

Peel Country Zone

Minutes

24 August 2023



Peel Country Zone

Hosted by the City of Mandurah
3 Peel Street, Mandurah 9550 3777
Thursday, 24 August 2023

The Chair opened the meeting at 2:07 pm.

Acknowledgement of Country

We, the delegates of the Peel Country Zone acknowledge the traditional owners of this land that we are meeting on today and pay our respects to Elders past, present and future.

Minutes

MEMBERS

2 Voting Delegates from each Member Council

City of Mandurah	Ms Casey Mihovilovich, Chief Executive Officer (Deputy)
Shire of Murray	President David Bolt Cr Douglas McLarty
Shire Serpentine Jarrahdale	President Michelle Rich – Chair Cr Lauren Strange
Shire of Waroona	Cr Naomi Purcell Mr Mark Goodlet, Chief Executive Officer
WALGA Representatives	Ms Kirsty Martin, Manager Commercial Management Ms Lucy Sheehy, Coast WA Local Government Facilitator
DLGSC Representative	Mr Brendan McNally, Regional Manager

APOLOGIES

City of Mandurah	Mayor Rhys Williams Cr Caroline Knight
Shire of Murray	Mr Dean Unsworth, Chief Executive Officer
Shire of Boddington	Cr Eugene Smallberger Cr Garry Ventris Ms Julie Burton, Chief Executive Officer
Shire Serpentine Jarrahdale	Mr Paul Martin, Chief Executive Officer
Shire of Waroona	President Michael Walmsley

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ANNOUNCEMENTS

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

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

Confirmation of Attendance an attendance sheet was circulated prior to the commencement of the meeting.

ATTACHMENTS WITHIN THE AGENDA

1. Draft Minutes of previous meeting
2. Zone Status Report
3. President's Report
4. DLGSC August Update

1. DECLARATION OF INTEREST

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

Nil

2. DEPUTATIONS

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

Department of Local Government, Sport and Cultural Industries representative, Brendan McNally updated the Zone on DLGSC issues. The DLGSC August Update was distributed with the Agenda.

Noted

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: President David Bolt
Seconded: Cr Douglas McLarty

That the Minutes of the meeting of the Peel Country Zone held on 14 June 2023 be confirmed as a true and accurate record of the proceedings.

CARRIED

4. BUSINESS ARISING

A Status Report outlining the actions taken on the Zone's resolutions was enclosed as an attachment with the Agenda.

Noted

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION

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

The full State Council Agenda can be found via link: [State Council Agenda 13 September 2023](#)

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

Matters for Decision

7.1 Local Emergency Management Arrangements (LEMA) Advocacy Position

That WALGA endorse the following position on Local Emergency Management Arrangements (LEMA):

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.*

7.2 Advocacy Position on Road Works during Total Fire Ban

That WALGA endorse the following principles in relation to the exemptions and conditions under which road works may be undertaken during a Total Fire Ban:

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.

Policy Team and Committee Reports

- 8.1 Environment and Waste Policy Team Report
- 8.2 Governance and Organisational Services Policy Team Report
- 8.3 Infrastructure Policy Team Report
- 8.4 People and Place Policy Team Report
- 8.5 Municipal Waste Advisory Council (MWAC) Report

Matters for Noting

- 9.1 Flying Minute – Consistent Local Planning Schemes
- 9.2 Flying Minute – Submission on the Draft State Waste Infrastructure Plan
- 9.3 Flying Minute – Submission on Directions Paper: Review of the Waste Avoidance and Resource Recovery Strategy 2023
- 9.4 Flying Minute – Submission on Discussion Paper: Stage 3 Biosecurity and Agriculture Management Act 2007 Review
- 9.5 Flying Minute – Independent Strategic Review of the Infrastructure Investment Program Submission
- 9.6 Flying Minute – Submission on Discussion Paper – Wired for Change: regulation for small electrical products and solar photovoltaic system waste
- 9.7 Concurrent Commonwealth Disaster Reviews

RESOLUTION

Moved: President David Bolt
Seconded: Cr Naomi Purcell

That the Peel Country Zone:

1. **Supports all Matters for Decision, Policy Team and Committee Reports as listed above in the September 2023 State Council Agenda; and**
2. **Notes all Matters for Noting and Organisational Reports as listed in the September 2023 State Council Agenda.**

CARRIED

6. ZONE BUSINESS

6.1 Commonwealth Disaster Ready Fund – Round Two

By Rachel Armstrong, Senior Policy Advisor Emergency Management

Executive Summary

- The [Disaster Ready Fund](#) (DRF) is a \$200 million Commonwealth Government fund that provides grants to government and non-government organisations to help them reduce disaster risk.
- Expressions of Interest (EOIs) for DRF Round 2 are open now and applications for Round 2 will open in early 2024.
- Benefits to Local Governments in applying for the DRF include building partnerships with other organisations and receiving financial assistance for projects that reduce community vulnerability to disasters.
- The Department of Fire and Emergency Services (DFES) is actively engaging with organisations in preparation for Round 2 of the DRF, to identify projects that are most likely to be successful, as well as providing support and advice to develop strong applications.
- DFES is encouraging Local Governments interested in applying for DRF Round 2 to start planning now.
- DFES is holding a [grants webinar](#) on **Monday 4 September**, 10am to 12pm, which will provide more detail on how to submit a successful grant application, and the support available.

Background

The first round of the DRF opened on 10 January and closed 6 March 2023. 19 out of 23 successful Western Australian projects involved Local Governments. Although many WA Local Governments that applied to Round One of the DRF were successful, WA were only allocated just over \$8 million of the total \$200 million available. Successful projects from the first round are listed [here](#).

EOIs for DRF Round 2 are open now and applications for Round 2 will open in early 2024.

Comment

Examples of the types of projects that were successful across Australia, and may be of interest to Local Governments considering applying for a DRF grant in Round Two include:

- Evacuation centre upgrades
- Coastal erosion mitigation
- Flood resilience
- Community disaster risk reduction and resilience projects
- Green canopy initiatives
- Community engagement, education, and preparedness
- Improving natural environments to build resilience.

The extra support being provided by DFES through the early EOI process may help increase DRF funding to Local Governments in Round Two. A key factor in funding success is a well substantiated application, which can be resource intensive to develop.

DFES will hold a grants webinar 10am - 12pm, **Monday 4 September**, with information on how to submit a successful grant application, and what support is available. Register your interest [here](#).

Further information is available on the [SEMC website](#) or semc.grants@dfes.wa.gov.au.

RESOLUTION

Moved: **Ms Casey Mihovilovich**
Seconded: **Cr Douglas McLarty**

That the Peel Country Zone notes that Expressions of Interest for Round 2 of the Disaster Ready Fund are now open, and that the Department of Fire and Emergency Services is providing support to Local Governments to assist with the development of high-quality applications.

CARRIED

6.2 2023 Local Government Elections – Zone Office Bearer Elections

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

With the bi annual Local Government elections being held on Saturday, 21 October 2023, Zones will also be required to hold an election process for State Council representatives.

A chronological overview of the process is detailed below:

- Local Government elections occur on Saturday, 21 October 2023.
- Member Councils to elect/appoint their Zone Delegates and to advise the Zone Executive Officer, as soon as possible but preferably by 3 November 2023.
- For the purpose of electing their representatives and deputy representatives to the WALGA State Council, the Zones are required to hold these elections at their November 2023 meeting.
- Zones to advise WALGA, in writing, of their elected State Council representative and deputy representative immediately following the 2023 November Zone meeting.
- A State Councillor Induction Session will be held for all State Council representatives and deputy representatives before the first meeting in December.
- The new State Council will take office at the Ordinary Meeting of State Council on **6 December 2023**.

In relation to the nominations and election process to be followed by each Zone in electing a representative and deputy representative to the WALGA State Council, the below process has been instituted by State Council:

1. *Zone Executive Officer to write to all Member Councils no later than 1 month prior to the Zone meeting at which the election is to be held calling for nominations from Delegates to the Zone for the positions of representative and deputy representative to State Council. The correspondence is to state that all nominations are to be made in writing to the Zone Executive Officer, and only Elected Members who are a nominated Zone Delegates are eligible to nominate. The time period for the receipt of nominations is preferably to be **one week prior** to the Zone meeting at which the election will be held. However, nominations will be accepted from the floor at the Zone meeting.*
2. *Zone Executive Officer to receive written nominations from Zone Delegates for the positions of representative and deputy representative to State Council and then provide written confirmation to Member Councils of the nominations received.*
3. *Elections are to be held at the next Zone meeting as the first item of business. Nominations will be permitted from the floor at the Zone meeting. Where there is more than one nomination for each vacant position, an election will be conducted using a secret ballot, with the Zone Executive Officer to represent WALGA as the returning officer for the election. Prior to the ballot, nominees*

for each position are to be extended the opportunity to provide a 2 minute election bid to Delegates.

4. *All voting Delegates to the Zone are entitled to cast one (1) vote in the ballot process. The candidate with the greater or greatest number of votes is elected to the office.*
5. **Tied vote** – *in the event of a tied vote, election will be determined by drawing names from a box. The Secretariat will put the names of the candidates concerned in a box and the first name drawn is the Elected Member.*
6. *Zone Executive Officer to advise WALGA in writing immediately following the Zone meeting of the outcome of their elections.*

If you have any questions or require further information in relation to the above mentioned process, please contact Tony Brown, Executive Director Member Services on 9213 2051 or email tbrown@walga.asn.au.

RESOLUTION

Moved: Cr Lauren Strange
Seconded: President David Bolt

That the Peel Country Zone note the process for election of Zone Representative and Deputy Representative to the WALGA State Council.

CARRIED

7. EXECUTIVE REPORTS

7.1 WALGA President's Report

WALGA State Councillor, President Cr Michelle Rich presented the President's Report as read. A copy of the Report was distributed with the Agenda.

Noted

7.2 State Councillor's report to the Zone

WALGA State Councillor, President Cr Michelle Rich, presented on the previous State Council meeting.

Noted

8. GENERAL BUSINESS

8.1 Query regarding WALGA Constitution

By Mr Mark Goodlet, Shire of Waroona

At the WALGA Annual General Meeting the Shire of Waroona intends to vote in favour of a new WALGA Constitution or the proposed amended constitution should the new Constitution not succeed. However, concern has been raised regarding existing wording in the constitution and whether it requires consideration and a future amendment.

Presently there is legacy wording in the existing Constitution Schedule One, the Register of Powers, which is proposed to be carried into the New Constitution or the amended Constitution. The Register of Powers (clause 4(1)) provides a list of “*specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One)*”.

There are two Powers in Schedule One which no longer reflect modern democratic expectations of the membership and the breadth of responsibilities that local governments carry under many State laws. As the WALGA Constitution is an important document it needs to be worded carefully and in particular the primary Register of Powers should accurately reflect the powers WALGA needs to represent its members fully.

Two primary concerns were raised:

1. The current definition of “Legislative Review” under Schedule One Register of Powers (b) reads: “Legislative Review” means any review or proposed review of existing or proposed legislation whether State or Federal unless the Board resolves that it is of relevance only to one of either the metropolitan or country constituencies;

The present definition allows the Board not to deal with a matter if it thinks it only pertains to one constituency (metropolitan or country) and not to both. If a decision is made at State Council level or through an AGM or SGM then the Board shouldn’t be able to override the will of the members.

2. The wording of Schedule One Register of Powers (c) *management and pursuit of Local Government Act matters*, limits WALGA to dealing with Local Government Act matters, but there are many other Acts and Regulations that give powers and responsibilities to local governments, so it is important that WALGA Register of Powers is broad enough to accommodate and deal with these. Deleting the word “Act” in “(c) management and pursuit of Local Government Act matters”; would ensure that the WALGA Board deals with all items on legislative reform resolved by its members.

Given the new and amended constitution will be considered by Members at the 2023 Annual General Meeting and there is not scope for any further amendments to be considered as part of this process the Zone would like to seek further clarification on the purpose of the relevant wording before considering whether additional amendments should be put to State Council or the Board as a possible future amendment.

WALGA Secretariat Comment

WALGA had provided the below response that was circulated to the Zone.

The Register of Powers in Schedule One must be read in conjunction with the Objects and Powers detailed in the Constitution at clauses 3 and 4, respectively. See extracts below. In particular, clause 3(g) provides for the Association “to do all and any such other things” to attain its objectives, “or anything considered beneficial to the Members”.

In general, the Association focuses its efforts on statewide issues that affect all 139 of its Local Government Members. However, it is up to the Board/State Council to resolve otherwise and consider or take action on issues that are not necessarily ‘statewide’ issues.

Over the past 20 years, there have been many instances where WALGA has advocated on specific Metropolitan or Country issues. Similarly, WALGA regularly advocates and pursues matters related to legislation and regulations besides the Local Government Act. The current language in Schedule One, including the definition of ‘Legislative Review’ and clause (c), has remained consistent during that time.

As per current clause 29, amendments to the Constitution involve a two-step process:

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

Both sets of proposed Constitutional amendments were considered by all Zones during the June round of meetings before endorsement by a special majority of State Council in July.

The new Constitution proposed for consideration by Members at the 2023 AGM was legally drafted and carefully considered.

It is our recommendation that the proposed Constitutional amendments be considered by Members as is, and that any proposed additional amendments should be put to State Council or the Board as a possible future amendment.

The Association is committed to periodically reviewing the Constitution, and this will be particularly important if the new Constitution and governance structure is endorsed by Members next month.

Zone discussion

The meeting was advised that any concerns can be considered for future constitution reviews.

RESOLUTION

Moved: Cr Naomi Purcell
Seconded: President David Bolt

The Peel Country Zone requests that WALGA provides advice on the purpose of the wording in the definition of “Legislative Review” under Schedule One Register of Powers (b) and the wording of Schedule One Register of Powers (c) *management and pursuit of Local Government Act matters*.

CARRIED

8.2 Recognition of President Michelle Rich

By President David Bolt, Shire of Murray

The Zone wanted to formally thank President Michelle Rich for her chairing of the Zone meetings and representation at State Council and wish her well at the upcoming Local Government election.

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

The next ordinary meeting of the Peel Zone will be held on 23 November 2023 at the Shire of Murray, commencing at 2:00pm.

10. CLOSURE

There being no further business the Chair declared the meeting closed at 2:40pm.