p>However, the sector supports increasing transparency for ratepayers by requiring Local Governments to create a Rates and Revenue Policy with a forecast of future costs of providing services.</p> |
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| Background | <p>The Local Government sector fundamentally opposes ‘rate capping’ based on the following rationale:</p> <ul style="list-style-type: none"> • Local Government is a legitimate and essential sphere of Government with the democratically enshrined mandate to raise revenue through rates to fund infrastructure and services for the benefit of their community. • Councils’ deliberative rate setting processes reference their Integrated Planning Framework – a thorough strategic, financial and asset management planning process – and draw upon the community’s willingness and capacity to pay. • Rate-capping prejudices Local Government’s long-term financial management and can, as experienced in other jurisdictions, have detrimental long-term effects on Local Government asset management, with chronic under-rating leading to significant infrastructure maintenance and renewal backlogs. • Rate capping places undue pressure on sound financial management at a time when Local Governments are subjected to increasing costs beyond their control, often imposed by other spheres of Government. • Local Government rates have remained steady for many years at approximately 3.7 percent of GDP in Australia; meaningful tax reform would require thorough investigation of the total taxation burden, not an external cap on Local Government rates. |
| State Council Resolution | <p>February 2022 – 312.1/2022 March 2019 – 06.3/2019 September 2015 – 96.6/015 December 2015 – 118.7/2015</p> |
| Supporting Documents | <p>Rate Setting Policy Statement WALGA submission: Local Government Reform Proposal (February 2022)</p> |

2.1.12 Pensioner Discounts on Waste Charges

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|--------------------------|---|
| Position Statement | <p>The Local Government sector supports the extension of pensioner and senior concession discounts under the <i>Rates and Charges (Rebates and Deferrals) Act 1992</i> to apply to residential waste charges.</p> |
| Background | <p>Concession discounts apply to the general rate applied to Local Governments, but do not apply to waste charges. This anomaly creates an incentive for Local Governments to bundle their waste charges into the general rate, which effectively reduces transparency.</p> |
| State Council Resolution | <p>October 2011 – 117.5/2011</p> |

2.1.13 Waste Service Cost on Rates Notices

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|--------------------------|--|
| Position Statement | The Local Government sector supports the proposal for waste charges to be separately shown on rates notices (for all properties which receive a waste service). |
| Background | In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after. |
| State Council Resolution | February 2022 – 312.1/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.1.14 Fees and Charges

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|--------------------|--|
| Position Statement | That a review be undertaken to remove fees and charges from legislation, and Councils be empowered to set fees and charges for Local Government services. |
| Background | <p>Local Governments are able to impose fees and charges on users of specific, often incidental, services. Examples include dog registration fees, fees for building approvals and swimming pool entrance fees.</p> <p>In some cases, Local Governments will recoup the entire cost of providing a service. In other cases, user charges may be set below cost recovery to encourage a particular activity with identified community benefit, such as sporting ground user fees or swimming pool entry fees.</p> <p>Currently, fees and charges are determined according to three methods:</p> <ul style="list-style-type: none">• By legislation• With an upper limit set by legislation• By the Local Government. <p>Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:</p> <ul style="list-style-type: none">• Lack of indexation• Lack of regular review (fees may remain at the same nominal levels for decades) |

- Lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels).

Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This means all ratepayers end up subsidising the activities of some ratepayers.

When fees and charges are restricted by legislation, rather than being set at cost recovery levels, this sends inappropriate signals to users of Local Government services, particularly when the consumption of those services is discretionary. When legislative limits allow consumers to pay below 'true cost' levels for a discretionary service, this will lead to overprovision and a misallocation of resources.

Under the principle of 'general competence' there is no reason why Local Governments should not be empowered to make decisions regarding the setting of fees and charges for specific services.

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|--------------------------|---|
| State Council Resolution | February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 December 2012 – 133.6/2012 January 2012 – 8.1/2012 |
| Supporting Documents | Metropolitan Local Government Reform Submission 2012 WALGA submission: Local Government Reform Proposal (February 2022) |

2.1.15 Financial Assistance Grants

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| Position Statement | Financial Assistance Grants should remain as an untied transfer to Local Governments and the current minimum grant structure should be retained. Additionally, the following aspects of the Financial Assistance Grants program should be reviewed: <ol style="list-style-type: none"> 1. the quantum of the funding pool; 2. the indexation methodology; and 3. the 'National Principle' relating to 'Aboriginal peoples and Torres Strait Islanders'. |
| Background | Financial Assistance Grants (FAGs) make a significant contribution to Local Governments' financial sustainability. In 2014-15, FAGs accounted for 6.4% of total revenue for |

WA Local Governments. FAGs are particularly important to rural and remote Local Governments, which often have a low capacity to raise their own revenue.

In 2012 and 2013 the Commonwealth Grants Commission conducted a review of FAGs. The Association's submission to this review outlined the arguments that support the above position statement.

Untied funding, such as FAGs, allows Local Governments to allocate expenditure according to the conditions and the preferences of their community. Furthermore, untied funding arrangements have lower administration costs for both Local Government and the Commonwealth Government.

Removing the Minimum Grant principle would have a significant negative impact on the Local Governments currently receiving the minimum grant. Therefore, the Association believes the current minimum grant structure should be retained.

FAGs as a proportion of Commonwealth taxation have been steadily decreasing over time. An increase to the funding pool and a more appropriate indexation methodology would help stop this trend.

The National Principle relating to Aboriginal peoples and Torres Strait Islanders should be reviewed since improved service provision to such communities would be more appropriately addressed through tied funding grants, rather than untied FAGs funding.

State Council Resolution May 2023 – 452.2/2023
May 2013 – 201.2/2013

Supporting Documents Submission to the Commonwealth Grants Commission:
Review of Financial Assistance Grants – March 2013

2.1.16 Recovery of Mining Tenement Rates

Position Statement Mining tenements should not be renewed by the appropriate State Agency until the Local Government rates are paid.

State Council Resolution March 2019 – 06.3/2019

2.2 Local Government Reform

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|--------------------------|--|
| Position Statement | <p>The sector-endorsed vision for Local Government, encapsulated in the Systemic Sustainability Study (SSS) final report, <i>The Journey: Sustainability into the Future</i>, is:</p> <p>“Local Government will implement and maintain a governance model that integrates effective service delivery with appropriate political representation.”</p> |
| State Council Resolution | <p>March 2022 – 324.2/2022 January 2013 – 163.1/2013 August 2008 – 399.4/2008</p> |
| Supporting Documents | <p>Metropolitan Local Government Review Submissions (2012) Systemic Sustainability Study (SSS) Reports (2006, 2007, 2008)</p> |

2.2.1 Structural Reform

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| Position Statement | <p>Structural Reform of Local Government, including amalgamations, should only be undertaken on a voluntary basis.</p> |
| Background | <p>The Association has consistently and strongly argued that any State Government reform of the Local Government Sector – whether changes to boundaries, governance or service delivery arrangements – should be implemented on a voluntary basis and should be State Government funded. If this does not occur, affected communities will pay for reform which they may not have endorsed or supported.</p> |
| State Council Resolution | <p>March 2022 – 324.2/2022 January 2013 – 163.1/2013 August 2008 – 399.4/2008</p> |
| Supporting Documents | <p>Metropolitan Local Government Review Submissions (2012) Systemic Sustainability Study (SSS) Reports (2006, 2007, 2008)</p> |

2.2.2 Local Government Audit Process

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| Position Statement | <p>WALGA advocate to the Office of the Auditor General (OAG) to reform the audit process for Local Governments by seeking:</p> <ol style="list-style-type: none">1. Audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied.2. That the OAG review the requirements for pre-audit information with a view to reducing the need for additional information where possible;3. That the OAG review their costing formulae for Local Government audits and show constraint in audit cost increases;4. That the OAG provide a breakdown on the cost of the audit and justification for any variance to the estimate to the Local Government as part of the final billing process;5. That auditors be required to improve their communication and information management and avoid repeated requests for information that has already been provided or that is publicly available;6. That Local Governments only be required to communicate with contract Auditors (<i>unless the OAG is directly auditing the Local Government</i>) and the onus be placed on the contract Auditors to confirm their advice with the OAG before instructing the Local Government; and7. Seek an opportunity for Local Government to make representations in relation to any adverse findings prior to the publication of the report. |
| Background | <p>Responsibility for financial auditing of Local Governments in WA transitioned from the Department of Local Government, Sport, and Cultural Industries to the Office of the Auditor General (OAG) with the proclamation of the <i>Local Government Amendment (Auditing) Act 2017</i>.</p> <p>Since this time, there have been a range of comments and criticisms of the audit experience from the Local Government sector. To improve the audit performance of auditors and the audit outcomes for individual Local Governments, this criticism needed to be corralled and formalised in discussions with the OAG.</p> <p>To this end, WALGA and LG Professionals WA partnered in April 2023 to conduct a survey of the Local Government sector seeking feedback in relation to the annual audit process. The survey was designed to enable the Associations to provide consistent and constructive advice to the OAG.</p> |

The results of the survey, coupled with WALGA's existing position on the audit process, led to the endorsement of eight, key advocacy positions.

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| State Council Resolution | July 2024 – 047.3/2024 July 2023 – 464.3/2023 July 2022 – 365.5/2022 December 2019 – 147.7/2019 |
| Supporting Documents | 2023 Audit Experience Survey Results Summary 2024 Audit Experience Survey Results Summary |

2.2.3 Accountability and Audit

| | |
|--------------------------|---|
| Position Statement | That: <ol style="list-style-type: none">1. audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority;2. shared regional Audit Committees may be established;3. independent members may be appointed as Chair, at the discretion of the Local Government;4. independent Audit Committee members are to be paid meeting fees or defined reimbursements. |
| State Council Resolution | February 2022 – 312.1/2022 December 2020 – 142.6/2020 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.2.4 CEO Recruitment Panel

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| Position Statement | The Local Government sector supports the Department of Local Government, Sport and Cultural Industries establishing a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. |
| Background | In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after. |
| State Council Resolution | February 2022 – 312.1/2022 |

Supporting Documents WALGA submission: Local Government Reform Proposal
(February 2022)

2.2.5 **Review of the *Cat Act 2011* and *Dog Act 1976***

Position Statement That the Local Government sector advocates for a commitment from the State Government:

1. for the conduct of a comprehensive review of the *Dog Act 1976*;
2. to prioritise reforms to the *Cat Act 2011*, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019; and
3. that the reviews incorporate Local Government-specific consultation processes, coordinated in discussion with WALGA and Local Government stakeholders.

State Council Resolution December 2022 – 394.8/2022
July 2021 – 232.4/2021

2.3 **Service Delivery Models**

A key function of Local Government is to effectively and efficiently provide services to the community. One way for this to occur is for Local Governments to be able to enter into a shared service model to access greater economies of scale where they exist.

The Association has consistently argued for increased flexibility for Local Governments to enter into alternative service delivery arrangements.

The Association's position on Local Government service delivery models contains three key planks, all of which require amendment to the *Local Government Act 1995*:

- Reduced compliance obligations for Regional Local Governments,
- Enable Local Governments to establish Regional Subsidiaries, and
- Enable Local Governments to establish Council Controlled Organisations (CCO).

2.3.1 **Regional Collaboration**

Position Statement 1. Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises where the primary governance and regulatory instrument is a charter.

2. In addition, compliance requirements of Regional Councils should be reviewed and reduced.

Background The regional subsidiary model, utilised in South Australia, has the potential to provide improved service delivery to communities on behalf of the constituent Local Governments. There are three key benefits of the regional subsidiary model: the model is flexible, as it is principally governed by a charter, the model's governance structure

enables the appointment of independent expertise and the model provides greater accountability than the traditional Local Government service delivery model.

The beneficial enterprises model is available to Local Governments in New Zealand where they are used for a variety of purposes. The model allows one or more Local Governments to establish a wholly Local Government owned commercial organisation.

Currently, Regional Local Governments are treated by the *Local Government Act 1995* for the purposes of compliance, as if they were a Local Government. The large compliance burden reduces potential cost savings that aggregated service delivery may achieve through increased efficiency and acts as a disincentive for Local Governments to establish Regional Local Governments.

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| State Council Resolution | February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 December 2016 - 106.6/2016 January 2012 – 9.1/2012 August 2011 – 94.4/2011 October 2010 – 114.5/2010 October 2010 – 107.5/2010 |
| Supporting Documents | Advocacy Positions for a New Local Government Act: Key issues from recent inquiries into Local Government 2020 Metropolitan Local Government Review Submissions (2012) Regional Subsidiaries: Development of Regulations Submission – October 2016 Submission to Parliamentary Committee on Regional Subsidiary Model (2011) Council Controlled Organisations as a Means of Improving Local Government Efficiency (2018) WALGA submission: Local Government Reform Proposal (February 2022) |

2.4 Regional Development

2.4.1 Regional Development Commissions

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| Position Statement | The underlying principle of Regional Development Commissions being governed by a Board with strong links to the region must remain. |
| Background | Regional development policy will be most successful when it is overseen by a governing board with strong community and business links to the region. Regional decision-making |

and oversight is fundamental to the Regional Development Commission model.

State Council Resolution September 2010 – 112.5/2010

Supporting Documents WALGA Submission: Review of Functions and Responsibilities of Regional Development Commissions – June 2010
WALGA Submission: Structuring Regional Development for the Future: A Review of the Functions and Responsibilities of Regional Development Commissions – January 2011

2.4.2 Country Local Government Fund

Position Statement The Country Local Government Fund should be reinstated at a level commensurate with its original intent of addressing country Local Governments' infrastructure backlog.

State Council Resolution March 2022 – 324.2/2022
September 2013 – 244.4/2013

2.4.3 NBN Delivery to Regional WA

Position Statement The Local Government sector supports consistent and appropriate internet solutions incorporating suitable pricing plans for rural, regional and remote Western Australia.

Further, WALGA supports greater co-location of NBN and Telstra infrastructure.

Background There is significant dissatisfaction in rural and regional Western Australia with the quality and affordability of NBN services being offered.

State Council Resolution September 2022 – 386.7/2022
July 2016 – 64.4/2016

2.4.4 Remote Area Tax Concessions

Position Statement The Local Government sector contends that the Zone Tax Offset arrangements should be reviewed to ensure that:

- They provide reasonable acknowledgement of the cost of living in remote Australia;
- The zones are based on a contemporary measure of remoteness; and,
- The zones are based on up-to-date census figures.

| | |
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| State Council Resolution | May 2023 – 452.2/2023 July 2019 – 70.5/2019 |
| Supporting Documents | WALGA Submission to the Productivity Commission: Study into Remote Area Tax Concessions and Payments |

2.4.5 Legislative Council Member Allowances – Regional Representation

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| Position Statement | Additional allowances should be provided to Members of the Legislative Council provided they have a staffed office in a non-metropolitan location to ensure a regional presence of Parliamentarians. |
| State Council Resolution | August 2023 – 230.FM/2023 July 2022 – 365.5/2022 |

2.4.6 Cost of Regional Development

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|--------------------------|---|
| Position Statement | The Local Government sector supports the State Government addressing 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. |
| Background | This was a member motion supported by members at the 2021 AGM, and later endorsed for action by State Council in December 2021. The Association has worked with senior officers from Development WA to understand the effectiveness of and changes required to the Regional Development Assistance Program that was designed to address the market failure in towns where the cost of land development exceeds the value of the land made available to market. |
| State Council Resolution | December 2021 – 294.7/2021 |
| Supporting Documents | WALGA AGM Minutes 2021 |

2.4.7 Regional, Rural and Remote Representation

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| Position Statement | The Local Government sector recognises the importance of political representation for rural and regional Western Australia. |
| Background | Representing communities through Local Government across the breadth of the vast state of Western Australia, WALGA recognises the importance of political representation. As demographic and other forces pull |

people away from some regions towards the metropolitan area, political representation becomes increasingly important.

Over many years, the service provision expectations and requirements of Local Governments have increased considerably, rarely with commensurate increases in funding. This has led to Local Governments, particularly in rural and remote parts of Western Australia, providing services previously provided by other spheres of government. Examples abound in relation to primary health care, aged care, and economic development, including support for business. Diminished political representation, requiring Local Government to fill another gap, will further stretch limited capacity and resources.

State Council Resolution August 2023 – 230.FM/2023
June 2021 – 203.FM/2021

2.5 Local Government Legislation

Position Statement

1. The Local Government sector supports a 'principles over prescription' approach to the Review of the *Local Government Act 1995* in accordance with the following principles:
 - a) Uphold the general competence principle currently embodied in the *Local Government Act*;
 - b) Provide for a flexible, principles-based legislative framework, by incorporating new principles in the Act, including:
 - i. recognition of Aboriginal Western Australians;
 - ii. community engagement; and
 - iii. financial management.
 - c) Promote a size and scale compliance regime (tiering of Local Governments, with Bands being as assigned by the Salaries and Allowances Tribunal);
 - d) Promote enabling legislation that empowers Local Governments to carry out activities beneficial to its community, taking into consideration the Local Government's role in creating a sustainable and resilient community through:
 - Economic Development;
 - Environmental Protection; and,
 - Social Advancement.
 - e) Avoid red tape and 'de-clutter' the extensive regulatory regime that underpins the *Local Government Act*, and
 - f) The State Government must not assign legislative responsibilities to Local Governments unless there

is provision for resources required to fulfil the responsibilities.

2. The Local Government sector supports the continuance of the Department of Local Government, Sport and Cultural Industries as a direct service provider of compliance and recommend the Department fund its capacity building role through the utilisation of third party service providers. In addition, the Local Government sector calls on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the *Local Government Act 1995*.

State Council Resolution February 2022 – 312.1/2022
December 2020 – 142.6/2020
March 2019 – 06.3/2019
December 2017 – 120.6/2017

Part 1 – Introductory Matters

2.5.1 Public Notices

[retired March 2024 – State Council Resolution 005.1/2024]

Part 2 – Constitution of Local Government

2.5.2 Roles and Responsibilities

Position Statement That roles and responsibilities for Mayors/Presidents, the Council, individual Councillors and CEOs be better defined to ensure that there is no ambiguity.

Mayor/President is responsible for:

1. Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council.
2. Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act.
3. Developing and maintaining professional working relationships between councillors and the CEO.
4. Performing civic and ceremonial duties on behalf of the local government.

The Council is responsible for:

1. Making significant decisions and determining policies through democratic deliberation at council meetings.
2. Ensuring the local government is adequately resourced to deliver the local governments operations, services

and functions - including all functions that support informed decision-making by council.

3. Providing a safe working environment for the CEO.
4. Providing strategic direction to the CEO.
5. Monitoring and reviewing the performance of the local government.

Every individual Councillor is responsible for:

1. Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward)
2. Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council
3. Applying relevant law and policy in contributing to the decision-making of the council
4. Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions
5. Communicating the decisions and resolutions of council to stakeholders and the public
6. Developing and maintaining professional working relationships with all other councillors and the CEO
7. Maintaining and developing their knowledge and skills relevant to local government
8. Facilitating public engagement with local government.

The CEO is responsible for:

1. Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions
2. Facilitating the implementation of council decisions
3. Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council
4. Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council
5. Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3)
6. Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council
7. Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council.
8. The recruitment and performance management of all staff.

State Council Resolution February 2022 – 312.1/2022
December 2020 – 142.6/2020

Supporting Documents Advocacy Positions for a New Local Government Act
WALGA submission: Local Government Reform Proposal
(February 2022)

2.5.3 Council Communication Agreements

Position Statement The Local Government sector supports the introduction of a consistent, regulated Communications Agreement between Councils and the CEO within Local Governments.

Background In 2021 the State Government announced a significant package of reforms to the *Local Government Act 1995* (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after.

State Council Resolution February 2022 – 312.2/2022

Supporting Documents WALGA submission: Local Government Reform Proposal
(February 2022)

2.5.4 Leave of Absence: State or Federal Elections

Position Statement The *Local Government Act 1995* should be amended to require an Elected Member to take leave of absence when contesting a State or Federal election, applying from the issue of the Writs. Options to consider include:

- a) That an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or,
- b) That an Elected Member take leave of absence from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the *Local Government Act*.

Background The East Metropolitan Zone identified that, under the *Local Government Act 1995*, there is no requirement for an Elected Member to either stand down or take leave of absence if they are a candidate for a State or Federal election. If elected to Parliament the Elected Member is immediately ineligible to continue as an Elected Member. Currently it is up to an individual Elected Member to

determine if they wish to take a leave of absence. In some cases Elected Members have voluntarily resigned.

State Council Resolution September 2022 – 386.7/2022
March 2019 – 06.3/2019
December 2017 – 123.6/2017

2.5.5 Disqualification Due to Conviction

Position Statement A new disqualification criterion should be added to the *Local Government Act* 1995 that disqualifies a person from serving as an Elected Member if they have been convicted of an offence against the *Planning and Development Act*, or the *Building Act* in the preceding five years.

Background A planning or building system conviction is potentially more serious than a *Local Government Act* conviction because of Local Government's prominent role in planning and building control and the significant personal benefits which can be illegally gained through these systems.

State Council Resolution September 2022 – 386.7/2022
March 2019 – 06.3/2019

Part 3 – Functions of Local Governments

2.5.6 Community Engagement

Position Statement The Local Government sector supports:

1. Responsive, aspirational and innovative community engagement principles;
2. The introduction of a requirement for Local Governments to prepare a community and stakeholder engagement charter, and the publishing of a Model Charter;
3. Encapsulation of aims and principles in a community engagement policy; and
4. The option of hosting an Annual Community Meeting to present on past performance and outline future prospects and plans.

State Council Resolution February 2022 – 312.1/2022
December 2020 – 142.6/2020
March 2019 – 06.3/2019

Supporting Documents Advocacy Positions for a New Local Government Act
WALGA submission: Local Government Reform Proposal
(February 2022)

2.5.7 Ratepayer Satisfaction Surveys

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| Position Statement | The Local Government sector supports the introduction of a requirement for Band 1 and 2 Local Governments to hold independently managed community satisfaction surveys every four years. |
| Background | In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after. |
| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.8 Control of Certain Unvested Facilities: Section 3.53

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| Position Statement | Section 3.53 of the <i>Local Government Act 1995</i> should be repealed and responsibility for facilities located on Crown Land should return to the State as the appropriate land manager. |
| Background | <p>The <i>Local Government Act 1995</i> includes a provisions, under Section 3.53, that is carried forward from section 300 of the former <i>Local Government Act 1960</i>.</p> <p>Former section 300 stated: A council has the care, control, and management of public places, streets, ways, bridges, culverts, fords, ferries, jetties, and drains, which are within the district, or, which although not within the district, are by this Act placed under the care, control, and management, of the council, or are to be regarded as being within the district, except where and to the extent that under an Act, another authority has that care, control, and management.</p> <p>Section 3.53 refers to infrastructure as an ‘otherwise unvested facility’, and is defined to mean: “a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.”</p> <p>Section 3.53 places responsibility for an otherwise unvested facility on the Local Government in whose district</p> |

the facility is located. Lack of ongoing maintenance and accreting age has resulted in much infrastructure falling into a dilapidated state. This, together with the uncertain provenance of many of these facilities, particularly bridges, is reported as placing an unwarranted and unfunded burden on a number of Local Governments.

State Council Resolution December 2022 – 408.8/2022
 March 2019 – 06.3/2019
 December 2017 – 123.6/2017

2.5.9 Local Law Making Process

Position Statement The Local Law making process should be simplified as follows:

- The requirement to give state-wide notice should be reviewed, with consideration given to Local Governments only being required to provide local public notice;
- Eliminate the requirement to consult/advertise when Model Local Laws are adopted;
- Require review of local laws only every 15 years, with local laws not reviewed in the timeframe to automatically lapse; and
- Introduce certification of local laws by a legal practitioner in place of scrutiny by Parliament’s Delegated Legislation Committee.

State Council Resolution February 2022 – 312.1/2022
 March 2019 – 06.3/2019

Supporting Documents WALGA submission: Local Government Reform Proposal (February 2022)

2.5.10 Notification of Affected Owners

Position Statement Section 3.51 of the *Local Government Act 1995* concerning “Affected owners to be notified of certain proposals” should be amended to achieve the following effects:

1. to limit definition of “person having an interest” to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation); and
2. to specify that only significant, defined categories of proposed road works require local public notice under Section 3.51(3)(a).

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|--------------------------|---|
| Background | The objectives outlined above aim to instil clarity and certainty when Local Governments are required to comply with Section 3.51 of the <i>Local Government Act 1995</i> when planning road works. It is proposed this can be achieved by engaging in discussion with the Department of Local Government to develop instructions for the drafting of suitable amendments to the Act that will result in the desired outcome. |
| State Council Resolution | March 2019 – 06.3/2019 December 2017 – 121.6/2017 February 2009 – 480.1/2009 |

2.5.11 Crossovers

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|--------------------------|--|
| Position Statement | The Local Government sector supports proposals to amend the Local Government (Uniform Local Provisions) Regulations 1996 to standardise the process for approving crossovers for residential properties and residential developments on local roads. It is envisaged that the process for crossovers will be standardised, however the design standards would be different dependant on location. |
| Background | In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after. |
| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.12 Innovation Provisions

| | |
|--------------------|--|
| Position Statement | The Local Government sector supports proposals to introduce new provisions in the <i>Local Government Act 1995</i> to allow exemptions from certain requirements in relation to: <ol style="list-style-type: none"> 1. Short-term trials and pilot projects; and 2. Urgent responses to emergencies. |
| Background | In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> |

(WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after.

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|--------------------------|--|
| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.13 Simplifying Approvals for Small Business and Community Events

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|--------------------|---|
| Position Statement | The Local Government sector supports introducing greater consistency in the approvals process for alfresco and outdoor dining, minor small business signage rules and running community events. |
|--------------------|---|

| | |
|------------|--|
| Background | In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after. |
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| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.14 Crown Land and Management Order Administration - *Land Administration Act 1997*

| | |
|--------------------|---|
| Position Statement | WALGA advocates to the Department of Planning, Lands and Heritage (DPLH) to: <ol style="list-style-type: none">1. Apply the following principles when dealing with matters affecting Local Government's role in managing Crown land:<ol style="list-style-type: none">a) Local Government is an equal partner with State Government in managing, developing and administration of Crown land for community benefit.b) Local Government should be provided timely advice and consulted where State Government proposals impact management of or investment in Crown land. |
|--------------------|---|

- c) Ensure timely communication with Local Government where DPLH intends to challenge an intention to levy leasing or land use revenues under a power to lease arrangement.
 - d) Decision-making criteria, policy and procedure transparency contributes to whole of government efficiency, effectiveness and accountability.
2. Publish the policies and procedures that underpin decision making regarding:
- a) Establishing, varying or revoking management orders.
 - b) Leasing Crown land or facilities, subject to a management order.
 - c) Decision review where a management body or proponent lessee is dissatisfied with a decision or process.

Background

Crown land care, control and management is assigned to Local Government via:

- Management orders under the *Land Administration Act 1997*. Orders may limit purposes for which Crown land is used and require Ministerial approval for proposed leasing of that land; or
- Section 3.58 of the *Local Government Act 1995* prescribes Local Government is responsible for controlling and managing every otherwise unvested facility in a Local Government District, including thoroughfares, bridges, jetties, drains or watercourses belonging to the Crown.

These provisions require substantial Local Government investment to manage, develop, and administer Crown land, with most activities never providing a financial return.

For example:

- Land and environmental management, e.g. fire mitigation, dealing with pest flora and fauna.
- Regulation, patrolling, enforcement and clean-up to preserve public amenity and address illegal activities, e.g. unauthorised camping, off-road vehicle use, dumped rubbish.
- Public amenity, tourism and activation infrastructure, e.g. road and pedestrian access, fencing, drainage, bridges, landscaping, toilets, shade, shelter, BBQs, playgrounds, trails, viewing platforms, parking, cafes, rubbish removal, cleaning, etc.

Transparency of the Department of Planning, Lands and Heritage (DPLH) decision making policy and procedures will help to:

- Streamline application and decision-making processes, reduce backlog and delays.

- Avoid wasted time, effort, resources and costs and enable consistent, transparent, and accountable decisions.

State Council Resolution December 2023 – 502.5/2023

Part 4 – Elections and other Polls

2.5.15 Elections

| | |
|--------------------------|--|
| Position Statement | <p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Four year terms with a two year spill 2. Greater participation in Local Government elections 3. The option to hold elections through: <ul style="list-style-type: none"> • Online voting • Postal voting, and • In-person voting 4. Voting at Local Government elections to be voluntary 5. The first past the post method of counting votes <p>The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.</p> |
| Background | <p>The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.</p> |
| State Council Resolution | <p>February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 October 2008 – 427.5/2008</p> |
| Supporting Documents | <p>Advocacy Positions for a New Local Government Act WALGA submission: Local Government Reform Proposal (February 2022)</p> |

2.5.16 Method of Election of Mayor

| | |
|--------------------------|--|
| Position Statement | <p>Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</p> |
| State Council Resolution | <p>February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017</p> |

2.5.17 Clear Lease Requirements for Candidate and Vote Eligibility

| | |
|--------------------------|--|
| Position Statement | <p>The Local Government sector supports reforms to prevent the use of 'sham leases' in Council elections, including:</p> <ol style="list-style-type: none">1. Requiring a minimum lease period of 12 months for anyone to register a person to vote or run for Council;2. Making home-based businesses ineligible to register a person to vote or run for Council because any residents are already eligible voter(s) for that address;3. Clarifying the minimum criteria for leases eligible to register a person to vote or run for Council; and4. Publishing the basis of eligibility for each candidate (e.g. type of property and suburb of property), including in the candidate pack for electors. |
| Background | <p>In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after.</p> |
| State Council Resolution | February 2022 – 312.1/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.18 Local Government Elections Analysis 2015-2023

| | |
|--------------------|--|
| Position Statement | <p>That WALGA advocate to the State Government:</p> <ol style="list-style-type: none">1. For an independent Local Government election audit, focusing on the Western Australia Electoral Commission's (WAEC) cost allocation methods and costing applications used, to confirm that marginal cost recovery principles are applied and that the costing program is being effectively managed.2. For the requirement for the WAEC to develop and implement Service Level Agreements with Local Governments, similar to those agreements currently used in New South Wales and Victorian Local Government elections and that includes:<ol style="list-style-type: none">a. transparency of costing methodology,b. direct engagement with Local Governments pre and post elections, andc. the roles and responsibilities of the WAEC and Local Governments in the conduct of elections. |
|--------------------|--|

3. For a review of the legislative framework that would allow for more than one election services provider to conduct Local Government elections.
4. For a mandated WAEC Report to Parliament specific to Local Government elections post each election cycle, outlining costs, results, voter turnout and matters for improvement both in the conduct of elections and the legislation, if relevant.

Background

A comprehensive review and analysis of five election cycles up to and including the 2023 Local Government election against the backdrop of legislative reforms to the Local Government electoral process in Western Australia was carried out by WALGA.

With a focus on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), the analysis has found evidence of the rising cost and reduced service level of conducting Local Government elections in Western Australia.

Elected Member feedback, costs vs service comparisons and engagement by the sector with WALGA's governance services over the 2023 Local Government election period, are the basis for the position outlined above.

State Council Resolution

September 2024 - 065.4/2024

2.5.19 Re-Counts

Position Statement

The Local Government sector supports the introduction of standard processes for vote re-counts if there is a very small margin (e.g. 10 or fewer votes) between candidates, inclusive of Regulations that specify the circumstances in which the Returning Officer must arrange for some or all of the votes to be re-counted.

Background

In 2021 the State Government announced a significant package of reforms to the *Local Government Act 1995* (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after.

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|--------------------------|--|
| State Council Resolution | December 2023 – 516.5/2023 February 2022 – 312.1/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

Part 5 – Administration

2.5.20 Standardisation of Meeting Procedures

| | |
|--------------------------|--|
| Position Statement | The Local Government sector supports the standardisation of meeting procedures and standing orders for all WA Local Governments, including for public question time. |
| Background | In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after. |
| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.21 Recordings and Live-Streaming of Council Meetings

[retired March 2024 – State Council Resolution 005.1/2024]

2.5.22 Confidential Agenda Items

| | |
|--------------------|---|
| Position Statement | <ol style="list-style-type: none"> 1. The Local Government sector recognises that to ensure open and transparent decision-making, confidential Council meetings and confidential Agenda items should only be used in limited, specific circumstances. 2. To this end, the Local Government sector supports prescribing specific items that may be confidential and those that should be left open to the public. 3. The Local Government sector does not support requiring that the audio recordings of these confidential items be provided to the Department of Local Government, Sport and Cultural Industries. Written and audio records of these items will continue to be maintained by each Local Government. |
| Background | In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> |

(WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after.

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|--------------------------|--|
| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.23 Content of Agenda and Minutes (Transparency)

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|--------------------------|--|
| Position Statement | <ol style="list-style-type: none"> 1. Amend Administration Regulation 11 to require information presented in, or attached to, a Council or Committee meeting agenda to be included in the minutes of that meeting. 2. Amend Section 5.95(3) and Administration Regulation 11 to enable confidential attachments to a report included in a Council or Committee meeting agenda and minutes to remain confidential at the discretion of Council, despite the meeting not having been closed to the public when deciding the relevant matter. |
| Background | This Position Statement was originally adopted from Member feedback to the 2019 Local Government Act Reform process. |
| State Council Resolution | December 2022 – 408.8/2022 March 2019 – 06.3/2019 December 2017 – 123.6/2017 |

2.5.24 Annual Electors' General Meeting

| | |
|--------------------------|--|
| Position Statement | Section 5.27 of the <i>Local Government Act 1995</i> should be amended so that Electors' General Meetings are not compulsory. |
| Background | There is adequate provision in the <i>Local Government Act 1995</i> for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings. |
| State Council Resolution | July 2023 – 474.3/2023 March 2019 – 06.3/2019 December 2017 – 121.6/2017 February 2011 – 09.1/2011 |

2.5.25 Senior Employees

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|--------------------------|--|
| Position Statement | Section 5.37(2) of the <i>Local Government Act 1995</i> referring to senior employees should be deleted. |
| Background | Council input into employment decisions should be limited to those relating to the Chief Executive Officer |
| State Council Resolution | December 2017 – 123.6/2017 |

2.5.26 Annual Review of Certain Employee's Performance

| | |
|--------------------------|--|
| Position Statement | Section 5.38 of the <i>Local Government Act 1995</i> should be deleted, or amended so there is only a specific requirement for Council to conduct the Chief Executive Officer's annual performance review. |
| State Council Resolution | December 2017 – 123.6/2017 |

2.5.27 Online Registers

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|--------------------------|--|
| Position Statement | The Local Government sector supports requiring Local Governments to report specific information in online registers on the Local Government's website, including registers for leases, community grants, interests disclosures, applicant contributions and contracts (excluding contracts of employment). |
| Background | In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after. |
| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.28 Publishing CEO Key Performance Indicators

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|--------------------------|--|
| Position Statement | <ol style="list-style-type: none">1. The Local Government sector conditionally supports the reporting of CEO Key Performance Indicators (KPIs) that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPIs of a confidential nature.2. The Local Government sector does not support results of CEO performance reviews being published. |
| Background | In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after. |
| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.29 Exemption from AASB 124

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|--------------------------|---|
| Position Statement | Regulation 4 of the <i>Local Government (Financial Management) Regulations</i> should be amended to provide an exemption from the application of AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS). |
| Background | <p>That an exemption be allowed from the implementation of AASB 124 'Related Party Transactions' due to the current provisions in the Act on declarations of interest at meetings and in Primary and Annual returns. This is regarded as providing appropriate material declaration and disclosure of interests associated with function of Local Government.</p> <p>Regulation 4 of the Financial Management Regulations provides a mechanism for an exemption from the Australian Accounting Standards (AAS). Regulation 16 is an example of the use of this mechanism, relieving Local Governments from the requirement to value land under roads.</p> |
| State Council Resolution | May 2023 – 452.2/2023 March 2019 – 06.3/2019 December 2017 – 123.6/2017 |

2.5.30 Dispositions of Property

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|--------------------------|--|
| Position Statement | <p>Amend Functions and General Regulation 30 to:</p> <ol style="list-style-type: none">1. Remove the financial threshold limitation on a disposition where it is used exclusively to purchase other property – R.30(3).2. Modify the disposal by sale (only) limitations prescribed in R.30(2), so that<ol style="list-style-type: none">a) Local Government may dispose of land consistent with the s.3.58 definition of 'disposal', where the disposal terms are consistent with the nature of interest that the transferee has in the adjoining land; andb) The market value limitation of \$5000, set in 1996, is increased to reflect contemporary land values.3. Insert an additional exemption for disposal of redundant plant and equipment to another Local Government, Regional Local Government, the government of the State or the Commonwealth or any of its agencies. |
| Background | <p>Position Statements originally adopted from Member feedback to the 2019 Local Government Act Reform process, with the intent of repealing redundant, and modifying inefficient, statutory provisions.</p> |
| State Council Resolution | <p>December 2022 – 408.8/2022 February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 123.6/2017</p> |
| Supporting Documents | <p>WALGA submission: Local Government Reform Proposal (February 2022)</p> |

2.5.31 Gift Provisions

| | |
|--------------------|--|
| Position Statement | <p>The <i>Local Government Act</i> and Regulations should be amended so that:</p> <ol style="list-style-type: none">1. There is one section for declaring gifts with declarations for travel deleted2. There is no requirement to declare gifts received in a genuinely personal capacity, as gifts only to be declared in respect to an Elected Member or CEO carrying out their role3. Gift provisions only for Elected Members and CEOs4. Other staff fall under codes of conduct from the CEO to the staff5. Gifts only to be declared if above \$5006. There will not be any category of notifiable gifts or prohibited gifts7. Exemptions for ALGA, WALGA and LG Professionals |
|--------------------|--|

8. Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts, so Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.

Background

On 11 March 2016, the Department of Local Government and Communities (DLGC) distributed Governance Bulletin 11 to the Local Government sector.

The Governance Bulletin provided a different interpretation of gifts than had been considered previously. The bulletin provides that the particular context in which a gift is given – whether it be part of a person’s role as an elected official or staff member, or in a private capacity – is not, for that purpose a relevant consideration.

For instance, the Bulletin provides case studies that includes personal gifts as birthday and wedding presents received from extended family members (i.e. cousin, niece, uncle) and friends as declarable gifts.

The requirements for personal and unrelated gifts to be declared are considered unreasonable and a full review, or alignment in the first instance with the WA Ministerial Code of Conduct, is required.

State Council Resolution

December 2017 – 123.6/2017
July 2016 – 59.4/2016
May 2016 – 32.2/2016

2.5.32 Vexatious and Frivolous Complainants

Position Statement

A statutory provision should be developed, permitting a Local Government to:

- Enable discretion to refuse to further respond to a complainant where the CEO of the Local Government is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the *Parliamentary Commissioner Act 1971*.
- Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government’s decision for third party review.
- Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including: abuse of process; harassing or intimidating an individual, Elected Member

or employee of the Local Government; or unreasonably interfering with the operations of the Local Government.

Background WALGA seeks inclusion of commentary and questions relating to Local Governments adopting within their proposed complaints management framework, the capacity to permit a Local Government to declare a member of the public a vexatious or frivolous complainant, subject to the declaration relating to the nature of complaint and not to the person.

State Council Resolution March 2019 – 06.3/2019
December 2017 – 123.6/2017

Part 6 – Financial Management

2.5.33 Monthly Reporting of Credit Card Statements

Position Statement The Local Government sector supports requiring Local Governments to table credit card statements of the Local Government’s credit cards used by employees at Council meetings on a monthly basis.

Background In 2021 the State Government announced a significant package of reforms to the *Local Government Act 1995* (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after.

State Council Resolution February 2022 – 312.2/2022

Supporting Documents WALGA submission: Local Government Reform Proposal (February 2022)

2.5.34 Financial Management and Procurement

Position Statement The Local Government sector:

1. Supports the proposal for the Department of Local Government to prepare a Model set of Annual Financial Statements for Band 1 and 2 Local Governments, and simpler, clearer financial statements for Bands 3 and 4
2. Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of Annual Budget Statements for the Local

Government sector, in consultation with the Office of the Auditor General.

3. Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General.
4. Supports the proposal for financial reporting requirements to be tiered, with larger Local Governments having greater financial reporting requirements than smaller Local Governments.
5. Supports Local Governments being able to use freehold land to secure debt.
6. Supports Building Upgrade Finance being permitted for specific purposes such as cladding, heritage and green improvements.
7. Supports the alignment of Local Government procurement thresholds, rules and policies with the State Government.

State Council Resolution February 2022 – 312.1/2022
December 2020 – 142.6/2020
March 2019 – 06.3/2019

Supporting Documents Advocacy Positions for a New Local Government Act
WALGA submission: Local Government Reform Proposal
(February 2022)

2.5.35 Financial Ratios

Position Statement 1. Advocate to the Minister for Local Government to amend the *Local Government (Financial Management) Regulations 1996* to prescribe the following ratios:
a) Operating Surplus Ratio,
b) Net Financial Liabilities Ratio,
c) Debt Service Coverage Ratio, and
d) Current Ratio.

2. Recommend that Local Governments consider including Asset Management ratios in their Annual Report.

3. Request the Department of Local Government, Sport and Cultural Industries to review the Asset Management ratios in consultation with the Local Government sector.

Background Over a number of years there has been mounting concern as to the appropriateness of the seven financial ratios which are prescribed for inclusion in Local Government annual financial reports.

WALGA formed a Sector Reference Group and Working Group to review the ratios and provide recommendations.

The Working Group has provided a Local Government Financial Ratios Report with recommendations for the prescribed ratios and other related matters.

| | |
|--------------------------|--|
| State Council Resolution | February 2022 – 312.1/2022 May 2021 – 204.2/2021 March 2019 – 06.3/2019 |
| Supporting Documents | Local Government Financial Ratios Report WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.36 Building Upgrade Finance

Position Statement The *Local Government Act 1995* should be amended to enable a Building Upgrade Finance mechanism in Western Australia.

Background The Building Upgrade Finance (BUF) position is advocating for reforms to Western Australian legislation that would enable local governments to guarantee finance for building upgrades for non-residential property owners. In addition to building upgrades to achieve environmental outcomes, advocates have identified an opportunity to use this approach to finance general upgrades to increase the commercial appeal of buildings for potential tenants. In this way, BUF is viewed as means to encourage economic investment to meet the challenges of a soft commercial lease market in Perth and achieve economic growth.

BUF enables building owners to obtain finance that they may not normally have access to. For local government, the approach may allow for the achievement of strategic community objectives and provide an additional revenue stream. For lenders, the scheme is said to be a way for financiers to participate in environmentally conscious investments and support technology like solar and have additional security because in the event of bankruptcy, recovery of the BUF takes precedence over other outstanding payments.'

Building Upgrade Finance (BUF) is a mechanism that allows non-residential building owners access to funds from select commercial lenders to upgrade the sustainability performance of their buildings.

Loans obtained under BUF differ from standard commercial loans in the way the loan is repaid. In BUF,

there is a financier, a building owner and a local government.

- The BUF-approved financier provides funds to a building owner to upgrade a building.
- The building owner engages consultants and contractors to design, manage and complete the upgrade in a way that creates operational savings in energy and/or water consumption.
- The local government collects the loan repayments and passes them onto the financier.

Loan repayments are collected from the building owner via a Building Upgrade Charge (BUC) levied by the local government against the land on which the building is situated. The BUC is paid quarterly by the building owner to the local government as repayment for the loan.

The BUC means that the loan is tied to the property rather than property owner. Responsibility to pay for the loan shifts if ownership of the property changes. In other Australian States that have employed this approach, the local government is not, by law, financially liable for any non-payment by the building owner. Local governments are required to use their best endeavours to recover the loan. As the loan is recovered via the same powers as rates or a service charge, in the event of non-payment, local governments have the same powers available to recover unpaid rates or service charges. This can include taking possession of the land and selling the property.

The BUC also secures the loan, making the loan 'senior debt' in the eyes of the financier in the event of a default. This means that should the building owner go bankrupt, the financier can be satisfied they will be paid back as a priority. Because of this reduction in risk, finance terms can be made more attractive than for standard commercial loans.

State Council Resolution

February 2022 – 312.1/2022
March 2019 – 06.3/2019

Supporting Documents

WALGA submission: Local Government Reform Proposal
(February 2022)

2.5.37 Strategic and Financial Planning

| | |
|--------------------------|--|
| Position Statement | <p>The Local Government sector supports providing consistency and clarity across the State by adopting a standard set of plans for strategic and financial planning, including:</p> <ol style="list-style-type: none">1. Council Plans to replace the existing Strategic Community Plans, for high-level objectives updated at least every eight years;2. Asset Management Plans updated at least every ten years;3. Long Term Financial Plans updated at least every four years;4. Rates and Revenue Policies identifying the approximate value of rates that will need to be collected in future years to provide a forecast to ratepayers (updated at least every four years); and5. short, simple Service Proposals and Project Proposals made available through Council meetings, which if approved will become Service Plans and Project Plans within the yearly budget. |
| Background | <p>In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after.</p> |
| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.38 Energy Infrastructure Service Charge

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|--------------------|---|
| Position Statement | <p>Regulation 54 of the Local Government (Financial Management) Regulations should be amended to 'renewable energy infrastructure' as a prescribed charge.</p> |
| Background | <p>The City of Fremantle and City of Cockburn propose an amendment to Regulation 54 of the Local Government (Financial Management) Regulations to include 'renewable energy infrastructure' as a prescribed service charge. This will permit Local Governments to offer a group scheme that will assist property owners (at the owners' discretion) to install environmental initiatives as an improvement to</p> |

their property, with the Local Government to recoup the cost via a charge against the land.

Victorian legislation permits a service charge of this type and the City of Darebin is an example of a Local Government promoting a renewable energy infrastructure scheme. This proposal requires no amendment to Section 6.38(1) of the *Local Government Act*. The regulatory amendment would simply read:

54. Works etc. prescribed for service charges on land - Act's. 6.38 (1)

For the purposes of section 6.38(1), the following are prescribed as works, services and facilities:

- (a) property surveillance and security;
- (b) television and radio rebroadcasting;
- (c) underground electricity;
- (d) water; and
- (e) renewable energy infrastructure.

State Council Resolution March 2019 – 06.3/2019

2.5.39 **Restrictions on Borrowings**

Position Statement Section 6.21 of the *Local Government Act 1995* should be amended to allow Local Governments to use freehold land, in addition to its general fund, as security when borrowing.

Section 6.20(2) of the *Local Government Act*, requiring one month's public notice of the intent to borrow should be deleted.

Background Borrowing restrictions in the *Local Government Act 1995* act as a disincentive for investment in community infrastructure. Section 6.21(2) states that a Local Government can only use its 'general funds' as security for borrowings to upgrade community infrastructure and is restricted from using its assets to secure its borrowings. This provision severely restricts the borrowing capacity of Local Governments and reduces the scale of borrowing that can be undertaken to the detriment of the community.

This is particularly relevant since the Global Financial Crisis. Treasury now requires member Local Governments to show as contingent liabilities in their balance sheet their proportion of contingent liabilities of the Regional Local Government of which they are a member. Given that the cost of provision of an Alternative Waste Disposal System is anything up to \$100 million, the share of contingent liabilities for any Local Government is significant. Even under a 'Build-Own-Operate' financing method, the unpaid

(future) payments to a contractor must be recognised in the balance sheet of the Regional Local Government as a contingent liability.

This alone is likely to prevent some Local Governments from borrowing funds to finance its own work as the value of contingent liabilities are taken into account by Treasury for borrowing purposes.

Section 6.20(2) requires, where a power to borrow is proposed to be exercised and details of the proposal are not included in the annual budget, that the Local Government must give one month's public notice of the proposal (unless an exemption applies). There is no associated requirement for Council to request or consider written submissions prior to exercising the power to borrow, as is usually associated with giving of public notice. Section 6.20(2) simply delays for one month the exercise of power to borrow, and it is recommended it be deleted.

State Council Resolution February 2022 – 312.1/2022
March 2019 – 06.3/2019
December 2017 – 123.6/2017
January 2012 – 8.1/2012

Supporting Documents Metropolitan Local Government Reform Submission 2012
WALGA submission: Local Government Reform Proposal (February 2022) -

Part 7 – Audit

2.5.40 Audit Committee

Position Statement The requirement to hold a separate Audit Committee meeting if all Elected Members of a Council are members of the Audit Committee should be removed from the *Local Government Act 1995*.

Background A number of small Local Governments have the whole Council on the Audit Committee. Where this is the case, the Audit Committee role should be considered as agenda items by the whole Council at a Council meeting. This is an example of the Size and Scale principle of legislative reform.

State Council Resolution March 2019 – 06.3/2019

Part 8 – Scrutiny of the Affairs of Local Governments

2.5.41 External Oversight

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| Position Statement | <p>The Local Government sector supports:</p> <ol style="list-style-type: none">1. Establishing a Chief Inspector of Local Government, supported by an Office of the Local Government Inspector to provide an independent body to receive, investigate and assess minor and serious complaints against Elected Members and CEOs, and undertake inquiries.2. Establish a Conduct Panel to replace the Standards Panel, and a panel of Monitors to proactively resolve problems at Local Governments.3. That an early intervention framework of monitoring to support Local Governments be provided with any associated costs to be the responsibility of the State Government.4. An external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.5. If State Government does not support external oversight of behaviour complaints, the Local Government sector advocates for a new category of interest be included in the Act, that requires any Council Member who is either the complainant or the respondent to a behaviour complaint, to disclose the interest and be required to leave the meeting and therefore be prohibited from participation in debate or voting on the matter. |
| State Council Resolution | <p>September 2022 – 386.7/2022 February 2022 – 312.1/2022 September 2021 – 263.5/2021 December 2020 – 142.6/2020 December 2017 – 121.6/2017 March 2016 – 10.1/2016 July 2012 – 55.3/2012 December 2008 – 454.6/2008</p> |
| Supporting Documents | <p>Briefing Note: Victorian Councillor Conduct Framework Advocacy Positions for a New Local Government Act WALGA submission: Local Government Reform Proposal (February 2022)</p> |

2.5.42 Remedial Interventions

Position Statement Where the State Government commences a remedial intervention, the appointed person should be a Departmental employee with the required qualifications and experience to ensure a connection to the Department and its requirements.

The appointed person should only have an advice and support role.

The remedial action should be funded by the Department of Local Government, where the intervention is mandatory, and the Local Government should pay where assistance is requested.

State Council Resolution March 2019 – 06.3/2019

2.5.43 Review of Penalties

Position Statement 1. The Local Government sector generally supports proposals for strengthening penalties for breaching the Local Government Act, including suspension of councillors for up to three months.

2. The Local Government sector also supports the proposal for Presiding Members to have the power to 'red card' any attendee (including Elected Members) who unreasonably and repeatedly interrupt council meetings, subject to a provision permitting council members to call a point of order to overrule the Presiding Member by absolute majority. Clear guidance must be provided to ensure there is consistent application of the power given to Presiding Members.

Background In 2008 the Department of Local Government developed a discussion paper seeking feedback regarding legislative amendments to suspend an individual Elected Member, as follows:

- An elected member to have the ability to stand down where they are being investigated or have been charged;
- An elected member to be forcibly stood down where they are being investigated or have been charged and whose continued presence prevents Council from properly discharging its functions and affects its reputation and integrity or where it is in the public interest;
- The Standards Panel to make the stand down decision;
- Such matters to be referred to the Standards Panel only by a Council (absolute majority), a statutory agency or the Department;

- Three to six months stand down periods with six month extensions;
- The elected member to remain entitled to meeting fees and allowances; and
- Inclusion of an offence for providing false information leading to a stand down.

State Council Resolution February 2022 – 312.1/2022
 December 2017 – 121.6/2017
 August 2008 – 400.4/2008

Supporting Documents WALGA submission: Local Government Reform Proposal
 (February 2022)

Part 9 – Miscellaneous Provisions

2.5.44 Onus of Proof in Vehicle Offences

Position Statement Section 9.13 of the *Local Government Act 1995* should be amended by introducing the definition of 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.

Background This proposal emerged due to an increase in cases when progressing the prosecution of vehicle related offences in court (at the request of the vehicle owner) resulted in dismissal of charges by the Magistrate when the owner of the vehicle states that he does not recall who was driving his vehicle at the time of the offence.

The *Litter Act 1979* was amended in 2012 to introduce the definition of 'responsible person' (as defined in *Road Traffic Act 1974*) so that a 'responsible person' is taken to have committed an offence where it cannot be established who the driver of the vehicle was at the time of the alleged offence. This also removes the ability for the responsible person to be absolved of any responsibility for the offence if they fail to identify the driver. It is suggested that a similar amendment be made to Section 9.13 of the Act in order to ensure that there is consistent enforcement in regards to vehicle related offences.

State Council Resolution March 2019 – 06.3/2019
 December 2017 – 123.6/2017

2.5.45 Removing WALGA from the *Local Government Act*

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| Position Statement | <p>The Local Government sector conditionally supports the proposal for WALGA not to be constituted under the <i>Local Government Act 1995</i>, subject to undertaking further due diligence on the broader implications of the proposal and subsequent consultation with the sector. Any proposed reforms must ensure that:</p> <ol style="list-style-type: none">1. The Local Government Act retains statutory provisions permitting WALGA to provide the sector with the mutual self-insurance scheme and preferred supplier program tender exemptions; and2. There be no disadvantages to WALGA's capacity to provide services and represent the interests of the sector. |
| Background | <p>In 2021 the State Government announced a significant package of reforms to the <i>Local Government Act 1995</i> (WA). The Department of Local Government, Sport and Cultural Industries (DLGSC) invited submissions on the proposed reforms. After extensive consultation, WALGA drafted a submission on behalf of the Local Government sector. The submission was endorsed by State Council at a special meeting on Wednesday, 23 February 2022 and submitted to the DLGSC shortly after.</p> |
| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

Schedule 2.1 – Provisions about Creating, Changing the Boundaries of, and Abolishing Districts

2.5.46 Poll Provisions

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| Position Statement | <p>Schedule 2.1 of the <i>Local Government Act 1995</i> should be amended so that the electors of a Local Government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll.</p> |
| State Council Resolution | March 2019 – 06.3/2019 December 2017 – 121.6/2017 December 2014 – 108.5/2014 |

2.5.47 Number of Electors to submit a Proposal

Position Statement Clause 2(1)(d) of Schedule 2.1 of the *Local Government Act 1995* should be amended so that the number of electors required to put forward a proposal for change is increased from 250 (or 10 percent of electors) to 500 (or 10 percent of electors) whichever is fewer.

For Local Governments with total electors of less than 500 people, then the requirement be a minimum of 25 percent of electors.

State Council Resolution March 2019 – 06.3/2019
December 2017 – 123.6/2017

Schedule 2.2 – Provisions about Wards and Representation

2.5.48 Number of Electors to Submit a Proposal Regarding Wards and Representation

Position Statement Clause 3(1) of Schedule 2.2 should be amended so that the prescribed number of electors required to put forward a proposal increase from 250 (or 10 percent of electors) to 500 (or 10 percent of electors), whichever is fewer.

For Local Governments with total electors of less than 500 people, then the requirement be a minimum of 25 percent of electors.

State Council Resolution March 2019 – 06.3/2019
December 2017 – 123.6/2017

Other

2.5.49 Technical Amendments to the *Local Government Act*

Position Statement The Local Government sector supports:

1. legislative amendment that brings chronological order to the decision-making powers for considering vacancies and determination of extraordinary election day (in relation to ss.4.9, 4.17 and 4.9(1)(a) and (b)).
2. regulations be made under s.5.36(5A) prescribing classes of persons as a “temporary CEO appointed under short term contract, where the person appointed is NOT an existing employee of the Local Government”.
3. there be an analysis of the public benefit versus public risk arising from statutory provisions that requires public disclosure of documents containing personal details (i.e. electoral rolls, rate record) in the context of

- the potential for this information to be manipulated or misused for improper purposes (in relation to s.5.94).
4. amending Admin.r.29D so that it is consistent with s.5.88(3).

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| Background | <p>WALGA's Governance and Organisational Services team monitors the <i>Local Government Act</i> and associated regulations for inconsistencies and potential error.</p> <p>These technical amendments were included in WALGA's submission to the DLGSC as part of the 2021/22 <i>Local Government Act</i> reform proposal process.</p> |
| State Council Resolution | February 2022 – 312.2/2022 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.5.50 *Surveillance Devices Act 1998 Amendment*

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| Position Statement | <p>WALGA advocates for amendment of Regulation 4 of the <i>Surveillance Devices Regulations 1999 (WA)</i> so that it includes "Local Government employees as defined in the <i>Local Government Act 1995</i> sector 5.36(1)(b) who perform law enforcement functions on behalf of the Local Government" as a class of Law Enforcement Officers for the purposes of the <i>Surveillance Devices Act 1998 (WA)</i>.</p> |
| Background | <p>Some Local Governments have either implemented or are considering implementation of body worn cameras, as both an enforcement tool and an occupational safety personal protection equipment item.</p> <p>The current <i>Surveillance Devices Act 1998 (WA)</i> prescribes the definition of law enforcement officers, which includes a list of specified offices (State Government), but does not include Local Government law enforcement officers.</p> <p>WALGA's advocacy for amendment of the <i>Surveillance Devices Act 1998</i> to include Local Government Law Enforcement Officers, will clarify local government operations under this Act, when using body worn cameras and dash cam devices.</p> |
| State Council Resolution | <p>July 2022 – 365.5/2022</p> <p>May 2018 - 42.2/2018</p> |

2.5.51 Vexatious or Malicious Freedom of Information Applications

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| Position Statement | <p>The Local Government sector advocates for the <i>Freedom of Information Act 1992</i> (WA) to be reviewed, including consideration of:</p> <ol style="list-style-type: none">1. Enabling the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the <i>Right to Information Act 2009</i> (QLD);2. Enabling an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn; and3. Modernisation to address the use of electronic communications and information. <p>The Local Government sector supports the proposal that if a person makes repeated complaints to a Local Government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, subject to the Act including the ability of a person to lodge an appeal with the Inspector.</p> |
| Background | <p>Local Governments are regularly required to respond to access applications under the <i>Freedom of Information Act 1992</i> (WA).</p> <p>Local Governments have advised of increasing incidents where Freedom of Information access applications are used for malicious or vexatious purposes.</p> <p>Where a Freedom of Information access application requires substantial resources to fulfill and the application is withdrawn, the responding Agency is unable to claim for costs incurred.</p> <p>The current <i>Freedom of Information Act 1992</i> (WA) does not prescribe for the declaration of vexatious applicants nor sufficiently enable responding Agencies to claim costs arising from withdrawn Freedom of Information access applications.</p> |
| State Council Resolution | February 2022 – 312.1/2022 May 2018 - 43.2/2018 |
| Supporting Documents | WALGA submission: Local Government Reform Proposal (February 2022) |

2.6 Group Ticket Voting

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| Position Statement | The Local Government sector supports the removal of group ticket voting from the Legislative Council electoral system, and supports reforms modelled on the Senate reforms of 2016. |
| Background | <p>Reform in WA should be undertaken to remove the group voting ticket from the Legislative Council voting system similar to the Senate reforms undertaken in 2016.</p> <p>Practically, this would mean voters would be required to allocate preferences among parties above the line, or among candidates below the line, up to, at minimum, the number of vacant positions in the region or electoral district.</p> <p>The aim of removing group ticket voting would be to make it much more difficult for micro-parties to have candidates successfully elected through “preference harvesting”. The 2016 Senate reforms demonstrated that the removal of group voting tickets had this effect at the 2016 full-Senate and 2019 half-Senate elections.</p> <p>In addition, given the familiarity of the method of voting for the Senate, adopting electoral reform of this nature would be unlikely to significantly increase the rate of informal voting.</p> |
| State Council Resolution | June 2021 – 203.FM/2021 |

2.7 Whole State Electorate

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| Position Statement | <p>In relation to electing members of the Legislative Council, the Local Government sector:</p> <ol style="list-style-type: none">1. supports the retention of a regional system; and2. opposes the introduction of a whole state electorate option. |
| Background | WALGA does not support the option of electing members of the Legislative Council from an electorate consisting of the entire state of Western Australia, principally on the basis that rural and remote political representation would be diminished irrevocably. |
| State Council Resolution | August 2023 – 230.FM/2023 June 2021 – 203.FM/2021 |

2.8 Employee Relations

2.8.1 Industrial Award Coverage

Position Statement

That WALGA:

1. Advocate for modernization of the WA industrial relations framework with a view to achieve consistency with the predominant Federal industrial relations system.
2. Further, WALGA opposes the proposed transfer of all Local Governments to the State Industrial Relations System.
3. If Local Government is to be transferred to the State Industrial Relations system, the State system must be modernised first to ensure it aligns with the Federal system.
4. If the State Government reintroduces legislation to require all Local Governments to operate within the State Industrial Relations System, continue to advocate for the State Government to:
5. Amend the *Industrial Relations Act 1979* (WA) to include additional provisions to modernise the State IR system; and
6. Provide adequate funding and resourcing to ensure Local Governments are equipped with the appropriate tools and training to enable a smooth transition.

Background

Currently in Western Australia there is a dual system whereby Local Governments apply either the Federal or State Industrial Relations legislation.

The State Government is seeking to have all Local Governments operate in the State Industrial Relations System based on recommendations made in a Ministerial Report (2017-19).

The *Industrial Relations Legislation Amendment Bill 2020* (Bill) was passed by the Legislative Assembly on 20 August 2020 but failed to pass the Legislative Council before Parliament was prorogued on 7 December 2020.

With the 2021 State election results, the WA Labor Government has control of both houses of State Parliament. Therefore, if a new Bill is introduced in similar terms it is unlikely to meet any opposition in Parliament.

The transition of Local Government employees from the Federal to State Industrial Relations system will affect approximately 23,000 employees and will require Local Government employers and employees to navigate complex transitional legislation and arrangements.

If legislation to mandate the transition is reintroduced into Parliament, it will be critical for Local Governments to secure State Government funding, resourcing and assistance to ensure the transition is smooth and positive for Local Government employees.

State Council Resolution May 2021 – 207.2/2021
July 2018 – 78.5/2018
March 2018 – 8.12/2018
December 2016 - 107.6/2016
April 2011 – 47.2/2011

2.8.2 Local Government Long Service Leave Regulations

Position Statement A review of the Local Government (Long Service Leave) Regulations should be undertaken to identify opportunities to amend and improve the Regulations to address ambiguity and readability. This will enable consistent interpretation and application of a key sector entitlement.

Background Many long service leave questions arise from the poor construction of wording in the Regulations and a lack of clarity around how LSL can be administered, which makes interpretation difficult for Local Government employers and their employees. For example, how casual employment is defined and treated for the purposes of accruing LSL, the portability of pro-rata LSL between Local Governments and how the entitlement to LSL is treated where an employee has multiple roles at the same or different Local Governments.

Approximately 32% of Local Government and Regional Council enterprise agreements contain clauses to allow employees to take pro-rata LSL after seven years' or less of continuous service which is inconsistent with the current Regulations and creates legal interpretation issues for Local Governments.

The superfluous and anachronistic nature of the current provisions can be attributed to the Regulations being under the former *Long Service Leave Act 1958*, and then transitioned via the *Local Government (Miscellaneous Provisions) Act 1960*. The last amendment to the Regulations occurred in 2001 and a full review is essential.

State Council Resolution March 2019 – 06.3/2019

2.8.3 Registration of WALGA as an Employer Organisation

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| Position Statement | <p>That WALGA advocate for amendments to the <i>Industrial Relations Act 1979</i> (WA) (IR Act) for WALGA to be named in the IR Act like the Western Australian Branch of the Australian Medical Association Incorporated (AMA) at s.72B and given the status of an employer organisation, including to the Minister for Industrial Relations, the Minister for Local Government and the Department of Mines, Industry Regulation and Safety.</p> |
| Background | <p>Currently, WALGA is a registered industrial agent under the IR Act which allows it to:</p> <ol style="list-style-type: none">a) appear as an agent for a WA Local Government or Regional Council (Local Government) in the Western Australian Industrial Relations Commission (WAIRC), Industrial Magistrate's Court or Industrial Appeal Court (State Courts); andb) provide advice or other services to Local Governments in relation to 'industrial matters' as defined in s.7 of the IR Act. <p>With the mandate for Local Governments (with the exception of the Shires of Christmas Island and Cocos (Keeling) Islands) to operate in the State industrial relations (IR) system from 1 January 2023, it has been vital for WALGA to consider options to:</p> <ol style="list-style-type: none">a) increase its standing in the WAIRC and the State Courts; andb) assist the sector to vary the Local Government State awards (LG State Awards). <p>On 1 January 2023, 137 Local Governments and 6 Regional Councils will be required to operate in the State IR system, affecting 22,600 Local Government employees. Currently only 30 Local Governments operate in the State IR system.</p> <p>With the priority to vary the LG State Awards, WALGA would need to be registered as an employer organisation under the IR Act if it wanted to vary the LG State Awards, <u>in its own right</u>, and to represent the views of the sector as a whole in such an application.</p> <p>In addition, becoming an employer organisation will also enhance the reputation of WALGA in the sector and the State IR system.</p> |
| State Council Resolution | 7 December 2022 – 401.8/2022 |

2.9 Elected Member Training

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| Position Statement | <p>The Local Government sector:</p> <ol style="list-style-type: none">1. Supports and encourages all Elected Members to carry out the Elected Member skillset, as a minimum, that comprises:<ol style="list-style-type: none">a) Understanding Local Governmentb) Serving on Councilc) Understanding Financial Reports and Budgetsd) Conflicts of Interest; ande) Meeting Procedures and Debating.2. Requests the State Government through the Minister for Local Government to provide funding assistance to compensate Local Governments for Elected Members participation in universal training. |
| State Council Resolution | <p>February 2022 – 312.1/2022 December 2017 – 121.6/2017 December 2015 – 119.7/2015 October 2008 – 399.4/2008</p> |
| Supporting Documents | <p>Policy Options to Increase Elected Member Training Participation – Discussion Paper WALGA submission: Local Government Reform Proposal (February 2022)</p> |

2.10 Elected Member Remuneration

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| Position Statement | <p>The Local Government sector supports appropriate remuneration of Local Government Elected Members on the basis of:</p> <ol style="list-style-type: none">1. <u>Vibrant democracy and good governance</u>: fees and allowances payable to Elected Members should be sufficient to ensure that a diversity of candidates from a range of backgrounds seek election to local Government leadership positions. Further, corporate governance literature suggests that diverse leadership groups make better decisions;2. <u>Demands of the role</u>: as the complexity of Local Government increases, and the demands placed upon Elected Members grow in the social media age, the remuneration paid to Elected Members for their significant time commitment must compensate them for the personal and opportunity costs of taking on significant community leadership positions;3. <u>Skills and training</u>: as Elected Members continue to undertake training – and with the implementation of the State Government’s universal Elected Member training policy likely to occur in the near future – the time that Elected Members spend on professional development |
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should be recognised by the fees and allowances framework; and,

4. Economic erosion: in recent years there have been a number of 'no increase' determinations in relation to Elected Member fees and allowances, which means that the relative value of Elected Member fees and allowances have eroded over time. WALGA contends that this trend should be arrested and fees and allowances should be increased.

State Council Resolution December 2023 – 504.5/2023
January 2022 – 213.FM/2022
March 2019 – 08.3/2019

Supporting Documents Local Government Elected Member Fees and Allowances:
Submission to the Salaries and Allowances Tribunal –
21 February 2019

2.10.1 Payment of Sitting Fees to Local Government Representatives

Position Statement The Local Government sector supports policy change to permit the remuneration of all Local Government Elected Members who represent the Local Government sector on a State Government Board, Committee or Panel while employed as a public servant.

Background The State Government precludes State Government employees from receiving sitting fees while serving on State Government Boards and Committees. Anomalies with this policy occur when Elected Members, employed in the public service, are representing the Local Government sector on a State Government Board or Committee but do not receive sitting fees due to their employment status, which may be completely unrelated to the Board or Committee.

State Council Resolution September 2022 – 386.7/2022
August 2012 – 84.4/2012

2.10.2 Elected Member Superannuation

Position Statement The Local Government sector:
1. supports WALGA advocating for superannuation to be required to be paid to Elected Members of Local Governments in Salaries and Allowances Tribunal (SAT) Band 1 and Band 2; and
2. supports the position that superannuation payments to Elected Members of Local Governments in SAT Band 3 and Band 4 should be optional and determined by Council.

Background

The Minister for Local Government's legislative reform agenda was announced in November 2021, including a proposal to enable Local Governments to pay superannuation to Elected Members by Council decision. This position was supported by State Council in February 2022.

At the 2022 Annual General Meeting, an item of Special Urgent Business was put forward by a Member Local Government as per the above position statement. The motion was carried by the meeting.

The motion was then endorsed by State Council at its December 2022 meeting.

There are several compelling reasons for this recommendation. First, superannuation is a legal entitlement for all workers in Australia, and while Elected Members are not employees, they are committing their time and intellect to their responsibilities. Second, it is becoming increasingly common for elected members to forgo paid work opportunities to fulfill their role. Providing superannuation payments may encourage more nominations from historically underrepresented groups, such as women and younger people, leading to greater diversity on councils. Finally, superannuation is already paid to members of private and public sector governing boards, which is comparable to the role of Local Government Elected Members.

State Council Resolution

December 2022 – 395.8/2022
February 2022 – 312.1/2022

Supporting Documents

Local Government Reform proposal (November 2021)
WALGA submission: Local Government Reform Proposal (February 2022)

2.11 Social Media

2.11.1 Cyber Bullying Protections

Position Statement

WALGA advocates for changes to Commonwealth legislation to provide for implementing:

1. Cyber-bullying protections for all Australians, similar to those provided to Australian children under the *Enhancing Online Safety Act 2015 (Cth)*;
2. Identification validation checks before a new social media account can be established, including a timeframe by which social media providers must ensure that all existing active accounts retrospectively comply;

3. A social media / communications control order, similar to a violence restraining order, which prevents a person from contacting any other person through social media.

Background

Social media use and misuse is becoming increasingly prevalent in the community, with Local Governments similarly experiencing increasing incidents where cyber communications negatively impact Local Government operations and governance as well as the health and safety of Elected Members and employees.

Commonwealth legislation controls social media communications and therefore it is recommended that ALGA be requested to take up advocacy for changes that prevent fake online identities.

State Council Resolution July 2022 – 365.5/2022
May 2018 – 44.2/2018

2.12 Puppy Farming

Position Statement

1. The WA Local Government sector:
 - a) Welcomes a cost modelling review of the financial impact on Local Governments to ensure that Local Government is able to fully recover costs and not be disadvantaged in ensuring compliance of any new legislation to Stop Puppy Farming.
 - b) Acknowledges the benefit of de-sexing of dogs not used for approved breeding purposes, and request further information on the complexities associated with de-sexing of dogs prior to considering supporting the proposal.
 - c) Supports a centralised dog registration system that is developed, operated and maintained by State Government.
 - d) Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements.
 - e) Does not support the transition of pet shops to adoption centres.
 - f) Requests there be a Local Government-specific consultation process in relation to the proposed amendments to the Animal Welfare Act to introduce Standards and Guidelines for the Health and Welfare of Animals including dogs.
 - g) Supports a State Government-led education initiative whereby the community is encouraged to purchase puppies from professional registered breeders.
 - h) Requests the State Government discontinue the use of the term 'Farming' due to the negative

connotation that may be associated with other regulated industries, and consider re-naming the initiative 'Stop Puppy Mills'.

2. The Local Government sector advocates that:
 - a) any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and
 - b) the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index.

Background

The McGowan Government released a Public 'Stop Puppy Farming' Consultation Paper in May 2018, explaining its commitment to introduce laws to:

- stop puppy farming and the supply chains that support this industry;
- improve the health and welfare of dogs in Western Australia; and
- stop the overbreeding of dogs

The Government aims to implement the following key elements of the Stop Puppy Farming initiative:

- mandatory de-sexing of dogs unless an exemption is requested for breeding purposes or for reasons stated by a registered veterinarian;
- a centralised registration system to ensure every dog and puppy can be identified at the point of sale or adoption, including in advertisements for sale; and
- the transition of pet shops into adoption centres that will only sell puppies and dogs from approved rescue organisations and animal shelters;
- mandatory standards for dog breeding, housing, husbandry, transport and sale.

WALGA has promoted the view that the Local Government sector should be the subject of a consultation process separate to the public consultation process.

Local Government has a long-standing involvement in animal welfare and has a majority interest in the introduction of legislative measures to reduce overbreeding which results in unwanted and abandoned dogs, and the poor animal welfare standards often associated with unregulated breeding of dogs for profit.

In a separate process, the Department of Local Government, Sport and Cultural Industries will soon develop a cost modelling project aimed at collecting current information about the cost to Local Governments to implement the *Dog Act* and the projected costs associated with implementation of the Stop Puppy Farming initiative.

The feedback provided in both processes will assist to inform the Government on the role of Local Governments support for the implementation of the stop puppy farming initiative, identify resource requirements and cost implications.

In March 2020, State Council resolved as follows;
That WALGA write to the Minister and request that he withdraw the Stop Puppy Farming Bill and more appropriately consult with the sector, traditional custodians and the wider community, or failing that, that he remove any reference to Local Government in the bill as the sector does not endorse it in its current form.

State Council Resolution March 2020 – 13.1/2020
September 2018 – 84.4/2012
September 2021 – 275.5/2021

2.13 Abandoned Shopping Trolleys

Position Statement The Local Government sector advocates for State Government to consult with the sector and prioritise legislative reforms that require retailers to contain shopping trolleys within shopping centre property boundaries, inclusive of enforcement and modified penalty mechanisms that are a realistic economic imperative for retailers to comply with containment requirements.

Background Abandoned shopping trolleys in the public domain create safety hazards for pedestrians and vehicular traffic, and negatively impact public amenity and the natural environment. Some retailers prioritise their civic and social responsibilities, however the cost of physically retrieving illegally dumped trolleys is now substantially more than the cost of replacing trolleys.

In response to community expectations, Local Governments bear the increasing cost burden to remove, impound and eventually dispose of abandoned trolleys.

Local Governments in WA are limited in the scope of responsibility and enforcement that it can place on retailers through local laws. The sector would benefit from the introduction of laws made by State Parliament that will have universal effect in WA.

WALGA Members passed a resolution at the 2022 Annual General Meeting in support of a petition by Spearwood Progress Association that was tabled in the WA Parliament's Legislative Council on 22 November 2022.

The petition called for uniform and stringent shopping trolley containment state laws.

State Council Resolution May 2023 – 441.2/2023

Supporting Documents WALGA Waste and Environment Team Background Paper, 'Shopping Trolley Illegal Dumping'

2.14 Review of Cemeteries Act 1986 and Cremation Act 1929

Position Statement . That WALGA:

1. Supports the intent of the Review of *Cemeteries Act 1986* and *Cremation Act 1929* to reduce red tape, modernise legislation and standardise administrative practices;
2. Supports the intent of providing accessibility for alternative types of burials and disposal of human remains; and
3. Advocates that Local Government cemetery managers retain the capacity to impose cemetery fees and charges under Part 6 of the Local Government Act.

Background The Department of Local Government, Sport and Cultural Industries released the Review of *Cemeteries Act 1986* and *Cremation Act 1929* Discussion Paper in November 2023 for public submission.

The main themes of the review are worthy of support. However, the Consistency of Forms and Fees theme should be analysed closely.

WALGA has a long-standing Advocacy Position to support Local Governments setting their own fees and charges.

State Council Resolution March 2024 - 006.1/2024

3. People (Community)

Key issues associated with land use and statutory planning, libraries, public health, childcare, emergency management, sport and recreation and culture and the arts.

3.1 Aboriginal Communities

3.1.1 Service Delivery to Aboriginal Communities

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| Position Statement | Western Australian Local Governments with Aboriginal communities are supportive of efforts to improve the living conditions and governance in communities that currently receive municipal and essential services such as power and water, to a level that is similar to other Australians, living in towns and cities. |
| Background | There are 287 discrete Aboriginal Communities in Western Australia accommodating approximately 17,000 Indigenous people spanning 26 Local Governments. |
| State Council Resolution | July 2014 – 64.3/2014 December 2012 – 150.6/2012 May 2012 – 69.3/2012 May 2012 – 61.3/2012 March 2012 – 25.2/2012 December 2011 – 153.7/2011 June 2009 – 520.3/2009 October 2007 – 271.5/2007 February 2007 – 181.1/2007 |
| Supporting Documents | WALGA Communique: Service Delivery to Aboriginal Communities 2010 |

3.1.2 Reconciliation

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| Position Statement | The Association supports the efforts of the Local Government sector to recognise and respect Aboriginal cultural practices and places of meaning, through the development of Reconciliation Action Plans. |
| Background | Many Aboriginal places and objects remain significant in the lives of Aboriginal people today and contribute to an understanding by the whole community of our place and history. Reconciliation is about building better relationships between Aboriginal and Torres Strait Islander peoples and the wider Australian community for the benefit of all Australians. |
| State Council Resolution | July 2022 – 363.5/2022 September 2012 – 118.5/2012 |

3.1.3 Constitutional Recognition of Aboriginal and Torres Strait Islander People

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| Position Statement | <p>WALGA:</p> <ol style="list-style-type: none">1. Supports respectful conversations about constitutional recognition of Aboriginal and Torres Strait Islanders and the Voice to Parliament.2. Requests that the Commonwealth Government ensure that Local Governments and communities are kept informed on the proposal. |
| Background | <p>The Commonwealth Government will hold a referendum in the second half of 2023 seeking support for a constitutional amendment to establish an Aboriginal and Torres Strait Islander Voice to Parliament as part of its commitment to implementing the 2017 Uluru Statement from the Heart.</p> |
| State Council Resolution | <p>March 2023 – 418.1/2023</p> |

3.1.4 *Aboriginal Cultural Heritage Act 2021* and South West Native Title Settlement

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| Position Statement | <p>WALGA acknowledges Noongar people as the traditional owners of the South West Region. Local Government is supportive of conserving and protecting the State’s Aboriginal cultural heritage.</p> <p>WALGA supports the introduction of the Aboriginal Cultural Heritage Act 2021 which will provide a modern framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage and recognises the fundamental importance of Aboriginal cultural heritage to Aboriginal people. The State Government must ensure that:</p> <ol style="list-style-type: none">1. The legislation balances the need to protect Aboriginal cultural heritage with the requirement for Local Government to undertake activities in a timely and affordable manner;2. The implementation and ongoing operation of the legislative system for the protection of Aboriginal cultural heritage is adequately resourced to ensure that all parties have the capacity, capability and resources to discharge their statutory obligations;3. Support is provided to Local Governments to ensure that they have the resources, capacity and capability to comply with a complex legislative framework; and4. Local Governments have the ability to deliver essential infrastructure works and emergency activities efficiently and effectively in order to maintain public safety. |
|--------------------|---|

5. regional local Aboriginal people are actively engaged in the Local Aboriginal Cultural Heritage Services (LACHS) groups; and
6. the various Prescribed Body Corporates (PBCs) be required to actively seek out local regional members to be included in the consultation and decision making process.

Background

The Association supports the proposed reform to the *Aboriginal Heritage Act 1972* to improve the clarity, compliance, effectiveness and certainty in application of the Act.

The South West Native Title Settlement recognises Noongar people as the traditional owners of the South West. The settlement includes the creation of a Noongar Land Trust, the transfer of certain Crown land parcels to the Trust, and a Noongar role in the management of the conservation estate. The South West Native Title Settlement impacts on 106 WALGA Members.

WALGA supports the introduction of the *Aboriginal Cultural Heritage Act 2021* which will provide a modern framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage, and recognises the fundamental importance of Aboriginal cultural heritage to Aboriginal people. As land managers and land use planning decision-makers, Local Government plays an important role in many activities that have the potential to impact Aboriginal cultural heritage.

The State Government consulted on the development of new Aboriginal heritage legislation numerous times between 2018 and 2022, including three times in relation to the design of the new legislation, and three times during the co-design process for the supporting regulations and guidelines. WALGA consulted extensively with the Local Government sector with respect to the new legislation, regulations and guidelines, and this Advocacy Position reflects the feedback and views of the sector.

State Council Resolution

September 2023 - 234.FM/2023
 December 2022 - 218.FM/2022
 December 2022 - 399.8/2022
 August 2022 - 217.FM/2022
 July 2022 - 363.5/2022
 May 2022 - 215.FM/2022
 July 2019 - 68.5/2019
 July 2018 - 77.5/2018
 September 2012 - 109.5/2012
 September 2012 - 118.5/2012
 October 2005 - 0057.COM.3/2005
 June 2005 - 0057.COM.3/2005

3.2 Health

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|--------------------------|--|
| Position Statement | The Association supports improving health outcomes for Western Australians through the investment in and provision of infrastructure and delivery of services in partnership with health professionals. |
| Background | <p>Local Governments make a significant contribution to improving, promoting and protecting the health of communities.</p> <p>Through evidence based policy development and planning Local Government can create supportive environments that can help prevent a range of chronic diseases and influence the health and wellbeing of communities.</p> <p>Local Government involvement in public health include:</p> <ul style="list-style-type: none">• Environmental health• Health promotion• Mental Health• Alcohol and other drugs |
| State Council Resolution | May 2022 – 334.4/2022 May 2022 – 343.4/2022 May 2017 – 32.2/2017 July 2015 – 79.4/2015 March 2015 – 19.1/2015 March 2015 – 22.1/2015 December 2014 – 116.5/2014 July 2014 – 63.3/2014 May 2013 – 197.2/2013 December 2012 – 142.6/2012 September 2012 – 110.5/2012 March 2012 – 32.2/2012 March 2012 – 33.2/2012 October 2011 – 128.5/2011 October 2010 – 124.5/2012 October 2010 – 123.5/2010 August 2010 – 97.4/2010 June 2010 – 60.3/2010 April 2008 – 355.2/2008 October 2006 – 116.COM.5/2006 October 2006 – 114.COM.5/2006 October 2005 – 0108.COM.5/2006 October 2005 – 0107.COM.5/2005 |

3.2.1 Local Public Health Plans

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| Position Statement | <p>WALGA supports the objects and principles of the <i>Public Health Act 2016</i>.</p> <p>The State Government must ensure that:</p> <ol style="list-style-type: none">1. Guidance, tools and resources are developed to support the development of Local Public Health Plans; and2. Funding is provided for:<ol style="list-style-type: none">a) Smaller rural and regional councils are provided with funding to support the development of Local Public Health Plans; andb) Local Governments receive ongoing funding for the implementation of actions under Local Public Health Plans. |
| Background | <p>Local Governments in Western Australia play a significant role in the protection and enhancement of health and wellbeing within their communities, through legislative controls through urban planning, investment in infrastructure and development and maintenance of environments that support healthy living.</p> <p>The Act is intended to constitute the primary legislation that provides the powers, functions and foundation for a risk management approach to public health for both State and Local Government.</p> <p>Central to the Act is the requirement for Local Governments to develop local health plans which will align with a broader State public health plan for WA. The Department of Health is responsible for the development of the broad State plan, whilst Local Governments are responsible for the development of their individual plans.</p> |
| State Council Resolution | <p>September 2024 – 080.4/2024 March 2015 – 9.1/2015 June 2008 – 377.3/2008 April 2008 – 354.2/2008 December 2007 – 307.6/2007 December 2005 – 0159.COM.6/2005</p> |
| Supporting Documents | <p>Submission on the Draft Objectives and Priorities for the Upcoming State Public Health Plan</p> |

3.2.2 Regional Health Services

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| Position Statement | The Association supports continuing to work with affected Local Governments and key stakeholders to identify and develop collaborative strategies. The Association supports continuing to advocate to the State Government to prioritise regional health and the regional health workforce. The Association supports developing a policy connection with the Australian Local Government Association as a pathway for advocating for stronger specialised regional health workforces. |
| Background | Local Governments have raised concerns with WALGA regarding the staffing arrangements (i.e. Doctors, Nurses) in regional areas. The shortage and/or lack of adequate staffing at remote nursing posts throughout Australia has been a problem for many years. WALGA has met with key stakeholders to discuss issues and opportunities on this particular issue. WALGA has surveyed Local Governments regarding regional health services and the issues identified include; attracting and retaining Doctors, Nurses and other health professionals in regional areas, travel distances required to access health services, access to health professionals in terms of availability and working hours, and limited aged services within certain regional areas. |
| State Council Resolution | September 2018 – 105.5/2018 October 2005 – 0111.COM.5/2005 |

3.2.3 Alcohol

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| Position Statement | The Association supports the Managing Alcohol in our Communities Guide which aims to promote a whole-of-organisation approach to local alcohol issues and support existing Local Government activities, responsibilities and processes to address alcohol-related issues within their communities. |
| Background | Local Government alcohol management action occurs alongside a comprehensive range of targeted and whole-of-population approaches aimed at preventing and reducing alcohol-related problems in Western Australia. The Guide is part of an ongoing collaborative Local Government Alcohol Project (LGAP) with the State Government since 2005 to provide Local Governments with evidence-based alcohol management options that could be applied based on local need and circumstances. |
| State Council Resolution | December 2018 – 142.7/2018 July 2015 – 79.4/2015 |

3.3 Citizenship

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| Position Statement | The Association supports those Local Governments who choose to confer citizenship on new citizens in accordance with the Australian Citizenship Ceremonies Code (2011) and advocates to the State and Commonwealth Government for additional resources where required to support growth area needs. |
| Background | <p>Citizenship ceremonies are seen as an important part of Council business. Local Government is generally considered to be the principal means of conferral of Australian citizenship in accordance with the Australian Citizenship Ceremonies Code (2011).</p> <p>Citizenship ceremonies provide councils with an opportunity to welcome new citizens as formal members of the Australian community and in particular as members of their local community.</p> |
| State Council Resolution | May 2014 – 34.2/2014 August 2009 – 551.4/2009 |
| Supporting Documents | Australian Citizenship Ceremonies Code (2011) |

3.4 Disability

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| Position Statement | The Local Government sector is committed to creating inclusive communities where people with disabilities have the same opportunities as other community members to access information, facilities and services provided by Council. |
| Background | <p>The Council of Australian Governments (COAG) is leading the national disability reform across Australia. The Association supports the National Insurance Disability Scheme.</p> <p>In Western Australia, the <i>Disability Services Act 1993</i> (amended in 2004) requires State and Local Government agencies to develop and implement Disability Access and Inclusion Plans (DAIPs). These plans benefit people with disability, the elderly, young parents and people from culturally and linguistically diverse backgrounds. DAIPs assist Local Government to plan and implement improvements to access and inclusion across seven outcome areas.</p> |

State Council Resolution July 2023 – 462.3/2023
July 2015 – 78.4/2015
March 2012 – 31.2/2012
October 2011 – 126.5/2011

Supporting Documents Count Me In: Disability Future Directions Plan

3.5 Crime Prevention

[retired September 2024 – State Council Resolution 080.4/2024]

3.6 Children and Young People

Position Statement The Local Government sector supports the development and well-being of children and young people through strategic partnerships and a combination of services and facility provision. The Association advocates that the State and Commonwealth should continue to invest in the wellbeing of young West Australians.

Background WALGA continues to advocate for the establishment of an Office of Early Childhood to address the lack of coordination and collaboration in early childhood services in Western Australia.

State Council Resolution July 2024 - 061.3/2024
December 2023 – 509.5/2023
July 2022 – 363.5/2022
December 2018 – 141.7/2018
March 2014 – 7.1/2014
March 2012 – 35.2/2012

Supporting Documents Submission to the Commissioner for Children and Young People Priority Area Discussion Papers

3.7 Investing in Communities

The Association supports Local Government initiatives and infrastructure that contribute to the health and wellbeing of the community.

3.7.1 Community Infrastructure

Position Statement The Association continues to advocate for better planning and support for community infrastructure and investment by the State, Commonwealth and private partners.

Background Equitable long term funding arrangements for maintenance and renewal of regional facilities are required to ensure that this infrastructure is sustainable.

This community infrastructure includes (but is not limited to):

- Community pools
- Sport and recreation facilities
- Community Resource Centres
- Visitor Servicing Centres
- Child Health Centres
- Community Centres
- Parks
- Playgrounds and skate parks
- Public libraries
- Arts and Cultural Centres

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| State Council Resolution | May 2018 – 38.2/2018 March 2014 – 17.1/2014 March 2014 – 16.1/2014 May 2014 – 36.2/2014 March 2013 – 176.1/2013 December 2012 – 141.6/2012 March 2012 – 36.2/2012 February 2011 – 20.1/2011 June 2010 – 62.3/2010 December 2009 – 611.6/2009 February 2008 – 329.1/2008 February 2007 – 165.1/2007 April 2007 – 194.2/2007 June 2005 – 0059.COM.3/2005 June 2006 – 064.COM.3/2006 |
| Supporting Documents | Swimming Pool Revitalisation Program Active Living WA Framework Department of Sport and Recreation Strategic Directions 5 CSRFF Fund |

3.7.2 Community Sporting and Recreation Facilities Fund

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| Position Statement | The Local Government sector advocates for the State Government to: <ol style="list-style-type: none">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; and2. increase the \$1 million per annum quarantined for female representation to at least \$2 million per annum. |
| Background | This was a member motion supported by members at the 2021 AGM, and later endorsed for action by State Council in December 2021. The WALGA President wrote to the Minister for Culture and the Arts; Sport and Tourism on 28 January 2022 to request |

an increase in CSRFF funding in line with the AGM resolution.

In his response on 3 March 2022 the Minister noted that: 'since the 2017 election of the McGowan Government, over \$320 million has been committed to community and regional level sport and recreation infrastructure through a variety of mechanisms, including CSRFF, the WA Recovery Plan, the Club Night Lights Program and election commitments.

The State Government fully supports the development of facilities which encourage female participation. While the quarantined allocation through CSRFF is \$1 million, I am happy to advise that, since inception, this has been exceeded and in the most recent CSRFF round, approximately \$4.93 million was allocated to projects that proposed to develop new or upgraded gender neutral changerooms to encourage female participation.'

State Council Resolution December 2022 – 294.7/2021

Supporting Documents WALGA AGM Minutes 2021

3.8 Public Libraries

- Position Statement
1. Western Australian Local Government public libraries provide valuable local cultural infrastructure, creating social and community hubs for community capacity building, recreation, education and literacy, digital inclusion, and social connection, cohesion and inclusion.
 2. WALGA supports the provision of Public Library services in Western Australia through a formal partnership between Local Government and the State Government of Western Australia, governed by the Library Board Act 1951, namely the State and Local Government Agreement for the Provision of Public Library Services in Western Australia (2020).
 3. The WA Public Libraries Strategy 2022-2026 provides a framework for a shared vision, strategic direction and collaborative action in the provision of a vibrant and sustainable 21st century public library network.
 4. It is essential that a sustainable funding model enables Local Governments to continue to deliver library services to support continued growth and adaptation to changing community needs.

Background

Through public libraries, Local Governments provide important, local level social and cultural infrastructure. Supported through a partnership between State and Local Government, public libraries play an essential role in

community capacity building and connection, literacy and skills development, social inclusion, facilitating digital inclusion, and supporting access to technology.

In 2021 there were more than 7 million in-person visits and 3 million online visits to public libraries. Western Australians borrowed more than 16 million books, electronic books, audiobooks, magazines, DVDs and other items to keep themselves educated, informed and entertained.

State Council Resolution July 2022 – 356.5/2022
May 2022 – 343.4/2022
May 2019 – 46.4/2019
September 2019 – 96.6/2019
July 2019 – 78.5/2019
July 2018 – 76.5/2018
May 2015 – 48.2/2015
May 2014 – 37.2/2014
December 2013 – 272.5/2013
March 2012 – 43.2/2012
March 2012 – 34.2/2012
October 2011 – 114.5/2011
October 2011 – 127.5/2011
June 2010 – 63.3/2012
December 2009 – 608.6/2009
December 2009 – 594.6/2009
October 2009 – 577.5/2009
August 2009 – 554.4/2009
April 2009 – 499.2/2009
October 2008 – 431.5/2008
June 2008 – 378.3/2008
April 2008 – 361.2/2008
October 2007 – 285.5/2007
August 2007 – 249.4/2007
June 2007 – 237.3/2007

Supporting Documents AEC Public Libraries 2025 Background Paper
State/Local Government Public Library Framework
Agreement for the provision of public library services in
Western Australia
Structural Reform of Public Libraries 2007
Exchange Report 2012

3.9 Tourism

Position Statement That State Government supports Local Government in the delivery of local tourism outcomes.

Background WALGA developed the *Local Government and Tourism Position and Recommendations paper*, which included the following for State Council endorsement:

That WALGA:

1. Continues to advocate for a Local Government tourism strategy to deliver local tourism outcomes;
2. In the short-medium term, advocates that the State Government:
 - a) Produces targeted communication and education for Local Government using existing Tourism WA data to demonstrate the value of tourism to local communities, Elected Members and Local Government officers;
 - b) Provides guidance for Local Government on marketing small projects including events and attractions;
 - c) Directs Regional Development Commissions to facilitate the coordination of tourism stakeholders to provide strategic support where required for Local Government; and
 - d) Provides funding to Local Government for tourist infrastructure.
3. In the long term, advocates that the State Government:
 - a) Articulates the lead agency and defines the roles of other agencies in tourism, to facilitate coordination and collaboration of tourism activities across the State and to enhance Local Government's understanding of tourism in WA;
 - b) Defines and communicates how it provides destination marketing support to Local Governments and communicates how Local Governments can most effectively direct their resources;
 - c) Develops a sustainable State Government tourism funding mechanism for both regional and metropolitan Local Governments which is clearly communicated to Local Governments;
 - d) Implements and invests in Regional Investment Blueprints and delivers through appropriate funding models such as Royalties for Regions and federal funding opportunities which are clearly communicated to Local Government;
 - e) Continues funding to support sustainability of visitor centres;

- f) Undertakes improvements to tourism-related infrastructure and technology including mobile signals and WIFI in regional areas; and
- g) Undertakes measures to reduce the cost and improve the scheduling and routes of regional air services.

State Council Resolution December 2017 – 128.6/2017
 March 2017 - 12.1/2017
 September 2015 – 100.6/2015
 December 2014 – 117.5/2014
 June 2009 – 533.5/2009
 March 2006 – 014.COM.1/2006
 March 2006 – 016.COM.1/2006
 March 2006 – 017.COM.1/2006

Supporting Documents The State Government Strategy for Tourism in Western Australia 2020
 Caravan Parks and Camping Grounds Act 1995
 Tourism and Role of Local Government Discussion Paper
 Western Australian Tourism Commission Act 1983
 Local Government and Tourism Discussion Paper, September 2015
 Local Government and Tourism - Position and Recommendations Paper, March 2017

3.10 Domestic Violence and Abuse

3.10.1 Family and Domestic Violence

- Position Statement
1. WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.
 2. WALGA advocates to the State Government:
 - a) to work with Local Government in defining the role and responsibilities and expectations of Local Governments in family and domestic violence.
 - b) for adequate funding for family and domestic violence programs and services, particularly in regional areas.
 - c) for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy.
 - d) to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government.

- e) To continue advocacy to the Commonwealth Government for additional funding and support.
3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.

Background

WALGA received two separate requests from the South West Country Zone in March 2019 and the East Metropolitan Zone in November 2019 to analyse the role of Local Governments in addressing family and domestic violence.

A discussion paper was prepared in response to the Zone requests which encompassed the roles of all three levels of Government and comparison across States and Territories as well as Local Government Associations.

The analysis in the discussion paper recommends that WALGA should strengthen advocacy efforts.

State Council Resolution

May 2022 – 343.4/2022
December 2020 – 144.6/2020

3.10.2 Child Safeguarding

Position Statement

1. Local Government supports:
 - a) the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse 2017, in particular Recommendation 6.12 which can be achieved by Local Government implementing and embedding child safeguarding across its functions with support from Governments at the national, state and territory levels; and
 - b) the ten National Principles for Child Safe Organisations (Australian Humans Rights Commission).
2. The State Government through an Independent Oversight Body should provide financial, resourcing and capacity building support to Local Governments to implement and embed child safeguarding across its functions, through the provision of:
 - a) supporting materials such as template policies, procedures and guidelines;
 - b) consistent key messaging and resources to promote and share in venues and facilities and online;
 - c) examples of best practice, including case studies;
 - d) self-assessment tools to assist Local Government;
 - e) ongoing training and skills development for Local Government staff, including online training options;

- f) funding for the delivery of the child safeguarding function within smaller, less well resourced (Band 3 and Band 4) Local Governments; and
 - g) expert officers within each region to provide support and guidance to Local Government on child safeguarding.
3. The Local Government sector supports Local Government participation in the State's National Redress Scheme, with full financial coverage by the State.

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| Background | Local Governments acknowledge the Royal Commission into Institutional Responses to Child Sexual Abuse 2017 and the role that they can play in child safeguarding at the local level. The National Principles for Child Safe Organisations provide the framework for implementing the Royal Commissions' recommendations and will become a legislative requirement in the future. Recommendation 6.12 identifies the role local governments can have in supporting community organisations to adopt the National Principles. |
| State Council Resolution | <p>July 2024 – 061.3/2024</p> <p>May 2023 – 440.2/2023</p> <p>March 2023 – 240.1/2023</p> <p>July 2022 – 363.5/2022</p> <p>March 2020 – 14.1/2020</p> <p>July 2019 – 66.5/2019</p> <p>December 2018 – 141.7/2018</p> <p>December 2018 – 153.7/2018</p> |
| Supporting Documents | <p>Child Safeguarding Advocacy Position Background Paper</p> <p>Child Safe Awareness Policy Document Template for Local Governments</p> <p>Submission to the Commissioner for Children and Young People Priority Area Discussion Papers</p> |

3.11 Homelessness

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| Position Statement | WALGA recognises that Local Government through its planning, health, community development and regulatory powers can facilitate positive local and regional responses to end homelessness, however does not see that it has a lead role. Rather, Local Government's role is one of a stakeholder that requires early engagement in the understanding of collaborative approaches that improve the quality of life for people experiencing homelessness in all of its manifestations. |
| State Council Resolution | July 2019 – 71.5/2019 |

3.12 Off Road Vehicles

Position Statement Legislation relating to off road vehicles should be reviewed to align registration and licensing of off road vehicles with other vehicle types and users.

In addition, educational resources should be developed in consultation with users, regulators, and vendors relating to safety, regulatory compliance and other associated matters.

Background

For decades the use of off-road vehicles (ORV) has raised concerns for Local Governments and their communities. In Western Australia and other jurisdictions in Australia the impacts of ORV use are well documented and centre primarily on community safety, environmental, economic and social impacts. Concerns have historically been discussed in context of trail bike use, however the definition of an ORV extends to quad bikes, beach buggies and other vehicles, including road licensed vehicles such as four wheel drives when used in off-road locations, especially in coastal regions.

State Council Resolution

December 2018 – 138.7/2019

3.12.1 State Trail Bike Strategy

[retired July 2024 – State Council Resolution 059.3/2024]

4. Environment

Key issues associated with the natural environment and waste and recycling, including climate change, biosecurity, water resource management, biodiversity conservation, waste management, recycling and landfill reduction.

4.1 Climate Change

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| Position Statement | <p>Local Government acknowledges:</p> <ol style="list-style-type: none">1. The science is clear: climate change is occurring and greenhouse gas emissions from human activities are the dominant cause.2. Climate change threatens human societies and the Earth's ecosystems.3. Urgent action is required to reduce emissions, and to adapt to the impacts from climate change that are now unavoidable.4. A failure to adequately address this climate change emergency places an unacceptable burden on future generations. <p>Local Government is committed to addressing climate change.</p> <p>Local Government is calling for:</p> <ol style="list-style-type: none">1. Strong climate change action, leadership and coordination at all levels of government.2. Effective and adequately funded Commonwealth and State Government climate change policies and programs. |
| State Council Resolution | <p>April 2024 – 238.FM/2024 July 2019 – 79.5/2019 July 2018 – 72.5/2018 May 2018 – 41.2/2018 December 2017 – 131.6/2017 June 2009 – 521.3/2009</p> |
| Supporting Documents | <p>Policy Statement on Climate Change 2018 Interim Submission on the Climate Change Authority's Review of the Carbon Farming Initiative Legislation and the Emissions Reduction Fund Submission on the Emissions Reduction Fund Safeguard Mechanism Submission on the Emergency Management Sector Adaptation Plan</p> |

4.2 Natural Resource Management

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| Position Statement | <p>Local Government:</p> <ul style="list-style-type: none">• defines sustainable natural resource management (NRM) as increasing the environment's capacity to respond to extreme natural events• recognises that degradation of natural resources on land managed by Local Government is a serious threat to community lifestyle, livelihoods, health and well-being• committed to fostering partnerships with stakeholders, including other Local Governments, to deliver sustainable NRM• asserts that a clear framework for NRM in Western Australia must be developed to specify stakeholder roles and responsibilities• supports genuine consultation with the State and Commonwealth Governments and is committed to participating in NRM decision making• supports innovation to achieve sustainable NRM• is committed to enhancing and applying its statutory powers, using a partnership approach, to address NRM priorities at a local, regional, and state level |
| State Council Resolution | <p>May 2018 - 40.2/2018 March 2018 - 14.1/2018 February 2009 - 484.1/2009</p> |
| Supporting Documents | <p>Policy Statement on Natural Resource Management Interim Submission on 'Australia's Strategy for Nature 2018 - 2030: Australia's Biodiversity Conservation Strategy and Action Inventory Interim Submission - Proposed listing of the 'Tuart Woodlands and Forests of the Swan Coastal Plain' as a Threatened Ecological Community</p> |

4.3 Clearing Permits and Water Licenses and Permits

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| Position Statement | <p>The Local Government sector opposes increased cost recovery for Local Government clearing permits and water licenses and permits by the Department of Water and Environmental Regulation.</p> |
| Background | <p>Clearing of Native Vegetation Western Australian Local Governments represent a significant proportion of all clearing permit applications, second only to the State Government.</p> <p>Local Governments do not derive a private benefit from the clearing they undertake. Clearing of native vegetation by</p> |

Local Governments is undertaken for purposes that benefit their local, and in many cases the broader, community. The purposes for which Local Governments submit applications to clear native vegetation are also generally non-discretionary. For example, Local Governments are obligated to maintain and ensure that local roads are safe for public use.

WALGA agrees in principle that the cost of regulatory activities should be borne by those who benefit most from the service, however in this case it does not agree that Local Governments should be subject to cost recovery for clearing permit applications. Rather WALGA considers the incidence of this cost is already being borne appropriately by Western Australians through general taxation (as is also the case for State Government agencies).

Water allocations and permits

The overwhelming majority of water resource consumption by Local Governments is in relation to the irrigation of public open space, whilst some permits are required. Local Governments do not derive a private benefit from the provision of water to irrigate public open space (POS). Water resource management by Local Governments is undertaken for purposes that benefit their local, and in many cases the broader, community (for example at regional level sporting facilities).

WALGA asserts that Local Government use of water allocations is strictly for the public good (the irrigation of public open space), and therefore given the benefits are accrued to the general public, and not an individual Local Government, that Local Government be exempt from any cost recovery regime.

WALGA contends that regulatory approaches must support contemporary water legislation and that therefore that any regulatory reforms should occur after the State Government has determined and delivered on contemporary water legislation.

State Council Resolution December 2018 – 135.7/2019

4.4 Post Border Biosecurity

Position Statement Western Australia's economy, environment and the community are facing increasing challenges posed by already established and new pests, weeds and diseases.

Local Government has a significant role in biosecurity management, as land managers and regulators, and

therefore has an interest in ensuring that Western Australia's biosecurity system, including control of declared pests, is effective and appropriately resourced.

WALGA considers significant changes to the operation of the State's biosecurity system, including the Biosecurity and Agriculture Management Act 2007, are required to ensure these risks can be managed now and into the future.

To be effective the Western Australian biosecurity system must:

1. Take a transparent approach to the notion of 'shared responsibility' by ensuring that:
 - a) The respective roles and responsibilities of Commonwealth, State and Local Government, industry, landholders, community groups and individuals are agreed and clearly articulated; and
 - b) There is improved pest management on State Government managed land and a formalised structure for State Government agencies with responsibilities for biosecurity management to work together and coordinate their activities.
2. Be underpinned by a strategic framework, developed in collaboration with stakeholders, that:
 - a) Establishes priorities for biosecurity threats in geographically defined regions, sets measurable targets and guides investment in biosecurity activities; and
 - b) Is regularly evaluated and reported on.
3. Have a greater focus on environmental biosecurity, through the increased recognition and management of pest species that have significant ecological impacts.
4. Be adequately, sustainably and equitably funded:
 - a) The appropriateness and effectiveness of the Declared Pest Rate (DPR) and Recognised Biosecurity Group (RBG) model as key mechanisms for the management of widespread and established declared pests should be reviewed and alternate mechanisms considered;
 - b) Increased and more equitable distribution of funding for every step in the biosecurity continuum and adequate resourcing for all stakeholders, including Local Government; and
 - c) The provision of funding for declared pest management in metropolitan areas.
5. Ensure that the criteria and process for listing of declared pests is evidence-based, timely and transparent.
6. Have an increased emphasis on compliance through education and enforcement activity, to ensure land

- managers are aware of their legislative responsibilities and are supported to implement biosecurity actions.
7. Facilitate the use of new technologies, strategic monitoring, and the establishment of data management systems to inform biosecurity investment decisions and support adaptive management.
 8. Improve the community's understanding, awareness and action in relation to biosecurity to assist with threat surveillance and timely response to incursions.

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| Background | This Position Statement has been developed to provide an ongoing basis for the Association's advocacy in relation to biosecurity and assist with input into the Review of the <i>Biosecurity and Agricultural Management Act 2007</i> (BAM Act). The BAM Act review provides an opportunity to address many of the concerns raised by Local Government and through the various Auditor Generals reports. |
| State Council Resolution | July 2023 - 226.FM/2023 December 2022 – 396.8/2022 March 2017 – 14.1/2017 July 2015 – 70.4/2015 January 2006 – 023.ENV.1/2006 January 2006 – 046.ENV.2/2006 |
| Supporting Documents | Biosecurity Discussion Paper Post Border Biosecurity Policy Position and Recommendations to the State Government Local Government Biosecurity Issues and Opportunities Paper Submission to the Draft State Biosecurity Strategy |

4.5 Urban Forest

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| Position Statement | To promote the growth of Western Australia's urban forest the State Government should: <ol style="list-style-type: none"> 1. Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives. 2. Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes. 3. In consultation with Local Government: <ol style="list-style-type: none"> a) Develop a state-wide Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including: <ol style="list-style-type: none"> i. a minimum tree canopy target of 30% by 2040 for the Perth and Peel regions, |
|--------------------|--|

- ii. robust and contemporary data to inform decision making,
 - iii. funding mechanisms to support growth in urban canopy.
- b) Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:
- i. an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development,
 - ii. incentivising the provision and retention of trees on private property within the state planning framework,
 - iii. prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities,
 - iv. consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.
4. Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.

Background

Declining tree canopy across Western Australia is an issue of concern for the community and has garnered significant attention in recent years, resulting in policy changes at both the State and Local Government level to retain and enhance this vital community and environmental asset.

Trees and other vegetation provide significant social, economic, and environmental benefits to the community. The retention and growth of a healthy, resilient and diverse urban forest is a shared responsibility across State and Local Governments, landowners, industry and the community. In most urban areas across Western Australia there has been a decline in canopy cover, largely due to clearing of land for development at the urban fringe and intensification of development in existing suburbs through infill.

This cumulative loss is impacting urban amenity, liveability and social surrounds, contributing to biodiversity and habitat loss and increasing urban heat, all of which are being further exacerbated by climate change. Local Governments recognise the importance of maintaining urban canopy across their suburbs and are taking action to

reduce further loss and encourage growth on public and private land.

State Council Resolution July 2024 – 061.3/2024
August – 232.FM/2023
July 2023 – 460.3/2023
July 2022 – 363.5/2022
March 2017 – 13.1/2017

Supporting Documents Submission on the Perth and Peel Urban Greening Strategy

4.6 Review of the Environmental Regulations for Mining

Position Statement The Local Government sector supports:

1. a review of the *Mining Act 1978* 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; and
2. abandoned mines in regional WA receiving a priority action plan with programs developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation program, with funding allocated for diversification projects for support beyond mine life across WA.

Background This was a member motion supported by members at the 2021 AGM, and later endorsed for action by State Council in December 2021.

State Council Resolution December 2021 – 294.7/2021

Supporting Documents WALGA AGM Minutes 2021

4.7 Polyphagous Shot-Hole Borer

Position Statement The Local Government sector:

1. recognises the significant threat the Polyphagous shot-hole borer (PSHB) represents to the growth and retention of urban forests;
2. recognises the importance of shared surveillance by government, industry and community to assist with eradication efforts; and
3. advocates for State Government funding for trees lost due to PSHB and to ameliorate the long term urban canopy impact.

Background

The Polyphagous shot-hole borer (PSHB) is an exotic wood-boring beetle native to Southeast Asia that was first detected in East Fremantle in September 2021.

PSHB attacks trees by tunnelling into trunks, stems and branches. It has a symbiotic relationship with a fungus that kills vascular tissue causing dieback and tree death.

The establishment of the PSHB in Western Australia would have a significant impact on the urban tree canopy and certain industries.

The Department of Primary Industries and Regional Development (DPIRD) has been implementing a nationally coordinated response plan to achieve eradication of the PSHB and a Quarantine Area is in place covering 25 Local Government areas.

The only current effective method to stop PSHB spread and save healthy trees is pruning or removal of infested trees.

WALGA has been working closely with DPIRD to keep the sector informed of the PSHB response.

State Council Resolution

March 2024 – 003.1/2024

5. Infrastructure

Key issues associated with roads, road funding, cycling infrastructure and policy, pedestrian facilities, air services and airports and road safety.

5.1 Land Freight

5.1.1 Freight on rail

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| Position Statement | The Local Government sector supports keeping grain freight (Tier 3) rail lines open. |
| Background | Up to 1,000km of grain freight rail lines in the State's agricultural region face the threat of closure. Rail closure has the potential to shift the grain freight task from rail to roads, leading to increased heavy haulage vehicles on the road network and the potential compromise of road safety. WALGA supports keeping the central wheatbelt Tier 3 rail lines open. |
| State Council Resolution | September 2012 – 107.5/2012 April 2011 – 40.2/2011 April 2010 – 34.2/2010 August 2009 – 549.4/2009 August 2007 – 247.4/2007 |

5.1.2 Recovery of heavy vehicle costs

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| Position Statement | The Local Government sector supports the recovery of costs to upgrade and maintain local roads to meet the increased grain freight task if the grain freight rail is closed. |
| Background | Most Local Governments, particularly those outside of the major urban areas, do not have sufficient money to allocate to the maintenance and renewal of the local road network to maintain the asset in its current condition. The gap between actual expenditure and that required to maintain the asset has grown over time. This is partly due to increasing expenditure on capital upgrade and expansion of the road network to meet the growing transport task and partly because the cost of maintaining the road network is increasing at a faster rate than road funding. There is also extensive utilisation of concessional mass loading arrangements, enabling transport operators to utilise greater axle weights. Local Government should have access to the revenue generated from heavy vehicle pricing. |

State Council Resolution September 2012 – 107.5/2012
March 2012 – 42.2/2012
April 2011 – 40.2/2011
February 2011 – 17.1/2011
April 2010 – 34.2/2010
October 2008 – 432.5/2008
August 2007 – 247.4/2007
December 2006 – 144.6/2006

5.1.3 Defined heavy vehicle network

Position Statement The Local Government sector supports a defined network of preferred routes for heavy vehicles.

Background In response to the findings of the Strategic Grain Network Review Report the Local Government Grain Infrastructure Group engaged with individuals and groups of Local Governments to determine their preferred heavy vehicle routes. A map was developed highlighting these strategic routes.

State Council Resolution March 2022 – 325.2/2022
April 2011 – 40.2/2011
February 2011 – 17.1/2011
December 2010 – 138.6/2010

5.1.4 Concessional Mass Loading

Position Statement The Local Government sector support the enabling of a concessional mass loading scheme of up to 10 percent for grain, from paddock to grain receival points, with penalties for non-compliance in order to support rural agricultural communities.

Background A mass concessional loading scheme for grain will accelerate damage to the road network; and Feedback was sought from Local Government on their support for a mass concessional loading scheme for grain.

State Council Resolution March 2022 – 325.2/2022
October 2008 – 432.5/2008

5.1.5 Performance Based Standards (PBS)

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| Position Statement | The Local Government sector supports Main Roads WA's application of national agreed Performance Based Standards and route classification based on the existing Restricted Access Vehicles network assessment. |
| Background | Main Road WA Heavy Vehicle Operations Branch implements Performance Based Standards for restricted access vehicles. PBS means that a vehicle which meets, or betters all of the criteria of a comparable truck or permit heavy vehicle, should be allowed the same access to the road network as the comparable truck. Main Roads WA is responsible to assess performance based vehicles for how they actually perform on the road network, including stability, safety, road wear and bridge loading. |
| State Council Resolution | March 2022 – 325.2/2022 December 2008 – 462.6/2008 |

5.1.6 Heavy Vehicle Road User Pricing

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| Position Statement | The Local Government sector supports heavy vehicle road user pricing which is efficiently simple, generates a sustainable funding stream to maintain service standards of the road network and provides incentives for road transport operators to utilise the lowest cost supply chain. |
| Background | <p>The Council of Australian Governments (COAG) established the COAG Road Reform Plan (CRRP) in 2007, with the objective of bringing about more efficient investment in, and use of land transport infrastructure to meet the growing freight task and to maximize economic growth. CRRP have identified three priority areas for road reform:</p> <ul style="list-style-type: none">• Pricing, to provide incentives to heavy vehicle operators to use the road network more efficiently;• Funding, to overcome the 'disconnect' between heavy vehicle road charges and future road spending; and• Incentives to the arrangements for provision of road infrastructure so as to provide infrastructure services more efficiently. <p>WALGA prepared a submission on the COAG Road Reform Plan Feasibility Study and Local Government Consultation Paper. This submission identifies that from a Western Australian Local Government perspective any proposed reforms to heavy vehicle road user charges should be:</p> <ul style="list-style-type: none">• efficiently simple, ensuring that the cost of increased complexity above a fuel based system does not outweigh the benefits; |

- generate a sustainable funding stream commensurate with the funding needs of the road network required to meet the efficient service standards of the transport industry;
- provide incentives for road transport operators to utilise the lowest cost supply chain, which may not be the lowest price option where public subsidies and externalities are not considered;
- ensure competitive neutrality between transport modes (road and rail);
- address the impacts on communities and industries if and where a move to road user charging based on marginal cost recovery leads to major freight price adjustments; and
- provide tools and resources for Local Government to determine appropriate service standards and plan to maximise return on investment.

State Council Resolution March 2022 – 325.2/2022
 September 2013 – 249.4/2013
 June 2011 – 65.3/2011

Supporting Documents National Heavy Vehicle Road User Pricing and Road
 Funding Reform Interim Submission

5.1.7 National Freight and Supply Chain Priorities

Position Statement The Local Government sector supports:

1. The development of a National Freight and Supply Chain Strategy highlighting the importance of the “first and last mile” for an efficient supply chain and the support required by Local Governments to enable the benefits from investments in other parts of the freight supply chain to be realised.
2. The Federal and State Government investing in the completion of the planning and commencement of construction of the “Orange Route” from Roe Highway to Northam as part of the Perth-Adelaide National Highway to improve the safety and access for Heavy Vehicles entering the Perth Metropolitan area from the Wheatbelt and as the major access to freight from the Eastern States.
3. The Federal Government should support the development and acceptance of project evaluation methods that enable the effective consideration of investments in the first and last mile of distributed supply chains.
4. The Federal Government should work with State agencies and industry to require the provision of basic spatial information about the movement of all heavy vehicles on the road network and this information be

- available in aggregate to road managers to support effective investment and maintenance planning.
5. Funding provided to upgrade Local Government roads to accommodate freight tasks should include provision for funding maintenance and renewal of those assets.
 6. The Federal Government work with State Governments and industry to develop funding models that better align the beneficiaries of investments in freight infrastructure with those bearing the capital and on-going costs.
 7. That where new freight corridors are planned, reservations include sufficient buffers to manage anticipated noise, vibration and other impacts.
 8. That Local Governments be supported in their efforts to address the existing issues arising from noise, vibration and other external impacts from freight operations.
 9. That Federal and State regulations and policy encourage freight operators to invest in equipment that provides quieter and safer operations with less environmental impact.
 10. That Federal and State regulations and policy encourage freight operations to occur in such a way as the external impacts are minimised to the extent that is reasonably practicable.
 11. That the on-going evolution of road user charging arrangements associated with defined freight tasks be supported.
 12. That Governments work with industry to better understand the impact of movement of basic raw materials in urban and peri-urban environments and work to ensure that this supply chain operates efficiently including consideration of externalities such as noise, dust and safety of all road users.
 13. That the Federal Government invest in national systems for the capture and depersonalised sharing of data on the movement of freight vehicles captured from in-cab geo-locating equipment.
 14. That the Federal Government invest in planning and the development of a business case for the development of the secondary freight network in the southern half of Western Australia.
 15. That the Federal Government engage and invest in planning for the development of the Outer Harbour and associated freight infrastructure as the long term freight hub for Western Australia.

Background

The Federal Government conducted an inquiry into National Freight and Supply Chain Priorities to inform the development of a national freight and supply chain strategy. Almost every freight task starts and/or finishes on a road managed by a Local Government, even where the journey involves rail, sea or air freight. As this is a highly

distributed task, analysis of supply chains and investment decisions must specifically focus on this “first and last mile” so that the benefits of investments elsewhere in the supply chain, particularly on major highways, are actually realized. This requires more comprehensive information about actual and projected freight movements, including capturing and utilizing data from in-cab monitoring equipment. The current use of traffic counting equipment provides limited information particularly for seasonal and dispersed freight tasks.

State Council Resolution March 2022 – 325.2/2022
September 2017 - 99.9/2017

Supporting Documents Interim Submission to National Freight and Supply Chain
Priorities Inquiry

5.1.8 Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads

Position Statement The Local Government sector supports the Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads to assist Local Governments implement their own policies to recover costs associated with unforeseen heavy vehicle transport tasks.

Background WA Local Governments face significant cost from road wear as a consequence of unforeseen heavy vehicle traffic triggered by projects, typically in the resources industry. In 2015, WALGA produced a User Guide for estimating the incremental cost impact on sealed local roads from additional freight tasks. Local Governments have requested that WALGA produce a model policy framework for recovering costs associated with unforeseen heavy vehicle transport tasks. The policy covers statutory powers, charging triggers, calculating the charge, negotiation, management of collected charges and guidance for compiling an agreement with the proponent.

State Council Resolution March 2022 – 325.2/2022
July 2017 - 61.7/2017

Supporting Documents Heavy Vehicle Cost Recovery Policy Guideline for Sealed
Roads

5.1.9 Assessing Applications to Operate Restricted Access Vehicles on Local Government Roads

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| Position Statement | The Local Government sector supports the 'Policy for Assessing Applications to Operate Restricted Access Vehicles on Local Government Roads' as a model policy for Local Government. |
| Background | <p>Restricted Access Vehicle (RAV) is a vehicle that exceeds a statutory mass or dimension limit as prescribed in the Road Traffic (Vehicles) Regulations 2014. RAVs can only operate on roads approved by Main Roads WA. Operators may apply to Main Roads WA to add or amend a RAV route.</p> <p>It is Main Roads WA policy to refer applications to Local Governments for preliminary assessment. Some Local Governments have voiced concern that they are unsure how to assess an application. The objective of this policy is to provide a consistent and rational process for Local Governments when assessing an application to add or amend a road on the RAV network. The policy will assist in the development of a sustainable road network that balances the needs of the community and the provision of an efficient freight network to support economic activity and development.</p> |
| State Council Resolution | March 2022 – 325.2/2022 December 2017 - 129.6/2017 |
| Supporting Documents | Policy for Assessing Applications to Operate Restricted Access Vehicles on Local Government Roads. |

5.1.10 Review of the Western Australian Rail Access Regime

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| Position Statement | <p>The Local Government sector supports the need:</p> <ol style="list-style-type: none">1. for a formal mechanism to enable State Government involvement in negotiations between an access seeker and the railway manager;2. to align the obligations of the railway lease agreement with the intent of the access regime;3. for the regime to facilitate efficient investment in maintaining the existing network; and4. for information flow from the rail manager concerning the state of the network and planned investment in maintenance and renewal. |
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| Background | The Department of Treasury is undertaking a review of the Western Australian Rail Access Regime. The Rail Access Regime is intended to encourage efficient use of, and investment in railway facilities by facilitating a contestable market for rail operations. An efficient freight rail regime is vital to the competitiveness of many export oriented industries in regional Western Australia and in minimizing the negative impacts of heavy freight vehicles on Local Government roads. |
| State Council Resolution | March 2022 – 325.2/2022 December 2017 - 130.6/2017 |
| Supporting Documents | Interim Submission to the Review of the Western Australian Rail Access Regime |

5.1.11 Restricted Vehicle Operating Condition CA07 Letter of Approval

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| Position Statement | <p>Local Government sector:</p> <ol style="list-style-type: none"> 1. Opposes the withdrawal of the “Letter of Approval” Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed by Main Roads WA. 2. Supports the position that Local Governments not use provision of the Letter of Approval to charge transport operators to access the Restricted Access Vehicle network. 3. Supports the development of standard administrative procedures including fees and letter formats. 4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage as determined by the Local Government. 5. Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting and redirected into the cost of road maintenance. |
| State Council Resolution | March 2022 – 325.2/2022 December 2018 – 132.7/2018 |

5.2 Roads and Road Safety

5.2.1 Environmental Protection Act – Impact on Road Reserves

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| Position Statement | The Local Government sector supports continued advocacy to minimise the impact on road reserves and in regards to Regulations, processing times, access to vegetation data and a Code of Practice on maintenance activities. |
| Background | The passage of the <i>Environmental Protection Act Amendment Bill 2003</i> has been previously reported on in relation to the environmental impact of the legislation. Concerns were subsequently raised by Local Governments regarding the requirement for Councils to prepare and submit vegetation management plans and obtain permits for construction and maintenance activities within road reserves. A number of issues to minimise the impact of the regulations on road managers on behalf of Local Governments were pursued by the Association. The Regulations for Part 9 of the <i>Environment Protection Act Amendment Bill 2003</i> have now been gazetted. |
| State Council Resolution | August 2004 – ENV305/DJT |

5.2.2 Land Clearing in Road Reserves

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| Position Statement | The Local Government sector supports Schedule 2 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 as a permanent exemption for the maintenance of existing transport corridors and supports the continued advocacy for improvements to processing and timelines of the current clearing legislation. |
| Background | Schedule 2 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 providing an exemption from permits for clearing for the maintenance of existing transport corridors was due to expire on 7 July 2006. The Association worked with the Maintenance of Existing Transport Corridors Working Group to have Schedule 2 become a permanent exemption. |
| State Council Resolution | June 2006 – 079.TRN.3/2006 |

5.2.3 Speed Management Reform

Position Statement

1. That WALGA supports Local Governments wishing to manage travel speeds, including speed limit changes, as a means of achieving the many health, social and environmental benefits for communities.
2. That Main Roads WA (MRWA) retain the overarching authority for speed limit setting/zoning.
3. That Main Roads WA speed zoning policies and processes be reformed so that Local Governments are more influential in the determination of speed limit decreases or increases for local roads.
 - a) This will include applications that are deemed to be approved when the application:
 - i. is based on assessments by competent Local Government practitioners,
 - ii. contains evidence-based identification of the benefits,
 - iii. contains preliminary designs for infrastructure safety upgrades associated with applications to increase speed limits, and
 - iv. includes an engagement strategy for managing community and stakeholder expectations.
 - b) Allows for Main Roads WA to decline an application, within a mutually agreed timeframe, on the basis that it:
 - i. does not meet the above criteria, and
 - ii. provides specific evidence for declining the application.
4. That WALGA seeks to work with Main Roads WA and other stakeholders, to develop a speed management guide for Local Governments.

Background

Speed management is an important tool for Local Governments to prevent road trauma, improve traffic flows, reduce noise and air pollution, encourage active travel, and decrease the climate change impacts of road transport. The setting of speed limits is a key element of any effective speed management strategy.

Currently, Local Governments must apply to Main Roads WA to have speed zones changed. Feedback from Members in response to a Discussion Paper by WALGA indicates support for Local Governments to be better positioned to influence speed management policy and practice.

The overarching premise of this advocacy position is that Local Governments are in a better position than Main Roads WA to understand the complex mix of community needs and the unique local circumstances that are

important in determining speed limits on lower volume local roads.

State Council Resolution May 2023 – 442.2/2023
March 2022 – 325.2/2022
June 2005 – 0072.TRN.3/2005

Supporting Documents Local Government Principles for Speed Management
Reform Discussion Paper

5.2.4 Seat Belt Legislation

[retired September 2024 – State Council Resolution 079.4/2024]

5.2.5 The Role of Local Government in the Future Management of Warden Controlled Children’s Crossings

Position Statement That WALGA:

1. Through its representation on the Children’s Crossings and Road Safety Committee of the WA Police Force:
 - a) Oppose any recommendation by the Children’s Crossings and Road Safety Committee to the Minister of Police that the moratorium on removing Children’s Crossings be lifted.
 - b) Support finding alternative methods to alleviating the lack of Traffic Wardens which may, amongst other measures, include advocating:
 - c) That income from serving as a Traffic Warden is exempt from income tax, and the income test for pension eligibility, to make the job more attractive.
 - (i) For an increase in the pay of Traffic Wardens.
 - (ii) Removing the requirement to live within a specified distance of the crossing.
 - (iii) For providing funding to support the training of volunteer Traffic Wardens.
 - (iv) Support consideration of the conversion of Children’s Crossings on roads 60 km/h and above to fixed, mid-block, pedestrian priority, signalised crossings, reducing the need for Traffic Wardens.
2. Advocate for funding to create safe active travel routes within a 1500m radius of schools.

Background On 16 October 2008 the then Minister for Police, Emergency Services, and Road Safety (the Minister) Hon Rob Johnson MLA met with WALGA President, Deputy President and Senior staff members. The Minister invited WA Local Governments to consider what role they could play in the future management of warden-controlled children crossings throughout Western Australia. The Minister assured WALGA that funding would be provided should responsibility for children’s crossings be transferred

to Local Government. Feedback was sought from WA Local Governments on what is an appropriate role for Local Government in the future management of warden-controlled children's crossings throughout Western Australia.

State Council Resolution September 2022 – 387.7/2022
March 2022 – 325.2/2022
February 2009 – 481.1/2009

5.2.6 **Speed Enforcement**

Position Statement The Local Government sector supports the provision of monthly vehicle travel speed data to WA Police to inform road policing strategies.

Background On behalf of WALGA, the Curtin-Monash Accident Research Centre undertook a feasibility study to determine the current and future role of Local Government in the enforcement of speed limits and the broader relationship between Local Government and other speed management and enforcement stakeholders. After extensive consultation with the Local Government sector and road safety stakeholders, a model was supported to form a partnership to formally transfer monthly travel speed data from Local Governments to the WA Police to inform road policing strategies. The partnership will have resource implications for Local Government relating to either maintaining or expanding vehicle traffic count data programs, and committing to other obligations associated with the partnership. There is no obligation for a Local Government to participate in the partnership.

State Council Resolution March 2022 – 325.2/2022
October 2011 – 113.5/2011

Supporting Documents Local Government Enhanced Speed Enforcement Management Project – Executive Summary, Final Report (RR 10-002)

5.2.7 **Road Safety Strategy (Imagine Zero)**

Position Statement The Local Government sector supports:

- the development and adoption of a new road safety strategy for Western Australia, to direct and focus effective road safety activities beyond 2020,
- the safe system approach as the framework for the next road safety strategy,
- the long-term vision of zero deaths and serious injuries,

- the retention of WA's Default Open Speed Limit at 110km per hour and opposes the proposed reduction to 100km per hour,
- the continuation of enforcement, school and community education, promotion and community participation activity to support compliant and safe road user behaviour along with the following recommendations:
 1. That the Road Safety Council establish a mechanism to ensure that implementation is managed and coordinated, in a collaborative manner, at operational level.
 2. That the new strategy and above mechanism is developed to embrace and empower a broader multi-sectoral effort, where all contributors are respected as partners and the contributions of all are valued.
 3. To better understand the failures in implementation and enhance accountability, work should be done to define and seek to engage all players in the design, operation, maintenance and upgrades (system designers) to the road transport system. This exercise might also aim to clarify capacity and capability to better understand how to bridge implementation gaps.
 4. That as a matter of urgency the Road Safety Council initiate the development of a comprehensive speed reform plan. That the speed reform plan be designed, to meet the various needs of metropolitan, rural and remote Western Australian communities, with the aim of improving liveability, amenity and safety.
 5. That a speed reform plan incorporates:
 - a) measures to ensure that Local Governments are consulted in the process of changing speed limits on the local road network, and
 - b) processes to reduce the barriers and red tape for Local Governments seeking lower speed limits in targeted locations on local urban roads.
 6. That the Road Safety Council initiate work to investigate and facilitate systematic assessments and star ratings for the WA road network.
 7. That the Road Safety Council considers establishing a program that encourages and supports the development of innovative, low cost solutions that can be applied as mass action treatments to progressively work towards the zero vision.
 8. That the Road Safety Council consider supporting overt police patrols in regional areas to improve compliance through general deterrence.
 9. That WALGA calls on the Road Safety Council to make recommendations to the Minister responsible for road safety, to direct any additional revenue generated from speed limit changes to safety-focused road infrastructure improvements. Further that Local Government managed roads be eligible for such

- funding to avoid a growing gap in safety performance, on the roads used by the community, on every trip.
10. That the new draft road safety strategy includes, at a minimum, targets to meet the Global Road Safety Performance Targets.
 11. That the Road Safety Council explores mechanisms to quantify, understand and address the gaps in safety performance and standards as well as the capability and capacity of system designers to respond.
 12. That the Road Safety Council considers enhancing the dissemination of research, data and other information more broadly to system designers to encourage and enable others (beyond the Road Safety Council membership and government agencies) to set targets, towards zero, relevant to their context, challenges and gaps.

Background

Road crashes continue to be a significant contributor to premature death and disability in Western Australia (WA). In 2018, 159 people died and around 2,000 people were seriously injured in road crashes. Following only the Northern Territory (at 16.19 per 100,000 population), WA has the second highest fatality rate (6.25/100,000) in Australia. This compares with the best performing state, Victoria with the lowest rate of 4.11 per 100,000 and the Australian rate 4.78 per 100,000.

History shows that planned activity has delivered road safety improvement, resulting in a downward trend, from 35.40 deaths per 100,000 (the highest recorded) in 1970 to 6.25 in 2019. During the life of the Towards Zero strategy there has been a 31% reduction in the number of people killed and seriously injured compared to baseline.

Local Governments manage 87% of the public road network in WA. The risk of being killed or seriously injured is 1.5 times higher on a local road than on a State Government managed road (highway).

State Council Resolution

March 2022 – 325.2/2022
September 2019 – 99.6/2019

5.2.8 Towards Zero Road Safety Strategy 2008-2020

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| Position Statement | <p>The Association supports the Towards Zero Road Safety Strategy 2008-2020 with respect to:</p> <ol style="list-style-type: none">1. Safe road use (behaviour);2. Safe roads and roadsides, subject to the allocation of resources to support the delivery of these initiatives on the local road network;3. Safe speeds – the Association opposes the introduction of blanket speed reductions and supports targeted speed reductions for road safety, in consultation with Local Governments;4. Safe vehicles; and5. Additional research and evaluation projects for each of the above. |
| Background | <p>The road safety strategy was titled Towards Zero to reflect the long-term vision of the Road Safety Council – a road system where death and serious injury are virtually eliminated.</p> <p>The new strategy is designed to progress towards this vision through the application of the Safe System approach that has proven effective in the best performing nations (Netherlands, Sweden and the United Kingdom). A Safe System benefits all road users and has four essential elements:</p> <ol style="list-style-type: none">1. Safe road use (behaviour)2. Safe roads and roadsides3. Safe speeds4. Safe vehicles. <p>The Safe System approach is based on the following principles:</p> <ul style="list-style-type: none">• The limits of human performance. One half of all road crashes are the result of people making a mistake. We all make mistakes and we all need to acknowledge the limits of our capabilities.• The physical limits of human tolerance to violent forces. We are physically vulnerable when involved in a traffic crash.• Shared responsibility. This means all of us take an individual and shared role in road safety.• A forgiving road system so that when crashes do happen, deaths can be avoided and injuries minimized. |
| State Council Resolution | April 2008 – 356.2/2008 |

5.2.9 Review of the Administrative Road Classification Methodology

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| Position Statement | <p>The Local Government sector supports the revised Administrative Road Classification methodology used to designate whether a metropolitan road should be managed by Main Roads WA or Local Governments. WALGA also supports quicker implementation of the Administrative Classification by Main Roads WA.</p> |
| Background | <p>The Administrative Road Classification methodology is used to guide determination of whether a road is managed by Main Roads or Local Governments in accordance with the provisions of the <i>Main Roads Act 1930</i>.</p> <p>Main Roads formed a working group with WALGA and Local Government representatives in 2015 to review the existing methodology for roads in the metropolitan area only. The working group agreed on a revised methodology based on a two tier process including planning and operational criteria.</p> <p>The revised methodology was noted and approved by senior Main Roads staff and by the Minister for Transport; Planning; Lands. The revised methodology was released for feedback from Local Governments in November 2017 and the feedback was supportive of the methodology. A preliminary desktop assessment of the methodology indicates that approximately 26 metropolitan roads could meet the criteria for reclassification. It is envisaged that the potential reclassifications would be phased over a number of years.</p> <p>The methodology for regional roads was developed by Main Roads WA in consultation with WALGA and Main Roads WA's Regional Managers and Regional Asset Managers. Consultation was undertaken with all Regional Road Groups which were largely supportive. Regional Roads Groups have been requested by Main Roads WA to submit roads that are Significant Local Government Roads for assessment using the proposed methodology to determine whether they can become State administered roads.</p> |
| State Council Resolution | <p>March 2022 – 325.2/2022 March 2019 – 09.3/2019 March 2018 – 12.1/2018</p> |
| Supporting Documents | <p>Main Roads WA – Future Administered State Roads. Main Roads WA – Administrative Classification Assessment Report – Regional Roads within Rural / Non-Built-Up Areas</p> |

5.2.10 National Road Safety Strategy 2011-2020

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| Position Statement | The Local Government sector supports the submission provided to the Inquiry into progress under the National Road Safety Strategy 2011-2020. |
| Background | The National Road Safety Strategy 2011-2020 was adopted by the Australian Transport Council in May 2011. In September 2017 the Australian Government initiated an Inquiry into progress under the National Road Safety Strategy 2011-2020. While implementation of the National Road Safety Strategy 2011-2020 is the responsibility of the Federal, State and Territory Governments it is important to remind those spheres that it will be critical to consult, engage and resource the Local Government sector if the reductions in deaths and serious injuries, required to achieve the goals and targets for Australia, are to be realised. A WALGA response has been developed to highlight the key role of Local Governments in creating a safe road transport system, and makes a number of recommendations in relation to the challenges and opportunities for road safety going forward along with suggestions for the next National Road Safety Strategy. |
| State Council Resolution | March 2018 - 13.1/2018 |
| Supporting Documents | Interim Submission – Inquiry into progress under the National Road Safety Strategy 2011-2020, Department of Infrastructure, Regional Development and Cities |

5.2.11 Heavy Vehicle Access to Roads

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| Position Statement | <p>The Local Government sector opposes the withdrawal of the “Letter of Approval” Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed.</p> <p>In addition, WALGA has advocated to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance.</p> |
| State Council Resolution | December 2018 – 132.7/2018 |

5.2.12 Road Works during Total Fire Ban

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| Position Statement | <p>That the Local Government sector endorses the following principles in relation to the exemptions and conditions under which road works may be undertaken during a Total Fire Ban:</p> <ol style="list-style-type: none">1. Road Activity Tiers: That there be a tiered risk approach for road work activities and associated controls, based on the proposed activities and fire danger forecast.2. Local Government operations: That any controls specified in regulations to provide effective risk mitigation and response be able to be implemented within the works crew deployed for the task.3. Reduce Red Tape: That the processes where repeated notification to DFES for the same task at the same location is required be streamlined. |
| Background | <p>A Total Fire Ban (TFB) is declared on days when fires are most likely to threaten lives and property. This is because of predicted extreme fire weather or when there are already widespread fires and firefighting resources are stretched. Road works can be undertaken during TFB subject to complying with the conditions set out in the Bush Fires Regulations 1954.</p> <p>Some of the provisions in the regulations seem disproportionate in comparison to those imposed on harvesting that may be occurring in adjacent paddocks and are impractical for minor maintenance activities such as routine grading. Changes to the Australian Fire Danger Rating System, and Department of Fire and Emergency Services (DFES) policies concerning the conditions under which a TFB is declared has resulted in a much higher frequency of TFBs in many parts of Western Australia. As a result, road maintenance and improvement projects have been delayed which increases the risks to road users.</p> <p>The above principles were based on consultation with Local Governments, and are proposed to be used to evaluate the effectiveness of the Regulations to manage the risk of bushfire and enable low risk activities to proceed with appropriate controls.</p> |
| State Council Resolution | September 2023 – 485.4/2023 |

5.2.13 Separation (Centre) and Edge Line Markings by Local Government on Low Volume Rural Roads

Position Statement

1. That Main Roads Western Australia policy allow Local Governments to install edge line and separation (centre) line markings on roads that meet all relevant criteria, but do not meet the criterion on traffic volume set out in the Australian Standard.
2. Main Roads Western Australia to consider reducing the traffic volume threshold in the Main Roads warrant for installing separation (centre) lines to recognise the proven safety benefits.
3. For this exemption, Local Governments must adhere to the following conditions:
 - a) The Local Government contact Main Roads via the Regional Network Manager with their intent to undertake line marking on specific roads that do not meet the traffic volume criterion, but meet all the other criteria.
 - b) The Local Government obtain a Council resolution, committing to fund all installation and maintenance costs.
 - c) Local Government undertake spotting/surveying.
 - d) Main Roads to undertake an inspection following the survey/spotting work, confirm the start and finish points for the longitudinal line markings, and record the sections of road with line markings to be maintained by Local Government in the relevant database.
 - e) Main Roads approve the final layout prior to line marking occurring.
 - f) Local Government undertake the works.
 - g) Local Government maintain the works in accordance with Main Roads WA standards.
 - h) Local Government remove the lines if maintenance works are not performed to the standard.

Background

Local Governments in WA maintain approximately 127,000km, or 87.2%, of the road network in WA, of which 31.2% or around 40,000km is sealed. Much of the Local Government road network carries low volumes of traffic. As road asset managers, Local Governments place high importance on road safety when planning, constructing, and maintaining the road network under their control.

Line marking and signage are among the most cost-effective road safety treatments available to Local Governments. The approval and installation of all regulatory signs and lines falls under the authority of Main Roads WA.

Derived from Australian Standard 1742.2:2022, the current Main Roads warrant for installing separation (centre) lines is based on vehicle volumes and pavement width:

- On rural roads: 300 vehicles per day,
- On urban roads: 2500 vehicles per day,
- 5.5m or greater seal width.

For edge lines, the warrant is slightly different, though still based on vehicle volumes and pavement width. The thresholds are as follows:

- On rural roads: 2500 vehicles per day or greater or heavy vehicle volumes of 300 vehicles per day or greater,
- 6.8m or greater seal width,
- On rural or other arterial roads where the shoulder is partly or fully sealed and seal requirements are met.

The safety of the Local Government road network could be enhanced by amending the current warrant to allow Local Governments to install separation (centre) lines and edge lines in instances where they do not meet the vehicle volume requirements, but do meet all the remaining requirements for separation (centre) line and edge line marking.

Installation of line markings by Local Governments under these circumstances would be optional and would be required to adhere to the proposed conditions, including the requirement to maintain the line markings according to the Main Roads WA standards and remove the markings if the maintenance requirement is not met.

State Council Resolution March 2024 – 004.1/2024

5.3 Public Transport, Walking and Cycling

5.3.1 Public Transport

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| Position Statement | The Local Government sector supports a public transport plan for Perth that identifies and protects transport corridors, services future employment centres and activity centres identified in Directions 2031 and the connectivity of these centres, accurate transport demand forecasts for future planning and service delivery beyond 2031 and using public transport to drive urban form outcomes. |
| Background | The Department of Transport released the Public Transport Plan - "Public Transport for Perth in 2031" (PTP) for comment in July 2011. The PTP is based on the metropolitan strategic land use plan "Directions 2031 and Beyond" which indicates where people will live and work in the future and has established travel patterns across the |

city. The Plan aims to identify the public transport network required to support Perth's growing population, and links to and between strategic centres, while highlighting choice of transport mode. A Metropolitan Public Transport Policy Forum comprising elected and expert members was established by the President of WALGA to provide comment and recommendations to the Public Transport Plan on behalf of Local Government.

State Council Resolution March 2022 – 325.2/2022
 October 2011 – 120.5/2011

Supporting Documents Draft submission to the Department of Transport on the Public Transport Plan for Perth in 2031

5.3.2 **Western Australian Bicycle Network**

Position Statement That WALGA advocate for:

1. At least 33% increase in funding for the Perth Bicycle Network and Regional Bicycle Network programs; and
2. That PBN and RBN grants be offered to Local Governments on the basis of \$2 from the State and \$1 from Local Government, in line with road funding arrangements.

Background The Western Australian Bicycle Network Plan (WABNP) 2012-2021 (Draft for Consultation) was released for public comment on in March 2012. The WABNP aims to meet the growing demands for cycling by providing safe, efficient and convenient cycling routes and end of trip facilities, particularly concentrating on cycling to work. The main focus is on constructing Principal Shared Paths along freeways and railway lines within a 15km radius of the Perth CBD. This is the first time regional cycling in key regional cities has also been included. Other key actions include a connecting schools program, a connecting rail/bus stations program and a review of traffic management schemes on local roads.

State Council Resolution September 2022 – 387.7/2022
 March 2022 – 325.2/2022
 July 2012 – 89.4/2012

Supporting Documents Submission in response to the draft WA Bicycle Network Plan 2012-2021

5.3.3 Cycling on Footpaths

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| Position Statement | <p>The Local Government sector supports:</p> <ol style="list-style-type: none">1. The amendment of regulation 216(1) of the Road Traffic Code 2000 to allow cyclists of all ages ride bicycles on footpaths subject to the implementation of an appropriate speed limit for cyclists riding on footpaths.2. Any change to regulation 216 (1) of the Road Traffic Code 2000 is accompanied by a comprehensive public education campaign.3. The Association to investigate the provision of local laws for cyclists riding on footpaths in specified areas, at the discretion of a Local Government.4. The Association advises the Office of Road Safety and Department of Transport in writing of key matters highlighted by the Local Government sector to be considered should the proposed amendment to the Road Traffic Code 2000 proceed. |
| Background | <p>In 2003/2004 the Local Government sector was consulted on an Office of Road Safety discussion paper that recommended “consideration be given to extend the current regulations governing the use of footpaths by cyclists from children under the age of 12 years to all ages.” State Council supported the recommendation in principle subject to the implementation of an extensive public education campaign. The recommended amendment of the Road Traffic Code 2000 was not proceeded with.</p> <p>In March 2015 the Premier and Minister for Road Safety hosted a Cycling Safety Roundtable workshop where allowing cyclists of all ages to ride on footpaths as an initiative to reduce cyclist deaths and serious injuries was discussed. In response, WALGA developed a “Cycling on Footpaths” discussion paper to assist Local Governments consider the implications of amending the Road Traffic Code 2000; and surveyed the sector for their feedback. Twelve Local Governments responded to the survey – 11 agreed with amending the Road Traffic Code 2000 to allow cyclists of all ages to ride on footpaths.</p> |
| State Council Resolution | <p>March 2022 – 325.2/2022 July 2015 – 65.4/2015 December 2004 – TRN078/DJT April 2003 – TRN078/CT</p> |

5.3.4 Licencing cyclists and registering bicycles

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| Position Statement | The Local Government sector does not support a policy of licencing cyclists or a policy of registering bicycles. The Association does not support compulsory third party insurance scheme for cyclists. |
| Background | <p>In 2015 WALGA produced a discussion paper “Licencing Cyclists and Registering Bicycles” in response to a resolution from the Central Metropolitan Zone.</p> <p>The research determined that no Australian jurisdiction has a scheme to license cyclists or register bicycles. Worldwide, no developed economy appears to have successfully established a jurisdiction-wide mandatory cyclist licencing or bicycle registration scheme that has been able to deliver improved road user behaviour while covering administration costs.</p> <p>As the result of State Council resolution (May 2016 – 35.2/2016) WALGA researched the viability of a compulsory third party insurance scheme for cyclists that included discussions with the WA Insurance Commission.</p> <p>The research determined the need for compulsory third party insurance for cyclists has not been demonstrated and the private insurance market currently offers adequate insurance products specifically for cyclists. The peak cycling bodies do not see a need for such a scheme; and no other Australian jurisdiction has such a scheme.</p> |
| State Council Resolution | March 2022 – 325.2/2022 March 2017 – 4.1/2017 May 2016 – 35.2/2016 |
| Supporting Documents | Licencing Cyclists and Registering Bicycles Discussion Paper (October 2015) |

5.3.5 Active Travel to Schools

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| Position Statement | The Local Government sector supports: <ol style="list-style-type: none">1. the Department of Transport’s Draft Active Travel to School Roadmap; and2. increased State and Federal Government funding for walking and cycling infrastructure in Western Australia. |
| Background | A report into the declining rate of active travel to school in Perth was published by the Department of Transport in 2021. This report was commissioned in part to respond to increasing complaints about traffic, congestion and parking around schools. In most instances traffic and parking |

management responsibilities fall to Local Governments. The Active Travel to School Working Group was convened by the Bike Riding Reference Group, a senior inter-departmental working group, to address the identified problem of a significant decline in the proportion of children walking or cycling to school.

The Active Travel to School Working Group includes representation from the Department of Transport (chair and secretariat), Departments of Education and Health, Main Roads, the Public Transport Authority, the Road Safety Commission and Local Government. For most of the life of this working group, the Local Government position was filled by a Local Government officer.

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| State Council Resolution | May 2022 – 337.4/2022 |
| Supporting Documents | The Declining Rate of Walking and Cycling to School in Perth (WA Department of Transport) |

5.3.6 Pedestrian Crossings

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| Position Statement | <p>The Local Government sector supports the following principles regarding the design and implementation of pedestrian crossings:</p> <ol style="list-style-type: none">1. Planning at the local level A detailed understanding of modal networks at the local level and/or local transport plans should inform where and which pedestrian crossing types are implemented.2. Pedestrian Crossings are essential High-speed, high-volume roads are the major barrier to active transport that must be resolved.3. Pedestrian Priority Pedestrian travel should be given equal weight to vehicular travel. High-quality, cost-effective, pedestrian-priority crossings should be implemented wherever possible. Pedestrian Crossings on roads with heavy vehicles should also be given higher priority toward the implementation of a safe, pedestrian- priority crossings in the Guidelines, based on the risk to the pedestrian.4. Cost Cost-effective pedestrian-priority crossings should be considered first, rather than high-cost facilities. The Guidelines should provide guidance on the cost of installing pedestrian crossing facilities and general information on which party may bear the costs. |
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5. Proactive Approach

Forecast pedestrian demand based on network planning, rather than existing pedestrian counts should be used to plan appropriate crossings.

6. Speed

Vehicle travel speed requirements for implementing pedestrian crossings must not be a barrier to selecting and installing pedestrian-priority crossings, but should be a consideration in selecting cost-effective designs.

7. Intersections

Intersection designs, including roundabouts, should accommodate pedestrian crossing priority.

Background

In most, but not all, cases, Local Governments are responsible for providing and maintaining infrastructure for pedestrians. Achieving a safe, comfortable, and connected environment for pedestrians is dependent on high quality facilities including safe pedestrian crossing opportunities across roads.

Guidance on the provision of pedestrian crossing facilities should explicitly include considerations derived from Local Government planning and acknowledge the nuanced understanding of Local Governments regarding actual and desired pedestrian movement in their communities. This will lead to pedestrian crossing facilities being implemented across the road network to meet community needs.

These principles underpin the Association's comments on the Main Roads Pedestrian Crossing Facilities Guideline and represent a shift toward maximising safe mobility for all users of the transport network, while also recognising the value of a safe, comfortable, and connected network of pedestrian facilities.

State Council Resolution August 2023 - 229.FM/2023

5.4 Western Australia's Natural Disaster Relief Arrangements (WANDRRA)

5.4.1 Funding arrangements

Position Statement

The Local Government sector supports increased support for mitigation measures, greater fiscal equity and funding for repairing of damaged infrastructure which includes appropriate trigger points for access to funding and

thresholds to limit the amount liable to be paid for each eligible event.

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| Background | In May 2006, the Community Development and Justice Standing Committee undertook an inquiry into Western Australia's Natural Disaster Relief Arrangements (WANDRA), with particular reference to the adequacy of State Government assistance under the program for persons affected by a natural disaster. The Committee tabled its report on 10 May 2007 containing 14 recommendations. The Association undertook extensive consultation with members via info pages and State Council throughout 2006 and 2007. The Association put forward a submission to the Inquiry and gave evidence in February 2007. On 3 December 2007 State Cabinet endorsed the recommendation to create a more equitable funding system for Local Governments. |
| State Council Resolution | August 2023 – 231.FM/2023 April 2011 – 46.2/2011 February 2008 – 332.1/2008 August 2007 – 250.4/2007 October 2006 – 113.COM.5/2006 |
| Supporting Documents | Submission to the Community Development and Justice Standing Committee Inquiry into Western Australia's Natural Disaster Relief Arrangements |

5.4.2 Wages and Equipment Costs

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| Position Statement | That WALGA, in partnership with the Australian Local Government Association, undertake advocacy to the Commonwealth to change the Emergency Management in Australia (EMA) Natural Disaster Relief and Recovery Arrangements (NDRRA), Determination Clause 5.2.5, to enable Local Governments to recover wage and equipment costs. |
| Background | The Western Australia Natural Disaster and Relief and Recovery Arrangements (WANDRRA) are provided under The Natural Disaster Relief and Recovery Arrangements (NDRRA) by the Australian Government. Eligible costs under the WANDRRA include "additional" costs such as contractors, to assist with recovery activities. Ineligible costs under the WANDRRA are defined as "ordinary" costs which include Local Government staff wages and equipment, and the associated "ordinary" use of Local Government plant and equipment. FESA has advised that Local Government claims made under the WANDRRA through Main Roads WA (MRWA) may have in the past included the recovery of ineligible costs, which in this case |

includes “ordinary” costs. Previously these claims, provided by MRWA from Local Governments were submitted to FESA and paid. Feedback from Local Government is that the distinction between ordinary and additional costs is inequitable – if councils use a contractor then costs can be recovered under the WANDRRA, however if they divert their own staff to undertake works it is not recoverable.

State Council Resolution April 2011 – 46.2/2011

5.4.3 Betterment (resilience)

Position Statement The Local Government sector supports increased funding for the replacement or restoration of damaged assets to a more resilient standard following an event.

Background In 2007, the Commonwealth (under the NDRRA Determination) introduced the “betterment” clause which is intended to provide for the replacement of damaged assets to a more resilient level following an event.

State Council Resolution April 2024 – 238.FM/2024
 August 2023 – 231.FM/2023
 February 2008 – 332.1/2008
 October 2006 – 113.COM.5/2006

Supporting Documents Submission on the Emergency Management Sector Adaptation Plan

5.4.4 Planning for risk management and recovery plans

Position Statement The Local Government sector supports access to additional expertise to assist with assessing and planning/designing for recovery projects and designated funding to Local Government for the development of emergency risk management plans and recovery plans.

State Council Resolution April 2024 – 238.FM/2024
 February 2008 – 332.1/2008
 October 2006 – 113.COM.5/2006

Supporting Documents Submission on the Emergency Management Sector Adaptation Plan

5.4.5 Assessment periods

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| Position Statement | The Local Government sector supports a shorter assessment period for events and immediate access to funding to commence works. |
| Background | Local Governments should have immediate access to funds regardless of the scale of the emergency. Over the years, WALGA is aware of the delays as well as the financial hardship Local Governments have experienced receiving reimbursement after an event. |
| State Council Resolution | August 2023 – 231.FM/2023 October 2006 – 113.COM.5/2006 |
| Supporting Documents | Submission to the Community Development and Justice Standing Committee Inquiry into Western Australia’s Natural Disaster Relief Arrangements |

5.5 Street Lighting

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| Position Statement | The Local Government sector supports the contestability of street lighting. |
| Background | Street lighting is not currently contestable and the government is required to review whether further competition should be introduced into the electricity market. Provision for street lighting represents a significant expenditure item for many Local Governments and one where there is little discretion, options or control available. Alternative market offerings would assist local governments seeking to utilise renewable energy and / or adopt innovative energy saving approaches. |
| State Council Resolution | July 2022 – 363.5/2022 March 2022 – 325.2/2022 December 2006 – 143.6/2006 |

5.5.1 LED Street Lighting

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| Position Statement | All new street lighting installations, including replacement luminaires on existing installations, and all new street lighting in subdivisions, connected to the Western Power network, utilise LED technology. |
| Background | Local Governments are seeking the ability to introduce more energy efficient street lighting technologies such as LED, to reduce costs, carbon emissions and deliver community benefits. |

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| State Council Resolution | March 2022 – 325.2/2022 December 2017 - 126.6/2017 |
| Supporting Documents | Submission to the ERA on Western Power’s Proposed Access Arrangement 2017-2022 |

5.6 Review of Electricity (Network Safety) Regulations 2015

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| Position Statement | The Local Government sector supports a State Government review of the Electricity (Network Safety) Regulations 2015 to ensure the electricity network safety management system is independently audited, providing public assurance that the serious hazards to people and property presented by electricity distribution networks are appropriately managed. |
| Background | The Electricity (Network Safety) Regulations 2015, gazetted in August 2015, require the electricity network operators (Western Power, Horizon Power) to prepare an Electricity Network Safety Management System in accordance with the relevant Standard AS 5577. However, in Western Australia, the regulations do not require the electricity network operators to submit the Safety Management System to the regulator, EnergySafety WA, or to achieve a satisfactory independent audit of the System. Regulatory oversight is weaker in Western Australia than other Australian jurisdictions, which is particularly inappropriate at a time when sale or long term lease of the main electricity network operator is being considered. If not managed correctly, electricity networks are capable of presenting serious local and large scale hazards to the community as has been demonstrated in Western Australia (e.g. Toodyay 2009; Stoneville 2014). Regulations consistent with those adopted in other Australian jurisdictions would both provide stronger regulation of the industry and deliver the harmonisation of regulations promised in the 2012 Intergovernmental Agreement on this matter. |
| State Council Resolution | December 2016 – 115.6/2016 |

5.7 Underground Power

Position Statement

The Local Government sector supports the:

1. continuation of cooperative arrangements between the State Government, Western Power and Local Government to progressively replace the overhead electricity distribution network in residential areas with underground power.
2. development of a new approach to identifying and prioritizing areas for investment in underground power, initiated by the need to invest in the overhead network to meet safety, reliability and capability requirements.
3. development of a new approach to allocating State Government resources to facilitate projects proceeding in areas with a high electricity network need and lower economic capacity of ratepayers while retaining a commitment to funding an average of 25% of program costs.
4. opportunity for Local Governments to initiate projects to convert areas to underground power be retained with Western Power to continue to contribute the amount recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT).
5. establishment of a targeted funding mechanism through the State Government to assist property owners in underground power program project areas that would suffer disadvantage as a result of needing to contribute to the cost of underground power.

Background

The benefits of providing underground power include:

- More reliable power supply (particularly during storms);
- Better quality power supply (reduced damaged to electrical appliances and flickering lights that occur with fluctuations in power supply);
- Greater public safety due to less opportunity for contact with live power lines and collisions with non-frangible poles;
- Improved visual amenity of streetscapes with poles and wires removed;
- Opportunity for more tree planting;
- Better street lighting as the location of lights can be optimised as part of the design, rather than constrained by the distance poles are apart. This improves road and community safety; and
- Reduced vegetation management costs to keep trees clear of overhead power lines and the opportunity for increased tree canopy cover.

The State Government owned corporations, Western Power and Horizon Power, have responsibility for electricity distribution infrastructure within their geographic areas of operation.

Since 1996 Local Governments, Western Power and the State Government have partnered to replace overhead electricity distribution wires with underground cables. At the conclusion of the current Round 6 of the State Underground Power Program (SUPP), it is anticipated that 70 Major Residential Projects will have been completed, converting approximately 105,000 residences to underground power. All new residential subdivisions are required to have underground power distribution. Nearly 60% of residential properties in the Perth metropolitan area are now served by underground power. However, there remains more than 350,000 residential properties in Perth and 90,000 properties in regional urban areas that have overhead power connections.

A program to retrospectively provide underground power in residential areas has enjoyed bipartisan political support for 25 years.

Despite very significant investment in pole replacement over the past decade, nearly 30% of the 622,300 wooden poles in the Western Power distribution network are more than 40 years old.

Cross arms in the distribution network have a similar age profile. This indicates that Western Power will need to continue large scale investment in pole reinforcement and pole replacement in the immediate future. The installation of underground power eliminates the need to replace poles that have reached the end of their service life and reinforce poles during their service life.

Underground power distribution also eliminates pole top fires, which are a cause of power interruption and present a risk to both the network and the community.

Competition for underground power projects remains strong. There were 62 proposals from 14 Local Governments for Round 6 Major Residential Projects, with just 17 projects approved by the Minister for Energy for development. There were 89 project proposals in the previous Round 5.

State Council Resolution

July 2022 – 363.5/2022

December 2020 - 145.6/2020

October 2010 – 114.5/2010

October 2010 – 111.5/2010

October 2010 – 107.5/2010

Supporting Documents

Submission to the Economic Regulation Authority Inquiry into the State Underground Power Program

5.8 Ports

[retired September 2024 – State Council Resolution 079.4/2024]

5.9 Bus Stop Infrastructure

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| Position Statement | The Local Government sector supports the Partnership Agreement between the Public Transport Authority (PTA) and Local Governments that clarifies the roles and responsibilities for the installation and maintenance of bus stop infrastructure in the Perth and Peel region. |
| Background | <p>There have been on-going issues between the PTA and Local Governments regarding the roles and responsibilities for bus stop infrastructure, in particular regarding the communication processes. The Partnership Agreement seeks to provide the foundation for a more effective working relationship between the Public Transport Authority (PTA) and each Local Government as well as delivering benefit to the community.</p> <p>The Agreement encompasses:</p> <ul style="list-style-type: none">• PTA Funding Programs and Subsidy Arrangements• Roles and Responsibilities• Adding, Removing, Modifying or Upgrading Bus Stop Infrastructure• Maintenance of Bus Stop Infrastructure |
| State Council Resolution | March 2022 – 325.2/2022 December 2018 – 133.7/2018 March 2015 – 10.1/2015 April 2008 – 405.4/2008 |
| Supporting Documents | Partnership Agreement Defining the Roles and Responsibilities for the Planning, Installation and Maintenance of Bus Stop Infrastructure for Local Governments in the Perth and Peel Regions, Western Australia. |

5.10 Aviation

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| Position Statement | <p>The Local Government sector supports the Department of Transport’s State Aviation Strategy 2020, with more focus required on non-RPT airports to ensure it is representative of all of WA, more focus on general aviation development across WA and noting that the preferred ownership and governance of Local Governments is Council Controlled Organisations.</p> <p>The Local Government sector advocates for a clear position on the economic benefit of airports in regional</p> |
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areas to be included in the future state wide Airports State Planning Policy.

Background

There has been continued pressure on Western Australia's aviation infrastructure, despite slowing economic growth, and continued high airfares for many regional communities. The resources industry that has led economic growth in the State and nationally for the past decade has placed unprecedented demand on specific aviation services and infrastructure.

A State Aviation Strategy is required for Western Australia to ensure aviation infrastructure meets the State's growing needs. This includes ensuring that airport infrastructure can meet targeted levels of efficiency and appropriate customer service during peak periods. There are approximately 150 airports and airstrips owned, maintained and operated by Local Governments across regional Western Australia. Of these, there are 17 Local Government airports that serve regular passenger transport (RPT) services.

State Council Resolution July 2020 – 99.9/2020
May 2018 – 36.2/2018
May 2013 – 275.5/2013

Supporting Documents Submission in response to the Draft State Aviation Strategy 2020

5.10.1 Airfare Pricing in Regional Western Australia

Position Statement

The Local Government sector supports:

1. An evidence-based assessment commissioned by the State Government to determine the degree to which market structure and other factors influence the cost of providing air services on each route, the pricing structure offered and the actual prices paid.
2. The State Government providing oversight of airfares ensuring transparency, encouraging partnerships between Local Governments and airline carriers to grow the market and the provision of subsidies in some situations.

Background

Concern is widely expressed that intrastate airfares in Western Australia are high. As a result, the Economics and Industry Standing Committee of the Legislative Assembly conducted an 'Inquiry into Airfare Pricing in Regional Western Australia'. Based on the feedback from Local Governments across the State it would appear that the market conditions and underlying factors driving costs and prices differ between the regions. The routes served by a

monopoly (or occasionally duopoly) provider are where there are the greatest concerns about high airfares.

The State Aviation Strategy 2020 foreshadows a willingness by the State Government to intervene in the intrastate aviation market, when required to deliver affordable airfares to regional communities.

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| State Council Resolution | September 2017 - 98.9/2017 May 2013 – 275.5/2013 |
| Supporting Documents | Submission in response to the Draft State Aviation Strategy 2020 Submission in response to the Inquiry into Airfare Pricing in Regional Western Australia |

5.11 Transport Planning

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| Position Statement | The Local Government sector supports the development of the 'Transport @ 3.5 Million: Perth Transport Plan for 3.5 Million People and Beyond' with key issues raised including the lack of aspirational and measurable outcomes, low mode-share expectations for public and active transport outside of the CBD peak hour travel requirements, limited engagement with Local Governments in producing the Plan, limited planning around strategic activity centres, and the lack of evidence in the supporting documents to show the strategic framework for the transport route or mode recommendation. The Association also supports improved integration between transport, planning and environmental plans. |
| Background | The State Government released the 'Transport @ 3.5 Million: Perth Transport Plan for 3.5 Million People and Beyond' for consultation in October 2016. The vision for the plan is to ensure Perth remains one of the most liveable cities in the world, one that is vibrant, connected and productive. The plan covers many aspects of urban land transport including public transport, road network, freight, active transport and travel demand management. Extensive consultation was undertaken with senior Local Government officers, including a workshop, to identify regional and city-wide matters of interest to inform the interim submission. |
| State Council Resolution | December 2016 – 113.6/2016 |
| Supporting Documents | Submission in response to the 'Transport @ 3.5 Million: Perth Transport Plan for 3.5 Million People and Beyond' |

5.12 Infrastructure WA

[retired September 2024 – State Council Resolution 079.4/2024]

5.13 State Road Funds to Local Government Agreement

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| Position Statement | That the Government returns to Local Government at least 27 percent of motor vehicle licence fee collections. |
| Background | The State Road Funds to Local Government Agreement (SRFLGA) provides an allocation of funds to Local Governments in Western Australia. The amount of funding is based on a percentage of the motor vehicle license fee (MVLFF) revenue collected by the State Government. The funding arrangement provides Local Government with some surety in funding for the term of the Agreement. The last Agreement ran from 2011/12 to 2015/16 and was extended a further two years to June 2018. Following a meeting between the Minister for Transport; Planning; Lands and the WALGA President and CEO on 27 August 2017, the Minister agreed to the negotiation of a new Agreement. The Minister authorised Main Roads to engage with WALGA to draft a new Agreement. |
| State Council Resolution | December 2020 – 142.6/2020 May 2018 - 33.2/2018 |
| Supporting Documents | Advocacy Positions for a New Local Government Act |

5.13.1 Line Marking Invoicing

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| Position Statement | Through the State Road Funds to Local Government Advisory Committee, WALGA seeks a change to the Procedures so that invoices are always provided within four weeks of line marking work being completed and Main Roads WA to invoice on the basis of an estimate where this is not achieved. |
| Background | <p>Many WA Local Governments cannot make final claims for Regional Road Group Projects until all costs are finalised.</p> <p>The final claim is made to Main Roads and Main Roads makes the payment to the Local Government. However, one of the invoices required is a line-marking invoice.</p> <p>The issue is that Main Roads has not been sending invoices for line marking, which means final claims cannot be made.</p> <p>The effect of this is that each Local Government is carrying the prefunding of grant funded works, and is having to carry forward completed projects and outstanding income,</p> |

in order to pay for line-marking (at a later date) and to account for the income in the following year.

Another consequence of this problem is that Main Roads will not process requests for additional funds until all invoices are received. Accordingly, Main Roads' failure to invoice for line marking prevents a Local Government from requesting additional funds from Main Roads.

State Council Resolution July 2019 – 65.5/2019

5.14 Vehicle Emissions

Position Statement

Local Government sector supports:

1. The consideration, where possible, of vehicle emissions during planning, designing and construction of large scale infrastructure projects.
2. The consideration of vehicle emissions during the process of purchasing new fleet, in addition to fleet policies.
3. The consideration of policies that facilitate the adoption of electric vehicles and electric vehicle charging infrastructure.
4. Advocacy to the proposed Infrastructure Western Australia body, when it is established by the State Government, to consider vehicle emissions as part of the assessment process and cost-benefit analysis for projects.
5. Advocacy to Infrastructure Australia to consider vehicle emissions such as particulate matter, other than greenhouse gas emissions, during the assessment of projects.
6. Advocacy to State Government for the broader implementation of the Department of Water and Environmental Regulation 'CleanRun' roadside emissions monitoring program, as a behaviour change initiative which has the potential to reduce fuel consumption.
7. Advocacy to the State Government for the preparation of planning policies or guidelines for the installation of electric vehicle charging stations within WA.

Background

In February 2017 the South Metropolitan Zone requested an investigation into vehicle diesel particulate emissions, transport, planning and human health. A report was prepared for the WALGA State Council Infrastructure Policy Team and it was recommended to conduct a broader assessment including the consideration of all vehicle emissions and actions that Local Governments have responsibility for. Motor vehicles emit carbon monoxide, nitrogen oxides, sulfur oxides, hydrocarbons and

particulate matter that have adverse impacts on air quality, human health and community wellbeing. Local Governments are already carrying out tree planting programs and promoting alternative forms of transport to their communities to address air quality. While Local Governments have fleet purchasing policies that consider vehicle emission standards, there is opportunity that Local Governments may compare the output of vehicle emissions during the purchasing of new fleet, in addition to their fleet policies. The uptake of electric vehicles has been slow in Australia, however Local Governments may encourage the uptake of electric vehicles to their communities by creating policies or strategies and also considering the installation of supportive infrastructure such as charging stations.

State Council Resolution September 2018 – 108.6/2018

Supporting Documents Vehicle Emissions Discussion Paper

5.15 Regional Telecommunications Project

Position Statement The Local Government sector advocates strongly 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.

Background This was a member motion supported by members at the 2021 AGM, and later endorsed for action by State Council in December 2021.

The Association has advocated at State and National level for improvements to the coverage, resilience and capacity of mobile telecommunications.

The Association committed resources to participate in the State Government Digital Inclusion Working Group, that considered proposals to adopt and subsidise new technologies that extend the coverage from existing mobile telephone towers.

WALGA has further developed working relationships with the Department of Primary Industry and Regional Development to support the case for State Government co-investment with the Federal Government and carriers to maximise opportunities for mobile phone coverage expansion in WA. The 2022-23 State Budget includes \$48.6 million to expand and upgrade mobile and broadband coverage and services throughout the regions

that will leverage nearly \$100 million of Federal and private sector funds to boost regional digital connectivity.

The Association encouraged and supported Local Governments in eligible areas to submit applications under the Peri-urban Mobile Program (PUMP) in early 2022. Twelve of the 50 sites funded under this \$28.2 million program were in WA.

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| State Council Resolution | May 2024 – 029.2/2024 December 2021 – 294.7/2021 |
| Supporting Documents | WALGA AGM Minutes 2021 |

6. Place (Planning and Development)

6.1 Planning Principles and Reform

Position Statement

1. The Local Government sector supports an efficient and effective planning system guided by legislation, policy, and processes that:
 - a. facilitates the creation of sustainable and liveable communities and places;
 - b. has a focus on strategic planning that delivers on long-term objectives and outcomes that balance social, environmental, cultural, and economic interests;
 - c. is easy to understand, accessible and transparent;
 - d. recognises the diversity of Western Australia and ensures that local environment, context, communities and character are appropriately reflected in planning frameworks and decision making;
 - e. ensures decisions are made by the level of government closest to and most impacted by a planning proposal; and
 - f. establishes consistent planning frameworks and streamlines planning processes where there is a demonstrated benefit in doing so.
2. Reforms to the planning system should:
 - a. be guided by the above principles;
 - b. deliver community benefit;
 - c. promote system efficiency, including through the use of technology;
 - d. be evidence-based and informed by robust, transparent data;
 - e. proceed at an appropriate pace to enable effective implementation;
 - f. be informed by engagement with the community; and
 - g. be amended only with WALGA involvement and consultation/involvement with Local Government.

Background

Planning coordinates land use and development by balancing social, environmental, cultural and economic issues in both strategic planning and statutory decision-making. Western Australia is typified by a centrally controlled planning system with strong decision-making powers sitting with the Western Australian Planning Commission and Minister for Planning, with many planning functions then delegated to Local Government.

Local Government is an important decision maker, regulator, and participant in the Western Australian planning system, and has a key role in setting the strategic

land use planning framework and managing statutory functions at a local level.

Planning reform has been a priority for the State Government for several years with an ambitious reform agenda and an unprecedented amount of reform initiatives resulting in substantial changes to planning legislation and the planning system, accelerated by COVID-19 Regulatory reforms.

WALGA's advocacy position identifies key elements that make an effective planning system and how planning reform can be developed, prioritised, and implemented to achieve these principles.

State Council Resolution September 2024 – 069.4/2024

6.2 Planning Reform

[retired September 2024 – State Council Resolution 069.4/2024]

6.3 Third Party Appeal rights

Position Statement Local Government supports the introduction of Third Party Appeal Rights for decisions made by Development Assessment panels

Background A preferred model for Third Party Appeal Rights for decisions made by Development Assessment Panels was endorsed at the May 2019 State Council meeting.

The model aims to clarify who can appeal a decision, how to appeal a decision and the benefit of the proposed model for the Local Government sector.

State Council Resolution May 2022 – 338.4/2022
March 2022 – 326.2/2022
May 2019 – 44.4/2019
May 2018 – 37.2/2018
December 2017 138.6/2017
September 2017 – 92.7/2017
July 2017 - 71.7/2017
December 2016 – 108.6/2016
February 2008 – 326.1/2008

6.4 Development Assessment Panels

Position Statement

The Association does not support Development Assessment Panels (DAPs), in their current structure.

Necessary changes to the structure of the DAPs system include:

1. the abolishment of the current 'mandatory' mechanism where a proposal has a value of \$10 million or greater, and its replacement with an 'opt in' mechanism for all proposals,
2. raising the DAP threshold from the current \$2 million to \$5 million,
3. the composition DAPs should be modified to provide equal representation of Specialist Members and Local Government Members,
4. the creation of a distinct Special Matters DAP (SMDAP) is not supported, given there are already multiple avenues for determination on the basis of zoning and monetary value of applications. Should the State Government progress with the implementation of a SMDAP, the following changes are proposed to the model released in March 2022:
 - allow proponents with proposals that meet the threshold or criteria being able to opt-out of the SMDAP pathway and allow assessment and determination by Local Government,
 - mandate consultation with the relevant Local Governments prior to the issuing of a Ministerial Order in relation to SMDAP Precinct Criteria, and
 - ensure SMDAP Precincts be identified through Regulations, rather than by the Minister,
 - include greater professional planning expertise, and knowledge of local context through the Local Government members of the District DAP, by including majority professional town planner panel members, with two Local Government representatives,
 - expand the role of Local Governments in SMDAP processes and appropriate remuneration for involvement of Local Governments be included to support the SMDAP decision-making process
5. in principle, the further reduction in the number of panels from five to three is supported, to the extent that this reduces the administrative burden on local governments and enhances consistency of decision making,
6. in principle, the permanent appointment of panel members where this results in consistent decision-making is supported as this reduces the potential for

- conflicts of interest and ensures sound knowledge of DAP processes and procedures,
7. WALGA supports greater transparency around DAP processes and decisions, as community distrust of DAP decision-making is a key area of concern for many local governments.

WALGA also supports the introduction of Third-Party Appeal Rights for decisions made by Development Assessment panels (see section 6.4 of this document).

Background

The Association's long held position is against continuation of the DAP system in its current form and the need for various reforms to the system to ensure it operates in an efficient, effective, and transparent way, and where matters of local planning context are adequately considered by decision makers.

The DAP system was established with the intention of creating a more streamlined planning assessment process and to establish a better balance between professional advice and community representation for significant development proposals. Justification for its establishment centred on the encroachment of local politics into planning decision making and the need to ensure significant proposals that align with the state planning framework are given an expedited assessment pathway.

Both justifications questioned the suitability of Local Government to continue their long-held role as decision maker for development proposals and insinuated that this task has become less efficient and ineffective in recent years. These assertions were not substantiated with any quantitative evidence and are refuted by evidence produced by WALGA through the Performance Monitoring Project. WALGA's regular reviews of the DAP system finds that the system still fails to meet its intended aims and objectives and needs further reforms if these objectives are to be achieved.

State Council Resolution

May 2022 – 338.4/2022
March 2022 – 326.2/2022
September 2021 – 265.5/2021
September 2020 – 117.4/2020
December 2019 – 149.7/2019
September 2016 - 83.5 /2016
March 2015 – 3.1/2015
March 2013 – 166.1/2013
December 2012 – 138.6/2012
February 2011 – 10.1/2011
June 2010 – 57.3/2010

Supporting Documents Planning Reform Phase 2 Submission – September 2021
 Development Assessment Panels, 2011-20 Review
 Development Assessment Panels, 2011-16 Review
 Submission to the Legislative Council’s parliamentary
 committee January 2015
 Development Assessment Panels: Local Government
 Survey 2012

6.5 Bush Fire Hazard Mitigation and Planning

Position Statement State Council supports state-wide, minimum bushfire mitigation standards, specifically to:

- Give legislative effect to bushfire guidelines
- Improve guidance on design of subdivision and buildings
- Provide policy guidance, model subdivision and development conditions
- Establish an accreditation system for BAL assessments
- Establish a training and education program.

The Local Government sector does not support the Department of Fire and Emergency Services’ transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bush Fire Management Plans, when the condition has been requested by DFES.

The sector requires adequate and effective consultation on any review of the model subdivision condition relating to clearance.

Background The Association is concerned that the entire planning for bushfire risk management policy framework has been undertaken in a fragmented manner. Therefore, the effectiveness of the entire policy framework has not been properly assessed and it is not clear how the various policy components and the planning and building framework will interact.

State Council Resolution July 2023 – 461.3/2023
 March 2018 – 11.1/2018
 December 2015 – 126.7/2015
 December 2014 – 115.5/2014
 September 2013 – 251.4/2013
 May 2013 – 200.2/2013
 September 2012 – 111.5/2013
 July 2011 – 218.3/2013

6.6 Building Act and Regulations

Position Statement

Assessments of the effectiveness of building control systems across Australia have recognised that there is diminishing public confidence in the building and construction industry, and that change is required to ensure buildings are safe and perform to expected standards. Now more than ever the focus is on Local Government building departments to deliver good governance, local leadership and sustainable services that meet the needs of their communities whilst supporting local jobs and economic growth.

The Association has the following endorsed positions:

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.

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| Background | These positions were adopted by State Council in December 2021 following a People and Place Policy Team endorsed review of WALGA's Planning and Building related advocacy positions. |
| State Council Resolution | December 2021 – 295.7/2021 December 2020 – 143.6/2020 December 2019 – 151.7/2019 December 2019 – 153.7/2019 March 2017 – 7.1/2017 September 2016 – 85.5 /2016 July 2016 – 60.4/2016 December 2015 – 124.7/2015 December 2014 – 119.5/2014 September 2013 – 246.4/2013 December 2012 – 140.6/2012 May 2012 – 56.3/2012 February 2011 – 16.2/2011 |

6.7 Planning Fees and Charges

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| Position Statement | Local Government should achieve substantial cost recovery/fee for service in the delivery of its planning services; and any change to the fee structure should be carried out in consultation with the entire Local Government sector. |
| Background | A review of the planning fees and charges regulated under the Planning and Development Regulations 2009 was undertaken in 2012 with a sample of Local Government planning departments. It was recommended that a full review should occur, as the present system is cumbersome and a recent review and proposed recommendations have wider implications for Local Government and other key stakeholders. |
| State Council Resolution | March 2022 – 326.2/2022 March 2013 – 167.1/2013 |
| Supporting Documents | Report - Local Government Planning and Development Fees and Charges Review March 2013 |

6.8 Coastal Planning

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| Position Statement | WALGA calls for: <ol style="list-style-type: none">1. Equitable legislative, regulatory and policy changes that preserve public coastal access for current and future generations.2. The provision of sustainable and adequate long-term funding for Local Governments to manage the impacts of coastal erosion and inundation. |
| State Council Resolution | December 2022 – 400.8/2022 May 2022 – 343.4/2022 March 2018 – 10.1/2018 December 2015 – 127.7/2015 May 2015 – 37.2/2015 September 2012 – 86.4/2012 May 2012 – 26.2/2012 |
| Supporting Documents | 2021 CoastWA Local Government Survey 2019 Local Government Coastal Hazard Planning Issues Paper |

6.9 Sex Industry Regulation

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|--------------------------|---|
| Position Statement | The Local Government sector supports in principle, the recognition and licensing of sex work in WA as it allows normal regulatory controls to be put in place, on condition that brothels should be excluded from predominantly residential areas. |
| Background | The Association has been involved in discussions / proposals to decriminalise sex work since 1999. State Council has determined the position through consultation with all member Councils (on several occasions), and consideration of feedback and representative position papers, workshops, discussions with other government agencies, support groups and members of the sex industry. The Association will only comment on regulatory, operational, amenity and cost implications that arise for Local Government from any sex work legislation – not moral issues. |
| State Council Resolution | July 2022 – 367.5/2022 |

6.10 Public Open Space

Position Statement

New subdivisions and developments should provide appropriate Public Open Space (POS) or POS contributions to provide environmental benefits and meet the needs of the community.

The State Government should take a leadership role in the strategic planning of POS, in consultation with Local Government, including:

1. Reviewing the requirement for a minimum 10 per cent of all new residential land to be provided as POS to determine if this metric is still appropriate.
2. Developing a 10+ year regional level sporting facilities plan to identify and prioritise gaps in regional sporting facilities and acquire and fund regional open spaces, specifically sporting facilities, in a timely manner to align with population growth.
3. Developing contemporary legislative and policy mechanisms to ensure that:
 - a. POS design and delivery:
 - i. appropriately allocates different POS uses and purposes, balancing environmental, recreational, sporting and community needs.
 - ii. does not have its use impeded by drainage and utilities facilities.
 - iii. is accessible and appropriately distributed.
 - iv. is cost effective to enable sustainable maintenance and replacement by Local Government.
 - v. is responsive to urban ecology, regional climatic conditions, and climate change.
 - vi. considers water requirements and availability as a priority, includes water sensitive urban design principles, and prioritises water allocations for the irrigation and maintenance of functional active recreational and sport facilities.
 - b. POS cash in lieu contributions are equitable, transparent, and simplified by:
 - i. streamlining the process to collect and expend cash in lieu contributions by delegating functions to Local Government.
 - ii. broadening how cash in lieu funds can be spent to include works beyond the current scope.
 - iii. allowing for the collection of cash in lieu contributions at development application stage and for all forms of subdivision, including two lot subdivisions or developments.
 - iv. investigating the option of a standard fixed rate contribution fee per lot or dwelling

Background

when contributions are intended for public open space upgrades.

4. Providing guidance documents and support to assist

Local Governments with their strategic POS planning.

Public open space (POS) provides essential health, social and environmental benefits to communities. Local Government has the responsibility to manage most open spaces and recreational facilities across Western Australia.

The long-standing requirement that 10 per cent of developable residential land be provided for POS originated from the 1955 Plan for Metropolitan Regional Perth and Fremantle (Stephenson-Hepburn Plan) and needs to be reviewed to determine if it is still appropriate in the current WA context.

As population and development densities increase, and residential block sizes decrease, WA communities are more reliant on functional POS to provide for a diverse range of recreational, sporting, environmental and community functions while integrating drainage, services, and utilities.

Often POS have been designed and developed with little regard for the natural topography, existing tree canopy, impacts of drainage on the usability of POS and the long-term maintenance costs. Designing public open spaces to be adaptable to water availability and climate conditions are other issues currently faced by Local Government.

The current POS planning framework is fragmented and outdated with a lack of strategic POS planning leading to inconsistent planning decisions, specifically in relation to POS contributions. The lack of strategic planning and funding for regional sporting facilities is specifically a concern for outer growth metropolitan area which experience high population growth.

Infill developments in established suburbs are increasing placing pressure on existing POS to provide for additional residents as often there is limited land available for new POS. The current POS cash in lieu arrangements provides rigorous parameters on what funds can be spent on and a cumbersome process to dispense funds often requiring Minister approval.

State Council Resolution

December 2023 - 503.5/2023

August 2023 – 232.FM/2023

6.11 Industrial Planning

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| Position Statement | The Local Government sector supports clarity around the interface between industrial land uses and other sensitive land uses. |
| State Council Resolution | March 2022 – 326.2/2022 May 2018 – 36.2/2018 |
| Supporting Documents | Interim Submission on State Planning Policy 4.1 Industrial Interface |

6.12 Special Residential Zones

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| Position Statement | Local Government supports the removal of future Special Residential Zones, however, supports the protection of existing Special Residential Zones |
| State Council Resolution | March 2022 – 326.2/2022 May 2018 – 35.2/2018 |
| Supporting Documents | Interim Submission – Development Control Policies |

6.13 Short-Stay Accommodation

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| Position Statement | <ol style="list-style-type: none">1. That the WAPC not endorse the draft Position Statement: Planning for Tourism and the associated Guidelines prior to:<ol style="list-style-type: none">a. Additional engagement occurring with the Local Government sector, and specifically those Local Governments with significant tourism industries and knowledge and experience in the regulation of tourism land-uses,b. The provision of further justification for the need to exempt un-hosted short-term accommodation from development approval, and specifically clarification on,<ol style="list-style-type: none">i. Zones in which the exemption would apply,ii. Whether the exemption would apply in bushfire prone areas, flood prone areas, and other areas covered by special control areas,c. Consideration of the recommendations outlined in Appendix 1 of this submission, andd. Clarification being provided on the extent and ability of any state-wide registration scheme to address planning, amenity and management issues associated with both hosted and un-hosted short-term accommodation, that satisfies the WAPC that |
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these issues can be suitably managed outside the planning system, particularly:

- i. How the Scheme will allow for capturing and reporting of the number of days unhosted short-term accommodation is let in a calendar year, and
 - ii. How the Scheme's design will reduce the ability of hosts to 'game' the system to avoid the need for a development approval while letting their property for more than 60 days.
2. The interdepartmental working group be re-formed to guide the establishment of a state-wide registration scheme, and to include Local Government as a key stakeholder to ensure that the experience and knowledge of the sector informs the Scheme's formulation,
3. That the establishment and operation of the state-wide registration scheme should be managed by the Department of Mines, Industry Regulation and Safety,
4. That the State allocate necessary financial resources to the lead agency to support the establishment of a 'fit-for-purpose' state-wide registration scheme, and
5. That the state-wide registration scheme be developed for both short-term accommodation and peer-to-peer platforms with the inclusion of the following features:
 - a. All hosted and un-hosted short-term accommodation must be required to be registered with the scheme before being able to advertise the property, and platforms must publish the registration number as part of the marketing and booking services,
 - b. All peer-to-peer platforms that seek to let short-term accommodation must be regulated through the scheme as a host platform,
 - c. Obligations of registration for both hosts and platforms must be clear and appropriate infringements and compliance tools should be embedded in the regulatory framework,
 - d. Local Governments must be able to maintain the ability to require the provision of additional information and impose additional licencing or operational requirements, depending on their circumstances, including both town planning and Local Government Act (Local Law) regulation,
 - e. Local Government's must be able to set fees commensurate with the cost of providing the service for any role undertaken as part of the scheme, and
 - f. Local Governments must have access to all necessary data collected by the scheme to adequately manage the potential impacts of short-

term accommodation providers and to ensure local requirements are being met by hosts.

State Council Resolution May 2024 – 030.2/2024
March 2022 – 314.2/2022
May 2019 – 11.3/2019
December 2017 – 128.6/2017

Supporting Documents Short-Term Accommodation Submission
Submission to the Economics and Industry Standing
Committee: Inquiry into Short-Stay Accommodation

6.14 Planning for Water

Position Statement As part of the Water Management Report endorsement process, formal support from the relevant Local Government should be required where:

1. It is intended that the Local Government will become the infrastructure asset manager; or
2. The proposed location of water infrastructure assets will impact Local Government assets or facilities.

Background This position was adopted as part of the State Planning Policy 2.9: Planning for Water, draft policy public consultation process and formed part of WALGA's submission.

State Council Resolution November 2021 – 212.FM/2021

Supporting Documents State Planning Policy 2.9: Planning for Water – Submission

6.15 Caravan Parks and Camping Grounds Regulations

Position Statement Part 2 of the *Caravan Parks and Camping Grounds Regulations 1997* should be amended to allow Local Governments to:

1. Consider camping on private property for a period of greater of three months.
2. Establish policy to guide approvals beyond 3 months to ensure that camping is locally appropriate and provide for circumstances where caravans, predominantly in the form of tiny homes on wheels, can be occupied on a more permanent basis.

Background Tiny Homes on Wheels (THOWs) are an emerging form of housing that offers an alternative and affordable housing option in the current housing crisis. However, they do not fit neatly into existing regulations, meaning there are high

levels of uncertainty pursuing this accommodation for long term occupation.

A THOWs is classified as a caravan and governed and regulated under the *Caravan Parks and Camping Grounds Act 1995* (the Act) and the *Caravan Parks and Camping Grounds Regulations 1997* (the Regulations).

The Regulations currently restrict the occupation of caravans to up to 3 months if approved by Local Governments or up to 12 months if approved by the Minister for Local Government.

An urgent review and update to Part 2 of the Regulations is proposed to enable Local Government to approve occupation of a caravan for a period greater than 3 months, as well as the capacity to establish policy settings to ensure that the location, placement and type of caravan (i.e. THOWs) is appropriate for the amenity of the locality.

State Council Resolution July 2024 – 046.3/2024

6.16 Energy Transition Engagement and Community Benefit Framework

Position Statement It is essential that the energy transition currently underway delivers economic opportunities, ensures reliable and affordable electricity, and the greatest possible benefits for the community.

WALGA calls on the State Government to develop a comprehensive framework to manage the impact of the energy transition that includes local engagement and the realisation of local community benefits from energy transition projects as a priority.

Background Western Australia's energy industry is transforming to achieve the goal of net zero emissions by 2050. In WA there is no framework that provides a consistent approach to how proponents of major energy projects consult with local communities and how they can share in the benefits of the energy transition.

To ensure that local communities and Local Governments are supported in achieving this vision it is important that a framework is delivered to guide the development of this infrastructure to ensure that communities see long-term, tangible, local and sustained benefits from the energy

transition. As the projects are currently being rolled out, it is critical that this framework be developed as a priority.

State Council Resolution September 2024 – 066.4/2024

6.17 Renewable Energy Facilities

Position Statement

The growth in the number, size, and complexity of renewable energy facilities across Western Australia is expected to continue as energy generation and other traditional industries de-carbonise their facilities and operations. The renewable energy state planning framework requires changes to ensure it is fit for purpose to guide the ongoing development of this sector.

WALGA calls on the State Government to:

1. Adopt a new State Planning Policy for renewable energy facilities, to replace the existing Position Statement: Renewable energy facilities, that:
 - a. Facilitates the orderly development of renewable energy facilities across Western Australia;
 - b. Outlines the key planning and environmental considerations, for the location, siting, design and operation of renewable energy facilities and their associated infrastructure;
 - c. Provides a framework that clearly stipulates the minimum required documentation and technical reports that need to be submitted with proposals for renewable energy facilities;
 - d. Supports the development of Local Planning Policies by Local Governments to further guide locally appropriate planning consideration of renewable energy facilities;
 - e. Provides a clear relationship with:
 - i. *State Planning Policy 2.5 - Rural planning and Development Control Policy 3.4 - Subdivision of rural land*, to ensure planning decisions adequately balance the need to protect and preserve rural land for rural purposes;
 - ii. *State Planning Policy 2.4 - Planning for Basic Raw Materials* to ensure proposals for renewable energy facilities consider their impact on basic raw material supply at the earliest stage of the planning process; and
 - iii. *State Planning Policy 2.9 - Planning for Water* to ensure water resources impacted by renewable energy facilities are identified and adequately managed.
 - f. Includes policy measures to address:
 - i. possible negative impacts on or alienation of productive agricultural land;

- ii. their proximity to lot boundaries with particular attention to potential negative, impact on town sites and sensitive land uses;
 - iii. potential negative impacts on airport operations;
 - iv. their appropriateness in the 'General Industry' zone and impacts and suitable location on heavy industry sites;
 - v. the need for local engagement and the realisation of community benefits from the development of renewable energy facilities.
2. Review the definition of 'renewable energy facility' considering the increasing size and scope of facilities and consider creating definitions based on the scale of the facility (Utility-scale and other), and the form of facility (solar energy and wind energy).
 3. Provide guidance to Local Governments on the consideration of green hydrogen production facilities on rural land where it is an incidental use to a renewable energy facility.

Background

The placement and management of renewable energy facilities have become contentious issues in local communities across Western Australia. Concerns have been raised regarding the location of these facilities on agricultural land, their proximity to rural boundaries and residences, and their potential impact on right-to-farm practices such as aerial spraying activities.

The 2023 WALGA Annual General Meeting resolved that WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.

The Great Eastern Country Zone passed a similar resolution at their April Zone meeting.

The Central Country Zone made a similar resolution, requesting WALGA advocate to the State Government *to develop a more comprehensive and effective approach to guide the management and placement of renewable energy facilities; including but not limited to wind, solar, battery, renewable diesel and associated infrastructure.*

Furthermore, Local Governments have also raised concerns with the coordination of renewable energy facilities in industrial areas, particularly in relation to their appropriateness in the 'General Industry' zone and impacts and suitable location on heavy industry sites.

The existing State Government *Position Statement: Renewable energy facilities* is inadequate to address these concerns, leading to inconsistent application and approvals of renewable energy facilities across the State.

State Council Resolution September 2024 - 067.4/2024

6.18 Priority Agriculture

Position Statement

The state planning framework should provide sufficient statutory protections for areas identified as high quality agricultural land.

WALGA calls on the State Government to:

1. Amend the *Planning and Development (Local Planning Schemes) Regulations 2015* to:
 - a. Create a new model zone under Schedule 1, Part 3, Clause 16 for land identified as high quality agricultural land known as the 'Priority Agriculture' zone, with the following objectives:
 - i. to retain priority agricultural land for agricultural purposes; and
 - ii. limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.
 - b. Define 'Priority Agriculture' zone under Schedule 2, Part 1, Clause 1 to align with the definition provided in State Planning Policy 2.5 - Rural planning.
2. Review the areas which have been identified by the Department of Primary Industries and Regional Development as high quality agricultural land and expand the extent of mapping to address the whole of Western Australia.
3. Undertake a 'health check' of *State Planning Policy 2.5 - Rural planning* and *Development Control Policy 3.4 - Subdivision of rural land*, in consultation with relevant stakeholders.

Background

A 2023 WALGA Annual General Meeting resolution and subsequent resolution by the Great Eastern Country Zone requested WALGA *establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.*

WALGA prepared a *Research Paper: Protection of Productive Agricultural Land* (Research Paper) which provided policy context, WALGA advocacy and analysis of State and Local Government approaches to land use protections. The Research Paper described the process of high quality agricultural land being identified by the

Department of Primary Industries and Regional Development, which can then inform Local Governments who choose to adopt priority agricultural land provisions within their local planning frameworks.

This work identified a lack of consistency between the sub-regional planning strategies across the different regions of WA that has impeded the implementation of best practice planning controls into local planning frameworks, and thus produced inconsistent application across the State.

State Council Resolution September 2024 - 068.4/2024

7. Waste

7.1 Waste Management Legislation

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| Position Statement | Local Government supports waste management legislation that references the principles of Sustainability and the Waste Hierarchy. To be effective, waste management legislation should include the following primary objectives: <ol style="list-style-type: none">1. Protection of human health and the natural environment;2. Minimise resource consumption;3. Minimise waste; and4. Effect the transition to a waste free society. |
| Background | Waste management is a significant activity for Local Government and has implications for human health and the environment. The Policy Statement on Waste Management Legislation was developed to clearly articulate Local Government views on what should be included in any new legislation. It was successfully used to inform WALGA's advocacy during the development of the Waste Avoidance and <i>Resource Recovery Act 2007</i> , which consolidated existing provisions and laid the foundation for a new waste management framework. |
| State Council Resolution | August 2004 – WAS0115/BR |
| Supporting Documents | Waste Management Legislation Policy Statement (2004) |

7.2 State Waste Strategy

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| Position Statement | Local Government requires leadership and clear direction from the State Government in relation to waste management. As such, Local Government supports the development and implementation of a comprehensive State Waste Strategy which: <ol style="list-style-type: none">1. Is consistent with the content, purpose and objective of existing legislation and policy at both a state and national level;2. Clearly identifies the roles and responsibilities of the Waste Authority in regard to the development and implementation of the Strategy, as outlined in the <i>Waste Avoidance and Resource Recovery Act 2007</i>;3. Is reviewed, with Stakeholder input, within 2 years of implementation; and4. Includes achievable targets for all waste streams and focuses on waste reduction, resource recovery and the diversion of waste from landfill. Targets should be |
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based on accurate baseline data and clearly identify roles, responsibilities and funding for each target area.

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| Background | The introduction of the <i>Waste Avoidance and Resource Recovery Act 2007</i> established a legislative requirement for a Waste Strategy to be developed. The first Waste Strategy subject to this requirement was released in March 2012. WALGA advocated strongly during the development of the Strategy and was successful in achieving realistic targets for Local Government recovery. |
| State Council Resolution | July 2023 - 225.FM/2023 February 2010 – 11.1/2010 |
| Supporting Documents | Waste Management Legislation Policy Statement (2004) WALGA Submission to the Waste Authority on Draft I of the Waste Strategy for Western Australia (2009) WALGA Submission to the Waste Authority on Draft II of the Waste Strategy for Western Australia (2010) |

7.3 Waste Authority

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| Position Statement | Local Government considers that an independent and effective Waste Authority is required. The role of the Waste Authority should be of a collaborative, facilitative and strategic nature. Specific activities should include: <ul style="list-style-type: none">• Developing, administering, monitoring and reviewing the State Waste Strategy;• Developing a Priority Waste List (for Extended Producer Responsibility) as required in the <i>Waste Avoidance and Resource Recovery Act 2007</i>; and• Developing and implementing an annual Business Plan that delivers the objectives of the Waste Strategy. |
| Background | The Waste Authority is a statutory body that was established in 2008 under the auspices of the <i>Waste Avoidance and Resource Recovery Act 2007</i> . This was a significant achievement for Local Government, as previous state government waste advisory groups were non-statutory in nature. |
| State Council Resolution | August 2004 – WAS0115/BR |
| Supporting Documents | Waste Management Legislation Policy Statement (2004) |

7.4 Waste Management Funding

[retired May 2024 – State Council Resolution 025.2/2024]

7.5 Extended Producer Responsibility (EPR)

[retired September 2024 – State Council Resolution 070.4/2024]

7.6 Container Deposit Systems (CDS)

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| Position Statement | Local Government supports the immediate introduction of a Container Deposit Scheme in Western Australia. |
| Background | The benefits of such a Scheme include: increased resource recovery, a reduction in litter, a more appropriate distribution of waste management costs, and an increase in community awareness and involvement in waste management. Local Government prefers that a nationally consistent Scheme is introduced, but only if this can occur in a timely manner. Container Deposit Legislation has successfully operated in South Australia since the late 1970's. South Australia now has the highest recycling rates for beverage containers in Australia, at over 80%. |
| State Council Resolution | August 2008 – 404.4/2008 |
| Supporting Documents | Container Deposit Systems Policy Statement (2008) Extended Producer Responsibility Policy Statement (2008) |

7.7 Waste Management Infrastructure

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| Position Statement | Local Governments and Regional Councils face a number of challenges when developing and operating waste management infrastructure; most notably, the funding and planning of these facilities. Additionally, both the Metropolitan and Non-Metropolitan areas have particular local issues that can impact on waste management activities that need to be considered. |
| Background | The term 'waste management infrastructure' is applied to the infrastructure needed in order to carry out waste management activities. For example, landfills, transfer stations, material recovery facilities, resource recovery facilities, alternative waste treatment facilities and green-waste reprocessing facilities. The infrastructure required to process Municipal Solid Waste (MSW) in WA is largely coordinated by Local Governments and Regional Councils and was traditionally focused on landfill. In recent years there have been a number of drivers to pursue alternatives to landfill, such as an increasing population and direction from the State Government not to approve <i>“any new</i> |

landfill sites on the coastal sand plain because of their potential to pollute groundwater” (Select Committee on Recycling and Waste Management Final Report (1995, p. 2)).

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| State Council Resolution | June 2011 – 74.3/2011 August 2009 – 561.4/2009 |
| Supporting Documents | Background Paper on Local Government Waste Management Infrastructure (2011) Discussion Paper: Alternative Waste Treatment (AWT) Technology (2009) |

7.8 Waste Management Education

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| Position Statement | <ol style="list-style-type: none">1. Waste education is an essential part of waste management that empowers the community to engage in waste avoidance, reuse and recovery, and to use services correctly.2. Effective waste education requires:<ol style="list-style-type: none">a. Consistent communications by all stakeholders to ensure messages are clear and the community has confidence in the information provided.b. A strategic and long-term investment from the State Government, with funding mechanisms in place to support and enable collaboration between Local Governments and Regional Councils.c. Recognition of waste education in the definition of ‘waste service’ in the Waste Avoidance and Resource Recovery Act 2007, in order to allow a charge for waste education as part of the waste service charge.d. Identification of priority problematic materials within the waste stream and ongoing advocacy for evidence based alternative approaches. |
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| Background | <p>The Waste Education Policy Statement has been developed to identify the roles and expectations of Local, State and Federal Governments and the private sector regarding Waste Education for the community. Without this clarity, duplication of effort and mixed messages are likely to occur.</p> <p>While all levels of government have roles to play in waste education, there are many areas where they intersect. Local Government has greater responsibility for direct waste education to the communities it services, while State and Federal Government support and enable the implementation of effective waste management systems by Local Government, through strategic planning and funding mechanisms.</p> |
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State Council Resolution December 2023 - 505.6/2023
Supporting Documents Waste Education Policy Statement

7.9 Applying Recycled Organics to Land

[retired March 2024 – State Council Resolution 005.1/2024]

7.10 Household Hazardous Waste (HHW)

- Position Statement
1. Household Hazardous Waste (HHW) is a small but significant component of the waste stream which requires specialised management strategies to protect human health, property and the environment.
 2. This requires:
 - a. Effective Product Stewardship for all HHW; and
 - b. The maintenance and expansion of the HHW Program, funded by the State Government and Product Stewardship Schemes, to provide for the management of HHW collected from the community by Local Government.

Background The Household Hazardous Waste policy statement has been developed to outline the roles and expectations of Government and industry in respect to the management of Household Hazardous Waste in Western Australia.

State Council Resolution December 2023 - 505.5/2023
Supporting Documents Household Hazardous Waste Policy Statement

7.11 Waste Management and Resource Recovery Partnership Agreement

Position Statement The Local Government sector supports the initiation of a State Local Government Partnership Agreement on Waste Management and Resource Recovery.

Background There are a number of strategic drivers for the pursuit of a partnership agreement on waste management and resource recovery:

1. The Government's current draft State Waste Strategy provides the opportunity to consolidate the roles and responsibilities of State and Local government – a Partnership Agreement would codify this for the term of the McGowan Government – and provide the opportunity during discussions to deliver on existing WALGA policy positions in relation to waste management.
2. Internationally, the China Sword policy on recycled materials has forced a rethink on the traditional linear approach to waste management, and a Partnership Agreement could open up the opportunity to drive a circular economy approach to resource recovery,

reinforcing the incentive for local employment opportunities and innovation.

3. A Partnership Agreement would not only relate back to our recently released WA Plan for Jobs – Economic Opportunities for Local Government but again signal that it is the intent of Local Government to be a trusted partner in the economic development and governance of the State of Western Australia.

State Council Resolution December 2018 – 131.7/2019

7.12 Landfill Ban

Position Statement Landfill bans are only supported in the presence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.

Background Banning materials from disposal to landfill has not been used extensively by the State Government in Western Australia. Without effective product stewardship arrangements in place for items covered by landfill bans, or alternative funding mechanisms, the burden of managing the product at end of life falls disproportionately to Local Governments and the community. Other negative consequences could include illegal dumping of material.

State Council Resolution December 2023 – 507.5/2023
July 2023 – 228.FM/2023
July 2023 – 463.3/2023

7.13 Recovered Materials Framework

Position Statement The use of recovered materials, across a range of applications, is essential in reducing the use of basic raw materials, meeting State Waste Strategy Targets and increasing diversion of waste from landfill. To ensure end users have high confidence in the quality and safety of products derived from recovered materials, consistent, outcomes-based standards and investment certainty are required.

The State Government, in consultation with Local Government and the waste management industry, should take a leadership role in facilitating the use of recovered material by:

1. Developing a regulatory framework which:

- a. Outlines clear, outcomes-based specifications for individual products which take into consideration the receiving environment and allow for site-specific assessment.
 - b. Minimises risk to human health and the environment from the use of recovered material.
 - c. Establishes robust systems to provide quality assurance and ongoing surveillance throughout the supply chain.
2. Providing guidance and support mechanisms for the successful implementation of the framework.
 3. Supporting the development of, and access to, sustainable end markets and long-term offtake agreements through initiatives such as active engagement with potential end users and the inclusion of recovered material content targets in Government procurement and large infrastructure projects.

Background

Local Government is a user and a producer of recovered materials and will benefit from a robust legislative framework that provides certainty regarding the use of products. The materials which will be covered by the Framework include any material recovered from waste which is applied to land. For example, FOGO Derived Compost, glass from kerbside recycling used in road construction, and construction and demolition waste used in road construction.

The Advocacy Position provides a strong basis for WALGA to argue for an effective framework and the key elements of implementation.

State Council Resolution March 2024 – 005.1/2024

7.14 Waste Levy

Position Statement

The Waste Avoidance and Resource Recovery Levy (the Levy) was established in WA to fund programs relating to the management, reduction, reuse, recycling, monitoring or measurement of waste and administering the fund. The current Levy is applied to waste generated, or landfilled, in the Perth metropolitan area.

Currently, only 25% of the collected funds are retained for strategic waste management activities, 75% are allocated to the ongoing operations of the Department responsible for administration of the Levy.

Local Government considers that:

1. The Waste Avoidance and Resource Recovery Levy (the Levy) funds must be fully hypothecated to strategic waste management activities in line with the State Waste Strategy including focus on priority materials such as organic waste.
2. The Levy funds must not be used for non-waste management related activities, such as funding State Government core activities.
3. Strategic waste management activities funded by the State Government should:
 - a. Provide adequate funding and support for Regional Councils, non-metropolitan and metropolitan Local Governments;
 - b. Reflect the targets and priorities within the Waste Strategy;
 - c. Fully fund and acknowledge the life cycle costs of infrastructure and services; and
 - d. Facilitate the development, implementation and ongoing operation of Product Stewardship Schemes.
4. The Levy should not be applied to waste generated in the non-metropolitan area as it is not feasible, or appropriate, to implement the Levy in areas with a limited rate base, access to markets for recycled materials, economic growth and resources to manage such a change.
5. The Levy should not be applied to waste received at premises undertaking licensed activities whose primary purpose is resource recovery.
6. The Levy must be supported by a clear, evidence-based rationale to demonstrate the suitability of how charges are set, how and where funds are allocated, and the extent to which it is delivering on its objectives.

7. The Levy must be supported by a comprehensive regulatory regime for activities that are, or should be, licenced.

Background

The Waste Levy Policy Statement was first endorsed in 2008 and amended in 2018. The statement outlines the Local Government position on levies charged on the weight or volume of waste received at licenced premises and the application of those funds to waste management activities.

In 2023, the WA Government published the findings of a Review of the Waste Avoidance and Resource Recovery (WARR) Levy. The consultation summary report and supporting consultant report can be accessed on the Department of Water and Environmental Regulation (DWER) website.

Key outcomes of the Levy Review included a five-year schedule of increases.

State Council Resolution
Supporting Documents

May 2024 – 025.2/2024
[Waste Levy Policy Statement](#)

7.15 Product Stewardship

Position Statement

1. Industry should take responsibility (physical and/or financial) for the waste that it generates through the entire life cycle of the products it produces through the implementation of effective product stewardship. Without effective Product Stewardship, there will be increasing costs for the community, resource recovery targets will be difficult to reach and a transition to a circular economy is unlikely.
2. Effective Product Stewardship is characterised by:
 - a. Producers and importers taking responsibility for post consumption product impacts.
 - b. Schemes covering the entire cost of product recycling or recovery, including transport.
 - c. Leveraging existing Schemes and collection locations.
 - d. Being easy and convenient for the community to access.
 - e. Having equitable national coverage and access for all, including regional and remote locations.
 - f. Being evidence based.
 - g. Consistent regulation and implementation across Australia using national Product Stewardship legislation.
 - h. Timely action and industry cooperation during Scheme development and implementation.

- i. Being demand based and aiming to recover the maximum amount of material, rather than being limited by targets.
 - j. No additional cost to consumers when the product is disposed of post consumption.
3. Local Government calls on the Commonwealth Government to implement effective Product Stewardship schemes for all products that drive environmentally and socially sustainable outcomes through the design, manufacture and distribution of products that can be more easily reused, repaired, recovered or recycled.
 4. If national action is not progressed within a reasonable timeframe, or in a way that meets the needs of the Western Australian community, then Local Government supports a State based approach to Product Stewardship.

Background

The Product Stewardship Policy Statement and Advocacy position has been developed to identify the key elements of effective Product Stewardship schemes, and highlight that industry should take responsibility for the waste that it generates through a product's entire life cycle.

Effective Product Stewardship schemes are crucial to Local Government, as they can redistribute the responsibility for managing post-consumption products from Local Governments and the community, onto others in a product's supply chain.

State Council Resolution

September 2024 - 070.4/2024

Supporting Documents

[Policy Statement – Product Stewardship Schemes](#)

8. Emergency Management

Local Governments in Western Australia play a significant role in emergency management. Both Commonwealth and State Government policy identify Local Government as a key player in community disaster resilience, preparedness and response. Local Governments however face a number of challenges in addressing their emergency management responsibilities, and these challenges differ greatly across the State.

8.1 Emergency Management Principles

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| Position Statement | <ol style="list-style-type: none">1. The State Government bears fundamental responsibility for emergency management and has the role of providing strategic guidance, support and services for emergency management activities in Western Australia.2. The State Government should provide financial and resourcing support as necessary to enable Local Governments to adequately deliver their extensive emergency management roles and responsibilities under the State Emergency Management Framework.3. The Local Government Sector should be engaged as a partner in policy and legislative reviews that impact Local Government emergency management roles and responsibilities. |
| Background | In 2022, WALGA conducted a review of its emergency management positions and prepared a suite of comprehensive policy positions on key issues and matters for the sector based on previous State Council endorsed submissions, recommendations from significant reviews and inquiries, and information and priorities captured in sector-wide consultations. |
| State Council Resolution | April 2024 – 238.FM/2024 December 2023 – 508.5/2023 August 2023 – 231.FM/2023 July 2022 – 354.5/2022 |
| Supporting Documents | Submission on the Emergency Management Sector Adaptation Plan |

8.2 State Emergency Management Framework

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| Position Statement | <p>Local Governments are supported to undertake their emergency management responsibilities by a simple and streamlined State Emergency Management Framework with the primary objectives of:</p> <ol style="list-style-type: none">1. Protecting people, the economy, and the natural environment from disasters;2. Supporting communities in preventing, preparing for, responding to and recovering from emergencies;3. Clearly outlining roles, responsibilities and accountabilities for Local Government and other emergency management stakeholders;4. Scalability and adaptability that supports Local Governments of varied capacity and capability; and5. Supporting agency interoperability through common systems and approaches to key activities including data management, communications, and hazard management. |
| Background | <p>In 2022, WALGA conducted a review of its emergency management positions and prepared a suite of comprehensive policy positions on key issues and matters for the sector based on previous State Council endorsed submissions, recommendations from significant reviews and inquiries, and information and priorities captured in sector-wide consultations.</p> |
| State Council Resolution | <p>April 2024 – 238.FM/2024 December 2023 – 508.5/2023 July 2022 – 354.5/2022</p> |
| Supporting Documents | <p>Submission on the Emergency Management Sector Adaptation Plan</p> |

8.3 Sustainable Grant Funding Model for Emergency Management

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| Position Statement | <p>Local Government should be empowered to discharge its emergency management responsibilities through sustainable grant funding models that support a shared responsibility and all hazards approach to prevention, preparedness, response and recovery from natural disasters. A sustainable grant funding model for Local Government emergency management:</p> <ol style="list-style-type: none">1. empowers Local Governments to undertake proactive approaches to preparedness, prevention, response and recovery;2. supports the resilience of local communities through capacity-building activities and programs; |
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3. is responsive to the variations in Local Government resourcing and context;
4. develops the skills, capacity and capability of the emergency management workforce; and
5. is consistent, flexible, timely, accessible, scalable, strategic and the guidance provided is comprehensive.

Background

In 2022, WALGA conducted a review of its emergency management positions and prepared a suite of comprehensive policy positions on key issues and matters for the sector based on previous State Council endorsed submissions, recommendations from significant reviews and inquiries, and information and priorities captured in sector-wide consultations.

State Council Resolution

August 2023 – 231.FM/2023
 July 2022 – 354.5/2022

8.4 Consolidated Emergency Services Act

Position Statement

1. The Association advocates for the development of a *Consolidated Emergency Services Act* to provide a comprehensive and contemporary legislative framework to support the effective delivery of emergency services in Western Australia. The Legislation should clearly define the roles and responsibilities of all emergency management stakeholders including Local Government.
2. The Local Government sector seeks ongoing engagement in the scoping and co-design of the Act and associated Regulations and supporting materials such as Guidelines and fact sheets.
3. The Association advocates for DFES to undertake a full costing analysis of the new Act and to provide to Local Government details of the cost implications prior to the release of any Exposure Draft Bill.
4. Any new or increased responsibilities placed on Local Government by the *Consolidated Emergency Services Act* must be accompanied by funding and resource support to enable Local Governments to adequately discharge those responsibilities.
5. The Association recognises that in addition to the *Consolidated Emergency Services Act*, the Regulations and other supporting materials that are developed to support it provide a key resource for Local Governments in understanding and discharging their legislative obligations.

Background

In 2022, WALGA conducted a review of its emergency management positions and prepared a suite of comprehensive policy positions on key issues and matters

for the sector based on previous State Council endorsed submissions, recommendations from significant reviews and inquiries, and information and priorities captured in sector-wide consultations.

State Council Resolution July 2022 – 354.5/2022

8.5 Resource Sharing

Position Statement Local Governments and the Association support resource sharing across the Local Government Sector for the purpose of emergency management, to support Local Governments to undertake effective and timely response and recovery to emergencies as well as conduct business as usual. The Association will endeavour to facilitate support to the sector in undertaking resource sharing arrangements.

Background In 2022, WALGA conducted a review of its emergency management positions and prepared a suite of comprehensive policy positions on key issues and matters for the sector based on previous State Council endorsed submissions, recommendations from significant reviews and inquiries, and information and priorities captured in sector-wide consultations.

State Council Resolution July 2022 – 354.5/2022

8.6 Lessons Learnt Management

Position Statement The Association advocates for the implementation of a transparent and contemporary assurance framework for emergency management lessons management overseen by the State Emergency Management Committee. Findings from inquiries and reviews, and progress on implementation of recommendations, should be publicly reported regularly and consistently.

Background In 2022, WALGA conducted a review of its emergency management positions and prepared a suite of comprehensive policy positions on key issues and matters for the sector based on previous State Council endorsed submissions, recommendations from significant reviews and inquiries, and information and priorities captured in sector-wide consultations.

State Council Resolution July 2022 – 354.5/2022

8.7 Emergency Services Levy

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| Position Statement | <ol style="list-style-type: none">1. Local Government request the implementation of the recommendations from the 2017 Economic Regulation Authority (ERA) Review of the Emergency Services Levy, which supported increased transparency and accountability in the administration and distribution of the ESL through:<ol style="list-style-type: none">a) Expansion of the ESL to fund Local Government emergency management activities across prevention, preparedness and response;b) Administration of the ESL by an independent organisation that is funded through consolidated revenue, with regular independent reviews of expenditure and assessment of the effectiveness of ESL funding expenditure to support prevention, preparedness and response activities;c) The ESL administration fee should recompense Local Governments for the complete cost of administering the ESL;d) Public disclosure of the allocation and expenditure of the ESL;e) Public disclosure by the State Government on the progress of implementation of each of the ERA Review recommendations; andf) A review of the role, responsibilities and reporting arrangements of the Community Emergency Services Manager (CESM) Program.2. Local Government advocates that the ESL should be collected by the State Government, but failing that, the administration fee should recompense Local Governments for the complete cost of administering the ESL. |
| Background | <p>In 2022, WALGA conducted a review of its emergency management positions and prepared a suite of comprehensive policy positions on key issues and matters for the sector based on previous State Council endorsed submissions, recommendations from significant reviews and inquiries, and information and priorities captured in sector-wide consultations.</p> |
| State Council Resolution | July 2022 – 354.5/2022 |

8.8 Local Government Grants Scheme

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| Position Statement | <p>Local Government supports:</p> <ol style="list-style-type: none">1. A full, independent review of the LGGGS to investigate and analyse how ESL funds are allocated to Local Government via the LGGGS;2. A redesign of the LGGGS to remove the ineligible and eligible list and create a sustainable, modern, equitable grants program that funds Local Government emergency management activities across prevention, preparedness and response;3. An audit of existing buildings, facilities, appliances, vehicles, and major items of equipment for both Local Government Volunteer Bushfire Brigades (BFB) and State Emergency Services (SES) to inform the preparation of a Comprehensive Asset Management Plan and to guide future funding requests; and4. in the interim, an immediate increase in the quantum of State Government funding to enable the provision of funding of operating and capital grant applications in full, to provide all resources necessary for the safe and efficient operation of Local Government Bushfire Brigades, in accordance with obligations of the Work Health and Safety 2020 legislation. |
| Background | <p>In 2022, WALGA conducted a review of its emergency management positions and prepared a suite of comprehensive policy positions on key issues and matters for the sector based on previous State Council endorsed submissions, recommendations from significant reviews and inquiries, and information and priorities captured in sector-wide consultations.</p> |
| State Council Resolution | <p>July 2022 – 354.5/2022</p> |

8.9 Expansion of the Community Emergency Services Manager Program

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| Position Statement | <p>That the Association advocates for an expansion of the Community Emergency Service Manager (CESM) Program, as follows:</p> <ol style="list-style-type: none">1. All Local Governments should have the option of participating in the CESM Program.2. The full cost of the CESM Program should be funded through the Emergency Services Levy. |
| Background | <p>In 2022, WALGA conducted a review of its emergency management positions and prepared a suite of comprehensive policy positions on key issues and matters for the sector based on previous State Council endorsed</p> |

submissions, recommendations from significant reviews and inquiries, and information and priorities captured in sector-wide consultations.

State Council Resolution July 2022 – 355.5/2022

Supporting Documents DFES Community Emergency Service Managers Reference Manual, May 2021

8.10 Management of Bush Fire Brigades

Position Statement

1. Bush Fire Brigade volunteers play a critical role in helping to protect their local communities. Local knowledge and skills are integral to bushfire management in Western Australia.
2. Future management and funding of volunteer Bush Fire Brigades must:
 - a) Recognise the changing risk environment, including work health and safety requirements, and the increasing intensity and frequency of bushfires;
 - b) Take account of the differing circumstances of Bush Fire Brigade units and regional variations in bush firefighting approaches; and
 - c) Be adequately and equitably resourced through the Emergency Services Levy.
3. The State Government, through the Consolidated Emergency Services Act and/or other mechanism's must:
 - a) Establish a clear framework to enable transfer of Bush Fire Brigades to the State Government if a Local Government decides to do;
 - b) Consult on the process, timeline, and implications for transfer of responsibility for Bush Fire Brigades in accordance with 3(a) through the establishment of a working group comprising representatives of Local Government, Bush Fire Brigades, the Department of Local Government, Sport and Cultural Industries (DLGSC) and the Department of Fire and Emergency Services (DFES);
 - c) Provide for mandatory and minimum training requirements and recognition of competency and prior learning for Bush Fire Brigade volunteers, supported by locally delivered fit-for-purpose and universally accessible training program, designed in consultation with Bush Fire Brigade representatives, Local Government and LGIS, and managed by DFES; and
 - d) Develop a co-designed suite of relevant management guidelines and materials to assist in the management of Bush Fire Brigades.

4. As a matter of priority within the emergency services Acts review, the State Government to consider the most appropriate operational model for management of Bush Fire Brigades, which may include the establishment of an independent Rural Fire Service, as recommended in the 2016 Ferguson Report.

Background

Under the *Bush Fires Act 1954*, Local Governments have responsibility for the establishment and management of volunteer Bush Fire Brigades (BFBs). It was considered timely for the sector to consider its position on the most appropriate future management arrangements for BFBs as:

- the Work Health and Safety Act 2020 (WHS Act), enacted in March 2022, raised the sector's concerns regarding risk and liability in the management of BFBs; and
- the State Government is preparing the Consolidated Emergency Services Act, which is expected to be released for consultation in early 2023.

WALGA consulted the sector on this issue from 24 May to 29 July 2022 through a paper, Arrangements for management of Bush Fire Brigades: Proposed Advocacy Position. A total of 89 submissions were received from Local Governments, representing 64% of the Local Government sector and 77% of Local Governments that manage BFBs. Based on the feedback received, an Advocacy Position on Management of BFBs was adopted by State Council.

State Council Resolution September 2022 – 377.7/2022

8.11 Local Emergency Management Arrangements (LEMA)

Position Statement

1. The State Government should fund the implementation of the Local Emergency Management Arrangements (LEMA) Improvement Plan endorsed by the State Emergency Management Committee (SEMC).
2. A reformed LEMA system should:
 - a) Clearly articulate the roles and responsibilities of Local Governments in emergency management;
 - b) Simplify the reporting processes and reduce the administrative burden of maintaining compliance;
 - c) Provide a suite of scalable tools and guidance materials that are accessible through an online knowledge hub;

- d) Build the emergency management capacity and capability of Local Governments through the provision of targeted training, exercising support, human resources and sustainable funding;
- e) Assist Local Governments to continue to deliver their core business activities and provide public information during an emergency event;
- f) Improve the connectivity of Local Governments' various risk management and hazard planning processes through an integrated approach; and
- g) Enable resource sharing and collaboration across the Local Government sector.

Background

Under the Emergency Management Act 2005, all Local Governments are required to have Local Emergency Management Arrangement (LEMAs). LEMA refers to the collection of all the emergency management documentation, processes and agreements which apply to each Local Government district.

In 2021, WALGA was allocated \$140,040 in All West Australians Reducing Emergencies (AWARE) grant program funding to lead a consultation with Local Government for a LEMA Review.

WALGA's LEMA Review consultation with 100 Local Governments in 2022, confirmed that LEMA system reforms are required to empower Local Governments to prepare for and recover from hazards that are likely to impact their communities and business operations.

In early 2023, DFES developed a LEMA Improvement Plan that was informed by WALGA's LEMA Review consultation outcomes and recommendations.

The final LEMA Improvement Plan was endorsed by State Emergency Management Committee on 2 August 2023, noting that funding for implementation for the key actions is not yet confirmed.

Failing to reform the LEMA system will result in Western Australian communities being unprepared for the accelerating risks they face as a result of climate change.

It is imperative that Local Governments have access to ongoing financial and human resources to enable them to fulfil their emergency management obligations and enhance their community's disaster resilience.

State Council Resolution

April 2024 – 238.FM/2024
September 2023 – 484.4/2023

Supporting Documents

WALGA LEMA Review consultation with Local Government
State Emergency Management Committee LEMA
Improvement Plan
Submission on the Emergency Management Sector
Adaptation Plan

9. Retired and Replaced Advocacy Positions

The administration of the Advocacy Positions Manual (the Manual) was amended from 1 January 2024. The amendments include:

- Annotations to be inserted in the Manual to identify Advocacy Positions removed from the primary Manual.
- Numbering assigned to an Advocacy Position in the Manual will not be reused if the Advocacy Position is removed from the Manual.
- A new register of Advocacy Positions removed from the Manual established.
- Standard terminology introduced to define the reason an Advocacy Position was removed from the Manual as follows:

Retired

- Advocacy Position has either been achieved (in full or in part) due to WALGA Advocacy.
- This is to be used where there are updates, reforms, or review processes related to the Advocacy Position which have been concluded, meaning that the Position is no longer 'active'.
- Also to be used where an Advocacy Position is no longer current but is not replaced.
- Advocacy Position number will be retired.

Replaced

- The Advocacy Position is no longer current, and a more contemporary Advocacy Position is required.
- This is to be used where there is new information, changed Government policy, advancements in the relevant field etc which require as significant update to the Advocacy Position.
- Existing Advocacy number to be retained.

| Position Number, Position Name and Position Statement | Retirement Date/ Resolution No. | Notes |
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| <p>The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.</p> | | <p>Replaced (New Advocacy Position 2.5.18 applies)</p> |
| <p>6.1 Planning Principles All legislation and policy which deals with planning and development must:</p> <ul style="list-style-type: none"> • ensure role clarity and consistency across all legislation controlling development, to avoid confusion of powers and responsibilities; • be easily interpreted by, understood by and accessible to all sections of the community; • be amended only with WALGA involvement and/or consultation/involvement with Local Government. | <p>September 2024 069.4/2024</p> | <p>Replaced (New Advocacy Position 6.1 applies)</p> |
| <p>6.2 Planning Reform The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system while ensuring Local Government retains the ability to respond to local context and characteristics through Local Planning Frameworks.</p> | <p>September 2024 069.4/2024</p> | <p>Retired (New Advocacy Position 6.1 applies)</p> |
| <p>7.5 Extended Producer Responsibility (EPR) Local Government supports the concept of Extended Producer Responsibility, as a mechanism for ensuring manufacturers of products take responsibility (be that physical or financial) for the entire lifecycle impact of their products. By placing greater responsibility on producers, Extended Producer Responsibility can potentially improve valuation, pricing and incentive mechanisms, as well as encourage greater investment in infrastructure, research and development.</p> | <p>September 2024 070.4/2024</p> | <p>Retired (New Advocacy Position 7.15 applies)</p> |

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| <p>5.2.4 Seat Belt Legislation The Local Government sector supports the alignment of Western Australian seat belt legislation with other Australian States to ensure an additional responsibility is placed on the driver ensuring passengers 16 years of age or older are restrained, similarly to unrestrained children (under 16 years of age).</p> | <p>September 2024 079.4/2024</p> | <p>Retired (Legislation has been amended in accordance with the advocacy position)</p> |
| <p>5.8 Ports The Local Government sector supports the planning and operations of Port Infrastructure be addressed through State run initiatives and processes supported by Federal funding, rather than through Federal strategies.</p> | <p>September 2024 079.4/2024</p> | <p>Retired (National Freight and Supply Chain Strategy reviewed in 2023)</p> |
| <p>5.12 Infrastructure WA The Local Government sector supports the establishment of Infrastructure WA as a statutory body under legislation and recommends that projects valued at \$50 million and above are included in the Infrastructure WA Strategy, representation on the Infrastructure WA Board, an effective and transparent consultative and engagement process and consideration of the on-going costs of asset maintenance and renewal of any assets transferred to Local Government care and control.</p> | <p>September 2024 079.4/2024</p> | <p>Retired (<i>Infrastructure Western Australian Act 2019</i> commenced and Infrastructure WA established in 2019)</p> |
| <p>3.5 Crime Prevention The Association supports Local Government initiatives that contribute to effective community safety and crime prevention outcomes in their communities. WALGA State Council supports the Tough on Graffiti Strategy 2011-2015, WA Police Crime Prevention Strategy 2011-2015, and State Community Crime Prevention Plan 2011-2014.</p> | <p>September 2024 080.4/2024</p> | <p>Retired (related to specific strategies and plans which have since been superseded by the Graffiti Vandalism Strategy Western Australia 2022-2023)</p> |

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| <p>2.2.2 Local Government Audit Process WALGA advocate to the Office of the Auditor General (OAG) to reform the audit process for Local Governments by seeking:</p> <ol style="list-style-type: none"> In-conjunction with the Department of Local Government, Sport and Cultural Industries, review the application of Fair Value principles in the context of the audit; | <p>July 2024 047.3/2024</p> | <p>Retired (achieved)</p> |
| <p>3.12.1 State Trail Bike Strategy The Local Government sector advocates for changes to the current management of unlicensed trail bikes due to their adverse impact on the environmental and community amenity, in line with the WA State Trail Bike Strategy 2007.</p> | <p>July 2024 059.3/2024</p> | <p>Retired (No longer current - Advocacy Position 3.12 Off-Road Vehicles still applies.</p> |
| <p>7.4 Waste Management Funding Local Government considers that:</p> <ol style="list-style-type: none"> Waste Avoidance and Resource Recovery Levy funds should be hypothecated to strategic waste management activities in line with the State Waste Strategy and strongly opposes the application of the Levy to non-waste management related activities, such as funding State Government core activities; and The Levy should not be applied to licensed landfills outside the metropolitan area. | <p>May 2024 025.2/2024</p> | <p>Replaced (with 7.14 Waste Levy)</p> |
| <p>2.5.1 Public Notices Sections 1.7 and 1.8 of the <i>Local Government Act 1995</i> should be amended to remove the statutory requirements for statewide and local public notices to be placed in a newspaper circulating statewide or locally, to be replaced with a requirement for a Local Government to place public notices on their website.</p> | <p>March 2024 017.1/2024</p> | <p>Retired (achieved) <i>Local Government Regulations Amendment Regulations (No.2) 2020</i></p> |

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| <p>2.5.21 Recordings and Live Streaming of Council Meetings</p> <ol style="list-style-type: none"> 1. The Local Government sector supports a requirement for all Band 1 and 2 Local Governments to live stream ordinary and special council meetings, and for all Band 3 and 4 Local Governments to record the audio of ordinary and special state council meetings. 2. The Local Government sector does not support archiving confidential matters within these recordings by the Department of Local Government, Sport and Cultural Industries. | <p>March 2024 017.1/2024</p> | <p>Retired (achieved) <i>Local Government Amendment Act 2023</i> <i>Local Government Regulations Amendment Regulations (No.3) 2023</i></p> |
| <p>7.9 Applying Recycled Organics to Land</p> <p>Local Government:</p> <ol style="list-style-type: none"> 1. Acknowledges the benefits of applying recycled organics to land, especially as a means of diverting organic material from landfill; and, 2. Supports the development of standards for applying recycled organics to land, to ensure a fit for purpose product is developed. | <p>March 2024 005.1/2024</p> | <p>Replaced (with 7.13 Recovered Materials Framework)</p> |

A retrospective review of Advocacy Positions removed from 1 January 2022 – 31 December 2023 has also been conducted. These are listed below.

These Advocacy Positions are not annotated in the Manual.

| Position Number, Position Name and Position Statement | Retirement Date/ Resolution No. | Notes |
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| <p>4.3 Water Management Local Government:</p> <ul style="list-style-type: none"> • asserts that water for public open space should be secured in all water allocation plans, and that future community growth must be considered in allocation plans • asserts that water for public open space should be excluded from any water trading regime • acknowledges irrigation of public open space should be water efficient and Local Governments should continue to invest in water efficiency technologies • asserts that water availability for public open spaces should be given a greater priority when planning for new development • asserts that State Government, in collaboration with all stakeholders, undertake an extensive review of public open space in Western Australia and commit to further investment in this area | December 2023 503.5/2023 | Replaced (new contemporary Advocacy Position introduced – “Public Open Space”) |
| <p>4.4 Public Open Space Local Government:</p> <ul style="list-style-type: none"> • acknowledges that public open space is fundamental to lifestyle wellbeing, mental and physical health • asserts that new developments should have a minimum of 10 percent public open space, characterised by a combination of active, passive, regional, local areas, landscaping and natural bushland | December 2023 503.5/2023 | Replaced (new contemporary Advocacy Position introduced – “Public Open Space”) |

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| <p>6.11 Public Open Space</p> <p>As public open space is fundamental to lifestyle wellbeing, mental and physical health, Local Government supports the development of new subdivisions that are characterised by a combination of public open space for recreational, sporting or natural purposes, and are distributed for neighbourhood, district and regional use*.</p> <p><i>*Department of Sport and Recreation's 'Classification framework for public open space' 2012</i></p> | <p>December 2023 503.5/2023</p> | |
| <p>7.10 Household Hazardous Waste</p> <p>Local Government:</p> <ol style="list-style-type: none"> 1. Acknowledges the importance of a state based collection system for Household Hazardous Waste; 2. Considers that the EPR approach should be applied to this waste stream; and, 3. Acknowledges there is a need for the principle of waste minimisation to be applied to the management of this waste stream in the future (with regard to the Waste Management Hierarchy). | <p>December 2023 505.5/2023</p> | <p>Replaced (new contemporary Advocacy Position introduced – “Household Hazardous Waste”)</p> |
| <p>7.8 Waste Management Education</p> <p>Local Government asserts that the different spheres of government have different roles and responsibilities in relation to waste education: Local Government's role is primarily concerned with 'behavioural change', whereas State and Federal Governments have a strategic role that focuses on 'attitudinal change'.</p> | <p>December 2023 506.5/2023</p> | <p>Replaced (new contemporary Advocacy Position introduced – “Waste Management Education”)</p> |
| <p>7.5 Waste Management Data Collection</p> <p>Local Government asserts that the State and Federal Governments have a role in compiling and publishing waste management data centrally, as well as providing support to Local Governments in collecting data.</p> | <p>September 2023 494.4/2023</p> | <p>Retired (No longer required as data provision is required under regulations)</p> |

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| <p>2.5.25 Attendance at Council Meetings by Technology A review of the ability of Elected Members to log into Council meetings should be undertaken.</p> | <p>5 July 2023 474.3/2023</p> | <p>Retired (achieved) Local Government (Administration) Amendment Regulations 2022</p> |
| <p>2.5.14 Tender Threshold The Local Government sector supports an increase in the tender threshold to align with the State Government tender threshold, with a timeframe of one financial year for individual vendors.</p> | <p>3 May 2023 452.2/2023</p> | <p>Retired (superseded by advocacy position 'Financial Management and Procurement' / achieved - tender threshold now consistent with State Government) <i>Local Government (Functions and General) Amendment Regulations 2020</i></p> |
| <p>2.5.26 Simple and Absolute Majority A review of decisions requiring a simple or absolute majority should be undertaken.</p> | <p>3 May 2023 452.2/2023</p> | <p>Retired (no longer relevant - addressed through the removal of 'special majority' voting provisions)</p> |
| <p>2.5.16 Disposal of Property and Commercial Enterprises A review of section 3.58 Disposing of Property, and 3.59 Commercial Enterprises should be undertaken and these sections redrafted to reflect current commercial and contemporary practices in Western Australia.</p> | <p>7 December 2022 408.8/2022</p> | <p>Retired (no further sector comment provided)</p> |
| <p>2.5.33 Revoking or Changing Decisions Regulation 10 should be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.</p> | <p>7 December 2022 408.8/2022</p> | <p>Retired (not required)</p> |

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| <p>8.1 Community Resilience The Association advocates that the Commonwealth Government should commit to continued funding of the Natural Disaster Resilience Program (NDRP) as a fund to assist Local Governments to undertake community resilience building projects to reduce the impacts of identified natural disaster risks on communities.</p> | <p>July 2022 354.5/2022</p> | <p>Replaced (more comprehensive emergency management advocacy positions introduced)</p> |
| <p>8.2 Disaster Mitigation The Association advocates that the Commonwealth and State Governments should commit to specific funding programs to enable Local Governments to undertake essential physical mitigation programs to further reduce the exposure of communities to the impacts of natural disasters and to ensure the protection of essential community infrastructure.</p> | <p>July 2022 354.5/2022</p> | |
| <p>8.3 Emergency Services Levy The Association advocates for full review of the Emergency Services Levy, its administration, fee structure and distribution mechanism to facilitate funding back to Local Government to support their Emergency Management responsibilities as legislated in the <i>Emergency Management Act 2005</i>.</p> | <p>July 2022 354.5/2022</p> | |
| <p>2.6.6 Panel Tenders WALGA supports amendment to the Functions and General Regulations to permit panel tenders.</p> | <p>March 2022 324.2/2022</p> | <p>Retired (achieved) <i>Local Government (Functions and General) Amendment Regulations 2015</i></p> |
| <p>6.3 Local Government Planning Improvement Program The Association supports the establishment of a Planning Improvement Program specifically for the Local Government sector.</p> | <p>March 2022 326.2/2022</p> | <p>Retired (no longer current)</p> |

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| <p>6.9 Prostitution Legislation</p> <p>The Local Government sector supports in principle, the recognition and licensing of prostitution in WA as it allows normal regulatory controls to be put in place, on condition that brothels should be excluded from predominantly residential areas.</p> | <p>March 2022 326.2/2022</p> | |
| <p>6.10 Directions 2031</p> <p>To enable the success of Directions 2031 and its associated policies, the Association recommends that the Minister for Planning re-establish a State/Local Government consultative committee to assist with the implementation of <i>Directions 2031 and Beyond</i> and its associated policies.</p> | <p>March 2022 326.2/2022</p> | |