

State Council Full Minutes 7 May 2025

Ordinary meeting no. 2 of 2025 of the Western Australian Local Government Association State Council held at The Vines Resort, Verdelho Drive, The Vines at 12:15pm.

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1 OPENING, ATTENDANCE AND APOLOGIES

1.1 OPENING

The Chair declared the meeting open at 12:15pm.

1.2 ATTENDANCE

Members	WALGA Deputy President - Chair Central Metropolitan Zone Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Gascoyne Country Zone Goldfields Esperance Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone North Metropolitan Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	Cr Paul Kelly President Chris Antonio President Cr Phillip Blight Cr Helen Sadler President Paige McNeil Cr Haeden Miles President Matthew Niikkula (Deputy) President Cr Laurene Bonza Cr Stephen Strange Cr Scott Crosby President Chris Mitchell JP President Cr Les Price Cr Michael Dudek Cr John Raftis (Deputy) Cr Bronwyn Smith Mayor Caroline Knight Cr Wendy McWhirter-Brooks Mayor Patrick Hall Mayor Terresa Lynes Cr Cliff Collinson (Deputy) Cr Karen Wheatland Cr Barry Winmar President Cr Tony Dean
Ex Officio	Deputy Lord Mayor – City of Perth Local Government Professionals WA President	Cr Bruce Reynolds Mr Anthony Vuleta
Secretariat	Chief Executive Officer Executive Director Member Services Executive Manager Infrastructure Executive Manager Policy Executive Manager Advocacy Chief Financial Officer Manager Association and Corporate Governance Executive Officer Governance	Mr Nick Sloan Mr Tony Brown Mr Ian Duncan Ms Nicole Matthews Ms Rachel Horton Mr Rick Murray Ms Kathy Robertson Ms Meghan Dwyer

1.3 APOLOGIES

Members	WALGA President Gascoyne Country Zone North Metropolitan Zone Northern Country Zone South Metropolitan Zone	President Cr Karen Chappel AM JP President Eddie Smith Cr Lewis Hutton President Cr Elizabeth Sudlow (Deputy) Mayor Logan Howlett JP
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2 ACKNOWLEDGEMENT OF COUNTRY

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Noongar People, where WALGA is located and we acknowledge and pay respect to Elders past and present.

WALGA is committed to supporting the efforts of WA Local Governments to foster respectful partnerships and strengthen relationships with local Aboriginal communities.

3 ANNOUNCEMENTS

Nil

4 MINUTES

4.1 MINUTES OF THE STATE COUNCIL MEETING HELD 5 MARCH 2025

WALGA RECOMMENDATION

Moved: Cr Helen Sadler
Seconded: President Chris Mitchell JP

That the Minutes of the WALGA State Council meeting held on [5 March 2025](#) be confirmed as a true and correct record of proceedings.

RESOLUTION 025.2/2025

CARRIED

4.1.1 BUSINESS ARISING FROM THE MINUTES OF THE STATE COUNCIL MEETING HELD 5 MARCH 2025

Nil

5 DECLARATIONS OF INTEREST

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

Nil

6 EX OFFICIO REPORTS

6.1 CITY OF PERTH REPORT

Deputy Lord Mayor, Cr Bruce Reynolds provided the City of Perth report to the meeting.

6.2 LG PROFESSIONALS REPORT

Mr Anthony Vuleta, President, LG Professionals WA, provided a report to the meeting.

7 EMERGING ISSUES

Notification of emerging issues must be provided to the Chair no later than 24 hours prior to the meeting.

Nil

8 MATTERS FOR DECISION

8.1 REGULATIONS FOR CEO KPIS AND ONLINE REGISTERS – WALGA SUBMISSION

By Tony Brown, Executive Director Member Services and Felicity Morris, Manager Governance and Procurement

WALGA RECOMMENDATION

That WALGA endorse the recommendations contained in the attached '*Regulations for CEO KPIS and public registers submission*'.

EXECUTIVE SUMMARY

- Consultation is open on the draft Local Government Regulations Amendment Regulations 2024 (the Draft Regulations), which give effect to reforms relating to the publication of online registers, publication of CEO performance criteria and performance reviews, and other CEO matters.
- The Local Government legislation reform platform from the State Government indicated that one of the reform outcomes was "Reducing red tape, increasing consistency and simplicity".
- The overwhelming sector feedback is that these reforms will not achieve this aim and will instead increase red tape without any clear public benefit.
- Sector feedback has been collated and identifies overarching concerns listed in this report.
- The attached submission, informed by this feedback, is recommended for endorsement.

ATTACHMENT

- Regulations for CEO KPIS and public registers Draft WALGA submission

POLICY IMPLICATIONS

WALGA's existing advocacy positions are based on the high-level reform proposals provided for public consultation in 2022.

The current [Advocacy Positions](#) are:

2.2.4 CEO Recruitment Panel

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.

2.5.27 Online Registers

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).

2.5.28 Publishing CEO Key Performance Indicators

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

The *Local Government Amendment Act 2023* (2023 Amendment Act) contained the Tranche 1 reforms to the *Local Government Act 1995* (the Act). This included the following changes which are yet to commence:

- Requirements for Local Government CEO's performance criteria and performance reviews to be published.
- Establishment of a panel of independent persons for CEO performance reviews.
- A requirement for Local Governments to publish and maintain registers on their website.

The draft Local Government Regulations Amendment Regulations 2024 (the Draft Regulations), which will give effect to these reforms, have been released for public consultation. The Department of Local Government, Sport and Cultural Industries (DLGSC) have requested comment by 8 May. Information is available on the [DLGSC website](#), including a copy of the [Draft Regulations](#) and a [DLGSC Consultation Paper](#).

WALGA circulated a discussion paper and request for comment to all Local Governments on 30 January.

COMMENT

Responses received from Local Governments indicate serious concerns with the detail of the Draft Regulations. Overarching concerns include:

- The creation of red tape and excessive administrative burden, in conflict with a stated aim of the reform, and without clear public benefit.
- Continued proliferation of compliance requirements for Local Governments, including overlapping but inconsistent reporting obligations.
- Unreasonable implementation timeframes given existing Local Government workload, cumulative burden of ongoing program of reform and upcoming elections.
- Confusion and lack of clarity (plain English drafting) in the Draft Regulations.

Specific concerns are discussed in relation to each proposal.

CEO matters: Publishing performance criteria and reports on performance review

Of the submissions that provided comment on this aspect of the Draft Regulations, over half expressed strong opposition to publication of CEO KPIs and performance reviews. Opposition was based on factors including the inconsistency with public sector practice, risks to CEOs, mechanisms for reporting on organisational rather than individual performance and the erosion of Local Government autonomy. A small number of Local Governments broadly supported the regulations or their intent. In addressing the content of Draft Regulations 18AA and 18FAA, submissions raised concerns with the proposed reporting of target achievement and the mechanisms for exclusion of performance criteria from publication.

CEO matters: Independent persons panel (CEO recruitment)

Key concerns included a lack of clarity about the selection criteria and processes to be followed by the Departmental CEO in establishing the panel, the capacity for Councils to appoint independent members from within their own districts, and the management of conflicts of interest.

CEO matters: Certification, recruitment and termination

There were divided views on the requirement for separate certification, but support for the retention of a requirement to conduct a selection process before contract expiry, the option to include additional information in a performance criterion and the proposed modification of the CEO Standards in relation to termination during probation.

Registers: General considerations

Local Governments articulated a range of concerns that are applicable to all registers, including the administrative burden, unreasonable commencement and retrospectivity, lack of clarity and difficulty in applying the requirements, and the implications of the *Privacy and Responsible Information Sharing Act 2024* (the PRIS Act).

Lease register

Submissions raised considerable concerns with this proposed register. Issues include the breadth of the lease definition, safety and confidentiality for residents and community groups, commercial in confidence information and the ability of Local Governments to generate best value from assets, whether through commercial returns or community benefits.

Grants and sponsorships register

Some Local Governments provided general support for the register, subject to the exclusion of retrospectivity. However, the majority of submissions identified concerns regarding the value threshold, privacy and confidentiality, and a lack of clarity in the calculation of value.

Development contributions register

The majority of submissions expressed concerns regarding the administrative burden with limited improvements in transparency and oversight of Developer Contribution Plans (DCPs) than is currently provided for under the state planning framework. This burden is exacerbated by the retrospectivity and short implementation timeframe. Those Local Governments with a high number of DCPs advise that this is likely to lead to delays and increased costs in the administration of DCPs. Privacy considerations and practical issues with the calculation of interest for individual contributions, and the list of items and percentage of expenditure were also identified.

Contracts for goods and services register

All submissions that commented on the contract register highlighted concerns including the administrative burden associated with the unreasonably low threshold value and duplication of existing reporting requirements. Members raised heightened fraud risks, and issues relating to commercial in confidence information. There is also a lack of clarity regarding the definition of contract and contract value.

This sector feedback and detailed analysis of the Draft Regulations has informed the preparation of the attached draft WALGA submission.

ZONE CONSIDERATION

Avon Midland Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Country Zone	WALGA recommendation supported
Murchison Country Zone	WALGA recommendation supported
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Pilbara Country Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

CENTRAL COUNTRY ZONE

That the Central Country Zone opposes the draft regulations which are contrary to theme 2 of the reforms being 'reducing red tape, increasing consistency and simplicity'.

SECRETARIAT COMMENT

The State Government have introduced the legislation that requires the publication of CEO KPI's and the publication of on-line registers. Regulations will be introduced, and the WALGA submission is advocating for some of the regulations to be re-considered and suggests alternate information to be included in the regulations.

GREAT EASTERN COUNTRY ZONE

That the Zone strongly supports the WALGA recommendation.

SECRETARIAT COMMENT

The Zones support for the submission is noted.

GOLDFIELDS ESPERANCE COUNTRY ZONE

GVROC supported the WALGA recommendation and provided the following points for consideration of WALGA and State Council:

- The number of new registers/regulations being developed and placed on Local Government to adhere to is of concern. Noting that the same type of registers are not having to be adhered to within State and Federal Governments.
- With the increased level of regulation and registers it also introduces further red tape on LGAs.

SECRETARIAT COMMENT

The Zones items are included in the WALGA submission. Recommendation 1 states:

1. *That WALGA advise the Department of Local Government Sport and Cultural Industries to:*
 - a. *Ensure that all amendment regulations support the stated aim of reducing red tape, increasing consistency and simplicity.*
 - b. *Consider Local Government reporting responsibilities holistically, aligning any new requirements with existing obligations to avoid duplication and achieve efficiency.*
 - c. *Consider the cumulative burden of the full suite of reforms to be implemented, upcoming elections, and variation in systems, size and scale.*

- d. *Ensure there is no retrospectivity of requirements as this creates unreasonable compliance obligations.*
- e. *Review the Draft Regulations to improve clarity and plain English drafting.*

PEEL COUNTRY ZONE

That the Peel Country Zone supports the WALGA recommendation for State Council Agenda item 8.1 contained in the State Council Agenda subject to strengthening recommendation 1 c. of the submission to highlight the additional software and resource implications to the sector of the introduction of public registers.

SECRETARIAT COMMENT

The Zone's suggestion to strengthen the recommendation about the software and resources required is included in the composite recommendation.

COMPOSITE RECOMMENDATION

Moved: President Chris Mitchell JP
Seconded: President Chris Antonio

That WALGA endorse the recommendations contained in the attached '*Regulations for CEO KPIs and public registers submission*', subject to strengthening recommendation 1c to highlight the additional software and resource implications to the sector due to the introduction of public registers.

RESOLUTION 026.2/2025

CARRIED

Regulations for CEO KPIs and public registers

Draft WALGA Submission

April 2025

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Prepared by:

Western Australian Local Government Association
 ONE70, LV1, 170 Railway Parade, Western Australia, Australia, 6007
 PO Box 1544, West Perth WA 6872
 Tel: +61 8 9213 2000
www.walga.asn.au

Contacts:

Tony Brown
 Executive Director Member Services
 Telephone: 08 9213 2051
 Email: tbrown@walga.asn.au

Felicity Morris
 Manager Governance & Procurement
 Telephone: 08 9213 2093
 Email: fmorris@walga.asn.au

About WALGA

The Western Australian Local Government Association (WALGA) is an independent, member-based, not for profit organisation representing and supporting the WA Local Government sector.

Our membership includes all 139 Local Governments in the State. WALGA uses its influence, support and expertise to deliver better outcomes for WA Local Governments and their communities.

We advocate to all levels of Government on behalf of our Members, and provide expert advice, services and support to Local Governments. WALGA's vision is for agile and inclusive Local Governments enhancing community wellbeing and enabling economic prosperity.

Acknowledgement of Country

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Nyoongar People, where WALGA is located, and we acknowledge and pay respect to Elders past and present.

1. Introduction

The current *Local Government Act 1995* reform process is based on 6 themes:

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

The *Local Government Amendment Act 2023* (the 2023 Amendment Act) included provisions for the publication of CEO performance criteria (KPIs) and the results of CEO performance reviews, as well as a series of public registers.

When initial high-level consultation was undertaken on reform proposals in 2022, WALGA adopted the following Advocacy Positions.

2.2.4 CEO Recruitment Panel

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.

2.5.27 Online Registers

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).

2.5.28 Publishing CEO Key Performance Indicators

- 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.*

The support for online registers demonstrates a willingness on the part of the sector to accept reasonable measures to improve transparency and accountability. However, this should not come at a cost of increased red tape, complexity and inefficiency. Similarly, the sector's conditional support for the publication of CEO KPIs was dependent on the link to the strategic direction and operational function of the Local Government and subject to exemptions. It was also qualified by concerns regarding the politicisation of the employment relationship, high levels of potentially unfair or misguided community scrutiny and potential impacts on CEO recruitment. For these reasons, the sector did not support publication of CEO performance reviews.

The draft Local Government Regulations Amendment Regulations 2024 (the Draft Regulations) provide the regulatory detail to give effect to these reforms, and additional CEO matters. WALGA undertook sector consultation on the Draft Regulations to inform the preparation of this submission. There are serious concerns that the Draft Regulations expose CEOs to potential negative consequences and impose a level of regulatory burden that is disproportionate to any anticipated transparency and accountability benefits.

Specific issues are discussed in relation to each proposed reform. However, overarching concerns include:

- The creation of red tape and excessive administrative burden, in conflict with a stated aim of the reform, and without clear public benefit.
- Continued proliferation of compliance requirements for Local Governments, including overlapping but inconsistent reporting obligations.
- Unreasonable implementation timeframes given existing Local Government workload, cumulative burden of the ongoing program of reform and upcoming elections.
- Confusion and lack of clarity (plain English drafting) in the Draft Regulations.

Indicative Member comments

"As an overarching comment it is disappointing that the State Government is not acknowledging that the proposed legislation and industry reform is adding to the workload of Councillors and CEOs. This is resulting in a loss of focus on the core business



of a local government of meeting the needs of a community and adding to the difficulty in attracting CEOs to regional and remote locations. It is also at odds to the State Government's commitment to reducing red tape."

"These proposed changes represent yet another hurdle for tier 4 local governments, which already struggle with resource constraints, financial sustainability, and workforce retention. The increased administrative burden, coupled with recruitment challenges and heightened scrutiny, places additional pressure on smaller local governments, threatening their long-term viability."

Recommendation 1: General

- 1. That WALGA advise the Department of Local Government Sport and Cultural Industries to:**
 - a. Ensure that all amendment regulations support the stated aim of reducing red tape, increasing consistency and simplicity.*
 - b. Consider Local Government reporting responsibilities holistically, aligning any new requirements with existing obligations to avoid duplication and achieve efficiency.*
 - c. Consider the cumulative burden of the full suite of reforms to be implemented, upcoming elections, and variation in systems, size and scale.*
 - d. Ensure there is no retrospectivity of requirements as this creates unreasonable compliance obligations.*
 - e. Review the Draft Regulations to improve clarity and plain English drafting.*

2. CEO matters

2.1. Publishing performance criteria and reports on performance review

Relevant Draft Regulations

Sections of the 2023 Amendment Act which are yet to take effect require a statement summarising the CEO's annual performance review to be prepared and published on the Local Government's website. Draft Regulation 18AA sets out the requirements for this statement.

The statement must:

- State the target for each performance criteria.
- State whether the target was achieved, not achieved, or that no determination could be made and reasons why.
- If the target was not achieved, state whether this was because of circumstance substantially beyond the CEOs control.
- State whether all, more than 50% but less than all, or less than 50% of targets were met.

The calculation of the percentage of targets met must exclude any targets:

- That were not met due to circumstances beyond the CEO's control.
- For which no determination could be made.
- That the Departmental CEO has directed not to be published.

Draft Regulation 18FAA sets out the requirements for publication on the Local Government website of the performance criteria included in the CEO's contract, and those agreed to by the Council and the CEO.

Draft Regulation 18FAA(7) allows the Departmental CEO to, if satisfied it is in the public interest, direct that a performance criterion is not to be published. It is noted that this mechanism only applies to agreed performance criteria, and not those included in the CEO's contract of employment (see Draft Regulation 18FAA(5)&(6)). It appears that a contractual performance criterion may only be excluded from publication under the new s.5.39AA(2). This section will provide a general power for the Departmental CEO, if satisfied it is in the public interest, to "direct that specified information be excluded from anything published" in relation to the CEO's performance criteria or performance review statements. It is not clear why Draft Regulation 18FAA(7) could not be drafted to provide a single mechanism for both contractual and agreed performance criteria.

The Department of Local Government, Sport and Cultural Industries (DLGSC) consultation paper states that "[a]llowing the community to view progress against CEO KPIs is another measure of confidence to track how a local government is performing overall."

Comment

Of the submissions that provided comment on this aspect of the Draft Regulations, over half took the opportunity to express their continued opposition to publication of CEO KPIs, and performance reviews. A small number of Local Governments broadly supported the regulations or their intent in providing transparency and clarity in managing CEO performance. In addressing the content of Draft Regulations 18AA and 18FAA, submissions raised concerns with the proposed reporting of target achievement and the mechanisms for exclusion of performance criteria from publication.

Publication of Performance Reviews

The sector continues to raise concerns regarding:

- Undermining or politicisation of the employment relationship.
- Inequitable application of accountability requirements to Local Government CEOs with no equivalent requirements in public sector agencies.
- The exposure of CEOs to unwarranted public criticism and reputational damage through performance reporting that does not capture relevant context and circumstances.
- Potential negative impacts on the psychosocial safety of CEO.
- Potential negative impacts on CEO performance due to stress, or potential diversion of resources to targets rather than organisational priorities.



- Existing accountability and reporting mechanisms for measuring organisational rather than individual performance.
- Undermining Local Government autonomy and general competency.

If CEO KPIs align with the strategic objectives of the Local Government, the overall performance of the Local Government may be more appropriately measured by reporting in strategic planning documents. With the introduction of Council Plans, there is an opportunity to provide for regular reporting on organisational performance against defined targets and objectives. This could remove the individual focus and risks associated with publishing CEO performance reviews, and provide a more meaningful indicator for the community.

Target achievement

For individual targets, Members advised that a binary approach of achieved or not achieved was inadequate and supported additional options of reporting targets as partially or substantially achieved. This is particularly relevant for long term targets, which may be worked towards over several years.

The objective of reporting the overall percentage of targets achieved, in terms of 100%, more than 50% or less than 50% is unclear. Reviews do not typically include a high number of performance criteria, making an overall calculation unnecessary. In addition, this proposal would result in a performance review with 51% of targets successfully achieved receiving the same overall rating as a review where 99% of targets were achieved. Finally, this measure cannot accommodate the relative weight or significance of criteria. This requirement is unnecessary and not supported.

Exclusion of criteria from publication

Submissions highlighted the need for clear, efficient and timely processes for exclusion of criteria from publication. A general direction from the Departmental CEO excluding specified categories of KPIs from publication would avoid the need for individual decisions. If an individual direction is required, the Draft Regulations should prescribe a clear process for Council to request the direction, and a timeframe for the Departmental CEO to respond. This additional administrative process will still result in some delays. A number of Local Governments suggested that this could be avoided by allowing Councils to themselves resolve to exclude a performance criterion from publication. Concerns were also raised regarding the assessment of the public interest, and the resolution of disputes as to whether a criterion should be published.

Indicative Member comments

"This inequitable treatment places undue pressure on Local Government CEOs, creating an unfair accountability burden unique to this role.

The proposal will more than likely expose CEOs and Councillors to unwarranted criticism, particularly on social media, regardless of the context behind their results. The resulting reputational risks and stress will deter talented individuals from pursuing or remaining in Local Government leadership roles, leading to a potential talent loss to the industry."

"It should be the responsibility of the Council and not the State Government to oversee the performance of the CEO."

Recommendation 2: Publishing performance criteria and reports on performance review

2. *That WALGA advise the Department of Local Government Sport and Cultural Industries to:*
 - a. *Reconsider the publication of CEO performance reviews due to the identified risks, and available alternatives for reporting on organisational performance.*
 - b. *If proceeding with publication of CEO performance reviews:*
 - i. *Include an option to state that a target was "substantially" or "partially" achieved ; and*
 - ii. *Remove the requirement for a statement of whether all, more than 50% or less than 50% of targets were achieved.*
 - c. *Allow categories of contractual and agreed performance criteria to be excluded from publication by a general direction from the Departmental CEO.*
 - d. *Provide a clear process for Council to request a performance criterion be excluded from publication and receive a response from the Departmental CEO within a prescribed timeframe.*
 - e. *Commit to a review of the impact of publication requirements within 3 years with reference to community perception, Council and CEO satisfaction and CEO recruitment and retention.*
 - f.

2.2. Independent persons panel (CEO recruitment)

Relevant Draft Regulations

Draft Regulation 18FAB requires the Departmental CEO to establish a panel of independent persons by 1 July 2025. Under Draft Regulation 18FAB(3) it will be mandatory for Councils to appoint a person from the independent persons panel to serve on CEO recruitment panels. It is noted that the original reform proposal provided that Councils will be able to appoint people outside of the panel with the approval of the Local Government Inspector. The new s.5.39A(3)(b), which has not yet taken effect, provides for regulations allowing the Departmental CEO to authorise a Local Government not to involve a member of the panel. This does not appear in the Draft Regulations.

Draft Regulation 18FAC prescribes that members of the independent persons panel must not continue to serve on a CEO selection panel if they become aware they have a disqualifying interest. Disqualifying interest is defined in terms equivalent to financial and impartiality interests.

Comment

Key concerns included a lack of clarity about the selection criteria and processes to be followed by the Departmental CEO in establishing the panel, the capacity for Councils to appoint independent members from within their own districts, and the management of conflicts of interest.

Opposition to mandatory appointment

It is noted that Local Governments have been required to include an independent person on CEO selection panels since 2021 and have done so successfully. It is not clear whether there is any need for a mandatory appointment from a pre-selected panel of independent persons. Members expressed concerns that this requirement represents unwarranted interference in Local Government processes and undermines Local Government autonomy. Local Governments identified the need for an independent person to understand the local context to be able to judge the suitability and culture fit of a candidate for CEO. The requirement to select from a panel, or to seek approval to appoint a person from within the district, adds an additional layer of bureaucracy to the CEO recruitment process.

Selection criteria and processes for independent persons panel

Members expressed concerns at the lack of available information regarding:

- the processes for nomination and appointment to the independent persons panel,
- terms and conditions of appointment (including standards of performance and behaviour),
- selection criteria,
- induction or training to be undertaken,
- size of the panel, and
- the representation of regions, different backgrounds, skills and experience.

Unavailable or unsuitable panel members may cause delays to CEO recruitment processes. For the panel to function effectively, there will need to be enough members to meet demand when there are multiple simultaneous recruitment processes. Members from regional and remote areas, and those with a range of Local Government and corporate experience will need to be recruited. If recruitment of independent persons has not already begun, it seems unlikely that the panel will be operational by 1 July 2025. A delayed commencement date of 1 July 2026 would allow the Departmental CEO to both establish the panel and provide further information to Local Governments about the composition and administration of the panel.

Appointment of persons not on the panel

There is strong support for Councils to be able to appoint an independent person from outside the panel, with approval from the Departmental CEO or Local Government Inspector if necessary. This mechanism could be used where there is a lack of available panel members, where there are no panel members from the Local Government district or neighbouring area, or where there are no panel members with the skills and experience



identified as necessary by the Local Government. If approval is to be required, the process must be clear and efficient.

Conflicts of interests

There would be a benefit in requiring all members of the independent persons panel to complete conflicts of interest training. However, the requirement that an independent member with an impartiality interest withdraw from a selection panel may be unworkable. The nature of the Local Government sector in WA makes it highly likely that one or more candidates may be known to an independent panel member in some way. Impartiality interests are very broad, requiring only a reasonable perception that impartiality could be affected. This could arise from common membership of a committee or other body, or a close personal relationship. Instead of automatic disqualification it may be appropriate to require that an impartiality interest be disclosed and allow the Council to decide whether the interest is significant enough that the independent person should be disqualified. In any case, the process for managing conflicts of interest should be simple, consistent and streamlined. Members requested further support and clarification from DLGSC in the application of the conflicts of interest requirements.

Indicative Member comments

"Very little detail has been provided as to the candidate profile for the independent persons panel. It is difficult to fairly consider this proposal without knowing the criteria the Department is considering for selection to the panel."

"What is proposed is unnecessary and will not add much value to options already for Council. What is the evidence that suggests this change is warranted?"

Recommendation 3: Independent persons panel

3. That WALGA advise the Department of Local Government Sport and Cultural Industries to:

- a. Reconsider the need for a mandatory appointment from the panel of independent persons, as the current system is functioning effectively and the proposal introduces red tape, creates the potential for delay and undermines the general competency of Local Governments.***
- b. If proceeding with the requirement to appoint from the independent persons panel to CEO selection panels:***
 - i. Revise the commencement date to no earlier than 1 July 2026.***
 - ii. Provide Local Governments with further information regarding the process and criteria for selection of members of the panel of independent persons, the composition of the panel, and terms and conditions of appointment.***
 - iii. Ensure that there are sufficient available and suitable members of the panel to avoid delays to CEO recruitment.***



- iv. *Provide a clear and efficient process for Local Governments to appoint an independent person from outside the panel.*
- v. *Require that an independent person appointed to a CEO recruitment panel disclose any impartiality interests and allow Council to decide whether the person should be disqualified.*

2.3. Certification, recruitment and termination

Relevant Draft Regulations

Under the current r. 18FB of the *Local Government (Administration) Regulations 1996* (the Administration Regulations), following a CEO selection process the Council is required to certify that a person has been employed in accordance with the Model standards for CEO recruitment, performance and termination (the CEO Standards), found in Schedule 2 of the Administration Regulations. Draft Regulation 18FBA will require a separate certification if the recruitment process results in the renewal of the contract of the incumbent CEO.

The Draft Regulations will also insert new clauses in the CEO Standards. A replacement clause 13 will clarify that the contract of a CEO who has held the position for 10 years or more cannot be varied to extend their contract term, or renewed unless they are the successful candidate following a selection process. It is noted that this replacement clause no longer specifies that a selection process must be conducted before the expiry of the incumbent CEO's contract.

A new clause 15A provides for the following information to be provided as part of a performance criterion (contractual or agreed):

- The relevant aspect of the CEO role
- The indicator to be used to assess performance
- The target to be achieved
- The evidence to be used

This requirement to include a target for each performance criterion underpins the requirements for performance review statements. It is noted that no transitional provisions are provided for existing contractual performance criteria which may not meet these requirements.

A new clause 25 will provide that some clauses of the CEO Standards will not apply to termination during the probation period, if the contract provides for a probation period and probationary review, and those contractual requirements are met.

Comment

There were divided views on the requirement for separate certification, but support for the retention of a requirement to conduct a selection process before contract expiry, the option to include additional information in a performance criterion and the proposed modification of the CEO Standards in relation to termination during probation.

Certification of renewal

A new regulation (Draft Regulation 18FBA) imposing a separate requirement to certify that a contract renewal was in accordance with the CEO Standards may be an unnecessary duplication. A renewal of the CEO's contract under those circumstances would still be employing a person in accordance with the CEO Standards. If specific reference to renewal is considered necessary, a clarification could be incorporated in the existing r.18FB so that an appropriate certification can be made whether a renewal or a new appointment has occurred.

Recruitment prior to contract expiry

Members confirmed that the new clause 13 should continue to specify that a recruitment and selection process must be conducted before the expiry of the incumbent CEO's contract.

Information included in performance criteria

Members agreed that an additional subclause should provide for the inclusion of any additional information agreed to by the Council and CEO.

Termination during probation

Some members expressed concerns regarding the modification of the CEO Standards in relation to termination during probation. Others noted that contractual and employment law requirements will continue to apply. The draft subclause 25(a) appears to have the effect that the CEO Standards will apply in full to termination during the probation period if the CEO has ever been an employee of the Local Government before becoming CEO. Employment that may have occurred a significant time ago, or in a significantly different role, seems irrelevant to the probationary performance of a CEO. This subclause should be deleted.

Recommendation 4: Certification, recruitment and termination

4. *That WALGA advise the Department of Local Government Sport and Cultural Industries to:*
- a. *Incorporate certification of renewal of a CEO contract in the existing Administration Regulation 18FB rather than introducing a separate requirement.*
 - b. *Where a recruitment and selection process is required as the incumbent CEO has held the position for more than 10 years, retain the requirement to conduct the process prior to the expiry of the incumbent CEO contract.*
 - c. *Insert an additional subclause in the new Clause 15A to provide for any additional information the Local Government and CEO agree to be included in the performance criterion.*



- d. Delete draft subclause 25(a) so that past employment at a Local Government does not affect the application of the CEO Standards to termination during the probationary period.*

3. Registers

3.1. General considerations

Summary of Draft Regulations

Draft Regulation 29E provides that the CEO will be required to keep registers on and from 1 July 2025. Registers must be up to date on that date and updated at intervals of no more than 3 months.

The Grants and Sponsorships Register (Draft Regulation 29G) must include grants and sponsorships provided in the last 5 years. The Development contributions register (Draft Regulation 29H) must include any unexpended contributions (regardless of when payment was originally made) and any that were exhausted in the last 5 years. The Leases of land register (Draft Regulation 29F) and Contracts register (Draft Regulation 29I) require current leases and contracts to be included (subject to the definitions and requirements specified), regardless of when they were entered into. Each register is required to contain different information, including individual names and addresses.

Comment

Local Governments expressed a range of concerns that are applicable to all registers, including the administrative burden, unreasonable commencement and retrospectivity, lack of clarity and difficulty in applying the requirements, and the implications of the *Privacy and Responsible Information Sharing Act 2024* (the PRIS Act).

Administrative burden

Local Governments already have significant disclosure and reporting requirements. In many cases the proposed registers at least partially duplicate existing requirements. The imposition of additional compliance requirements imposes an administrative burden on Local Governments with little demonstrable benefit. While the stated aim of the registers is to increase community understanding through enhanced transparency, Members assert that this is not what community wants. The resources required to fulfill these obligations will detract from service delivery and genuine efforts to build capacity and improve governance. This is particularly the case where broad definitions and application will require a high number of register entries for matters of little value or significance.

Commencement

The proposed commencement date of 1 July 2025 is unworkable and should be extended until at least 1 July 2026 for all registers. Responses emphasised the unreasonable resource demand in compiling and preparing these registers, as well as establishing new systems and processes to support the ongoing updates. A number identified the need for additional resources, or an anticipated cost to service delivery should the proposed commencement date be maintained. A delayed commencement date would also enable

DLGSC to develop templates and supporting resources and test their suitability with Local Governments.

Retrospectivity

The retrospective aspect of the registers generates much of the administrative burden as well as significant privacy and confidentiality concerns. The identification and extraction of historic information is unnecessarily onerous. Members expressed concern that requirements for retrospectivity appeared arbitrary, imposed excessive red tape, and an administrative burden disproportionate to any public benefit. Submissions expressed the view that it is difficult to identify the public interest in redundant information that does not reflect an ongoing relationship. Further, the third parties involved in these historic transactions had no knowledge of the potential publication of their information when they entered the transaction. This heightens concerns regarding privacy and confidentiality, as well as posing a significant reputational risk for Local Governments. Affected parties may reasonably expect to be notified prior to publication, and this will be another burden for Local Governments.

Revising all registers to only include agreements entered *after* the commencement date would significantly reduce the administrative burden, allow Local Governments to implement systems to capture the necessary information, and inform third parties about the way in which their information will be used.

Unclear application

Members expressed concern that the Draft Regulations lack clarity, and their application is difficult to understand. Local Governments have requested that templates and supporting resources be provided to reduce the burden on individual Local Governments. To demonstrate the practical application of the Draft Regulations, these templates should be populated with example data and tested with Local Governments of different size and scale.

PRIS Act Implications

The 2022 Reform Proposals pre-date the PRIS Act, which was assented to on 6 December 2024 and is expected to fully come into effect in 2026. Once in effect, it will govern the collection, use, disclosure and handling of personal information by Local Governments and across the public sector. The PRIS Act includes provisions relating to public registers, and the rights of individuals in relation to registers kept in accordance with a written law. Local Governments are required to undertake extensive preparation for their PRIS Act responsibilities. The imposition of these new register requirements will add to the complexity of Local Government implementation of the PRIS Act. Rather than each Local Government identifying the PRIS Act implications of the proposed registers and developing systems to fulfil their responsibilities, DLGSC should conduct the required analysis and provide practical advice to all Local Governments.

Indicative Member Comments

"Part of the reform agenda justification centred on the elimination of unnecessary "red tape" and in the absence of valid justification retrospective compliance represents the imposition of red tape on the local government sector."



"Systems, policies and templates need to be put in place to ensure that Local Government remains effective, and these proposals do not introduce inequities, unnecessary resource demands and operational inefficiencies, or undermine the critical role that Local Government plays within the community. ... the retrospective nature of the proposals will place an unreasonable and unnecessary resource burden on regional and remote Local Governments."

Recommendation 5: Registers general considerations

5. That WALGA advise the Department of Local Government Sport and Cultural Industries to:

- a. Revise the commencement date for the keeping of registers under the Draft Regulations to no earlier than 1 July 2026.*
- b. Remove all requirements for retrospectivity in the keeping of registers, as they impose an unreasonable and unnecessary regulatory burden and heighten privacy and confidentiality concerns.*
- c. Develop and provide, in consultation with Local Governments, supporting documentation including templates for each register with examples completed.*
- d. Undertake an analysis of the application and implications of the Privacy and Responsible Information Sharing Act 2024 for the proposed public registers and provide practical advice to all Local Governments.*

3.2. Lease register

Summary of Draft Regulations

Draft Regulation 29F requires a register to include all current leases to which the Local Government is a party (as lessee or lessor). Leases which have expired, and those that are of less than 1 month duration (including any option to extend) are excluded. The register is to contain a range of information, including:

- the names of parties, except where the lease is a residential tenancy
- the address of the land
- the use, period and rent payable under the lease.

The term "lease" is defined extremely broadly, as follows:

lease means a lease, licence or agreement under which a person has a right to occupy or use land over a period –

(a) whether the occupation or use of the land is on an exclusive basis or otherwise; and

(b) whether the occupation or use of the land is continuous over the period or otherwise; and

(c) whether the period is a fixed period or otherwise;

The DLGSC consultation paper states that this register is for "public understanding of what the local government is using the community's property for". On that basis it is unclear why the register applies where Local Governments lease property from other parties. Local



Governments note that information regarding property income and disposals is already disclosed in budget documents, and as required under section 3.58 of the *Local Government Act 1995* (the Act). It is unclear how this general objective has been translated into the specific requirements in the Draft Regulation, which do not appear to reflect the public interest.

Comment

Submissions expressed considerable concerns with the application of this draft regulation. Issues include the breadth of the lease definition, safety and confidentiality for residents and community groups, commercial in confidence information and the ability of Local Governments to generate best value from assets, whether through commercial returns or community benefits.

Lease definition

The DLGSC consultation paper refers to “leases, licences to occupy and tenancy agreements” as being captured by this register. However, the definition of lease is so broad, it also appears to include:

- Regular sports court, reserve or community hall/venue hire
- Permits issued under local laws or regulations such as alfresco, street trading or obstruction permits
- Gym memberships
- Contracts for the provision of streetside advertising benches and signs, bus shelters or EV charging stations
- Long term caravan park stays

Any of the above may provide the right to occupy or use land for periods of over 1 month, noting that the use of the land does not need to be continuous or exclusive. In contrast, the requirements for property disposals under s.3.58 of the Act exclude anything provided by the Local Government (for a fee or otherwise) in performance of a function under law, disposals in the course of a trading undertaking, and low value disposals.

The current lease definition would capture an extremely high volume of information, posing a significant challenge to Local Governments. This volume is also likely to minimise any transparency benefit as any significant leases would be lost in the pages of irrelevant information.

Privacy and confidentiality

While the names of residential tenants would not be included in the register, publication of the address and rent payable may undermine the protection of the identity, privacy and security of tenants. This is particularly the case in small communities, and in relation to housing provided to Local Government employees where it may be easy to connect an individual with the published address. Where housing is a component of employment contracts, the publication of this information exposes confidential employment information, and may affect staff attraction and retention in regional areas. This could be avoided if residential tenancies were excluded from the register entirely.

Similarly, where properties are leased to community groups, publication of the required details may cause safety concerns, for example in relation to use as family violence shelter or by a community group that may be vulnerable to hate crimes. A mechanism would be required to enable exclusion of information that may pose a risk to safety.

Finally, the register may require the disclosure of information that would ordinarily be commercial in confidence, or subject to confidentiality clauses under the lease agreement. For future transactions, this may impair Local Governments' ability to act commercially and generate revenue, or achieve competitive terms when leasing property.

As noted above, all concerns in relation to privacy and confidentiality are exacerbated if the publication requirement applies to leases already in effect. Those tenants (and lessors) had no opportunity to consider or consent to publication. This may pose significant risks to those parties, as well as reputational, legal and financial risks to the Local Government.

Alternatives

Given the significant issues with this register, WALGA's view is that it should not proceed at this time. Members suggest alternative options to achieve scrutiny of Local Government leases, including:

- Publishing a register that consolidates the already public information about disposals made in accordance with s.3.58 of the Act. This would exclude exempt disposals, such as residential leases (including to employees), and disposals to not for profit organisations. Further analysis would be required in relation to publication of any commercial information that was not already in the public domain. This approach would contribute to public understanding of the use of Local Government property without including low value transactions, or those that would put individuals or groups at risk.
- Requiring a register of leases to be provided as a confidential report to the Audit/Audit Risk and Improvement Committee, or to the Local Government Inspector. With the upcoming requirement for external members of Audit Risk and Improvement Committees, this would enable objective scrutiny of these agreements without publishing confidential information.

Indicative Member comments

"Council strongly objects to the disclosure of the location of any land subject to a residential tenancy agreement to help protect the identity, privacy and security of Shire employees and other tenants."

"Compared with future lessees (who will have the ability to make an informed decision on leasing with the City knowing what will become public information), existing lessees may be compromised by the release of their data. Additionally, had those lessees have known the level of their information which is required to be published they may have opted not to lease with the local government."

"The City is concerned the proposed regulation will greatly limit the City's ability to act commercially. In certain circumstances, a Local Government is required to undertake commercial negotiations, tenders and evaluations. Under these circumstances the Local Government is expected to achieve value for money and market rates. It is expected to have the ability in all negotiations to protect its commercial position and negotiate leverage for the benefit of all ratepayers."

Recommendation 6: Lease register

6. That WALGA advise the Department of Local Government Sport and Cultural Industries to

- a. Not proceed with the lease register as proposed.*
- b. Engage with Local Governments to identify more appropriate and targeted options for achieving the stated objective of community understanding of use of Local Government property.*
- c. As a minimum, if proceeding with a lease register:*
 - i. Provide an improved definition of "lease" to exclude low value, high volume and insignificant agreements*
 - ii. Exclude all residential tenancies*
 - iii. Provide for redaction of personal, confidential or commercial in confidence information.*

3.3. Grants and sponsorship register

Summary of Draft Regulations

Draft regulation 29G requires the CEO to keep a register of all grants and sponsorships made by the Local Government in the last 5 years with a value of \$500 or more. The value includes the monetary equivalent of any non-monetary component, and includes the value of any other grant or sponsorship to the same recipient for substantially the same purpose. There is no specified time limit for this cumulative value calculation. This appears to require local governments to consider any grant ever made to the recipient when determining whether a proposed grant has a cumulative value of \$500 or more. The register must include the date, purpose and value of the grant or sponsorship, the name of the recipient, the final report date (if any) and whether any required reports have been made.

The DLGSC consultation paper states that the register:

- provides transparency about spending "that does not always result in a return for the local government"
- "addresses some of the matters arising from the Inquiry into the City of Perth"
- "assumes that local governments are undertaking prudent governance measures in managing their grants and sponsorships" including written agreements with reporting and acquittal requirements.

The Inquiry into the City of Perth identified concerns regarding Council Member relationships with beneficiaries, the provision of tickets and associated benefits, and governance arrangements including approvals and acquittals.

It is suggested that the DLGSC could more directly achieve the identified objectives by providing guidelines to support Local Governments in ensuring that grant and sponsorship programs demonstrate benefits to the community, and include appropriate governance arrangements. If issues were identified that required further intervention, targeted measures could be implemented.

Comment

A small number of Local Governments expressed general support for the register, subject to the exclusion of retrospectivity. However the majority of submissions identified concerns regarding the value threshold, privacy and confidentiality, and a lack of clarity in the calculation of value.

Value Threshold

The \$500 threshold appears arbitrary and not a material figure. Such a low value increases the administrative burden for Local Governments, while undermining effective transparency through disclosure of insignificant information. Members suggested more appropriate thresholds ranging from \$1000 to \$20,000, while some proposed a tiered arrangement. WALGA considers that \$5000 is an appropriate threshold amount.

Retrospectivity

As in relation to other registers, Members noted the unreasonably onerous burden of retrospectivity, with some stating that it was beyond their current capacity. Several submissions pointed out that the 5-year period would include the height of the COVID pandemic, when many Local Governments (with the encouragement of the State Government) provided increased monetary and non-monetary support to their communities.

Privacy and confidentiality

The publication of the name of the recipient poses a privacy concern for grants to individuals, particularly children. Members also identified confidentiality concerns for other entities, including where details of the grant or sponsorship may be commercial in confidence, subject to other funding or pending public announcement.

Lack of clarity

There are also concerns regarding the lack of meaningful definitions for grant and sponsorship, the complexity of establishing cumulative value, and the monetary equivalent of in-kind support. Submissions also queried whether waived or concessional fees and charges (in accordance with s.6.12(1)(b) of the Act) would constitute a grant.

Indicative Member comments

"The amount of \$500 is not considered significantly material enough to justify the maintenance of the register. The commencement threshold should be \$5,000 to avoid trivialising the accountability requirement."



"In-kind support, such as preparing ovals for school carnivals or assisting with community events, has historically been provided as a community benefit rather than recorded as a formal transaction.

With staff turnover and limited resourcing, retrieving five years of historical data would place a significant administrative burden on small councils with limited public benefit. Instead, an effective date moving forward should be applied."

Recommendation 7: Grants and sponsorship register

7. That WALGA advise the Department of Local Government Sport and Cultural Industries to

- a. Provide improved definitions of grant and sponsorship that distinguish between the two categories and exclude concessional fees and charges*
- b. Provide guidance on valuation of in-kind support*
- c. Increase the threshold amount to \$5000 with no cumulative calculation*
- d. Exclude grants to individuals/natural persons from the register*
- e. Provide for redaction of personal, confidential or commercial in confidence information*

3.4. Development contributions register

Summary of Draft Regulations

Draft regulation 29H requires the CEO to keep a register of all development contributions received by the Local Government, excluding any that were exhausted (fully applied or refunded) more than 5 years ago. Development contribution is defined to include money received via development contribution plans (DCPs) as well as payments in lieu of parking, public open space or other compliance requirement.

The register must include:

- the name of the party that gave the money
- the address or description of the development location
- the purpose and amount of the contribution
- the date of payment and date the local government must spend it by (if applicable)
- the amount of interest earned
- a list of each item (infrastructure or facility) the contribution was spent on, including the amount or percentage of the contribution spent on each.

The DLGSC consultation paper states that the register "promotes good recordkeeping and transparency for the public and applicants in knowing that such money is being appropriately kept and spent."

Comment

The majority of submissions expressed concerns regarding the administrative burden with limited improvements in transparency and oversight of Developer Contributions Plan (DCPs) than is currently provided for under the state planning framework. This burden is exacerbated by the retrospectivity and short implementation timeframe. Those Local Governments with a high number of DCPs advise that this is likely to lead to delays and



increased costs in the administration of DCPs. Privacy considerations and practical issues with the calculation of interest for individual contributions, and the list of items and percentage of expenditure were also identified.

Duplication of Reporting

The proposed register requirements duplicate existing reporting obligations, creating unnecessary administrative burdens without adding value. All Local Governments with formal DCPs already maintains detailed records and registers for development contributions as part of their reporting requirements under State Planning Policy 3.6 and Local Planning Scheme. The proposed registers would replicate information, particularly the Cost Apportionment Schedules and Annual Status Report, already documented and published on Local Government websites, leading to redundant efforts and potential confusion. This duplication creates an unnecessary burden on Local Government resources and increases the risk of incorrect or contradictory information being published.

Retrospective Application

The requirement to retrospectively apply the register to all development contributions that have yet to be exhausted is seen as highly problematic due to the significant resources required. As DCPs can be active over a long period, this may involve records dating back over 20 years. Members highlighted that implementing the proposed register retrospectively could necessitate the employment of additional staff. This cost would ultimately be passed onto property owners within the DCP area, ultimately increasing the cost of land and housing. Additionally, historical data on interest calculations may not be available or in a usable format, complicating compliance with the new requirements. Members expressed concerns about the significant workload involved in collecting and collating data retrospectively, suggesting that there should be no retrospectivity in relation to register entries.

Implementation Timeframe

The proposed timeframe for implementing the register is unrealistic given the considerable resources needed to assemble the required information. WALGA does not support the proposed timeframe, as the resources needed to gather and report on historical contributions are substantial. This would likely require additional staff and significant administrative efforts, which are not feasible within the proposed timeframe.

Privacy Considerations

Publishing individual names and addresses of contributors raises significant privacy issues, especially when contributors are private individuals rather than companies, which is common. A number of Local Governments raised concerns about the privacy implications of publishing individual names and addresses of contributors and WALGA shares these concerns. Publishing individuals' names provides limited additional public transparency over DCP and other planning contributions, and the potential impact of this likely outweighs the limited benefit.

Interest Calculation

Calculating and assigning interest to individual contributions will be administratively burdensome and potentially inaccurate. Several Local Governments outlined that it is difficult to assign interest earned to each separate contribution as contributions are often

pooled and invested collectively, making it challenging to track interest for individual contributions accurately. This complexity could lead to significant administrative burdens and increased costs. Again, it is highlighted that calculating interest attributable to specific contributions would involve a significant administrative burden, the cost of which would be passed on to developers, ultimately increasing the cost of land and housing.

List of items contribution was spent on

At the highest level, all contributors pay for all pieces of infrastructure within the DCP according to the extent of their land ownership. However, once sufficient funds are collected to deliver the highest priority project, the available monies will be used accordingly. At that point in time, 100% of a contribution could be recorded as having been spent on an item. However, as further contributions are received and applied to other items, this would change. Once the DCP is exhausted, all contributions could be recorded as having been proportionally applied to all items. As a result, the information recorded in the register at any point in time may be meaningless and likely to cause confusion.

Indicative Member comments

"A DCP for a particular area will usually include contributions received at different times over a long period. The amount of interest each contribution has earned will be difficult to discern (as opposed to the amount of interest accrued to the DCP overall)."

"It might be notionally more appropriate for the requirement to be included within the Planning & Development Act (2005) as the head of power for the establishment of developer contributions, instead of the Local Government Act."

Recommendation 8: Development contributions register

8. That WALGA advise the Department of Local Government Sport and Cultural Industries to:

- a. *Not proceed with the contributions register as proposed.*
- b. *Engage with Local Governments to identify ways that any new requirements for publication of development contributions could be aligned with existing reporting obligations, ensuring consistency and reducing administrative burden.*
- c. *As a minimum, if proceeding with a development contributions register:*
 - i. *Limit reporting to new contributions moving forward.*
 - ii. *Implement measures to protect the privacy of contributors by ensuring that individual names and addresses are not published.*
 - iii. *Provide clear guidelines for the calculation of interest and attribution of contributions to items.*

3.5. Contracts for goods and services register

Summary of Draft Regulations

Draft Regulation 29I requires the CEO to keep a register of contracts under which goods or services are to be supplied (i.e. active/current contracts). Contracts are excluded if the total of the consideration already paid by the Local Government and the expected consideration remaining to be paid is less than \$50,000. When calculating this total, Local Governments must also consider any other active contracts with the same supplier for substantially the same purpose. It appears that this cumulative value only considers contracts that are active at the same time, not those under which no further good or services are to be supplied (i.e. expired, discharged or terminated contracts).

The register must include:

- the name of the supplier,
- the procurement method,
- the date the contract was made
- any fixed period for the supply of the goods or services, and if extended, the fixed period as extended
- a summary of the goods and services and of each variation,
- the amount of consideration that has been paid, the expected amount remaining to be paid and the sum of those two values.

The DLGSC consultation paper aligns the \$50,000 threshold with a recommendation from the Inquiry into the City of Perth. WALGA notes that the reform proposal in 2022 specified a threshold value of \$100,000.

The consultation paper states that the register “promotes good recordkeeping, transparency for the public and allows potential suppliers and service providers sufficient time to plan when big contracts are advertised for tender.”

While the register will alert potential suppliers to the fixed period for each contract, it is noted that this is not a reliable indicator of when Local Governments will advertise for tenders. Many Local Governments proactively inform the market of upcoming tenders, and this approach could be encouraged with appropriate guidance.

Comment

All submissions that commented on the contract register expressed a range of concerns, including the administrative burden associated with the unreasonably low threshold value and duplication of existing reporting requirements. Members raised heightened fraud risks, and issues relating to commercial in confidence information. There is also a lack of clarity regarding the definition of contract and contract value.

Administrative burden

Members face significant resource challenges to implement and maintain a register for contracts over \$50,000, given existing systems are not designed for this purpose. Smaller Local Governments lack existing capacity, while larger Local Governments with a high

number of contracts over this value would need to introduce new reporting processes. Members highlighted concerns with reporting variations in some circumstances. For example, where a contract is awarded without a lump sum. Similarly, the regular updating of payments made, and calculation of expected payments pending would require considerable effort. If it is considered necessary to report both anticipated and actual spend, the total spend could be recorded at the end of the contract rather than progressively updated.

Duplication of reporting

Local Government already provide transparency regarding contracts and payments via the tenders register and monthly payment reporting to Council. The proposed register overlaps significantly with existing transparency measures, leading to duplicated efforts. This is particularly the case for contracts above the tender threshold, which would appear on both the contract and tenders registers. Instead, contracts arising from a public tender should be excluded from the contract register.

Low value threshold

The \$50,000 value threshold is a primary cause of the unreasonable administrative burden. This threshold would require a high volume of reporting on low value contracts, with minimal transparency benefits. Members advised that this figure is not material and should be revised to \$250,000, or at a minimum, the \$100,000 proposed on 2022. It is noted that the Inquiry into the City of Perth was commenced in 2018 and reported in 2020. The proposed threshold does not reflect current market conditions. A value threshold of \$250,000 (exclusive of GST) would limit reporting to significant contracts, in alignment with the tenders register. This would provide a transparency benefit in reporting high value tender exempt procurement, which may not currently be published.

Fraud risk

Members advised that the online publication of more detailed information regarding current contracts would heighten the risk of fraud and cybercrime targeting Local Governments and their contractors. Providing a target list of suppliers with active contracts, and information about both past and future payments may assist criminals to fraudulently impersonate either the Local Government or the supplier to the other party. The removal of cumulative and pending payment information could reduce some of this risk.

Commercial information and disadvantage

Members raised concerns regarding confidentiality clauses in existing contracts, as well as the potential to deter suppliers from contracting with Local Government. There are also concerns that increased access to contract details could allow competitors to manipulate pricing strategies, creating an anti-competitive environment and potential financial disadvantages for Local Governments.

Definition of Contract

Members have expressed concerns regarding a lack of clarity regarding what constitutes a contract for the purposes of the register. In particular, Members queried whether purchase orders, service arrangements, and the supply of utilities should be included.

Contract value

Significant confusion was reported regarding the calculation of contract value, with reference to financial years, total contract term, and aggregating value across multiple contracts. It appears that the Draft Regulations only require active contracts with a supplier to be considered when calculating cumulative value, but this should be clarified. Rather than referring to the sum of consideration paid and expected amount of consideration still to pay, the draft regulation should require a contract to be included in the register "if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000". This is the familiar language from the *Local Government (Functions and General) Regulations 1996*.

Indicative Member comments

"The requirements for the register seem to point greater attention to the status of contracts which could elevate the risk of fraud. If the register were to not include the constant updates, it could alleviate the risk."

"Surely the procurement processes that local governments are audited on should be enough without having to duplicate by having a register that requires creation and maintenance."

Recommendation 9: Contracts for goods and services register

9. That WALGA advise the Department of Local Government Sport and Cultural Industries to

- a. Increase the threshold value for inclusion in the contracts register to \$250,000 exclusive of GST, to restrict reporting to material contracts and avoid unnecessary administrative burden.
- b. Exclude contracts entered into following a public tender from the contract register to avoid duplication.
- c. Remove requirement to regularly update payments made and payments pending.
- d. Provide a clear definition of contract, addressing concerns raised by Local Governments.
- e. Clarify the requirements for aggregating contract value, ensuring they are not unreasonable for Local Governments to apply.

4. Recommendations

Recommendation 1: General

1. *That WALGA advise the Department of Local Government Sport and Cultural Industries to:*
 - a. *Ensure that all amendment regulations support the stated aim of reducing red tape, increasing consistency and simplicity.*
 - b. *Consider Local Government reporting responsibilities holistically, aligning any new requirements with existing obligations to avoid duplication and achieve efficiency.*
 - c. *Consider the cumulative burden of the full suite of reforms to be implemented, upcoming elections, and variation in systems, size and scale.*
 - d. *Ensure there is no retrospectivity of requirements as this creates unreasonable compliance obligations.*
 - e. *Review the Draft Regulations to improve clarity and plain English drafting.*

Recommendation 2: Publishing performance criteria and reports on performance review

2. *That WALGA advise the Department of Local Government Sport and Cultural Industries to:*
 - a. *Reconsider the publication of CEO performance reviews due to the identified risks, and available alternatives for reporting on organisational performance.*
 - b. *If proceeding with publication of CEO performance reviews:*
 - i. *Include an option to state that a target was “substantially” or “partially” achieved; and*
 - ii. *Remove the requirement for a statement of whether all, more than 50% or less than 50% of targets were achieved.*
 - c. *Allow categories of contractual and agreed performance criteria to be excluded from publication by a general direction from the Departmental CEO.*
 - d. *Provide a clear process for Council to request a performance criterion be excluded from publication and receive a response from the Departmental CEO within a prescribed timeframe.*
 - e. *Commit to a review of the impact of publication requirements within 3 years with reference to community perception, Council and CEO satisfaction and CEO recruitment and retention.*

Recommendation 3: Independent persons panel (CEO recruitment)

3. *That WALGA advise the Department of Local Government Sport and Cultural Industries to:*
 - a. *Reconsider the need for a mandatory appointment from the panel of independent persons, as the current system is functioning effectively and the proposal introduces red tape, creates the potential for delay and undermines the general competency of Local Governments.*
 - b. *If proceeding with the requirement to appoint from the independent persons panel to CEO selection panels:*
 - i. *Revise the commencement date to no earlier than 1 July 2026.*
 - ii. *Provide Local Governments with further information regarding the process and criteria for selection of members of the panel of independent persons, the composition of the panel, and terms and conditions of appointment.*
 - iii. *Ensure that there are sufficient available and suitable members of the panel to avoid delays to CEO recruitment.*
 - iv. *Provide a clear and efficient process for Local Governments to appoint an independent person from outside the panel.*
 - v. *Require that an independent person appointed to a CEO recruitment panel disclose any impartiality interests and allow Council to decide whether the person should be disqualified.*

Recommendation 4: Certification, recruitment and termination

4. *That WALGA advise the Department of Local Government Sport and Cultural Industries to:*
 - a. *Incorporate certification of renewal of a CEO contract in the existing Administration Regulation 18FB rather than introducing a separate requirement.*
 - b. *Where a recruitment and selection process is required as the incumbent CEO has held the position for more than 10 years, retain the requirement to conduct the process prior to the expiry of the incumbent CEO contract.*
 - c. *Insert an additional subclause in the new Clause 15A to provide for any additional information the Local Government and CEO agree to be included in the performance criterion.*
 - d. *Delete draft subclause 25(a) so that past employment at a Local Government does not affect the application of the CEO Standards to termination during the probationary period.*

Recommendation 5: Registers general considerations

5. That WALGA advise the Department of Local Government Sport and Cultural Industries to:
- a. *Revise the commencement date for the keeping of registers under the Draft Regulations to no earlier than 1 July 2026.*
 - b. *Remove all requirements for retrospectivity in the keeping of registers, as they impose an unreasonable and unnecessary regulatory burden and heighten privacy and confidentiality concerns.*
 - c. *Develop and provide, in consultation with Local Governments, supporting documentation including templates for each register with examples completed.*
 - d. *Undertake an analysis of the application and implications of the Privacy and Responsible Information Sharing Act 2024 for the proposed public registers and provide practical advice to all Local Governments.*

Recommendation 6: Lease register

6. That WALGA advise the Department of Local Government Sport and Cultural Industries to:
- a. *Not proceed with the lease register as proposed.*
 - b. *Engage with Local Governments to identify more appropriate and targeted options for achieving the stated objective of community understanding of use of Local Government property.*
 - c. *As a minimum, if proceeding with a lease register:*
 - i. *Provide an improved definition of "lease" to exclude low value, high volume and insignificant agreements*
 - ii. *Exclude all residential tenancies*
 - iii. *Provide for redaction of personal, confidential or commercial in confidence information.*

Recommendation 7: Grants and sponsorship register

7. That WALGA advise the Department of Local Government Sport and Cultural Industries to:
- a. *Provide improved definitions of grant and sponsorship that distinguish between the two categories and exclude concessional fees and charges.*
 - b. *Provide guidance on valuation of in-kind support.*
 - c. *Increase the threshold amount to \$5000 with no cumulative calculation.*
 - d. *Exclude grants to individuals/natural persons from the register.*
 - e. *Provide for redaction of personal, confidential or commercial in confidence information.*

Recommendation 8: Development contributions register

8. That WALGA advise the Department of Local Government Sport and Cultural Industries to:
- a. Not proceed with the contributions register as proposed.
 - b. Engage with Local Governments to identify ways that any new requirements for publication of development contributions could be aligned with existing reporting obligations, ensuring consistency and reducing administrative burden.
 - c. As a minimum, if proceeding with a development contributions register:
 - i. Limit reporting to new contributions moving forward.
 - ii. Implement measures to protect the privacy of contributors by ensuring that individual names and addresses are not published.
 - iii. Provide clear guidelines for the calculation of interest and attribution of contributions to items.

Recommendation 9: Contracts for goods and services register

9. That WALGA advise the Department of Local Government Sport and Cultural Industries to:
- a. Increase the threshold value for inclusion in the contracts register to \$250,000 exclusive of GST, to restrict reporting to material contracts and avoid unnecessary administrative burden.
 - b. Exclude contracts entered into following a public tender from the contract register to avoid duplication.
 - c. Remove requirement to regularly update payments made and payments pending.
 - d. Provide a clear definition of contract, addressing concerns raised by Local Governments.
 - e. Clarify the requirements for aggregating contract value, ensuring they are not unreasonable for Local Governments to apply.

8.2 DOG AND CAT MANAGEMENT ADVOCACY POSITION

By Felicity Morris, Manager Governance and Procurement and Marnie Herrington, Governance Specialist

WALGA RECOMMENDATION

That WALGA replace Advocacy Position 2.12 *Puppy Farming* with a revised *Dog and Cat Management* advocacy position, as follows:

In regard to the Dog Amendment (Stop Puppy Farming) Act 2021 and the PetsWA Centralised Database, the WA Local Government sector advocates:

- a) that fees reflect completed cost modelling to ensure that Local Governments achieve full cost recovery in ensuring compliance with the Dog Act 1976 or Cat Act 2011.***
- b) that Fees and Charges set in Regulations are reviewed bi-annually and, at minimum, adjusted by the Local Government Cost Index.***
- c) that the PetsWA centralised registration database is developed, operated and maintained by State Government, with no loss to Local Government registration fee revenue.***
- d) that the function of PetsWA be restricted to the registration of dogs and cats, exclude ancillary functions such as animal related complaints and infringement notices, and integrate with existing Local Government corporate systems.***
- e) for the continued legislative exemptions for livestock working dogs in recognition of their special breeding requirements.***
- f) for a State Government-led education initiative whereby the community is encouraged to purchase puppies from approved breeders.***

EXECUTIVE SUMMARY

- Motions from Zones regarding the PetsWA Centralised Registration Database provide an opportunity to review the existing *Puppy Farming* advocacy position and replace it with a new *Dog and Cat Management* advocacy position.
- The purpose of the new position is to reflect the progression of the *Dog Amendment (Stop Puppy Farming) Act 2021* and the emerging concerns of the Local Government sector regarding the PetsWA centralised registration system.
- The Governance Policy Team endorsed the new advocacy position at its meeting on 24 March.

ATTACHMENT

- Comparison table between current Advocacy Position 2.12 *Puppy Farming*, and proposed advocacy position *Dog and Cat Management*.

POLICY IMPLICATIONS

This item is to replace existing Advocacy Position 2.12 *Puppy Farming* with a new *Dog and Cat Management* position.

The current Advocacy Position is as follows:

2.12 Puppy Farming

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.*

The recommended new Advocacy Position is as follows:

Dog and Cat Management

In regard to the Dog Amendment (Stop Puppy Farming) Act 2021 and the PetsWA Centralised Database, the WA Local Government sector advocates:

- a) *that fees reflect completed cost modelling to ensure that Local Governments achieve full cost recovery in ensuring compliance with the Dog Act 1976 or Cat Act 2011.*
- b) *that Fees and Charges set in Regulations are reviewed bi-annually and, at minimum, adjusted by the Local Government Cost Index.*
- c) *that the PetsWA centralised registration database is developed, operated and maintained by State Government, with no loss to Local Government registration fee revenue.*

- d) *that the function of PetsWA be restricted to the registration of dogs and cats, exclude ancillary functions such as animal related complaints and infringement notices, and integrate with existing Local Government corporate systems.*
- e) *for the continued legislative exemptions for livestock working dogs in recognition of their special breeding requirements.*
- f) *for a State Government-led education initiative whereby the community is encouraged to purchase puppies from approved breeders.*

A table comparing the current and proposed advocacy position can be seen in Attachment A.

BACKGROUND

Stop Puppy Farming Legislation

- At its September 2018 meeting, State Council adopted a detailed position in relation to the Stop Puppy Farming Initiative (*Resolution 103.6/2018*).
- At its March 2020 meeting, State Council resolved 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" (*Resolution 13.1/2020*).
- At its September 2021, State Council adopted additional points to the advocacy position, supporting WALGA continuing to advocate 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.
 (*Resolution 275.5/2021*)
- In December 2021, the *Dog Amendment (Stop Puppy Farming) Act 2021* (the Act) was passed by Parliament. The Act amended both the *Dog Act 1976* and the *Cat Act 2011* in several ways.
- The implementation of the legislation is occurring in phases, with existing pet shops needing to transition to adoption centres by obtaining a 'pet shop approval' through their Local Governments by 26 May.
- It is anticipated that dog breeding approval provisions and mandatory sterilisation of dogs (unless an exemption is in place) will take effect later in 2025. In August 2024, the State Government awarded a contract to Seisma Group to establish PetsWA (the new centralised registration system for dogs and cats), which is anticipated to be operational later in 2025.

Fees and cost recovery

In a letter to WALGA dated 1 November 2021, Minister John Carey confirmed that "the State Government has committed to covering the costs associated with the establishment of the Centralised Registration System, to centrally record the registration of all domestic cats and dogs within Western Australia". However, the State Government position relating to ongoing costs associated with the system and the particulars about revenue generated from registrations has not been made clear.

In early 2024, the Department of Local Government, Sport and Cultural Industries (DLGSC) released a Consultation Paper prepared by consultants Marsden Jacob Associates on the new and existing fees and charges under the *Dog Act 1976* and *Cat Act 2011*. WALGA provided a submission in line with State Councils advocacy position as follows.

That WALGA:

- 1. 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;*
- 2. Supports a centralised dog registration system that is developed, operated and maintained by State Government;*
- 3. Any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and*
- 4. The Fees and Charges set in Regulations are reviewed biennially and at minimum, be adjusted by the Local Government Cost Index.*

Zone resolutions

Central Country Zone

At the Central Country Zone Meeting of 15 November 2024, the Zone considered an item which raised concerns that the administrative costs of the PetsWA central registration system would be withheld by the State Government from registration fees collected by Local Governments. As already noted, registration fees are already insufficient to cover the costs of Local Government cat and dog management responsibilities.

The Zone resolved:

That the Central Country Zone request WALGA to:

- a) advocate to the Government of Western Australia that 100% of the revenue derived from pet registrations (both dogs and cats) continue to be returned directly to Local Governments to effectively administer the Dog Act 1976 and Cat Act 2011.*
- b) recommend that the new centralized PetsWA Pet Registry Scheme, administered by the State Government, should not retain any commission or portion of the registration fees for its operations, as the current fee structure does not adequately cover the costs associated with pet management at the Local Government level.*

North Metropolitan Zone

At the North Metropolitan Zone Meeting of 20 November 2024, the Zone considered an item which raised concerns that the community would be able to lodge complaints through the PetsWA centralised registration system and that infringements would be issued through the system. As no integration with Local Government systems has been advised, this would create a duplicate workload for officers.

The Zone resolved:

That WALGA advocate to the State Government for the PetsWA Centralised Registration Database scope to be restricted to a centralised registration system (excluding complaints and infringements) that integrates with Local Government's existing corporate systems.

COMMENT

As the Act has progressed, the existing advocacy position should be reviewed to reflect the current state.

A comparison between the current and proposed advocacy position is provided in Attachment A, with key themes addressed below.

Cost Recovery

Under the *Dog Amendment (Stop Puppy Farming) Act 2021*, Local Governments will have increased responsibilities, including approvals to breed and pet shop approvals, as well as associated investigation and enforcement functions. WALGA has continued to advocate to the State Government for fees and charges to be set at a level that achieves full cost recovery and that any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government. The proposed advocacy position retains these key positions.

The fees from registrations and animal related infringements do not currently cover all costs associated with Local Government responsibilities. There is a risk that the State Government could administer the PetsWA system in a way which reduces Local Government income from registrations.

WALGA's existing advocacy position supports PetsWA to be managed by the State (Advocacy Position 2.12.b). The proposed *Dog and Cat Management* Advocacy Position expands on the existing position to make it absolutely clear that there should be no loss of registration fee revenue to the Local Governments in administering the database.

Scope of PetsWA

The Act provides for a centralised registration system, known as PetsWA, to be managed by the State Government. DLGSC has been tasked with the implementation of the system. The contract to develop PetsWA was awarded on 2 August 2024 and is expected to launch in the second half of 2025. PetsWA is intended to replace the dog and cat registers managed by individual Local Governments with a single online system, used state-wide. PetsWA will allow dog and cat owners to register their pets and make payments online.

In addition to uncertainty about revenue from fees and charges under PetsWA, there is ambiguity about the scope of information recorded within PetsWA. DLGSC has noted that PetsWA could be used to manage public complaints, request ranger visits, manage dangerous dog notices, and issue infringements. This could increase administrative burden on Local Government staff by duplicating data entry with existing record management systems, as there is no clarity on the extent of the integration with Local Government's existing systems.

To avoid this, PetsWA should be integrated with Local Government's existing systems and the scope should be restricted to its original function as a centralised registration system.

ZONE CONSIDERATION

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

South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported

CENTRAL COUNTRY ZONE

That WALGA replace Advocacy Position 2.12 Puppy Farming with a revised Dog and Cat Management advocacy position, as follows:

In regard to the Dog Amendment (Stop Puppy Farming) Act 2021 and the PetsWA Centralised Database, the WA Local Government sector advocates:

- a) *that all Local Governments achieve full cost recovery in ensuring compliance with the Dog Act 1976 or Cat Act 2011 through a combination of appropriate fees and State Government funding that encourages compliance and serves the interests of all Western Australians regardless of where they live.*
- b) *that Fees and Charges set in Regulations are reviewed bi-annually and, at minimum, adjusted by the Local Government Cost Index.*
- c) *that the PetsWA centralised registration database is developed, operated and maintained by State Government, with no loss to Local Government registration fee revenue.*
- d) *that the function of PetsWA be restricted to the registration of dogs and cats, exclude ancillary functions such as animal related complaints and infringement notices, and integrate with existing Local Government corporate systems.*
- e) *for the continued legislative exemptions for livestock working dogs in recognition of their special breeding requirements.*
- f) *for a State Government-led education initiative whereby the community is encouraged to purchase puppies from approved breeders.*

SECRETARIAT COMMENT

The Zone's suggestion expands on the WALGA recommendation of advocating for Local Governments to achieve full cost recovery and is included in the composite recommendation.

SOUTH WEST COUNTRY ZONE

That the South West Country Zone:

1. supports the WALGA recommendation for State Council Agenda item 8.2 as contained in the State Council Agenda and as provided above; and
2. Reaffirms the Cat Local Law WALGA AGM resolution and the need for State Government to amend the State Cat Act.

SECRETARIAT COMMENT

WALGA has a separate advocacy position relating to Cat Local Laws that was endorsed at the December 2024 State Council meeting as below:

2.2.5 Review of the Cat Act 2011 and Dog Act 1976

That WALGA advocate to 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;*
3. *to make changes to the Cat Act 2011 to permit local laws to be made to the following effect:*
 - a) *Cats are to be confined to the cat owner's residence premises;*

- b) *Cats within public places are to be under effective control and not to create a nuisance;*
 - c) *Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance;*
 - d) *Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by absolute majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law.*
4. *that the reviews incorporate Local Government-specific consultation processes, coordinated in discussion with WALGA and Local Government stakeholders.*

COMPOSITE RECOMMENDATION

Moved: President Cr Phillip Blight
Seconded: Cr Karen Wheatland

That WALGA replace Advocacy Position 2.12 *Puppy Farming* with a revised *Dog and Cat Management* advocacy position, as follows:

In regard to the Dog Amendment (Stop Puppy Farming) Act 2021 and the PetsWA Centralised Database, the WA Local Government sector advocates:

- a) *that all Local Governments achieve full cost recovery in ensuring compliance with the Dog Act 1976 or Cat Act 2011 through a combination of appropriate fees and State Government funding that encourages compliance and serves the interests of all Western Australians regardless of where they live.*
- b) *that Fees and Charges set in Regulations are reviewed bi-annually and, at minimum, adjusted by the Local Government Cost Index.*
- c) *that the PetsWA centralised registration database is developed, operated and maintained by State Government, with no loss to Local Government registration fee revenue.*
- d) *that the function of PetsWA be restricted to the registration of dogs and cats, exclude ancillary functions such as animal related complaints and infringement notices, and integrate with existing Local Government corporate systems.*
- e) *for the continued legislative exemptions for livestock working dogs in recognition of their special breeding requirements.*
- f) *for a State Government-led education initiative whereby the community is encouraged to purchase puppies from approved breeders.*

RESOLUTION 027.2/2025

CARRIED

Attachment A - Recommended changes to the advocacy position

Existing Advocacy Position	Proposed Advocacy Position	Comments
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.	a) that fees reflect completed cost modelling to ensure that Local Governments achieve full cost recovery in ensuring compliance with the Dog Act 1976 or Cat Act 2011.	Changed to note the completion of the cost modelling review and ensure future legislation or regulations does not disadvantage Local Governments. Adding Cat Act as well as Dog Act to encapsulate administrative tasks required through both Acts.
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	a) any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and b) that the Fees and Charges set in Regulations are reviewed bi-annually and, at minimum, be adjusted by the Local Government Cost Index.	This position was previously a separate point 2. Part a) has been removed as this is sufficiently covered in the requirement for cost recovery. Part b) has been moved up to ensure consistency within the advocacy position.
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.	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.	Legislation has been passed, and the position is no longer relevant.
Supports a centralised dog registration system that is developed, operated and maintained by State Government.	c) Supports a centralised dog registration system that the PetsWA centralised registration database is developed, operated and maintained by State Government, with no loss to Local Government registration fee revenue.	Changed wording to note that the centralised registration database has been named PetsWA and includes both cats and dogs. Added reference to registration fee revenue to reflect Central Country Zone motion.

Existing Advocacy Position	Proposed Advocacy Position	Comments
	d) that the function of PetsWA be restricted to the registration of dogs and cats, exclude ancillary functions such as animal related complaints and infringement notices, and integrate with existing Local Government corporate systems.	Position added reflecting North Metropolitan Zone motion.
Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements.	ed) for the appropriate continued legislative exemptions for livestock working dogs in recognition of their special breeding requirements.	These exemptions were a key issue for the sector. Retaining this position reflects successful advocacy in ensuring these exemptions were provided in the legislation.
Does not support the transition of pet shops to adoption centres.	e) Does not support the transition of pet shops to adoption centres.	Remove as transitioning pet shops to adoption centres was a key element of the reform and has now been enacted.
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.	if) 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.	The Standards and Guidelines have been completed, and the position is no longer relevant.
Supports a State Government-led education initiative whereby the community is encouraged to purchase puppies from professional registered breeders.	fg) for a State Government-led education initiative whereby the community is encouraged to purchase puppies from approved professional registered breeders.	Remain and amend wording to be consistent with State Government terminology.
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'.	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'.	Legislation has been passed, and the position is no longer relevant.

8.3 NATIVE VEGETATION CLEARING REGULATIONS ADVOCACY POSITION

By Nicole Matthews, Executive Manager Policy and Ian Duncan, Executive Manager Infrastructure

WALGA RECOMMENDATION

That WALGA replace the following Advocacy Positions:

5.2.1 Environmental Protection Act

5.2.2 Land Clearing in Road Reserves

with an updated Native Vegetation Clearing Regulations Advocacy Position as follows:

WALGA calls on the Western Australian Government, in consultation with Local Government, to undertake legislative and policy reform to improve the effectiveness, efficiency and transparency of the regulatory system for clearing native vegetation in Western Australia, including:

- 1. Amending the Environmental Protection Act 1986 and associated regulations to remove unnecessary process, complexity and improve timeframes, including:***
 - a. introducing statutory timeframes for the determination of referrals, permit applications and appeals***
 - b. increasing the default duration of Area and Purpose Permits to 10 years***
 - c. provide a permanent exemption for clearing of previously legally cleared transport corridors***
 - d. strengthening environmental data sharing requirements to ensure proponents cannot opt-out of sharing data collected for environmental assessment and monitoring purposes.***
- 2. Ensuring the regulatory system is adequately resourced to:***
 - a. implement an expedited process for clearing permits for projects that prevent death and serious injury (road safety), and state and federally funded or co-funded projects***
 - b. establish a dedicated Local Government unit within the Department of Water and Environmental Regulation to:***
 - i. case manage Local Government referrals and clearing permit applications***
 - ii. provide guidance and training for Local Governments, particularly in relation to roadside vegetation management***
 - iii. support partnerships with Local Governments in strategic environmental offsets***
 - c. enable timely investigation and enforcement action for illegal clearing***
 - d. increase investment in the collection and provision of statewide biodiversity data, including:***
 - i. funding and coordinating a state-wide biodiversity survey program to standardise habitat and vegetation mapping***
 - ii. making biodiversity data more discoverable, accessible and useable.***
- 3. Undertaking bioregional planning for native vegetation management, with a focus on highly cleared areas and implementing strategic solutions for environmental offsets that can be utilised by Local Government.***

4. Working with the Australian Government to reduce duplication between the Environmental Protection Act 1986 and the Environment Protection and Biodiversity Conservation Act 1999.

EXECUTIVE SUMMARY

- The effectiveness, cost and complexity of the regulatory system for native vegetation clearing has been a longstanding concern for Local Governments, particularly in relation to its impacts on the delivery of road and other infrastructure projects.
- WALGA has made numerous representations and submissions to the State Government on this issue.
- WALGA's current [advocacy positions](#) relating to the regulation of clearing of native vegetation were endorsed by State Council in 2004 (5.2.1) and 2006 (5.2.2).
- Numerous reviews and significant legislative and policy changes aimed at streamlining regulatory requirements have occurred since that time which has resulted in some improvement, however, problems persist.
- The updated Advocacy Position, seeks to respond to feedback and issues raised by the sector, calls the State Government to:
 - implement **legislative, policy and process changes**, including the imposition of statutory timeframes for assessments and appeals; increasing the duration of clearing permits; providing a permanent exemption to enable clearing in previously legally cleared transport corridors; and strengthening environmental data sharing requirements.
 - allocate **adequate resources** to implement an expedited process for road safety and state and federally funded or co-funded projects; a dedicated Local Government unit to process applications and support the sector; timely compliance and enforcement action; and implement a state-funded collection and provision of data.
 - undertake **bioregional planning** and implement **strategic solutions for environmental offsets** for Local Government.
 - **reduce duplication** between the State and Australian government regulatory systems.
- At their joint meeting on 24 March, the Environment and Infrastructure Policy Teams recommended that State Council endorse the Native Vegetation Clearing Regulations advocacy position.

ATTACHMENT

- [WALGA Native Vegetation Clearing Regulations Issues Paper](#)
- [Road Safety Briefing Note](#)

POLICY IMPLICATIONS

This item is to replace existing Advocacy Positions 5.2.1 Environmental Protection Act and 5.2.2 Land Clearing in Road Reserves with a new *Native Vegetation Clearing Regulations* position.

The current [Advocacy Positions](#) are as follows:

5.2.1 Environmental Protection Act

Impact on Road Reserves 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.

5.2.2 Land Clearing in Road Reserves

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.

The proposed Advocacy Position is as follows:

Native Vegetation Clearing Regulations

WALGA calls on the Western Australian Government, in consultation with Local Government, to undertake legislative and policy reform to improve the effectiveness, efficiency and transparency of the regulatory system for clearing native vegetation in Western Australia, including:

- 1. Amending the Environmental Protection Act 1986 and associated regulations to remove unnecessary process, complexity and improve timeframes, including:*
 - a. introducing statutory timeframes for the determination of referrals, permit applications and appeals*
 - b. increasing the default duration of Area and Purpose Permits to 10 years*
 - c. provide a permanent exemption for clearing of previously legally cleared transport corridors*
 - d. strengthening environmental data sharing requirements to ensure proponents cannot opt-out of sharing data collected for environmental assessment and monitoring purposes.*
- 2. Ensuring the regulatory system is adequately resourced to:*
 - a. implement an expedited process for clearing permits for projects that prevent death and serious injury (road safety), and state and federally funded or co-funded projects*
 - b. establish a dedicated Local Government unit within the Department of Water and Environmental Regulation to:*
 - i. case manage Local Government referrals and clearing permit applications*
 - ii. provide guidance and training for Local Governments, particularly in relation to roadside vegetation management*
 - iii. support partnerships with Local Governments in strategic environmental offsets*
 - c. enable timely investigation and enforcement action for illegal clearing*
 - d. increase investment in the collection and provision of statewide biodiversity data, including:*
 - i. funding and coordinating a state-wide biodiversity survey program to standardise habitat and vegetation mapping*
 - ii. making biodiversity data more discoverable, accessible and useable.*
- 3. Undertaking bioregional planning for native vegetation management, with a focus on highly cleared areas and implementing strategic solutions for environmental offsets that can be utilised by Local Government.*
- 4. Working with the Australian Government to reduce duplication between the Environmental Protection Act 1986 and the Environment Protection and Biodiversity Conservation Act 1999.*

BACKGROUND

Western Australia is one of the most biodiverse places on Earth and has significant regional endemism, meaning it has plants and animals that only live in a particular location (Western Australian Biodiversity Science Institute). Eight of Australia's 15 declared biodiversity hotspots are in WA and the South West Ecoregion, (running from Shark Bay in the northwest to Esperance in south east with a narrow strip along the southeastern coast to the border between WA and SA) is one of only 34 internationally recognised Global Biodiversity Hotspots (and the only in Australia). A Global Biodiversity Hotspot is defined as a geographical region that has at least 1,500 vascular plant species and has lost at least 70 per cent of its original supporting habitat.

In Western Australia the clearing of native vegetation is primarily regulated under Part V Division 2 of the [Environmental Protection Act 1986](#) (EP Act) and [Environmental Protection \(Clearing of Native Vegetation\) Regulations 2004](#) (Regulations). Under section 51C of the EP Act clearing of native vegetation is an offence unless a permit has been granted, or an exemption applies.

The Regulations provide exemptions for routine land management practices, including for clearing done for maintenance in existing, previously legally cleared transport (road and rail) corridors, provided that the previous clearing occurred within the preceding 10 years (Regulation 5, Item 22). Schedule 2, cl. 2 of the Regulations specify the extent of maintenance clearing for an area or purpose:

Area or purpose	Extent of clearing
Crossover area	Clearing to the extent previously cleared for the area.
Lateral clearance area	Complete clearing to the width and height previously cleared for that stretch of road or railway.
Maintenance and protection of transport corridor infrastructure	Clearing to the extent necessary to – a) Maintain the efficacy and safety of the infrastructure; b) Protect the infrastructure (for example from fire); and c) Provide access to the infrastructure to maintain it.
An area that is a public roadside facility	Clearing to the extent necessary to maintain (but not extend) the intended use of the area.
Sight line area	Clearing to the extent previously cleared for that area.

Schedule 2, cl. 1 of the Regulations provides the following definitions:

- *crossover area* means the area occupied by a crossover from a road to a property adjacent to the road and any associated sight line areas;
- *lateral clearance area*, in relation to a stretch of road or railway, means the area (if any) parallel to and immediately adjacent to the stretch of road or railway that is ordinarily cleared;
- *public roadside facility* includes a camping area, rest area, information bay, road train assembly area or parking area or a footpath or cycle track in the road reserve;

- *transport corridor infrastructure*, in relation to a stretch of road or railway, includes barriers, signs, guideposts, drains, levies, embankments, gutters, bridges, overpasses and other similar structures or works.

While this exemption does not apply in an environmentally sensitive area, an area that would otherwise be an environmentally sensitive area is not an environmentally sensitive area to the extent it is in a maintenance area of transport corridor.

The Australian Government regulates clearing that is likely to impact a matter of National Environment Significance through the application of Parts 7 - 9 of the *Environmental Protection and Biodiversity Conservation Act 1999* (the EPBC Act) and *Environmental Protection and Biodiversity Conservation Regulations 2000*.

The effectiveness, cost, complexity and timeframes associated with the regulatory system for native vegetation clearing have been a longstanding concern for Local Governments, particularly in relation to impacts on the delivery of road projects, which make up approximately 60 per cent of Local Government clearing permit applications and 30 per cent of referrals (Dec 2021 – Oct 2024). WALGA has made numerous representations and submissions to the State Government on this issue.

WALGA has three [advocacy positions](#) related to native vegetation clearing regulation dating (2004, 2006, 2018). Numerous reviews and significant legislative and policy changes have occurred since that time, aimed at streamlining regulatory requirements, including the Western Australian Offset Policy (2011) and Guideline (2014), the Review of the Western Australian Offsets Framework (2019), the implementation of cost recovery for clearing permit applications (2019), the release of the [Native Vegetation Policy for Western Australia](#) in 2022, the [Independent \(Vogel-McFerran\) Review of WA Environmental Approvals Processes and Procedures](#) (2023) and amendments to the *Environmental Protection Act 1986* in 2020 and 2024.

As a result of these changes, the exemption for clearing in previously cleared transport corridors increased from 5 to 10 years, a referral process was introduced for low impact clearing and minor scheme amendments no longer require referral to the Environmental Protection Authority.

While these changes have resulted in some improvements, problems persist. This was recognised by the Vogel-McFerran Review, which found that “approvals processes have become overly complex, time-consuming, and costly – holding back economic development without any benefit to the environment”.

In 2024, to inform the development of an updated advocacy position on native vegetation clearing regulation, WALGA undertook research and analysis of the Department of Water and Environmental Regulation (DWER) and the Office of the Appeals Convenor data, previous submissions and Zone resolutions/feedback and held a sector webinar to inform the development of an [Issues Paper](#). The Paper was considered by the Environment Policy Team and included in the November 2024 Zone meeting Agendas for feedback.

The main themes from the consultations, Zones and issues paper feedback were:

- key challenges faced by the sector related to the complexity of the regulatory system, costs associated with the process and the time taken for assessment and appeals; and
- these challenges can delay critical road and infrastructure projects and impact Local Government's ability to attract and retain grant funding.

COMMENT

A consolidated, updated advocacy position will enable WALGA to comprehensively advocate for members to address the challenges of operating in a complex and costly regulatory environment, whilst balancing the protection of the environment.

The updated Advocacy Position calls on the State Government to:

- Implement **legislative, policy and process changes** including:
 - the imposition of statutory timeframes for assessments and appeals;
 - a permanent exemption for clearing in previously legally cleared transport corridors;
 - increasing the duration of clearing permits; and
 - strengthening environmental data sharing requirements.
- Allocate **adequate resources** to implement an expedited process for road safety and state and federally funded or co-funded projects; a dedicated Local Government unit to process applications and support the sector; timely compliance and enforcement action; and implement a state-funded collection and provision of data.
- Undertake **bioregional planning** and implement **strategic solutions for environmental offsets** for Local Government.
- **Reduce duplication** between the State and Australian government regulatory systems.

ZONE CONSIDERATION

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

CENTRAL COUNTRY ZONE

That the Zone support the WALGA recommendation for State Council Agenda item 8.3, with amendments to 1a, and the deletion of 2c.

1. *Amending the Environmental Protection Act 1986 and associated regulations to remove unnecessary process, complexity and improve timeframes, including:*
 - a. *introducing statutory timeframes for the determination of referrals, permit applications ~~and~~ appeals investigations and prosecutions.*
2. *Ensuring the regulatory system is adequately resourced to:*
...
~~c. *enable timely investigation and enforcement action for illegal clearing*~~

SECRETARIAT COMMENT

The issue of ensuring that investigations and prosecutions are undertaken in a timely manner is included in point 2c. Therefore, **no change** to has been made to the Draft Advocacy Position.

EAST METROPOLITAN ZONE

That the East Metropolitan Zone support the WALGA recommendation for State Council Agenda item 8.3 as contained in the State Council Agenda subject to the addition of the following points.

New point 2(d)(iii): *"ensuring survey data relied upon for decision making is contemporary and accurate, particularly if there has been a change in environmental condition."*

New point 4:

"Ensuring that environmental offsets are relevant and proportionate, including:

- a. *proximity to the area impacted*
- b. *the environmental value being impacted."*

SECRETARIAT COMMENT

The East Metropolitan Zone amendments focus on data to inform decision making and environmental offsets. The issues they raise are related to the impact of certain projects in a Local Government area where 5-year-old survey data which was used and the offsets proposed were a considerable distance away.

It is important that data is accurate to inform decision making – noting that we are calling on the State Government rather than Local Government to provide this data.

In relation to offsets this is a new point but aligns with point 3 of the Draft Advocacy Position which seeks regional solutions for Local Government. The Draft Advocacy Position has been **amended** to include these changes.

KIMBERLEY COUNTRY ZONE

Supports the WALGA recommendation on item 8.3 Native Vegetation Clearing regulations advocacy position and provides an additional Zone resolution to be added to the recommendation as per the following

That the Kimberley Regional Group of Councils resolves and submits to State Council:

In accordance with its submission "Clearing Legislation Review" to WALGA on 18 December 2024, that the State Government:

1. Provides Legislative Clarity and Consistency
The Western Australian Government undertake a review to resolve the current inconsistencies and overlaps between the *Land Administration Act 1997*, *Environmental Protection Act 1986*, and the *Local Government Act 1995*, particularly where these relate to the clearing of native vegetation and the delivery of public works by Local Governments.
2. Enables Streamlined Gravel Extraction for Public Works
The Environmental Protection (Clearing of Native Vegetation) Regulations 2004 be amended to include an explicit exemption from the requirement for a clearing permit for the extraction of gravel and other basic raw materials from Crown and private land (including in environmentally sensitive areas – in accordance with standard remediation practices), where such materials are required for public works purposes -including road construction, repair, and maintenance - aligning this exemption with the intent and powers already granted under "written law" in the *Land Administration Act 1997* and the *Local Government Act 1995*.
3. Provides for Safety Exemptions in Environmentally Sensitive Areas (ESAs)
That the existing clearing permit exemptions under the *Environmental Protection Act 1986* for safety-related activities - such as emergency access, hazard reduction, and bushfire management - be clarified and extended to apply within Environmentally Sensitive Areas (ESAs), ensuring that essential public safety and emergency response actions are not impeded by regulatory constraints.

SECRETARIAT COMMENT

The Kimberley Zone prepared a paper, which informed its recommendation and that was considered by WALGA in developing the Advocacy Position.

Point 1 - The proposed Advocacy Position includes '*WALGA calls on the Western Australian Government, in consultation with Local Government, to undertake legislative and policy reform to improve the effectiveness, efficiency and transparency of the regulatory system for clearing native vegetation in Western Australia.*' This aligns with the Kimberley Zone recommendation in relation to having clarity and consistency of regulation.

WALGA sought clarification from the Department of Water and Environmental Regulation (DWER) regarding whether Local Governments require a clearing permit if extracting gravel under the provisions of the Land Administration or Local Government Act. The Department confirmed that Local Government do need to apply for a clearing permit and the two pieces of legislation give the Local Government the ability to access the gravel but not authorisation to clear native vegetation in order to access it. There is no exemption under Schedule 6 or the Clearing Regulations for the purpose of gravel extraction. **No change** to the draft Advocacy Position has been made.

Point 2 – For Local Government approximately 2% of Referrals and 5% of Clearing Permits relate to extractive activities, such as gravel pits. In the metropolitan and peri-urban areas, gravel requirements are frequently met by purchasing material from commercial suppliers, rather than the Local Governments own gravel pits. However, in regional areas Local Governments generally source gravel and manage pits and so have to be cognisant of a range of legislation and approvals process including both Environmental (State and Commonwealth) and Aboriginal Heritage. As noted, the provisions in the *Local Government*

Act 1995 and *Land Administration Act 1997* do not overrule other legislative requirements and it is not the intent for these Acts to do so. **No change** has been made to the Draft Advocacy Position.

Point 3 - Environmentally sensitive areas (ESAs) are classes or areas of native vegetation where the exemptions for clearing vegetation under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 do not apply. However, for clearing assessed and authorised under other statutory processes set out in Schedule 6 of the EP Act a clearing permit is not required, even if it is within an ESA. This exemption includes clearing required under other laws (such as the *Land Administration Act 1997*, *Bush Fires Act 1954* and *Fire Brigades Act 1942*). It also includes clearing for fire prevention and control on Crown land. As this issue is covered by current exemptions, **no change** has been made to the Draft Advocacy Position.

NORTH METROPOLITAN ZONE

That the North Metropolitan Zone support the WALGA recommendation for State Council Agenda item 8.3 as contained in the State Council Agenda provided above, subject to the addition of the following points to the Advocacy Position:

- Increasing equity between Local Government, State Government and developers in regard to clearing permit conditions and required offsets for clearing of native vegetation.
- Develop improvements to the environmental offsets framework and a broad strategic evaluation of environmental offsets. The environmental offsets framework should contribute to the nett gain in native vegetation extent, condition and connectivity and also reflect that environmental offsets are the last resort, in accordance with the native vegetation mitigation hierarchy.
- Review the appeals process to prevent serial appellants being able to delay projects with submissions that have already been raised during the clearing permit process and ensuring the scope of the appeal is related to the clearing permit application.
- DWER consider developing a community education program to raise awareness of native vegetation values, encourage active participation in conservation and further knowledge development through citizen science and education.

SECRETARIAT COMMENT

Point 1 – There are consistent provisions for both Local and State Government regarding how native vegetation clearing is regulated however there are different options available for State Government agencies in some instances regarding how they meet the obligations. For example, regarding gravel extraction, Main Roads has a Purpose Permit (Statewide Clearing Permit CPS 818) granted under section 51E of the Environmental Protection Act 1986 (EP Act) that authorises Main Roads to undertake native vegetation clearing for a range of defined activities across Western Australia (WA). Details in relation to this are available [SLP Clearing and Revegetation | Main Roads Western Australia](#).

Regarding land development, Clause 6 of Schedule 6 of the Environmental Protection Act 1986 provides for an exemption from the requirements to acquire a clearing permit for clearing in accordance with a subdivision approval given by the responsible authority under the *Planning and Development Act 2005* (P&D Act). Clearing on private land necessitated by a development approval, not associated with a subdivision, may require a clearing permit. It is important to note that while certain forms of clearing brought about by an approval under the P&D Act may be exempt from requiring a clearing permit, this does not excuse the decision maker from not considering the impact on the environment. The establishment of a local planning framework, and the supporting state planning framework, are required at all stages to have consideration for the environment and the impact of

proposals on the environment, comment is sought when required from the EPA or DWER, and environmental conditions, and adjustments to statutory or strategic planning documents are made to protect the environment when necessary. The principles of sustainability include ecologically sustainable development, the internalisation of environmental costs into development, and the precautionary principle. Environmental issues are planning issues. Where an application raises environmental issues, the Local Government must have due regard to the relevant environmental considerations. In addition, clearing for land development often requires assessment and approval under the *Environmental Protection and Biodiversity Conservation (EPBC) Act* (Commonwealth legislation), which may require an offset as a condition of approval. **No change** has been made to the Draft Advocacy Position.

Point 2 – DWER is currently undertaking a review of the offsets framework which Local Government is providing input into. The changes proposed by the East Metropolitan Zone, and included in the Draft Advocacy Position, speak to the intent of ensuring offsets are effective. The native vegetation mitigation hierarchy is already embedded in the regulatory approach taken, with offsets are the last and least preferred option. Net gain is already included in the Government's [Native Vegetation Policy](#). **No change** to has been made to the Draft Advocacy Position.

Point 3 – This issue was raised by several Local Governments in the consultation on the Issues Paper and has been addressed in the Advocacy Position by the focus on amending the EP Act to legislate statutory timeframes for appeals in point 1a. The scope of Appeals is broad, as appeals can be lodged against the granting or conditions of a clearing permit, the amendment, revocation or suspension of a clearing permit, or the refusal to grant a clearing permit. DWER is cognisant of repeat issues which are the subject of Appeals and seeks to ensure these issues are addressed in the information requested by the Department in relation to future applications, during the assessment process and in the approval/conditions. The Appeals data WALGA included in the Native Vegetation Issues Paper shows that there has been a downward trend in Appeals being upheld. From 2021, to September 2024, there have been 37 appeals against clearing permits where a Local Government is the proponent. Data on appeals is difficult to analyse in relation to outcomes, as a number of cases are yet to be determined. However, for the appeals lodged against Local Governments in 2022 and 2023, 62.5% (5 appeals) and 70% (7 appeals) were dismissed with the remainder allowed in part 37.5% (3 appeals) and 20% (2 appeals). **No change** to has been made to the Draft Advocacy Position.

Point 4 – the focus of the Advocacy Position is the regulatory system for clearing native vegetation, rather than community education, therefore **no change** to has been made to the Draft Advocacy Position. The Department of Biodiversity, Conservation and Attractions (DBCA) has as part of their mission to engagement with the community on matters relating to nature.

SOUTH EAST METROPOLITAN ZONE

That the South East Metropolitan Zone supports WALGA's recommendation for State Council Agenda item 8.3 as contained in the State Council Agenda subject to the following changes:

Replace points 1. (b) and 1. (c) with:

- b. increasing the default duration of Area and Purpose Permits to 10 years in non-metropolitan areas*

- c. *provide a permanent exemption for clearing of previously legally cleared transport corridors in non-metropolitan areas*

SECRETARIAT COMMENT

The rationale indicated by the Zone was that for metropolitan areas with greater resourcing there should be a higher expectation. WALGA's understanding, based on feedback from the consultation, that the expiration of Permits and need to clear in transport corridors is a consistent issue for both metropolitan and non-metropolitan Local Governments. Consequently, there is no basis for a differential position. Therefore, **no change** to has been made to the Draft Advocacy Position.

SOUTH WEST COUNTRY ZONE

That the South West Country Zone support the WALGA recommendation for State Council Agenda item 8.3 as contained in the State Council Agenda and as provided above with the following amendment to point 1(c):

"provide a permanent exemption for clearing of previously legally cleared transport corridors including allowing Local Governments to clear for safety reasons as previously allowed for in the Regulations"

SECRETARIAT COMMENT

The 2004 amendments to the *Environmental Protection Act 1986* introduced provisions for regulating the clearing of native vegetation. The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* includes a number of exemptions, and specifically one relating to human safety and danger reduction:

*2 Clearing resulting from accidents or to reduce danger
Clearing –*

- a) for the purposes of preventing imminent danger to human life or health or irreversible damage to a significant portion of the environment; or*
- b) as a result of an accident caused otherwise than by the negligence of the person clearing or the person who authorised the clearing*

As there are provisions under the current Regulations regarding safety **no change** to the draft Advocacy Position has been made.

COMPOSITE RECOMMENDATION

Moved: Cr Stephen Strange
Seconded: President Cr Les Price

That WALGA replace the following Advocacy Positions:

5.2.1 Environmental Protection Act

5.2.2 Land Clearing in Road Reserves

with an updated Native Vegetation Clearing Regulations Advocacy Position as follows:

WALGA calls on the Western Australian Government, in consultation with Local Government, to undertake legislative and policy reform to improve the effectiveness,

efficiency and transparency of the regulatory system for clearing native vegetation in Western Australia, including:

- 1. Amending the Environmental Protection Act 1986 and associated regulations to remove unnecessary process, complexity and improve timeframes, including:***
 - a. introducing statutory timeframes for the determination of referrals, permit applications and appeals***
 - b. increasing the default duration of Area and Purpose Permits to 10 years***
 - c. providing a permanent exemption for clearing of previously legally cleared transport corridors***
 - d. strengthening environmental data sharing requirements to ensure proponents cannot opt-out of sharing data collected for environmental assessment and monitoring purposes.***
- 2. Ensuring the regulatory system is adequately resourced to:***
 - a. implement an expedited process for clearing permits for projects that prevent death and serious injury (road safety), and state and federally funded or co-funded projects***
 - b. establish a dedicated Local Government Unit within the Department of Water and Environmental Regulation to:***
 - i. case manage Local Government referrals and clearing permit applications***
 - ii. provide guidance and training for Local Governments, particularly in relation to roadside vegetation management***
 - iii. support partnerships with Local Governments in strategic environmental offsets***
 - c. enable timely investigation and enforcement action for illegal clearing***
 - d. increase investment in the collection and provision of statewide biodiversity data, including:***
 - i. funding and coordinating a state-wide biodiversity survey program to standardise habitat and vegetation mapping***
 - ii. making biodiversity data more discoverable, accessible and useable***
 - iii. ensuring survey data relied upon for decision making is contemporary and accurate, particularly if there has been a change in environmental condition.***
- 3. Undertaking bioregional planning for native vegetation management, with a focus on highly cleared areas and implementing strategic solutions for environmental offsets that can be utilised by Local Government.***
- 4. Ensuring that environmental offsets are relevant and proportionate, including:***
 - a. proximity to the area impacted***
 - b. the environmental value being impacted.***
- 5. Working with the Australian Government to reduce duplication between the Environmental Protection Act 1986 and the Environment Protection and Biodiversity Conservation Act 1999.***

AMENDMENT

Moved: President Cr Phillip Blight
Seconded: President Chris Mitchell JP

Insert the following words at the end of part 1 c *"including allowing Local Governments to clear for safety reasons"*.

RESOLUTION 028.2/2025

CARRIED

Cr Karen Wheatland called for a division.

For	Against
President Chris Antonio President Cr Phillip Blight President Cr Laurene Bonza Cr Scott Crosby Cr Michael Dudek Mayor Patrick Hall Cr Paul Kelly Mayor Caroline Knight President Chris Mitchell JP President Paige McNeil President Matthew Niikkula Cr John Raftis Cr Bronwyn Smith Cr Stephen Strange Cr Barry Winmar	Cr Cliff Collinson President Cr Tony Dean Mayor Teresa Lynes Cr Wendy McWhirter-Brooks Cr Haeden Miles Cr Karen Wheatland President Cr Les Price Cr Helen Sadler

THE SUBSTANTIVE MOTION AS AMENDED WAS PUT

That WALGA replace the following Advocacy Positions:

5.2.1 Environmental Protection Act

5.2.2 Land Clearing in Road Reserves

with an updated Native Vegetation Clearing Regulations Advocacy Position as follows:

WALGA calls on the Western Australian Government, in consultation with Local Government, to undertake legislative and policy reform to improve the effectiveness, efficiency and transparency of the regulatory system for clearing native vegetation in Western Australia, including:

1. *Amending the Environmental Protection Act 1986 and associated regulations to remove unnecessary process, complexity and improve timeframes, including:*
 - a. *introducing statutory timeframes for the determination of referrals, permit applications and appeals*
 - b. *increasing the default duration of Area and Purpose Permits to 10 years*
 - c. *providing a permanent exemption for clearing of previously legally cleared transport corridors, including allowing Local Governments to clear for safety reasons.*

- d. *strengthening environmental data sharing requirements to ensure proponents cannot opt-out of sharing data collected for environmental assessment and monitoring purposes.*
2. *Ensuring the regulatory system is adequately resourced to:*
 - a. *implement an expedited process for clearing permits for projects that prevent death and serious injury (road safety), and state and federally funded or co-funded projects*
 - b. *establish a dedicated Local Government Unit within the Department of Water and Environmental Regulation to:*
 - i. *case manage Local Government referrals and clearing permit applications*
 - ii. *provide guidance and training for Local Governments, particularly in relation to roadside vegetation management*
 - iii. *support partnerships with Local Governments in strategic environmental offsets*
 - c. *enable timely investigation and enforcement action for illegal clearing*
 - d. *increase investment in the collection and provision of statewide biodiversity data, including:*
 - i. *funding and coordinating a state-wide biodiversity survey program to standardise habitat and vegetation mapping*
 - ii. *making biodiversity data more discoverable, accessible and useable*
 - iii. *ensuring survey data relied upon for decision making is contemporary and accurate, particularly if there has been a change in environmental condition.*
 3. *Undertaking bioregional planning for native vegetation management, with a focus on highly cleared areas and implementing strategic solutions for environmental offsets that can be utilised by Local Government.*
 4. *Ensuring that environmental offsets are relevant and proportionate, including:*
 - a. *proximity to the area impacted*
 - b. *the environmental value being impacted.*
 5. *Working with the Australian Government to reduce duplication between the Environmental Protection Act 1986 and the Environment Protection and Biodiversity Conservation Act 1999.*

RESOLUTION 029.2/2025

CARRIED

8.4 SUBMISSION ON THE STATE RECOVERY ARRANGEMENTS

By Rachel Armstrong, Policy Manager Emergency Management

WALGA RECOMMENDATION

That State Council endorse the submission to the Department of Fire and Emergency Services on proposed revisions to the State Recovery Arrangements.

EXECUTIVE SUMMARY

- The Department of Fire and Emergency Services (DFES) is consulting on revised State Recovery Arrangements via [Engage WA Emergency Management](#). Formal consultation closes Friday, 2 May.
- WALGA was granted an extension to enable the draft submission to be included as an Item for Decision in the 7 May State Council Agenda.
- The revised arrangements integrate lessons from past recoveries, current best practices, and clarify roles and responsibilities.
- There are no significant changes to Local Government roles and responsibilities under the *Emergency Management Act 2005* and State Emergency Management Framework.
- The Commonwealth - State Disaster Recovery Funding Arrangements - Western Australia (DRFA-WA) are not part of the State Emergency Management Framework and are outside the scope of the review.
- WALGA's draft submission was shared with Local Governments and the draft final version incorporates feedback.
- WALGA's submission is generally supportive of the revised State Recovery Arrangements, which provide improved clarity on roles and responsibilities in recovery, particularly for State Government, and clearer arrangements for transitioning from response to recovery and from recovery to business as usual.
- WALGA's submission highlights the need for State Government investment in streamlined, appropriate and effective funding mechanisms for recovery and resilience building, and the need to ensure adequate support to Local Governments.
- The People and Place Policy Team noted the draft submission at its 18 March meeting.

ATTACHMENT

- Draft State Recovery Arrangements – WALGA submission

POLICY IMPLICATIONS

WALGA's submission on the State Recovery Arrangements is aligned to the following [Advocacy Positions](#) :

8.1 Emergency Management Principles

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.*

8.2 State Emergency Management Framework

Local Governments are supported to undertake their emergency management responsibilities by a simple and streamlined State Emergency Management Framework with the primary objectives of:

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; and*
5. *Supporting agency interoperability through common systems and approaches to key activities including data management, communications, and hazard management.*

8.3 Sustainable Grant Funding Model for Emergency Management

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:

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;*
3. *Is responsive to the variations in Local Government resourcing and context; and*
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.*

8.11 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.*

5.4.3 Betterment (resilience)

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

BACKGROUND

Since 2020, Western Australia has faced complex recovery challenges from events like Cyclone Seroja, Wooroloo bushfires, and Kimberley floods, necessitating greater State involvement. The review of State Recovery Arrangements aims to integrate lessons from past recoveries, update best practices, and clarify roles.

There are no changes to Local Government's responsibility to manage recovery following an emergency affecting the community in its district as set out in the *Emergency Management Act 2005* (s36b). There are no substantive changes to Local Government roles and responsibilities for recovery under the State Emergency Management Framework.

The proposed changes to the State Recovery Arrangements include:

- introducing four State Strategic Recovery Priorities which are informed by the National Principles for Disaster Recovery in the [Australian Disaster Recovery Framework](#).
- implementing a new four-tiered Model for State Involvement in Recovery where the State's involvement increases with the complexity of the recovery.
- clarifying roles and responsibilities for Local Government, Hazard Management Agencies, State agencies, and support organisations. The improved clarity in State roles in recovery should make it easier for Local Governments to access the support they need to coordinate community-led recovery.
- emphasising greater community engagement in recovery.
- reduced emphasis on an Impact Statement as a trigger for transitioning recovery coordination from the Hazard Management Agency (HMA) to Local or State Government and a new requirement for transition arrangements to be planned/agreed with Local Governments.
- clarifying the requirement for a planned transition from recovery arrangements to 'business-as-usual' service delivery for Local and State Government.

WALGA and Local Governments have been involved in preliminary consultations to support the development of the revised State Recovery Arrangements, including through the State Emergency Management Committee (SEMC), WALGA's Local Government Emergency Management Advisory Group (LGEMAG) and Local Government Focus Groups.

COMMENT

WALGA requested and was granted an extension to enable the draft submission to be included as an Item for Decision in the 7 May State Council Agenda.

WALGA's draft submission incorporates feedback from preliminary consultation, WALGA's advocacy positions, and input from the sector via the Local Emergency Management Arrangements (LEMA) Review and the 2023 Local Government Emergency Management Survey. This feedback has consistently demonstrated support within the sector for shared

responsibility for recovery, with the level and type of support required varying with the size, scale and complexity of the event and Local Government capacity.

Overall, the amended State Recovery Arrangements provide much improved clarity on how responsibility for recovery is to be shared and therefore a better foundation for recovery coordination.

The submission recommends:

1. The State Government should develop streamlined, appropriate and effective funding mechanisms to invest in Local Government recovery and resilience building.
2. Investment in recovery should not be limited by the eligibility requirements of the DRFA-WA and should meet the recovery requirements of Local Governments and Communities.
3. The DRFA-WA must be urgently reviewed to streamline administration, approvals and evidentiary requirements, address the cash-flow impacts of the reimbursement model and enable resilient reconstruction / betterment following a disaster.
4. The State Government should invest in effective risk assessment and risk reduction, in addition to ensuring to providing effective and fit for purpose State Recovery Arrangements.

State Strategic Recovery Priorities

5. WALGA supports the proposed four State Strategic Recovery Priorities: 1. Assist people to meet their recovery needs; 2. Enable community-centred recovery; 3. Restore community function and wellbeing; 4. Foster community disaster resilience.

Model for State Involvement in Recovery

6. WALGA supports the proposed 4-tier Model for State involvement in Recovery.
7. WALGA supports the roles assigned to Local Government under each recovery level (R1-4). The roles and responsibilities are aligned to current roles and responsibilities.
8. WALGA supports the roles assigned to State Government under each recovery level (R1-4), which provide improved clarity.

Roles and responsibilities

9. WALGA supports the roles and responsibilities allocated to Local Governments in the revised State Recovery arrangements, including section 6.3 of the revised State EM Policy, with minor amendments as outlined in Appendix 1. The roles and responsibilities in the revised arrangements are aligned to current roles and responsibilities.
10. WALGA recommends that the revised State Recovery Arrangements clearly reinforce the role of the State Recovery Coordinator to confirm individual Local Government's capacity to undertake their allocated roles and responsibilities during recovery and ensures additional support is provided as required.
11. WALGA supports the roles and responsibilities allocated to Hazard Management Agencies and Controlling Agencies in section 6.6 of the revised State EM Policy, which provide improved clarity.
12. WALGA supports the roles and responsibilities allocated to State agencies in section 6.7 and Appendix F of the revised State EM Policy, which provide improved clarity.
13. The revised State Recovery Arrangements should formalise coordination protocols between Local Governments and State agencies to enable rapid mobilisation of essential workers in disaster impacted communities.

14. The revised State Recovery Arrangements should consider inclusion of roles, responsibilities and coordination protocols for essential services, as coordinated restoration of essential services is fundamental to early recovery.
15. The revised State Recovery Arrangements should reinforce compliance with data sharing arrangements under 6.1.72 of the EM Act to ensure that State Agencies are sharing information effectively in recovery and include this as a specific function of the State Recovery Coordinator / Controller.

Greater emphasis on engaging community

16. WALGA supports the greater emphasis on engaging communities in planning recovery, and the flexibility in approach so that this can be adapted to meet Local Government and community needs and capacities.

Phases of Recovery

17. WALGA supports amendments to the State EM Plan to introduce three phases of recovery: 1) Recovery Planning. 2) Response and Early Recovery. 3) Recovery Operations.
18. Considering Phase 3) Recovery Operations:
 - a. The requirements for Local Governments to review and evaluate the Local Operational Recovery Plan should be scalable to the Local Government's capacity, and the recovery level and context and supported by simple and effective guidance.
 - b. All monitoring and evaluation requirements for DRFA-WA programs, if applicable, should be coordinated by the State Government.
19. Recovery Operations should be supported by pre-prepared State-level Urgent Recovery Programs and surge capacity for implementation.
20. Streamlined guidance should be provided for needs assessment, review and evaluation. The approach should be scalable to the Local Government's capacity, and the recovery level and context.

Public Information and Communication

21. WALGA supports nomination of DFES, instead of the State Emergency Public Information Coordinator to coordinate State-level recovery public information and communications. DFES should consult and coordinate with Local Governments on recovery communications.

Transition between response and recovery

22. WALGA supports the proposed requirements for a planned transition of recovery coordination by agreement between the Hazard Management Agency and Local Government for R1 and R2 recoveries.
23. WALGA supports the proposed requirements for a planned transition of recovery coordination between the Hazard Management Agency and State Government for R3 and R4 recoveries with a written transition plan.

Transition from recovery to 'business-as-usual' service arrangements

24. WALGA supports the proposed requirements for the State to plan the de-escalation of State recovery involvement and transition to 'business as usual' service arrangements. The requirements for a transition plan are clearly described and sufficient, however should be outlined in a written plan.

Requirement for an Impact Statement

25. WALGA supports the requirement that the HMA prepares an Impact Statement in all Level 2 and 3 incidents.

Local Operational Recovery Plans

26. WALGA supports the general requirement for a Local Operational Recovery Plan to be prepared for R2, R3 and R4 events.
27. The Local Recovery Guideline should be revised to provide better guidance to Local Governments on how to prepare a Local Operational Recovery Plan.
28. State Recovery support should be provided to prepare a Local Operational Recovery Plan, if requested by the Local Government.
29. WALGA Recommends renaming the Local Operational Recovery Plan to [Event] Recovery Action Plan.

Executive Government Forum

30. WALGA supports provisions to enable strategic oversight and direction for complex recovery issues via referral to an existing cross-government executive forum or a Director General/Chief Executive Officer-level forum.

The People and Place Policy Team noted the draft submission at their 18 March meeting.

ZONE CONSIDERATION

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

SOUTH WEST COUNTRY ZONE

That the South West Country Zone supports the WALGA recommendation for State Council Agenda item 8.4 as contained in the State Council Agenda and as provided above with the following addition:

That WALGA advocates for a Community Emergency Services Manager to be placed at each Local Government in WA to provide a network of support for the preparation and implementation of the State recovery arrangements at a local level.

SECRETARIAT COMMENT

WALGA acknowledges the South West Country Zone's comment and has updated its submission on the State Recovery Arrangements to incorporate its existing Advocacy Position 8.9 - Expansion of the Community Emergency Services Manager Program.

COMPOSITE RECOMMENDATION

Moved: President Cr Tony Dean
Seconded: President Paige McNeil

That State Council endorse the submission to the Department of Fire and Emergency Services on proposed revisions to the State Recovery Arrangements, subject to incorporating Advocacy Position 8.9 - Expansion of the Community Emergency Services Manager Program.

RESOLUTION 030.2/2025

CARRIED

Draft State Recovery Arrangements WALGA Submission

March 2025

About WALGA

The Western Australian Local Government Association (WALGA) is an independent, member-based, not for profit organisation representing and supporting the WA Local Government sector.

Our membership includes all 139 Local Governments in the State. WALGA uses its influence, support and expertise to deliver better outcomes for WA Local Governments and their communities.

We advocate to all levels of Government on behalf of our Local Government Members, and provide expert advice, services and support to Local Governments. WALGA's vision is for agile and inclusive Local Governments enhancing community wellbeing and enabling economic prosperity.

Acknowledgement of Country

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Nyoongar People, where WALGA is located, and we acknowledge and pay respect to Elders past and present.

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1. Introduction

Since 2020, Western Australia (WA) has encountered increasingly complex recovery challenges, demanding rapid changes in State recovery practices. Recent significant events, including Cyclone Seroja, the Wooroloo bushfires, and the Kimberley floods, have required greater State involvement and support in recovery efforts.

Building on recent recovery experiences, the review of State Recovery Arrangements seeks to integrate lessons from past recoveries, contemporary best practice, and aims to clarify roles, responsibilities and coordination arrangements. It encompasses key amendments to the recovery chapters in the State EM [Policy](#), [Plan](#) and [Procedure](#), but does not change the legislative responsibilities of Local Governments in recovery as outlined in the [Emergency Management Act 2005](#) (EM Act). The proposed changes:

- introduce four State Strategic Recovery Priorities
- implement a new four-tiered Model for State Involvement in Recovery and introduce a Recovery Level Assessment Support Tool to assist in the State Recovery Coordinator to determine the recovery level
- clarify roles and responsibilities for Local Government, Hazard Management Agencies, State agencies, and support organizations
- emphasise greater community engagement in recovery
- reduce emphasis on an Impact Statement as a trigger for transitioning recovery coordination from the Hazard Management Agency (HMA) to Local or State Government
- clarify the transition from recovery arrangements to 'business-as-usual' service delivery for Local and State Government.

WALGA and Local Governments were involved in preliminary consultations on the revised State Recovery Arrangements (see Appendix 2), via WALGA's participation the State Emergency Management Committee and Subcommittees, WALGA's Local Government Emergency Management Advisory Group, and DFES workshops. This Submission on the State Recovery Arrangements draws on these consultations as well as WALGA's advocacy positions and feedback received from the sector through the Local Emergency Management Arrangements (LEMA) Review and WALGA's 2023 Local Government Emergency Management Survey. A draft submission was shared with Local Governments and feedback has been incorporated. The draft submission was also noted by the WALGA People and Place Policy Team at their meeting on 19 March.

Four [WALGA Advocacy Positions](#) have been incorporated in this submission (

Appendix 3):

- 8.1 Emergency Management Principles
- 8.2 State Emergency Management Framework
- 8.3 Sustainable Grant Funding Model for Emergency Management
- 5.4.3 Betterment (resilience)

2. Summary of WALGA Recommendations

Recovery Funding, the State Recovery Arrangements and the DRFA-WA

1. The State Government should develop streamlined, appropriate and effective funding mechanisms to invest in Local Government recovery and resilience building.
2. Investment in recovery should not be limited by the eligibility requirements of the DRFA-WA and should meet the recovery requirements of Local Governments and Communities.
3. The DRFA-WA must be urgently reviewed to streamline administration, approvals and evidentiary requirements, address the cash-flow impacts of the reimbursement model and enable resilient reconstruction / betterment following a disaster.
4. The State Government should invest in effective risk assessment and risk reduction, in addition to ensuring to providing effective and fit for purpose State Recovery Arrangements.

State Strategic Recovery Priorities

5. WALGA supports the proposed four State Strategic Recovery Priorities: 1. Assist people to meet their recovery needs; 2. Enable community-centred recovery; 3. Restore community function and wellbeing; 4. Foster community disaster resilience.

Model for State Involvement in Recovery

6. WALGA supports the proposed 4-tier Model for State involvement in Recovery.
7. WALGA supports the roles assigned to Local Government under each recovery level (R1-4). The roles and responsibilities are aligned to current roles and responsibilities.
8. WALGA supports the roles assigned to State Government under each recovery level (R1-4), which provide improved clarity.

Roles and responsibilities

9. WALGA supports the roles and responsibilities allocated to Local Governments in the revised State Recovery arrangements, including section 6.3 of the revised State EM Policy, with minor amendments as outlined in Appendix 1. The roles and responsibilities in the revised arrangements are aligned to current roles and responsibilities.
10. WALGA recommends that the revised State Recovery Arrangements clearly reinforce the role of the State Recovery Coordinator to confirm individual Local Government's capacity to undertake their allocated roles and responsibilities during recovery and ensures additional support is provided as required.
11. WALGA supports the roles and responsibilities allocated to Hazard Management Agencies and Controlling Agencies in section 6.6 of the revised State EM Policy, which provide improved clarity.
12. WALGA supports the roles and responsibilities allocated to State agencies in section 6.7 and Appendix F of the revised State EM Policy, which provide improved clarity.

13. The revised State Recovery Arrangements should formalise coordination protocols between Local Governments and State agencies to enable rapid mobilisation of essential workers in disaster impacted communities.
14. The revised State Recovery Arrangements should consider inclusion of roles, responsibilities and coordination protocols for essential services, as coordinated restoration of essential services is fundamental to early recovery.
15. The revised State Recovery Arrangements should reinforce compliance with data sharing arrangements under 6.1.72 of the EM Act to ensure that State Agencies are sharing information effectively in recovery and include this as a specific function of the State Recovery Coordinator / Controller.

Greater emphasis on engaging community

16. WALGA supports the greater emphasis on engaging communities in planning recovery, and the flexibility in approach so that this can be adapted to meet Local Government and community needs and capacities.

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17. WALGA supports amendments to the State EM Plan to introduce three phases of recovery: 1) Recovery Planning. 2) Response and Early Recovery. 3) Recovery Operations.
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28. State Recovery support should be provided to prepare a Local Operational Recovery Plan, if requested by the Local Government.
29. WALGA Recommends renaming the Local Operational Recovery Plan to [Event] Recovery Action Plan.

Executive Government Forum

30. WALGA supports provisions to enable strategic oversight and direction for complex recovery issues via referral to an existing cross-government executive forum or a Director General/Chief Executive Officer-level forum.

3. Local Governments and Recovery

Under the EM Act, it is a function of Local Government to manage recovery following an emergency affecting the community in its district (s36b). Local Governments are also required to ensure that Local Emergency Management Arrangements are prepared for the local government's district (s41(1)). Local emergency management arrangements must include a recovery plan and the nomination of a local recovery coordinator (s41(2)).

Many Local Governments lack sufficient resources to support their communities to recovery from disaster. WALGA's Advocacy position 8.2 State Emergency Management Framework advocates that Local Governments are supported to undertake their emergency management responsibilities by a simple and streamlined State Emergency Management Framework. The framework should be scalable and adaptable to Local Governments of varied capacity and capability. This is particularly important in recovery, where the capacity, capability and resources of a Local Government can quickly become overwhelmed, requiring additional support to be rapidly provided by the State Government.

WA communities, the environment and economies are already experiencing the effects of a changing climate¹. The State is expected to see more extreme heatwaves, bushfires, flooding, and storms, and the increasing frequency and complexity of emergency events is already testing the capabilities and capacities of WA Local Governments, communities and the State Government.

Since 2020, WA has faced 43 declared disasters under the Commonwealth State Disaster Recovery Funding Arrangements (DRFA-WA), impacting 80 Local Governments (as of February 2025). The October 2024 [Independent Review of Commonwealth Disaster Funding](#) (Colvin Review) [Final Report](#) recognises that Local Governments frequently encounter substantial financial risks due to the scale of resources and works required for disaster recovery. More frequent and severe disasters come at a growing cost to the economy and communities. Adequately resourced local emergency management is crucial for WA's disaster resilience across the prevention, preparedness, response and recovery (PPRR) spectrum.

WALGA's [2023 Local Government Emergency Management Survey](#), responded to by 102 WA Local Governments, highlighted the importance of recovery to Local Governments, with many Local Governments also having experience in this area.

Local Governments and Recovery – Results from WALGA's 2023 Local Government Emergency Management Survey.

Local Governments and Recovery

- Capacity to manage recovery from a significant emergency was in the top 5 Emergency management issues for around half of Local Governments.
- Just under half of Local Governments activated their Local Recovery Plan at least once in the last five years. 28% for COVID-19, 30% for another emergency.

Local Government recovery support needs

Large scale recovery is beyond the capability of Local Government alone. High level support from the state is required to assist in the delivery of recovery activities. Local community- based decision making is essential in the recovery process and this should remain as a key principal.
(Band 1 Country Zone)

- For a local emergency with significant impacts, almost all Local Governments would require recovery support for infrastructure and the built environment. 63% would require a great deal of support for a medium to long-term recovery (six months or longer).
- Many would require a great deal of support for: community well-being (51%), the local economy (43%), and the local environment (41%)
- Country zone Local Governments were more likely require support than metropolitan zones.

¹ State Emergency Management Committee (SEMC) (2023) [Western Australian Emergency Management Sector Adaptation Plan \(EM-SAP\) Discussion Paper](#)

Sharing responsibility for recovery

- Over 90% of responding Local Governments considered that recovery should be a shared responsibility between State and Local Governments, equally (67%), with Local Governments mostly responsible (16%) or with State Government mostly responsible (15%).

Recent events have shown that it is very much a partnership however it should be locally led as the Local Government is the closest to its community and knows who to communicate with and understands its community.

(Band 2 Country Zone)

- When asked how responsibility should be shared, key themes included:
 - the need for State resources, expertise and coordination in recovery and for State investment in preparedness and prevention
 - consideration of the recovery context - Local Government's capacity, type, size and scale of the event and recovery duration
 - the importance of local knowledge and management and a partnership approach
 - recognition of the need for Local governments to also maintain core business during recovery.

4. Recovery Funding, the State Recovery Arrangements and the DRFA-WA

WALGA Recommendation

1. The State Government should develop streamlined, appropriate and effective funding mechanisms to invest in Local Government recovery and resilience building.
2. Investment in recovery should not be limited by the eligibility requirements of the DRFA-WA and should meet the recovery requirements of Local Governments and Communities.
3. The DRFA-WA must be urgently reviewed to streamline administration, approvals and evidentiary requirements, address the cash-flow impacts of the reimbursement model and enable resilient reconstruction / betterment following a disaster.
4. The State Government should invest in effective risk assessment and risk reduction, in addition to ensuring to providing effective and fit for purpose State Recovery Arrangements.

The State Recovery Arrangements are the processes used to organise and coordinate support to communities that have been impacted by a disaster. They include the structures and processes for recovery leadership, decision-making, operations, accountability and funding. The State Recovery Arrangements are separate to the DRFA-WA, which are the financial arrangements between the WA and Australian Governments to provide recovery financial assistance in certain circumstances. The DRFA-WA is not part of the State Recovery Arrangements and is outside the scope of the review.

Revised State EM Policy (section 6.10) outlines that:

- the primary responsibility for safeguarding and restoration of private assets lies with the owner.
- Local Government and State agencies should deliver recovery within normal financial arrangements and existing program funding, including DRFA-WA.
- Where recovery activities are not eligible for DRFA-WA the WA State Government may approve supplementary funding for recovery activities.
- Requests to State or Commonwealth Governments for new or supplementary funding are coordinated by DFES or the [Event] Recovery Controller where appointed.

Under the revised [State EM Policy \(section 6.1.6\)](#) the State Recovery Controller is responsible for administering recovery funding arrangements. It is a role of the State Recovery Coordinator to identify and recommend funding pathways for recovery activities and programs, including State-level arrangements and DRFA-WA.

The DRFA-WA is a critical source of funding for recovery in WA Local Governments. When a disaster is declared under the DRFA-WA, Local Governments become eligible for funding to cover emergency works and the reconstruction of essential public assets under Category B. Onerous administrative requirements and delays in reimbursement cause significant financial strain for Local Governments. WALGA and WA Local Governments have consistently advocated to the State and Australian governments for improvements to the DRFA, including to:

- incorporate betterment funding to replace or restore damaged assets to a more resilient standard following an event (Advocacy Position 5.4.3)
- streamline administration, approvals and evidentiary requirements
- provide additional resources, training and support to Local Governments for DRFA-WA administration
- reduce the amount of time it takes to reimburse for recovery works
- ensure flexibility of the DRFA-WA to meet local needs, and
- provide for equity between jurisdictions
- more streamlined and equitable processes for activation of Category C and D recovery programs under exceptional circumstances.
- address challenges with the reimbursement model for DRFA, including increasing the percentage of upfront funding provided.

These recommendations are outlined in [WALGA's Submission on the Independent Review of Commonwealth Disaster Funding \(Colvin Review\)](#).

In addition to ensuring that the State has effective and fit-for-purpose State Recovery Arrangements, the State must invest in effective risk assessment and risk reduction. The importance of investing in risk reduction is also highlighted in the recommendations of the [Colvin Review into Commonwealth Disaster Funding](#).

Better funding mechanisms are required beyond DRFA-WA. WALGA is calling on the State Government to establish a \$10 million annual reserve fund for disaster-resilient reconstruction of essential public assets. Investment in resilience will save money for all levels of Government in dealing with future disasters and positively impact the resilience of local communities across the State.

WALGA will continue to advocate for:

- the State and Australian Governments to address the recommendations in [WALGA's Submission on the Colvin Review](#) and urgently make critical improvements to the DRFA-WA
- that State Government to establish a \$10 million annual reserve fund for disaster-resilient reconstruction of essential public assets
- a Sustainable Grant Funding Model for Emergency Management (Advocacy Position 8.3) to build Local Government emergency management capacity and support community resilience.

5. State Strategic Recovery Priorities

WALGA Recommendation

5. WALGA supports the proposed four State Strategic Recovery Priorities: 1. Assist people to meet their recovery needs; 2. Enable community-centred recovery; 3. Restore community function and wellbeing; 4. Foster community disaster resilience.

The revised [State EM Policy](#) introduces four State Strategic Recovery Priorities (section 6.1.9) which are informed by the National Principles for Disaster Recovery outlined in the [Australian Disaster Recovery Framework](#) (October 2022) and replace the current recovery objectives in [State EM Policy section 6.1](#).

- **Assist people to meet their recovery needs** with targeted, timely, accessible and equitable support and resources for individuals, businesses and organisations impacted by disasters.
- **Enable community-centred recovery** by recognising local context and supporting the capacity and capability of community to lead their own recovery and facilitate community participation in recovery planning and decision making.
- **Restore community function and wellbeing** through repair, reconstruction and regeneration of the social, built, environment and economic functional areas.
- **Foster community disaster resilience** by building back better and enhancing community preparedness.

WALGA supports the introduction of the four State Strategic Recovery Priorities, which better recognise the importance community led approaches to recovery.

5.1. Model for State Involvement in Recovery

WALGA Recommendation

6. WALGA supports the proposed 4-tier Model for State involvement in Recovery.
7. WALGA supports the roles assigned to Local Government under each recovery level (R1-4).
8. WALGA supports the roles assigned to State Government under each recovery level (R1-4).

WALGA's Advocacy Position 8.2 State Emergency Management Framework outlines the importance of Local Governments being supported to undertake their emergency management responsibilities through a simple and streamlined Framework with clear roles and responsibilities, that is scalable and adaptable and supports interoperability (Appendix 2). WALGA considers that the proposed Model for State Involvement in Recovery achieves these objectives. The proposed model also aligns with feedback received in WALGA's 2023 Local Government Emergency Management Survey that Local Governments are supportive of shared responsibility for recovery and key considerations around the size and scale of the event and LG capacity.

The proposed model introduces a four-tiered framework where the State's involvement increases with the complexity of the recovery, ([revised section 6.1.4, 6.4 and Appendix E of the State EM Policy](#) and [revised section 6.2.2 of the State EM Procedure](#)). The model clearly outlines State and Local Government roles and is supported by a decision tool, which is scalable and adaptable to different contexts / disasters and intends to support effective decision making on the level of State support required. This approach provides much better clarity than the current [State Emergency Management Policy](#), which outlines that in some circumstances the State Government may have an increased role through the State Recovery Coordinator, establishment of a SRCG and / or State Recovery Coordinator ([section 6.4 State EM Policy](#)) but has no detail on when or how this should occur.

Under the new model, the State Recovery Coordinator will provide overall coordination of State-level recovery activities in R1 and R2 recoveries, including setting the strategic direction and coordinating funding proposals. In more complex R3 and R4 recoveries, an [Event] Recovery Coordinator (state) (R3) or Controller (R4) will be appointed. These positions will assume responsibility for coordinating state-level recovery activities and have greater 'powers' than the State Recovery Coordinator to advise/ recommend the priorities, approach and resources of state agencies. The State Recovery Coordinator is also responsible for assessing the complexity of the recovery using a comprehensive Recovery Level Assessment Support Tool ([revised section 5.6 State EM Procedure Part 5](#)), and advising the Fire and Emergency Services (FES) Commissioner, who recommends the recovery level, and level of State support required to the Minister.

Appendix E: Model for State Involvement in Recovery

The Model for State Involvement in Recovery guides the level of State involvement in a recovery event using a four-tiered framework (R1 to R4) where the State's involvement increases with the complexity of recovery.

Appendix Table E: Model for State Involvement in Recovery

	R1	R2	R3	R4
Complexity of Recovery	Low to Medium	Medium to High	Very High	Extraordinary
Government Capacity	Recovery is within capacity of local government.	Local government requires some support to manage recovery.	Local government needs significant State support to manage recovery.	Recovery exceeds capacity of local government and requires additional arrangements for the State.
Recovery Lead	Local Recovery Coordinator	Local Recovery Coordinator	<i>[Event]</i> Recovery Coordinator (State)	<i>[Event]</i> Recovery Controller (State)
Role of Local Government	Manages and coordinates recovery program.	Manages and coordinates recovery program, with some support from the State.	Leads community focused and local level recovery activities.	Lead community focused and local level recovery activities.
Role of State Government	Minimal or no involvement by the State. State agencies will provide regular services and programs and may participate in the Local Recovery Coordination Group and/or local working groups at invitation of local government). If additional assistance is required, it will be coordinated by the State Recovery Coordinator.	Some support by State required. State Recovery Coordinator will coordinate support to enhance local government capacity and capability to manage recovery. A State Recovery Coordination Group (SRCG) and/or State Recovery Domain(s) may be activated for short term and/or with narrow brief. State agencies may be involved in the delivery of recovery programs or activities and should participate in the Local Recovery Coordination Group if invited.	Significant State involvement required. An <i>[Event]</i> Recovery Coordinator will be appointed and supporting taskforce or business unit established. A State Recovery Coordination Group (SRCG) and State Recovery Domain(s) will be convened. A State Recovery Plan will be developed and funded, with state agencies involved in delivery of recovery programs and activities. State agencies should participate in the Local Recovery Coordination Group if invited.	Substantial State involvement required. The State Disaster Council may be convened. An <i>[Event]</i> Recovery Controller will be appointed and supporting taskforce or business unit established. A State Recovery Coordination Group (SRCG) and State Recovery Domain(s) will be convened. A State Recovery Plan will be developed and funded, with state agencies involved in delivery of recovery programs and activities. National recovery coordination mechanisms may be in place.

Please note: There is no relationship between recovery levels (R1 -R4) and incident response levels.

5.2. Roles and responsibilities

WALGA Recommendation

9. WALGA supports the roles and responsibilities allocated to Local Governments in the revised State Recovery arrangements, including section 6.3 of the revised State EM Policy, with minor amendments as outlined in Appendix 1. The roles and responsibilities are aligned to current roles and responsibilities.
10. WALGA recommends that the revised State Recovery Arrangements clearly reinforce the role of the State Recovery Coordinator to confirm individual Local Government's capacity to undertake their allocated roles and responsibilities during recovery and ensures additional support is provided as required.
11. WALGA supports the roles and responsibilities allocated to Hazard Management Agencies and Controlling Agencies in section 6.6 of the revised State EM Policy, which provide improved clarity.
12. WALGA supports the roles and responsibilities allocated to State agencies in section 6.7 and Appendix F of the revised State EM Policy, which provide improved clarity.
13. The revised State Recovery Arrangements should formalise coordination protocols between Local Governments and State agencies to enable rapid mobilisation of essential workers in disaster impacted communities.
14. The revised State Recovery Arrangements should consider inclusion of roles, responsibilities and coordination protocols for essential services, as coordinated restoration of essential services is fundamental to early recovery.
15. The revised State Recovery Arrangements should reinforce compliance with data sharing arrangements under 6.1.72 of the EM Act to ensure that State Agencies are sharing information effectively in recovery and include this as a specific function of the State Recovery Coordinator / Controller.

The revised State Recovery Arrangements provide greater clarity on roles and responsibilities for Local Governments ([revised section 6.3 State EM Policy](#)), HMA's ([revised sections 6.6.1 and 6.6.2 State EM Policy](#)), and State agencies ([State EM Policy section 6.7](#)). Roles for HMAs and Controlling Agencies, ([section 6.6 State EM Policy](#)) include the HMA's responsibility to oversee recovery during the response and early recovery, to prepare a plan for transition from response-led operations to recovery-led operations and to participate in local and state level recovery governance if requested. These updates clarify the role required of the HMA in early recovery and should lead to improved support being provided to Local Governments who are seeking involvement of the HMA.

A specific role is include for all State agencies to adapt their regular resources, programs and projects to support recovery efforts ([section 6.7.1 State EM Policy](#)), and participate in local and State recovery governance structures when requested. This provides much needed clarity on the important role that all State agencies have in a recovery related to their functional area. This is further articulated in [Appendix F of the State EM Policy](#) where the range of recovery functions, and their key supporting agencies at the State level are outlined.

Under s72 (2) of the EM Act, during an emergency situation or state of emergency, for the purposes of emergency management, the Hazard Management Agency (HMA) or an authorised officer may disclose relevant information. Despite this provision, WALGA has received feedback that HMA governing bodies have been reluctant to share critical information that would support response and recovery efforts across supporting agencies. The revised State Recovery Arrangements should:

- Reinforce compliance with the Emergency Management Act regarding data sharing.
- Strengthen agency responsibilities in sharing information effectively.
- Embed data governance principles in recovery plans, specifying the access, storage, and security of sensitive information while ensuring timely access to critical data.

During an R3 or R4 recovery event, the State Recovery Coordinator / Controller should have a specific function to ensuring that data-sharing arrangements are upheld.

The roles and responsibilities of Local Governments have not been changed, and the greater clarity provided through the model for State involvement, and the clarity of State roles in recovery should make it easier for Local Governments to access the support they need to coordinate community-led recovery.

Rapid and coordinated restoration of essential services and other essential workers is fundamental to the response / early recovery phase. The revised State Recovery Arrangement should formalise coordination protocols between Local Governments and State agencies to enable rapid mobilisation post event and remove unnecessary restrictions. Specific roles, responsibilities and coordination protocols should also be considered for essential services providers, who require rapid access to impacted communities when a disaster does occur, to facilitate early recovery.

WALGA's advocacy position 8.1 highlights that 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. This should be clearly recognised in the revised State Recovery Arrangement by reinforcing the role of the State Recovery Coordinator to ensure individual Local Government's capacity to undertake their allocated roles and responsibilities during recovery and to ensure support is provided, as required.

5.3. Greater emphasis on engaging community

WALGA Recommendation

16. WALGA supports the greater emphasis on engaging communities in planning recovery, and the flexibility in approach so that this can be adapted to meet Local Government and community needs and capacities.

A new provision under revised [section 6.1 \(State Strategic Recovery Priorities\) of the EM Policy](#) and [section 6.2.2 of the State EM Plan](#) requires Local and State governments to engage communities in understanding needs and planning recovery, ensuring the

'community-centred recovery' priority is met. The amendments do not set out a specific engagement model but allow for flexible engagement models tailored to specific recovery needs.

5.4. Phases of Recovery

WALGA Recommendation

17. WALGA supports amendments to the State EM Plan to introduce three phases of recovery: 1) Recovery Planning. 2) Response and Early Recovery. 3) Recovery Operations.
18. Considering Phase 3) Recovery Operations:
 - c. The requirements for Local Governments to review and evaluate the Local Operational Recovery Plan should be scalable the Local Government's capacity, and the recovery level and context and supported by simple and effective guidance.
 - d. All monitoring and evaluation requirements for DRFA-WA programs, if applicable, should be coordinated by the State Government.
19. Recovery Operations should be supported by pre-prepared State-level Urgent Recovery Programs and surge capacity for implementation.
20. Streamlined guidance should be provided for needs assessment, review and evaluation. The approach should be scalable to the Local Government's capacity, and the recovery level and context.

The amended [State EM Plan](#) introduces three phases of recovery to assist with structuring recovery planning, operations and delivery ([sections 6.1, 6.2 and 6.3](#)).

1. Preparing for Recovery
2. Response and Early Recovery
3. Recovery Operations

The introduction of three phases for recovery provides greater clarity on roles and responsibilities for recovery and is aligned to WALGA's Advocacy Position 8.2 State Emergency Management Framework.

The additional information provided on the planning process in the *Preparing for Recovery* phase will be useful for Local Governments, who must include a Recovery Plan as part of their LEMA.

The second phase, *Response and Early Recovery* provides much needed clarity on the role of the HMA in initiating recovery and the process for transition from response to recovery operations.

The third phase *Recovery Operations* outlines operational planning, programming, monitoring and evaluation and de-escalation of State Government involvement in recovery. While the level of detail is appropriate to a State Emergency Management Plan, further guidance should be developed for needs assessment and for review and evaluation.

Requirements for review and evaluation are expanded in the revised State Recovery Arrangements which includes a requirement to review the Local Operational Recovery Plan to:

- assess recovery progress, effectiveness, efficiency and appropriateness against recovery outcomes
- summarise the community's recovery journey
- capture observations and lessons identified
- meet the requirements of DRFA-WA if applicable.

Recovery is a significant undertaking that can stretch the capacity of Local Government. Managing the administrative and reporting requirements for DRFA-WA is already a significant burden. A streamlined approach and clear guidance should be provided to support Local Governments to undertake needs assessments and evaluate the LORP.

5.5. Public Information and Communication

WALGA Recommendation

21. WALGA supports nomination of DFES, instead of the State Emergency Public Information Coordinator to coordinate State-level recovery public information and communications. DFES should consult and coordinate with Local Governments on recovery communications.

The proposed amendments update public information and communication arrangements, making DFES the lead agency for coordinating all State-level recovery public information and communication regardless of the recovery level ([revised section 6.11 State EM Policy](#)). This is currently the responsibility of the State Emergency Public Information Coordinator. Local Governments are responsible for distributing information to their community. The rationale is that as DFES coordinates recovery, they are best positioned to manage centralised State-level communication. State level coordination will ensure a single source of information and consistency in the distribution of information by Local Governments and agencies, however consultation and coordination with the Local Government is required.

5.6. Transition between response and recovery

WALGA Recommendation

22. WALGA supports the proposed requirements for a planned transition of recovery coordination by agreement between the Hazard Management Agency and Local Government for R1 and R2.
23. WALGA supports the proposed requirements for a planned transition of recovery coordination between the Hazard Management Agency and State Government for R3 and R4 recoveries with a written transition plan.

The amendments reduce reliance on an Impact Statement for transitioning recovery coordination from the HMA to Local or State Government ([section 6.2.2 State EM Policy](#), [section 6.2.1 State EM Plan](#), and [section 5.3 State EM Procedure](#)). For R1 and R2 recoveries, transition arrangements must be agreed upon with Local Governments before

transferring responsibility, with referral to the State Recovery Coordinator for recommendations on recovery coordination if an agreement can't be reached. For R3 and R4 recovery, a written plan is required to transfer recovery coordination from the Hazards Management Agency to the State.

5.7. Transition from recovery to 'business-as-usual' service arrangements

WALGA Recommendation

24. WALGA supports the proposed requirements for the State to plan the de-escalation of State recovery involvement and transition to 'business as usual' service arrangements. The requirements for a transition plan are clearly described and sufficient, however should be outlined in a written plan.

In an R3 and an R4 recovery, State Government leads recovery coordination and a process is provided in the [State EM Plan \(revised section 6.3.3\)](#) to de-escalate State involvement when this is no longer required. The State Recovery Coordinator is responsible for planning and coordinating an orderly transition from State Recovery Arrangements. Considerations for the timing of the transition and how it should be planned are clearly set out. With regards to the timing of this transition, key features include the restoration of community function and that remaining recovery needs can be managed locally by the Local Government and other delivery agencies. It should be stipulated in the requirements that a written plan be provided to ensure clarity of roles and responsibilities for the remaining recovery requirements.

5.8. Requirement for an Impact Statement

WALGA Recommendation

25. WALGA supports the requirement that the HMA prepares an Impact Statement in all Level 2 and 3 incidents.

[Revised section 6.2.2 of the State EM Policy](#) clarifies that the HMA must prepare an Impact Statement in all Level 2 and 3 incidents, unless an exemption has been granted by the State Recovery Coordinator.

5.9. Local Operational Recovery Plans

WALGA Recommendation

26. WALGA supports the general requirements for a Local Operational Recovery Plan to be prepared for R2, R3 and R4 events.
27. The Local Recovery Guideline should be revised to provide better guidance to Local Governments on how to prepare a Local Operational Recovery Plan.
28. State Recovery support should be provided to prepare a Local Operational Recovery Plan, if requested by the Local Government.
29. WALGA Recommends renaming the Local Operational Recovery Plan to [Event] Recovery Action Plan.

Local Governments are required to prepare a Local Operational Recovery Plan (LORP) ([revised section 6.9 State EM Policy](#)) for a specific event recovery. The LORP must be unique to the event, outcomes focused, informed by a comprehensive needs assessment and engagement with community stakeholders and recovery coordination groups. The LORP is different to the Local Recovery Plan which outlines arrangements for effectively shaping and managing recovery at a local level and is part of the Local Emergency Management Arrangements (LEMA).

[Section 5.4 of the revised State EM Procedures](#) outlines the requirements for a Local Operational Recovery Plan, with further information provided in the [Local Recovery Guideline](#), which is outside the scope of the current review of State Recovery Arrangements.

Feedback from Local Governments is that the Local Recovery Guideline is not sufficient to support Local Governments to prepare a LORP and requires an overhaul, examples and better tools and training to support completion. Further guidance is also required on how to manage the expectations of what a recovery can achieve, particularly where the impact has been significant. The development of a LORP typically involves engaging with an impacted community which is a skilled undertaking. Local Government staff and members of the Local Recovery Coordination Group (LRCG) are also often impacted by the event themselves. Dependent on the capacity of the LG and the complexity of the recovery, additional State support may be required to develop the LORP.

DFES has also requested feedback on whether the LORP should be renamed, and an appropriate name. Renaming the Local Operational Recovery Plan would more clearly differentiate this plan, which relates to recovery operations from a specific incident, from the Local Recovery Plan which outlines arrangements for effectively shaping and managing recovery at a local level and is not event specific. WALGA proposes the LORP is renamed to [Event] Recovery Action Plan.

5.10. Executive Government Forum

WALGA Recommendation

30. WALGA supports provisions to enable strategic oversight and direction for complex recovery issues via referral to an existing cross-government executive forum or a Director General/Chief Executive Officer-level forum

Under [section 6.8.8 of the revised State EM Policy](#) the FES Commissioner or [Event] Recovery Controller may:

- refer an issue or matter to an existing cross-government executive forum (e.g. the Public Sector Leadership Council)
- [New] convene a Director General/Chief Executive Officer-level forum chaired by the FES Commissioner or Chief Executive Officer of the agency hosting the [Event] Recovery Controller / Coordinator.

A cross-government executive forum or Director General/Chief Executive Officer-level forum would be convened for R3 and R4 recoveries, where there are complex policy

issues or matters in a recovery event that require additional strategic oversight and direction beyond the SRCG to resolve. The introduction of the Chief Executive Officer-level forum provides an option for high level cross-agency executive advice for complex issues.

Appendix 1 - Proposed text amendments to the State Recovery Arrangements

Section	Suggested text changes	Comment
State EM Policy 6.3 Local Government, section 6.3.1	6.3.1 Local governments must plan and prepare for recovery, including maintaining a Local Recovery Plan, nominating and training one or more Local Recovery Coordinators and exercising recovery arrangements.	Where feasible, there should be more than one person trained to undertake the Local Recovery Coordinator role to allow for staff turnover and fatigue management. In addition, provisions similar to section 6.5.3 that enable the State Recovery Coordinator to delegate responsibilities to a Deputy should be provided for Local Recovery Coordinators.
State EM Policy 6.3 Local Government, section 6.3.4	6.3.4 Leading recovery activities and programs that enhance community connection, cohesion and wellbeing where program funding and resources are provided and within the Local Government's capacity.	For all levels of recovery, this will be dependent on the overall requirement for recovery support and the Local Government's capacity.
State EM Policy 6.9 Recovery Plan, section 6.9.2	6.9.2 Local government should review the Local Operational Recovery Plan in accordance with section 6.3.2 of the EM Plan within 12 months of substantive completion of the Local Operational Recovery Plan. In R2, R3 and R4 recoveries, the local government should brief the State Recovery Coordinator on findings from the review, and the State Recovery Coordinator should brief the Local Government on any findings from State Level evaluation, as well as outstanding items and remaining vulnerabilities	12 Months of completion of the Local Operational Recovery Plan would always be the latter, so it is simpler to just say that. The State Government also undertakes their own evaluation of recovery programs, which may cross over with the LORP, contributing to the local evaluation. The flow of information should be both ways, with the State Recovery Coordinator briefing and providing support to the LG on any outstanding items and remaining vulnerabilities. A requirement for the LG to provide information upwards,

		with little feedback or visibility of how it is being used, does not empower community led recovery.
State EM Policy 6.11 Public Information and Communications	6.11.1 The Department of Fire and Emergency Services is responsible for coordinating all state-level recovery public information and communication regardless of recovery level, in consultation with Local Government.	Recognise the responsibility of Local Governments for managing recovery in their communities, and their expertise in communicating with their local community.
State EM Policy 6.12 Public Donations and Volunteering, section 6.12.2	6.12.2 The Local Government should determine appropriate arrangements for the coordination of donations of goods and offers of volunteering assistance at a local level.	The revised arrangements for public donations and volunteering provide greater clarity on the role of state level coordination and support, when needed. Amended text provided to confirm the role of Local Government is limited to the local level.
State EM Policy Appendix F	Local government will have involvement in most functions consistent with their legislated role and responsibilities.	To clarify the need for Local Government roles and responsibilities to be consistent with legislated roles and responsibilities only, i.e. not all recovery roles and responsibilities which can be a misperceptions based on the responsibility of Local Governments to manage recovery following an emergency affecting the community in its district, under the Emergency Management Act.
State EM Plan 6.3.2 Monitoring and Evaluation, Review and Evaluation	A local government should review their Local Operational Recovery Plan within 12 months of the onset of the emergency or substantive completion of the plan, whichever is later (State EM	The requirements here should be as simple as possible to ensure that the review can be completed. Any requirement to review the LORP should be separated from DRFA monitoring and evaluation

	Policy section 6.9). The review should: • assess recovery progress, • summarise the community's recovery journey • capture observations and lessons identified The approach to review is scalable to the Local Government's capacity, and the recovery level and context	requirements, which, for Category C and D programs, should be managed at the State Level.
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Appendix 2 - Local Government and WALGA Consultation

The following provides an overview of the preliminary consultation sessions with DFES, involving Local Governments and WALGA, during the development of the revised State Recovery Arrangements (see Appendix 2).

- **State Emergency Management Committee (SEMC) Meeting:** DFES presented proposed amendments to SEMC, attended by WALGA CEO, Nick Sloan.
- **WALGA Local Government Emergency Management Advisory Group (LGEMAG) Meetings:** DFES presented key amendments to the group for comment.
- **Local Government Focus Groups:** DFES held two focus group sessions with Local Government representatives experienced in disaster recovery and District Emergency Management Advisors (DEMA) to test the proposed amendments.

Appendix 3 - WALGA Advocacy Positions relevant to the State Recovery Arrangements

8.1 Emergency Management Principles

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.

8.2 State Emergency Management Framework

Local Governments are supported to undertake their emergency management responsibilities by a simple and streamlined State Emergency Management Framework with the primary objectives of:

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; and
5. Supporting agency interoperability through common systems and approaches to key activities including data management, communications, and hazard management.

8.3 Sustainable Grant Funding Model for Emergency Management

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:

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;
3. Is responsive to the variations in Local Government resourcing and context; and
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.

8.11 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.

5.4.3 Betterment (resilience)

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

8.5 HEALTH (PUBLIC BUILDINGS) REGULATIONS CONSULTATION

By Coralie Claudio, Senior Policy Advisor, Planning

WALGA RECOMMENDATION

That WALGA endorse the submission on Health (Public Buildings) Regulations Consultation to the Department of Health.

EXECUTIVE SUMMARY

- The Department of Health (DoH) is seeking feedback on the [Consultation Paper 2025 Health \(Public Buildings\) Regulations 1992](#) (Consultation Paper), which examines whether the Regulations should be repealed without replacement.
- Repealing the Regulations is not supported by the sector, as it would impede Local Governments' ability to proactively manage and mitigate public health risks.
- Revised Regulations are supported to provide a contemporary, risk-based approach to public building management, eliminating unnecessary building construction requirements and incorporating modern compliance and enforcement tools.
- WALGA received an extension of time from DoH to allow the submission to be considered by State Council as part of the May Agenda.

ATTACHMENT

- WALGA's submission on the Health (Public Buildings) Regulations Consultation

POLICY IMPLICATIONS

WALGA's submission is consistent with the following [WALGA Advocacy Position](#)

6.6 Building Act and Regulations

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.*

BACKGROUND

The *Health (Public Buildings) Regulations 1992* (the Regulations) were established to ensure the safety, health, and welfare of people using public buildings in Western Australia. The current definition of a public building is broad, and captures most public areas where people gather for a pre-determined purpose, including for entertainment, sports and recreation, worship and educational purposes.

These Regulations set standards for the construction, maintenance, and operation of public buildings, covering aspects such as occupancy limits, emergency exits, evacuation plans, ventilation, lighting and sanitary facilities. Local Governments play a crucial role in enforcing the Regulations, specifically by conducting routine inspections to ensure ongoing compliance with health and safety standards.

In 2018, the DoH released a Discussion Paper *Managing public health risks in public buildings in Western Australia*, that sought feedback on two options: repealing the Regulations without replacement or providing new, updated Regulations under the *Public Health Act 2016*.

WALGA's submission at the time supported the latter option as Regulations would continue to allow for the assessment and maintenance of the operational safety of public buildings that would maintain patron safety and provide adequate control and enforcement tools for Local Government officers.

This was the position of DoH when the Consultation Summary Report was published in 2019. The report also noted that the Regulations shouldn't duplicate the construction requirements in building legislation and instead focus on the ongoing management of public health risks associated with the building. No updated Regulations were released.

In February, DoH released the Consultation Paper that re-examined if the Regulations should be repealed without replacement. The paper outlines relevant legislative and regulatory changes since 2019 and further examines the need for Regulations in addition to the WA building legislation and the National Construction Codes (NCC) that set safety standards and protocols for building construction.

COMMENT

WALGA does not support the repealing of the Regulations, as it would impede Local Governments' ability to undertake routine inspections, proactively managing and mitigating public health risks related to public buildings.

WALGA's submission acknowledges that the Regulations are outdated, and they should be reviewed and updated to ensure they are contemporary, fit for purpose and focus on the ongoing management of public buildings, rather than building construction requirements.

Health provisions, specifically the ongoing management of public buildings, are not appropriately placed within building legislation, and the building sector is not adequately trained or resourced to effectively manage ongoing public health risks.

Additionally, the general public health duty under the updated *Public Health Act 2016*, along with other legislation and inspections undertaken by government agencies, does not provide effective management and compliance mechanisms to address public building safety.

ZONE CONSIDERATION

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

WALGA RECOMMENDATION

Moved: Cr Helen Sadler
Seconded: Cr Wendy McWhirter-Brooks

That WALGA endorse the submission on Health (Public Buildings) Regulations Consultation to the Department of Health.

RESOLUTION 031.2/2025

CARRIED

Consultation Paper 2025

Health (Public Buildings) Regulations 1992

WALGA Submission

Introduction

The Western Australian Local Government Association (WALGA) is an independent, member-based, not for profit organisation representing and supporting the WA Local Government sector. Our membership includes all 139 Local Governments in the State.

WALGA uses its influence, support and expertise to deliver better outcomes for WA Local Governments and their communities. We do this through effective advocacy to all levels of Government on behalf of our members, and by the provision of expert advice, services and support to Local Governments.

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

WALGA welcomes the opportunity to provide feedback to the Department of Health (DoH) on the *Consultation Paper 2025 Health (Public Buildings) Regulations 1992* (Consultation Paper). The Consultation Paper requests feedback on the public health risks that may remain if the Regulations were repealed without replacement, specifically in the context of state building legislation and the National Construction Codes (NCC) that sets provisions for building construction.

WALGA's response is informed by direct engagement with Local Governments, WALGA's previous submission in 2018 to the *Managing public health risks in public buildings in Western Australia Discussion Paper* (Discussion paper) and the Building Act and Regulations [advocacy position](#) as listed below:

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.*

Comment

Repealing the Regulations without replacement is not supported. This position aligns with the WALGA's previous submission on the 2018 Discussion Paper.

WALGA acknowledges that a review and update to the Regulations is necessary to ensure they are contemporary and fit for purpose, however it considers that the Regulations should focus on the ongoing management of public buildings, rather than building construction requirements.

WALGA's comments on the current Consultation Paper are outlined below.

Ongoing Management (compliance and enforcement)

Local Governments currently perform routine inspections and utilise enforcement tools to ensure public buildings comply with health and safety standards.

The Regulations are critical for ensuring that buildings and venues used by the public are maintained and operate in a manner that minimises risks such as fire hazards, unsafe evacuation procedures, and overcrowding. This is particularly important for high-risk buildings where large crowds gather, and patrons are unfamiliar with their surroundings.

Ongoing and proactive inspections and associated enforcement actions of public buildings reduce the risks of catastrophic outcomes, including death and serious injury.

There are several advantages to having Local Government Environmental Health Officers (EHOs), as authorised officers, oversee the ongoing management of public buildings as per the current practice. These are summarised below:

- *Proactive identification and rectification of public health risks:* Feedback from the sector indicates it is common for inspections to uncover breaches such as locked or obstructed exit doors.
- *Risk-based approach to inspections:* Officers have an in-depth understanding of buildings and local business operations, enabling premises to be inspected according to their individual risk level and the education of local businesses.
- *Efficiency:* Officers are already visiting many buildings for other inspection purposes, such as food inspections.
- *Enforcement powers:* Inspections can be conducted during peak operating hours and Officers have the authority to close operations if they are deemed unsafe.
- *Expertise:* EHOs as authorised officers are highly skilled to identify public health risks.

Self-Regulation

The Consultation Paper provides some commentary on how public buildings may be regulated in the absence of Regulations, including enforcement tools under the updated *Public Health Act 2016* and reliance on other legislation and inspections undertaken by state government agencies.

No further guidance or information has been provided to determine how self-regulation may function in practice and the ongoing role of Local Government, specifically in relation to the ongoing management of buildings.

Concerns have been raised by the sector that self-regulation may result in the privatisation of public building inspections, creating a potential cost implication for local businesses, considering many Local Governments currently don't charge an inspection fee.

Public Health Act 2016 Enforcement tools

The paper notes that, as per recent changes to the *Public Health Act 2016*, general public health duty provisions will allow Local Governments to issue improvement notices and enforcement orders to a person who breaches a public health provision. However, DoH recommends a graduated process of enforcement that provides people with the opportunity to discuss compliance problems with authorised officers, initially encouraging education, verbal advice and written warnings.¹

In the absence of Regulations and routine inspections, Local Governments would be limited in their ability to utilise these practical proactive enforcement tools. The lack of Regulations also means that infringement notices under the *Public Health Act 2016* would not be able to be utilised, which would be the most efficient and effective mechanism to enforce public building breaches.

More significant enforcement tools, such as issuing an improvement notice or enforcement order, are appropriate where a person does not respond to a general warning or education. These enforcement tools are intended to address broad public health risks and are not fit for purpose to ensure the ongoing operational compliance of public buildings.

Reliance on these enforcement tools also means that public building matters may be addressed reactively based on complaints, creating situations where dangerous conditions may develop.

No specific guidance on public buildings and appropriate enforcement actions for breaches of the current Regulations has been provided. At a minimum, detailed guidance, including relevant case studies, and support from DoH is required to ensure Local Governments consistently and appropriately undertake enforcement action, critically if the Regulations are repealed.

Overlapping Legislation and Inspections

The Consultation Paper provides commentary and updates on other legislation and government initiatives since 2019, outlining potential overlaps with the Regulations.

Except for the building legislation and engagement with the Department of Energy, Mining, Industry Regulation and Safety (DEMIRS), which is discussed in the next section, DoH's consultation with other government agencies appears to have been limited.

Other legislation, and associated inspections or requirements for specific plans, might sit under the broad umbrella of public health considerations, but do not specifically focus on public building safety. While WorkSafe inspectors, the Department of Fire and Emergency Services (DFES) and Liquor Licensing officers may inspect some public buildings, their roles are limited to their specific areas of expertise and legal authority.

WorkSafe inspectors are specifically focused on compliance from a workplace perspective, rather than the general public, and some public buildings that accommodate community groups or charitable organisations may not be captured by this legislation.

The Consultation Paper also doesn't examine how the operational requirements of these organisations, including the purpose and frequency of inspections and the expertise and capacity of their workforce, could effectively address public building safety. For example, the Consultation Paper notes that Liquor inspectors only inspect licensed premises on a five yearly cycle. This is

¹ [WA Public Health Act 2016 handbook: a resource for local government authorised officers](#)

inadequate, given it is recommended that high risk entertainment venues are inspected at least four times per year, with at least two inspections undertaken during peak operating times.²

Building Legislation and workforce

The Consultation Paper relies heavily on the building control systems to ensure the safe construction and operation of public buildings in the absence of the Regulations.

Building legislation and provisions are focused on the structural building compliance for new developments rather than health requirements. Additionally, they lack effective controls for the ongoing management of public buildings, a responsibility that should be retained by the Regulations and EHOs, to ensure compliance is addressed from a public health perspective.

Concerns with relying on building provisions and the building sector are outlined below.

Building Provisions

It is agreed that construction standards should be captured by building legislation and not duplicated in the Regulations. Many Local Governments have advised that current provisions in the Regulations relating to lighting, sanitary facilities, steps and landings, exit doors and locks, fire control devices, and electrical requirements are covered by the NCC.

However, some areas which are not adequately addressed by building provisions are listed below and relate to the ongoing management and compliance of public buildings:

- maintenance of the building layout, use, fixtures, exits, ablutions, fittings and lighting to the approved or appropriate standards
 - Local Government feedback consistently noted that furniture and fixtures often obstructed designated exits and paths of egress to designated exits and that exit doors were frequently locked
- appropriate evacuation and risk management plans specifically for non-fire related emergencies
- preventing overcrowding or addressing crowd behaviour.
 - Local Government feedback consistently raised concerns that building provisions were insufficient given:
 - Occupancy permits don't specify a maximum occupancy number
 - maximum numbers stipulated in the NCC do not consider the placement of furniture and fixtures, which can reduce the available space for patrons
 - no consideration for specific business operations
 - no effective and mandatory mechanism to capture change of use and operations to buildings
- building orders are an ineffective enforcement tool for public safety as they are designed to be used reactively and can't be used quickly and effectively to address maintenance and operational breaches.

Building Industry

Public confidence in the building and construction industry has been diminishing, and it has been recognised that current building control systems are inadequate. Building reforms are ongoing with the aim of enhancing the effectiveness of compliance and enforcement systems to restore confidence in the industry.³

² [Guidelines on the Application of the Health \(Public Buildings\) Regulations 1992](#)

³ [Building and Energy industry reforms](#)

Integrity of private building surveyors was identified as one concern.⁴ In the case of Public Buildings (Class 9B Assembly Buildings), these are certified by private building surveyors, limiting Local Government oversight and potentially leading to inconsistencies and a lack of accountability.

More concerningly, the industry has faced a statewide shortage of building surveyors for several years, compounded by an aging workforce, increased workloads, lack of experienced staff and training opportunities.

Given these challenges, there is no capacity in the building industry and specifically Local Government building surveyors, to take on additional tasks or compliance actions in relation to public buildings.

Conclusion

Repealing the Regulations is not supported as it would impede Local Governments' ability to proactively manage and mitigate public health risks, ensuring the safety of patrons who use public buildings.

The current Regulations are outdated and require a review to introduce a streamlined, risk-based approach to public building management, eliminate unnecessary construction requirements, and incorporate modern compliance and enforcement tools. WALGA and the Local Government sector are available to assist with this review.

Should you wish to discuss this submission, please contact Coralie Claudio, Senior Policy Advisor, Planning at cclaudio@walga.asn.au or 9213 2083.

⁴ [Integrity and enforcement of the building approvals process – BCR Recs 9 & 11](#)

MATTERS FOR CONSIDERATION BY STATE COUNCILLORS (UNDER SEPARATE COVER)

8.6 SUBMISSION FOR 2025 STATE WAGE CASE

By Tony Brown, Executive Director Member Services

WALGA RECOMMENDATION

That State Council endorse the WALGA 2025 State Wage Case submission to the Western Australian Industrial Relations Commission.

EXECUTIVE SUMMARY

- Annually the Western Australian Industrial Relations Commission (WAIRC) in Court Session issues a decision setting the WA minimum wage. This follows the [Annual Wage Review 2024-25](#) of the Fair Work Commission.
- WALGA has an opportunity to file a submission with the WAIRC containing Local Government specific information and economic data for the WAIRC to consider when making its decision.
- The provision of a submission is important because Local Governments are now the second largest employer in the State industrial relations system (after the State Government) and the decision issued may impact on Local Government employee wages.
- The submission outlines WALGA support for:
 - Wage increases that balance the need for fair wages with the requirement for Local Governments to carefully manage their budgets in the interest of their communities.
 - Increases in line with wage fixing principles.
- In making its decision, the WAIRC is required to consider the need to –
 - ensure that Western Australians have a system of fair wages and conditions of employment; and
 - meet the needs of the low paid; and
 - provide fair wage standards in the context of living standards generally prevailing in the community; and
 - contribute to improved living standards for employees; and
 - protect employees who may be unable to reach an industrial agreement; and
 - encourage ongoing skills development.
- It is also required to consider:
 - the state of the economy of Western Australia and the likely effect of its decision on; and
 - that economy and, in particular, on the level of employment, inflation and productivity in Western Australia; and
 - to the extent that it is relevant, the state of the national economy; and
 - to the extent that it is relevant, the capacity of employers as a whole to bear the costs of increased wages, salaries, allowances, and other remuneration; and
 - the need to ensure that the Western Australian award framework represents a system of fair wages and conditions of employment; and
 - relevant decisions of other industrial courts and tribunals; and
 - any other relevant matters.

ATTACHMENT

- Draft WALGA submission for the 2025 State Wage Case

COMMENT

WALGA's submission provides an opportunity for the Local Government sector to influence minimum wage and award pay rates, which in turn impacts on wages paid to Local Government employees. The organisations which traditionally make State Wage Case submissions provide extensive economic data for WA (in particular the State Government). The provision of Local Government specific background and economic data will assist the WAIRC to consider the Local Government sector in its decision.

WALGA's submission supports wage increases that balance the need for fair wages with the requirement for Local Governments to carefully manage their budgets in the interest of their communities, including increases in line with wage fixing principles.

WALGA RECOMMENDATION

Moved: President Chris Mitchell JP
Seconded: President Cr Laurene Bonza

That State Council endorse the WALGA 2025 State Wage Case submission to the Western Australian Industrial Relations Commission.

RESOLUTION 032.3/2025

CARRIED

Western Australian Industrial Relations Commission

Application No. CICS 1 of 2025

2025 State Wage Order

Filed on behalf: the Western Australian Local Government Association

Julie Love, Employee Relations Service Manager
WALGA
LV1, 170 Railway Parade
West Leederville, WA 6007
Email: employeerelations@walga.asn.au

Date of filing: 14 May 2025

Written Submission Western Australian Local Government Association

Introduction

1. The Western Australian Local Government Association (**WALGA**) provides this submission in response to application no. CICS 1 of 2025 regarding the 2025 State Wage Case.
2. WALGA is an independent, member based, not for profit organisation representing and supporting the WA Local Government sector. Our Ordinary Members include all 147 local governments and regional councils (**Local Governments**) in WA. WALGA uses its influence, support, and expertise to deliver

better outcomes for Local Governments and their communities. WALGA is not a government department or agency.

3. WALGA supports:
 - a. Wage increases that balance the need for fair wages with the requirement for Local Governments to carefully manage their budgets in the interest of their communities.
 - b. Increases in line with wage fixing principles.

Industrial relations context of WA Local Governments

4. There are a total of 147 Local Governments established under the *Local Government Act 1995* (WA)¹, 145 of which are employers regulated by the State industrial relations system:
 - a. 145 (being 137 "Local Government employers" and 8 "Regional Local Government employers") were declared not to be national system employers.²
 - b. Two of the 147 Local Governments (Shire of Christmas Island and the Shire of Cocos (Keeling) Islands) were not included in the declaration referred to in paragraph a. immediately above.
5. According to [Australian Bureau of Statistics](#) data released on 7 November 2024, 25,500 employees were employed in the WA Local Government sector at the end of June 2024.³

Minimum Conditions and application of industrial instruments

6. Minimum terms and conditions for the Local Government sector are primarily underpinned by the:
 - a. *Minimum Conditions of Employment Act 1993* (WA) (MCE Act);
 - b. [Local Government Officers' \(Western Australia\) Award 2021](#) (LGO Award 2021);
 - c. [Municipal Employees \(Western Australia\) Award 2021](#) (ME Award 2021);
 - d. another applicable private sector award.

¹ See definitions of local government in s 1.4.

² IR Act s. 80A and *Industrial Relations (General) Regulations 1997* (WA) r. 7 and Schedule 4. Some of the Regional Local Government employers have no employees apart from a Chief Executive Officer

³ Public sector employment and earnings, Australia 2023-24 financial year.

7. The following private sector awards which are within the scope of the State Wage Case include or included Local Government entities as named respondents:
 - a. [Artworkers Award](#) (Town of Narrogin);
 - b. [Aged and Disabled Persons Hostels Award, 1987](#) (City of Bayswater Aged Persons Homes Trust);
 - c. [Building Trades and Labourers \(Construction\) Award](#) (City of Belmont, City of Kalgoorlie-Boulder, City of Perth, City of Stirling);
 - d. [Building Trades and Labourers \(General\) Award](#) (before 11 December 2024 named Albany Council, Fremantle City Council, Perth City Council and Subiaco City Council);
 - e. [Child Care \(Out of School Care - Playleaders\) Award](#) (Shire of Wanneroo, City of Stirling, City of Fremantle, City of Cockburn, City of Nedlands);
 - f. [Child Care \(Subsidised Centres\) Award](#) (Bassendean Town Council, City of Bayswater Child Care Centre Association (Inc), City of Bayswater Neighbourhood Centre, City of Belmont, City of Nedlands, Shire of Mandurah, Shire of Rockingham, Town of Albany, Town of Kwinana);
 - g. [Cleaners and Caretakers Award, 1969](#) (Cottesloe Town Council, Perth City Council);
 - h. [Metal Trades \(General\) Award 1966](#) (before 2 January 2025 named Albany City Council, Bassendean Town Council, Perth City Council);
 - i. [Nurses' \(Day Care Centres\) Award](#) (The Municipality of the City of Nedlands, The Municipality of the Shire of Swan);
 - j. [Restaurant, Tearoom and Catering Workers Award 1979](#) (Perth City Council, City of Stirling).⁴

8. Local Government employers apply one or more of the following industrial instruments:
 - a. State awards;
 - b. industrial agreements that:
 - i. were negotiated and registered in the State industrial relations system.
 - ii. are new State instruments (NSI) by virtue of s 80BB of the *Industrial Relations Act 1979* (WA) (IR Act).

9. Most employees in the Local Government sector have a safety net for their entitlements determined by an industrial agreement (whether negotiated and registered in the State system or an NSI).

10. Approximately 67 WA Local Governments that operate in the State industrial relations system apply a NSI that has the same terms as the Local Government

⁴ There are some historical names of Local Government entities that may not be representative of the current composition of the Local Governments named.

Industry Award 2020 (a Federal modern award that applied to employees immediately before 1 January 2023) (LGIA NSI).⁵

11. Local Governments are classified into different 'Bands' 1 to 4 based on their size (economic and population). Band 1 is the largest category, Band 4 the smallest.⁶ Many of the smaller [Band 4](#) Local Governments that have more limited revenue apply either:
 - a. the relevant State awards; or
 - b. a LGIA NSI.
12. In contrast to the 2024 State Wage Case the following two key events have occurred which have implications for the Local Governments employment terms and conditions:
 - a. Regulation 8 of the *Industrial Relations (General) Regulations 1997* (WA) (**IR General Regs**) was deleted on 23 January 2025. The effect of this regulation was to displace the operation of a State award while a new State instrument was in force until 1 January 2025.
 - b. By virtue of s. 80BB (3)(c) of the IR Act all NSIs have nominally expired.
13. Parties to industrial agreements that have passed or are within 30 days of the nominal expiry date may retire from these instruments in accordance with s 41(7) of the IR Act.
14. If, due to retirement, an industrial agreement no longer applies to an employee, that employee's safety net will be determined by the MCE Act and a relevant State award.

Recent increases in industrial statutory costs for Local Governments

15. On 4 December 2024, the wages of the ME Award 2021 were varied by Order of the Commission (2024 WAIRC 01008). Clause 16.1 of the ME Award 2021 was deleted and the following wage increases and note were inserted in its place:

Classification level	Relativity (%)	Minimum weekly rate (\$)
Level 1A (up to 38 hours)	78.5	918.60
Level 1B (above 38 hours)	82.5	965.41

⁵ There may be other Local Governments which are covered by a LGIA NSI because they may have an industrial agreement or a new State instrument enterprise agreement that excludes from its coverage certain senior/executive employees (who would therefore be covered by a LGIA NSI).

⁶ Salaries and Allowances Act 1975; Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members; Schedule 1.

Level 2	87.5	1023.92
Level 3	92.5	1082.43
Level 4	96.0	1123.38
Level 4A	100.0	1170.19
Level 5	102.5	1199.45
Level 6	110.0	1287.21

Note: The minimum hourly rate is calculated by dividing the minimum weekly rate by 38 hours to four decimal points.

16. The above classification levels derive from Federal awards created by the Australian Industrial Relations Commission (AIRC). These Federal awards became [interim awards](#)⁷ in 2011 and then the LGO Award 2021 and the ME Award 2021. The Levels 1A, 1B and 4A classifications are drawn from the framework of C14, C13 and C10.
17. From 31 January 2025 the statutory minimum casual loading in the MCE Act increased from 20 to 25 per cent.
18. On 4 March 2025 by General Order (2025 WAIRC 00136) the Commission applied a 25 per cent minimum casual loading to 117 awards cited in the General Order which included the LGO and ME Awards 2021 and applied from 26 April 2025.
19. WALGA submits that these statutory industrial costs should be considered when setting the State minimum wage and award wages.

Impact of superannuation increases

20. WA Local Governments will be required to provide employees with an additional 0.5% of superannuation from 1 July 2025 taking the total superannuation contribution to 12% of ordinary time earnings.
21. WALGA submits that the legislated superannuation increase will have an impact on Local Governments' capacity to pay additional wages and should be considered when setting the State minimum wage and award wages.

WA Economic context

Economic Growth

22. The Western Australian economy continues to grow, up 0.5% in 2023-24 and

⁷ The Local Government Officers' (Western Australia) Interim Award 2011 and the Municipal Employees (Western Australia) Interim Award 2011

forecast in the WA Treasury's Mid-year Financial Projections to end 2024-25 up 2.25% as measured by Gross State Product. Looking forward, modest economic growth is expected to continue over the next two years at around 2.5% per annum.

23. The domestic economy, as measured by State Final Demand, has performed strongly in recent years off the back of the pandemic and through the recovery, up 5.7% in 2023-24 and forecast to end 2024-25 up 3.5% according to the WA Treasury. The domestic economy is forecast to return to annual growth of around 3.25% over the next two years as Government investment eases post-stimulus and the private sector continues to grow.
24. This economic growth is largely driven by population growth which has exceeded previous forecasts, up 2.8% in 2023-24 and forecast to increase by 1.9% in 2024-25 and then slowly easing in the coming years. In recent years, population growth has exceeded Treasury forecasts.
25. There are considerable risks to this forecast including the current trade conflicts and increase in tariffs, the risk of a slowdown in the global economy, an escalation in overseas conflicts, and the ongoing cost of living pressures.

Inflation

26. Inflation continues to moderate in Australia, falling to 2.4% in December, the lowest level since March 2021. The Reserve Bank of Australia's (RBA) preferred measure, the Trimmed Mean, sat at 3.2%.
27. In Western Australia, the Perth Consumer Price Index (CPI) fell to 2.9% as the impact of the State Government's Electricity Credit washed through. Removing the impact of the volatile Food and Energy groups, the Perth CPI is sitting at 4.2% – above the Australian CPI (ex Food and Energy) of 3.6%. The WA Treasury forecasts the Perth CPI to end 2024-25 up 3.25% before returning to the RBA's target range of 2% to 3% in the budget outyears.

Labour and Wages

28. Wages growth continued in the December quarter with the WA Wage Price Index (WPI) increasing by 3.3% over the last year, narrowly above the national figure of 3.2%. On a quarterly basis, wages growth slowed from 1.2% in September to 0.7%. The September quarter typically records the largest increase due to the impact of pay increases through awards, enterprise

agreements and individual agreements that are effective at the start of July.

29. In its Mid-year Review the WA Treasury forecast wages growth in 2024-25 of 3.75%. Wages are then expected to ease to 3.5% in 2025-26, and 3.0% in the following two years. While real wages growth (that is, above inflation) is positive after a period going backwards, it does increase pressure on Local Government budgets, given approximately one-third of the sector's cost base on average across the State are employee costs.
30. A key driver of wages growth has been the persistent tight labour market across the country and particularly in WA. In 2024, 64,300 jobs were created in WA, an increase of 4.1% in seasonally adjusted terms. The participation rate remains historically high at 69.1% in February 2025. The State's unemployment rate is 3.4%, below the national figure of 4.1%.
31. Job vacancies are continuing to fall slowly, with 43,200 jobs available in March 2025. This is still well above the pre-pandemic level of 20,000 – 30,000 job vacancies in WA at any given time.
32. So far in 2024-25, job creation has exceeded the WA Treasury's expectations from the May Budget, with its jobs growth forecast revised upwards from 1.75% to 2.5% in the Mid-year Review. This rate is above its updated population growth forecast of 1.9% in 2024-25, suggesting that the labour market will continue to remain tight in the near term. Looking forward, Treasury is forecasting jobs growth to slow with a gentle increase in the unemployment rate.
33. Local Governments should expect to continue to find attracting and retaining staff challenging in the short term, however this challenge is expected to ease in the medium term as the labour market loosens.

Local Government capacity to pay

34. Maintaining financial sustainability is important for all Local Governments. However, the objective is to ensure they can deliver services and infrastructure for their communities and minimise the burden on rate payers, rather than general commercial returns or deliver shareholder value.
35. Local Governments' set their budget with an aim to generate sufficient revenue to meet the needs of the community, as set out in each Local Governments' Strategic Community Plan.

36. Unlike other levels of Government which have a range of revenue generating levers at their disposal, Local Government's capacity to raise revenue is constrained.
37. Local Governments' primary lever for generating revenue is rates – which are a form of property tax levied by Local Governments to fund local infrastructure and services. Rates are the sector's primary source of revenue – accounting for 60% of the sector's revenue in 2019-20, and 70% of the sectors own-sourced revenue. Local Governments also rely heavily on grants from the Federal and State Governments to meet their operating and capital needs.
38. To this end, Local Government's must weigh up any increase in costs with an increase in rates, or commensurate reduction in services.
39. It's important to note that the Local Government sector is not homogenous. Some Local Governments face significant financial sustainability challenges – typically, those with declining populations which are facing an ongoing underlying operating deficit.
40. Local Government finances have come under pressure in recent years as a result of a number of factors.

Local Government Costs

41. Local Governments have also been operating in an environment of rising costs in recent years.
42. The Local Government Cost Index (**LGCI**) is an indicator which aims to measure changes in a basket of cost items commonly incurred by Local Governments. The components of the Index capture the key inputs that Local Governments purchase to undertake its activities and include both capital and operating costs.
43. Local Governments have keenly felt the impact of inflation in recent years with the LGCI increasing 6.4% in 2021-22, up 4.4% in 2022-23, and up 3.6% in 2023-24. Like the CPI, the LGCI has peaked and started to slow, increasing by 0.7% in the December quarter. Over the year to December, LGCI increased 3.2.
44. In recent years, the drivers of LGCI growth have shifted from construction costs, which comprise around a quarter of the index, to wages costs, which make up around a third. The growth in construction costs was largely driven by challenges in the supply of materials due to the impact of the pandemic and the war in Ukraine on supply chains as well as the elevated levels of demand from

the post-pandemic stimulus. As the market has moved closer to a balance between supply and demand, price rises have eased, with construction costs settling at the new, higher level.

45. The LGCI is forecast to end 2024-25 up 3.6% before falling to annual growth of 3.3% in 2025-26 and 3.0% in 2026-27.

Restrictions on fees and charges

46. Local Governments also impose fees and charges for a range of activities. However, a number of fees and charges are prescribed and restricted by legislation, and are specifically limited to recouping the cost of service provision. This has become an issue because a number of fees determined by State Government legislation represent significant revenue leakage because of:
 - a. lack of indexation;
 - b. lack of regular review (fees may remain at the same nominal levels for decades); and
 - c. lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels).
47. 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.

Financial assistance grants are declining as a share of tax revenue

48. Financial Assistance (FA) Grants are provided to all Local Government bodies and are an important component of operating revenue for all Councils.
49. Recent research, commissioned by the Australian Local Government Association, shows FA Grants make up more than 20% of annual operating expenditure for around one in four Australian councils, so it is a critical source of funding for many Local Governments which has come under pressure in recent years. Councils only collect 3.5% of national taxation and are heavily reliant on funding from other levels of government. FA Grants have declined from one per cent of Commonwealth taxation revenue in 1996 to just 0.51% today.

Local Government reserves

50. Many Local Governments also have significant assets in the form of reserves, that are generally held for a specific purpose.
51. While the *Local Government Act 1995* does not specify the purpose for which reserves can be used, sound financial management implies that reserves should be used for the purposes for which they have been set aside. Typically, reserves are used for capital projects rather than ongoing operating expenditure.

**8.7 FINANCE AND SERVICES COMMITTEE MINUTES - 23 APRIL 2025 -
CONFIDENTIAL**

By Tony Brown, Executive Director Member Services

WALGA RECOMMENDATION

Moved: Cr Helen Sadler
Seconded: President Chris Antonio

That State Council endorse the Minutes of the Finance and Services Committee meeting held on 23 April 2025.

RESOLUTION 033.2/2025

CARRIED

**8.8 SELECTION COMMITTEE VACANCY OUTCOME - APRIL 2025 -
CONFIDENTIAL**

By Chantelle O'Brien, Governance Support Officer

NOTED

8.9 LGISWA BOARD MINUTES - CONFIDENTIAL

By Sam McLeod, Manager Commercial Services

NOTED

9 POLICY TEAM AND COMMITTEE REPORTS

9.1 INFRASTRUCTURE POLICY TEAM REPORT

By Ian Duncan, Executive Manager Infrastructure

FOR NOTING

This Report provides an update on matters considered, since the last State Council meeting, by the Infrastructure Policy Team at its meeting held on 24 March.

1. Matters for State Council Decision

Refer to Agenda [item 8.3](#) Native Vegetation Clearing Regulations that was considered jointly with the Environment Policy Team.

2. Matters for State Council Noting

The Policy Team discussed the following matters referred by Zones:

Telstra Community Support Agents Agreements for Automatic Transfer Unit Pilot Program

Agreed to establish a steering group including Telstra, the Department of Primary Industry and Regional Development and other stakeholders.

Reducing Default Speed Limit on Residential Local Roads to 40km/h

Proposed to undertake further work and engage members in potential augmentation of the current speed management advocacy position.

Public Ownership of the Freight Rail Network

Will consider as part of a review of existing freight policy statements and more fully define the additional benefits Local Government seek from public ownership of the freight rail network.

Sewer Infill Program Demand Assessment and Advocacy Position

Requested that the secretariat initially engage with the Regional Development Commissions to ascertain the extent to which their research can be utilised.

Royalties on Mine Waste for Roads

Further action is pending confirmation from Local Governments in the region of the preferred approach.

A range of other matters were carried forward to the next meeting, which is scheduled to be held prior to the May State Council meeting.

NOTED

9.2 PEOPLE AND PLACE POLICY TEAM REPORT

By Nicole Matthews, Executive Manager Policy

FOR NOTING

The People and Place Policy Team includes the following subject areas:

- *Community*
- *Emergency Management*

This Report provides an update on matters considered since the last State Council meeting by the People and Place Policy Team at its meeting held on 19 March.

1. MATTERS FOR STATE COUNCIL DECISION

The Policy Team discussed and provided feedback on the draft WALGA submission on the revised State Recovery Arrangements which is included for decision in the 7 May State Council Agenda.

2. MATTERS FOR STATE COUNCIL NOTING

The Policy Team discussed [Item 10.1](#) Draft State Public Health Plan Submission.

3. PEOPLE AND PLACE POLICY TEAM MATTERS

2024 Annual General Meeting Resolution

The Policy Team considered the following 2024 AGM resolution:

7.5 Addressing the Impracticality of Local Governments Funding Department of Communities and GROH Houses

That WALGA advocates to the State Government for the State Government to fully fund construction and maintenance of Department of Communities (Social) and Government Regional Officer Housing.

The Policy Team noted that increasing housing supply can be achieved through private investment, State Government funding, and partnerships between investors and Government. Given the complexity and diversity of local housing markets across the State, these options provide policy flexibility and ensure finite State funding is allocated to the most critical areas of market failure.

The approach recommended in the AGM resolution forms parts of WALGA's overall advocacy on this issue. In areas where the market is failing to provide sufficient supply, State Government should fund capital investment in social and GROH housing.

WALGA's current advocacy on the provision of Government-funded housing programs focuses on the need for adequate supply responsive to the community, including increased funding in failing markets. This enables WALGA to provide a strategic position and advocate for statewide outcomes while retaining the flexibility for Local Governments to support and invest in programs.

That the Policy Team agreed that this issue will be addressed as part of WALGA's advocacy approach on this issue.

The Policy Team also received updates on the:

- Upcoming 2025 Aboriginal Engagement Forum, Aboriginal Elected Member Roundtable and Bushfire Management CEO Roundtable;
- LEMA Improvement Plan progress;
- Regional Primary Health Services Report;
- State Election Commitment progress;
- WALGA's recent events: Child Safeguarding CEO Breakfast and an Access and Inclusion Forum.

NOTED

9.3 GOVERNANCE POLICY TEAM REPORT

By Tony Brown, Executive Director Member Services

FOR NOTING

The Governance Policy Team includes the following subject areas:

- *Governance (Local Government legislation)*
- *Local Government Reform/Regional Service Delivery*
- *Local Government Revenue*
- *Local Government Elections*
- *Employee Relations/Industrial Relations*
- *Training*

This Report provides an update on matters considered by the Governance Policy Team at its meeting held on 24 March.

1. MATTERS FOR STATE COUNCIL DECISION

Dog and Cat Management Advocacy Position

The Policy Team considered a report on a review of Advocacy Position 2.12 Puppy Farming. The review was conducted following Zone resolutions from the Central Country Zone and North Metropolitan Zone.

Agenda [item 8.2](#) of the State Council Agenda relates to this matter.

2. MATTERS FOR STATE COUNCIL NOTING

Elections Advocacy Position - Compulsory and voluntary voting investigation update

In December 2024, State Council considered a new advocacy position regarding Local Government Elections, following sector-wide consultation.

State Council resolved that “the Secretariat further investigate implications of compulsory and voluntary participation in Local Government elections and report back to State Council.”

The Governance Policy Team was provided with a progress update.

The following key issues have been identified for investigation:

- Participation and engagement
- Election methods and costs
- Election frequency

NOTED

9.4 ENVIRONMENT POLICY TEAM REPORT

By Nicole Matthews, Executive Manager Policy

FOR NOTING

The Environment Policy Team includes the following subject areas:

- *Climate change*
- *Native vegetation and biodiversity*
- *Biosecurity*
- *Water resources*
- *Sustainability*
- *Planning and building*

This Report provides an update on matters considered, since the last State Council meeting, by the Environment Policy Team at its meeting held on 24 March, and the joint Environment and Infrastructure Policy Team meeting also held on 24 March.

1. MATTERS FOR STATE COUNCIL DECISION

Advocacy Position Review

Climate Change Advocacy Positions

The Environment Policy Team considered the decision of State Council at the March meeting that an item proposing a new Climate Change advocacy position be referred back to the Environment Policy Team for further development.

The Environment Policy Team agreed that further consultation with the sector needed to occur to fully understand the sector views in relation to the composite updated Advocacy Position on Climate Change and resolved for WALGA to develop an approach for sector consultation for consideration at the next Environment Policy Team meeting in May.

Native Vegetation Clearing Regulation Advocacy Positions

A Joint Environment and Infrastructure Policy Team meeting was held on 24 March to consider the new draft Advocacy Position on Native Vegetation Clearing Regulation and endorsed the recommendations that State Council adopt an updated position.

Agenda [item 8.3](#) relates to this matter.

2. MATTERS FOR STATE COUNCIL NOTING

The Policy Team discussed the matter referred to WALGA by the Central Country Zones

- in regard to Water Corporation classifying their sites as 'Non-Standard Water Service'. WALGA will consider this feedback in its discussion paper and development of an advocacy position on water management issues.

3. ENVIRONMENT POLICY TEAM MATTERS

WALGA staff provided the Policy Team with updates on:

- Water Management Discussion Paper progress
- Avian Influenza (H5 Clade 2.3.4.4b)
- Urban Forest Conference
- DAP Advocacy Position Review

NOTED

9.5 MUNICIPAL WASTE ADVISORY COUNCIL (MWAC) REPORT

By Rebecca Brown, Policy Manager, Environment and Waste

FOR NOTING

This Report provides an update on matters considered since the last State Council meeting by the Municipal Waste Advisory Council (MWAC), at a meeting held on 19 February.

1. MATTERS FOR STATE COUNCIL DECISION

Nil.

2. MATTERS FOR STATE COUNCIL NOTING

Review of the Recycling and Waste Reduction Act 2020 (RaWR Act)

The *Recycling and Waste Reduction Act 2020* (RaWR Act) supports action to regulate the export of certain waste materials from Australia, and establishes a framework for product stewardship, including for voluntary, co-regulatory and mandatory approaches.

WALGA provided a response to the Department of Climate Change, Energy, the Environment and Water (DCCEEWS)'s review of the RaWR Act, which focuses on the operation of the Act and the extent to which its objectives have been achieved.

WALGA's response reiterated the challenges associated with export bans, as well as highlighting the need for fit for purpose infrastructure for recycling to be in place and effective product stewardship schemes for all products entering the Australian market.

Agenda [item 10.2](#) relates to this matter.

3. MWAC MATTERS

MWAC discussed the following focus activities for 2025:

- Waste management challenges – future governance and planning for waste management in WA
- development of a circular economy advocacy position
- effective product stewardship advocacy
- addressing FOGO challenges
- asbestos action
- development of better practice guidance for Local Government
 - WALGA is developing a Better Practice Guideline to assist Local Governments in planning and procuring waste management services. There is a significant spend associated with waste management contracts and they are long term arrangements. Procurement and contract management are complex for Local Government officers to navigate. The Guideline aims to provide a concise overview of the waste procurement process and key areas for consideration.
 - WALGA is developing a Better Practice Guideline to support Local Governments in organising low waste events. Local Governments host various community events, presenting an opportunity to adopt better waste management practices. Some Local Governments have developed their own sustainable

events policies. The Guideline aims to provide consistency of approach for public events and assist Local Governments to host low waste events.

- successful program delivery
- events, communication and training
- littering and illegal dumping
- engagement with the Department of Water and Environmental Regulation on regulatory reform.

MWAC received updates on:

- review of policy statements
- emergency waste management activities
- E-Cigarette advocacy
- guidance on Household Hazardous Waste (HHW) for Local Government, education on batteries and HHW for the community
- Waste Local Law review
- E-Waste Landfill Ban Update
- the 2025 Waste & Environment Summit
- Labor election commitment to expand Containers for Change.

NOTED

10 MATTERS FOR NOTING / INFORMATION

10.1 2025 STATE ELECTION OUTCOME

By Dana Mason, External Affairs Manager

FOR NOTING

EXECUTIVE SUMMARY

- The 2025 State election saw the return of a Labor Government for a third consecutive term, after winning 46 seats.
- The new Cabinet has been announced, with a number of portfolio reallocations. Hon Hannah Beazley MLA has been reappointed as Minister for Local Government.
- WALGA has written to all Ministers to congratulate them on their appointment and to seek opportunities to work together on priority issues during the next term.
- We have also written to the Leader of the WA Liberals and Nationals WA, and will also write to the Shadow Cabinet once these appointments have been announced.
- Premier Cook has also announced reforms to the public sector, to better focus on delivering the Government's agenda. Local Government will now be housed in the Department of Local Government, Commerce, Industry Regulation and Safety.
- WALGA is well positioned for the next term of Government due to:
 - The significant community engagement with WALGA's election campaign
 - Commitments from Labor and the Opposition to key elements of WALGA's policy agenda
 - New members of parliament from all parties with a strong background in and understanding of Local Government
 - Ability to provide a direct line of communication and engagement with regional WA.
- WALGA's advocacy will continue to focus on the issues highlighted in the West at its Best policy platform.

POLICY IMPLICATIONS

- This item is consistent with existing WALGA policy positions.

BACKGROUND

- The 2025 State Election was held on 8 March and saw the return of a Labor Government for a third consecutive term.
- This election highlighted a broader fragmentation of voter preferences, with many disillusioned by the major parties turning to alternatives. While there was a swing against Labor, these votes were not necessarily directed to the Liberals - but spread across the minor parties and Independents.
- The Liberal Party failed to reclaim several seats which it has traditionally held. However, they will return as the official Opposition, which will provide the party with additional resources for the next term. There has been discussion about the need for a stronger coalition between Liberal and the Nationals to defeat Labor in 2029.
- The Greens have resurfaced as a potentially influential player, and they expect to hold the balance of power in the next Parliament. This reflects a growing trend of progressive voters in urban areas supporting their environmental and social policies.
- The election results also show a growing divide between metropolitan and regional WA, with the largest swing away from Labor recorded in regional areas of the state.

Cabinet

- The [new Cabinet](#) has been announced, with a number of portfolio reallocations. Hon Hannah Beazley MLA has been reappointed as Minister for Local Government.
- A new approach to regional WA has also been announced, with the appointment of Minister for individual regions, as well as Minister for Regional Development.
- WALGA has written to the Premier and all Ministers to congratulate them on their appointment and to seek meetings to discuss priority areas for the next term. WALGA has also invited all regional Ministers to attend an upcoming meeting of the relevant Zone.
- We have also written to the Leader of the WA Liberals and Nationals WA and will also write to the Shadow Cabinet once these appointments have been announced.

Policy Agenda

- The Government's immediate focus will be on implementing its election commitments.
- The Cook Government's 2025 election policy agenda focused on several key areas to address the issues facing the WA economy and community today and into the future. The key elements of Labor's election platform include:
 - **Economic Diversification** - The "Made in WA" plan is a central part of the Government's agenda, with a focus on local manufacturing including for the electric bus fleet, residential batteries and power lines for the energy transition. This initiative seeks to create jobs and reduce reliance on mining as the key driver of the WA economy. A range of Initiatives were also announced to facilitate opportunities associated with AUKUS.
 - **Housing** - The Government has pledged funding for a range of programs aimed at reducing the housing crisis, including the provision of social and affordable homes, community housing and outreach services, construction workforce initiatives, and tax concessions.
 - **Cost of Living** - A range of measures were announced aimed at reducing the cost of living for households, including student support payments, capped public transport fees, support for seniors, expansion of the hardship utility scheme, school breakfast program, and free flu vaccinations.
 - **Health** - The Government plans to expand programs to divert patients from hospitals, enhance women's health services, and grow the aged care sector.
 - **Infrastructure** - Funding support was provided for a wide range of infrastructure programs, including sporting infrastructure, play groups, tourism infrastructure, ports, and roads.
 - **Law and order** - There is a strong focus on initiatives to tackle family and domestic violence, youth crime, and improve community safety.
- Labor made pledges during the campaign to support WALGA's agenda across key areas—such as urban canopy, waste management, sport and community infrastructure, road safety, and emergency management.
- WALGA's advocacy will continue to focus on the remaining issues highlighted in the West at its Best policy platform, which set out the sector's priorities for the next term of Government.

Machinery of Government

- The Premier has also announced reforms to the public sector. These will take effect from 1 July 2025, with full implementation to be achieved by 31 December 2025.
- Nine out of the current 25 government departments will be impacted by the reforms, with a net gain of one department.

- Key reforms include:
 - The Department of Jobs, Tourism, Science and Innovation will become the **Department of Energy and Economic Diversification**.
 - Department of Premier and Cabinet will now house a new **Office of Defence Industries, Office of Early Childhood** and **Coordinator General**.
 - The Department of Energy, Mines, Industry Regulation and Safety will be split into two agencies - The new **Department of Mines, Petroleum and Exploration** and the **Department of Local Government, Commerce, Industry Regulation and Safety**
 - The Department of Transport will become the **Department of Transport and Major Infrastructure**, with major building capacity from across government becoming consolidated within a new **Office of Major Infrastructure Delivery**.
 - The **Department of Housing and Works** will take responsibility for the building, maintenance and management of our social housing stock from the Department of Communities, as well as the building and maintenance of other small infrastructure projects by government

COMMENT

- WALGA is well positioned for the next term of Government due to:
 - The significant community engagement with WALGA's election campaign
 - Commitments from Labor and the Opposition to key elements of WALGA's policy agenda
 - New members of parliament from all political parties with a strong background in and understanding of Local Government
 - Ability to provide a direct line of communication and engagement with regional WA.
- Labor's commitments to priorities identified in The West at its Best represents a valuable opportunity for WALGA to work closely with the State Government to advance shared priorities and demonstrate the value of partnering with the Local Government sector.
- WALGA's Strategic Policy Register will be updated and provided to the State Council to narrow down the focus areas for Government in its first year.

NOTED

10.2 DRAFT STATE PUBLIC HEALTH PLAN SUBMISSION

By Hannah Godsave, Policy Manager Communities

FOR NOTING

EXECUTIVE SUMMARY

- On 28 January, the WA Department of Health (DoH) released a draft State Public Health Plan (draft SPHP) for public comment, providing a limited timeframe of three weeks to provide feedback.
- The WALGA submission was informed by WALGA's Local Government Public Health Plans Reference Group as well as previous WALGA submissions on the implementation of Stage 5 of the *Public Health Act 2016*.
- WALGA also hosted a webinar on the draft SPHP and encouraged Member Local Governments to provide direct feedback to DoH in addition to the WALGA submission.
- The WALGA submission provided a suite of recommendations with a focus on the need for:
 - guidance and resources to support the development of Local Public Health Plans (LPHPs);
 - support and funding for smaller and regional Local Governments;
 - funding for implementing LPHP actions;
 - further clarification of the Climate Change priority within the SPHP.

ATTACHMENT

- [WALGA submission on the Draft State Public Health Plan](#)

POLICY IMPLICATIONS

WALGA's submission aligns to aligns to WALGA's updated [Advocacy Position 3.2.1 Local Public Health Plans](#) endorsed by State Council in September 2024:

WALGA supports the objects and principles of the Public Health Act 2016.

The State Government must ensure that:

- 1. Guidance, tools and resources are developed to support the development of Local Public Health Plans; and*
- 2. Funding is provided for:*
 - a) smaller rural and regional councils to support the development of Local Public Health Plans; and*
 - b) the implementation of actions under Local Public Health Plans.*

BACKGROUND

Stage 5 of the *Public Health Act 2016* which commenced on 4 June 2024 requires a State Public Health Plan (SPHP) to be developed, finalised and published by 4 June and each Local Government to prepare and publish a Local Public Health Plans (LPHP) by 4 June 2026. LPHPs must consider the SPHP objectives and priorities as they relate to the needs of their local community.

As a member of the Department of Health (DoH) Public Health Planning Reference Group, WALGA is conveying the views and priorities of Local Government to inform the implementation of Stage 5 of the *Public Health Act 2016*.

DoH released a draft SPHP on 28 January for a 4-week consultation period. WALGA expressed its concerns regarding the short time frame provided and was granted an extension for its submission, which was provided to DoH on 7 March.

WALGA's submission was informed by and aligns to the updated advocacy position endorsed by State Council in September 2024 and previous submissions:

- [Draft objectives and priorities for the upcoming State Public Health Plan](#) (September 2024)
- [Draft Public Health Planning Guide for Local Government](#) (November 2024).

WALGA also hosted a DoH webinar for Local Governments on the draft SPHP and encouraged Member Councils to provide direct feedback to DoH in addition to the WALGA submission.

The structure of the draft SPHP differs from the existing SPHP, introducing two overarching objectives: i) Aboriginal Health and Wellbeing, and ii) Equity and Inclusion and restructuring priorities under four objectives:

1. **PROMOTE:** Foster strong communities and healthier environments
2. **PREVENT:** Reduce the burden of chronic disease, communicable disease and injury
3. **PROTECT:** Protect against public and environmental health risks, effectively manage emergencies, and lessen the health impacts of climate change
4. **ENABLE:** Bolster public health systems and public health workforce, and leverage partnerships to support health and wellbeing.

COMMENT

The recommendations in WALGA's submission seek to ensure that the SPHP enables clear and concise translation to LPHPs and that Local Governments, particularly smaller rural and regional authorities, are adequately resourced and supported to achieve public health outcomes for their communities.

The submission also emphasises that the SPHP must clearly articulate that LPHP are only required to align to the SPHP objectives as they relate to the local context and does not provide an exhaustive list of priorities each Local Government must replicate.

This submission and previous engagement with DoH call for the scope of the climate change priority to be better defined to clearly articulate expectations and provide tangible direction for Local Government LPHPs. WALGA is continuing to advocate that the SPHP build on, and make use of, existing data and adaptation plans in development by both Australian and State Government agencies, particularly those focused on health and human services.

WALGA will continue to encourage the State Government to consider how the SPHP climate change priority will acknowledge and intersect with existing planning and reporting requirements at both the State and Local tiers of Government relating to emergency management and climate adaptation plans to reduce administrative burden and foster collaboration and consistency.

The introduction of the Preventative Health Portfolio in the re-elected Labor Government as well as the newly formed Cabinet Sub-Committee for Health Co-ordination provide new opportunities for WALGA's ongoing discussions and advocacy.

By way of summary, WALGA's submission recommends that:

- The State Government must ensure that Local Governments, particularly smaller rural and regional authorities, are adequately resourced and supported to achieve equitable public health outcomes for their communities.
- Given the broad-ranging priorities and actions under the SPHP, that all relevant State Government agencies are informed and resourced to support Local Governments to align their LPHP with the SPHP across operational areas as diverse as planning and development, waste, sport and recreation facilities, community development and environmental health.
- The scope of the climate change priority be better defined to clearly articulate expectations and provide tangible direction for Local Government LPHPs.
- The climate change priority aligns and builds on existing data and adaptation plans in development by both Australian and State Government agencies to avoid duplication and administrative burden.

WALGA will continue to work with DoH's Public Health Planning team to inform and influence the development of new guidance materials and resources aimed at supporting Local Governments to meet the requirement to publish an LPHP aligned to the SPHP by 4 June 2026.

NOTED

10.3 RECYCLING AND WASTE REDUCTION ACT 2020 (RAWR ACT) REVIEW RESPONSE

By Conor Macgill, Senior Policy Advisor Waste Management

FOR NOTING

EXECUTIVE SUMMARY

- The *Recycling and Waste Reduction Act 2020* (RaWR Act) supports action to regulate the export of certain waste materials from Australia. It also establishes a framework for product stewardship, including for voluntary, co-regulatory and mandatory approaches.
- A [statutory review](#) of the RaWR Act has commenced. The Review will provide a report to the Minister for the Environment within 6 months of commencement.
- This is the first review of the legislation and focuses on:
 - the operation of the RaWR Act;
 - the extent to which its objects have been achieved; and
 - making recommendations to improve the efficiency and impact of the RaWR Act.
- On 30 January the Australian Government Department of Climate Change, Energy, the Environment and Water (DCCEEW) released a [survey](#) to gather feedback on the review, with responses due 27 February.
- MWAC considered the response at its meeting on 19 February.
- WALGA provided a response to DCCEEW on 27 February and to the Australian Local Government Association (ALGA) for use in its submission.

ATTACHMENT

- [WALGA Response to Recycling and Waste Reduction Act 2020 \(RaWR Act\) Review](#)

POLICY IMPLICATIONS

WALGA's submission aligns to WALGA's updated [Advocacy Position 7.15 Product Stewardship](#) endorsed by State Council in September 2024:

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 *Recycling and Waste Reduction Act 2020* (RaWR Act) supports action to regulate the export of certain waste materials from Australia. It also establishes a framework for product stewardship, including for voluntary, co-regulatory and mandatory approaches.

The Australian Government Department of Climate Change, Energy, the Environment and Water (DCCEEW) is undertaking a statutory review of the Act and sought input to the review in February. The Terms of Reference for the review are:

- 1. *In accordance with section 185 the review will examine:*
 - a. *the operation of the Act, and*
 - b. *the extent to which the objects of the Act have been achieved.*
- 2. *The review will make recommendations to improve the efficiency and impact of the Act in addressing current and future circular economy needs, resource recovery and waste challenges. This includes consideration of:*
 - a. *limitations of current approaches to product stewardship, including concerns around the viability, integrity and impact of stewardship schemes supported by the Act*
 - b. *whether waste export regulations are fit for purpose, including what process, decision making, and evidence would be needed to regulate the export of waste representing existing and emerging harms*
 - c. *improving the mechanisms by which the Australian Government can take action to respond to the needs of developing circular economy markets*
 - d. *how the Act operates with relevant international and domestic obligations*
 - e. *any matters relevant and worthy of consideration.*

On 30 January the Department released a [survey](#) to gather feedback on the review, with responses due 27 February.

Both the Officer's Advisory Council (OAG) and the Municipal Waste Advisory Council (MWAC) discussed the key points of the review and agreed WALGA's response should focus on the key elements of [Advocacy Position 7.15 Product Stewardship](#), and the challenges associated with waste export requirements during the various consultation process on the waste export bans and their associated regulation.

COMMENT

The comments in WALGA's response to the survey questions highlighted the challenges associated with export bans, in particular that there should be a number of necessary conditions including effective product stewardship schemes in place before bans are implemented, current export market requirements are considered, there needs to be certainty for the recycling industry and that contingency plans are put in place in case required infrastructure is not in place.

These conditions were highlighted in WALGA's [submission](#) on the *Exposure Draft of the Recycling and Waste Reduction (Export – Paper and Cardboard) Rules 2023*.

WALGA will continue to advocate for the implementation of effective Product Stewardship schemes by the Australian Government, for all materials entering the Australian market.

NOTED

10.4 PLANNING AND BUILDING PERFORMANCE MONITORING PROJECT

By Chris Hossen, Policy Manager, Planning and Building

FOR NOTING

EXECUTIVE SUMMARY

- WALGA has undertaken the Local Government Performance Monitoring Project (the Project) annually since 2017
- The Project collects a range of data on Local Government planning and building regulatory functions and seeks to provide a representative and evidence-based analysis of the performance of the sector.
- The findings of the project are used to inform and support WALGA's advocacy and policy development, particularly in relation to planning and building regulation reform
- 49 Local Governments participated in the 2023-24 Project, representing approximately 92% of Western Australia's population and 94% of the State's total population growth
- In 2023-24, the participating Local Governments determined 16,250 development applications, over the same period, Development Assessment Panels and the Significant Development Pathway determined 230 and 16 applications, respectively
- The 2023-24 data shows that Local Governments continue to maintain high levels of performance in undertaking their strategic and statutory planning and building functions
- The findings of the Project are available as an online interactive dashboard publicly available through the WALGA website

ATTACHMENTS

- [Key Indicator Snapshot](#)
- [List of Participating Local Governments](#)
- [Performance Monitoring Dashboard](#)

BACKGROUND

The Local Government Performance Monitoring Project (the Project) and associated Local Government Performance Monitoring Report (the Report) were initiated by the Growth Alliance Perth and Peel (GAPP) group and WALGA in 2017, in response to inaccurate and misleading reporting of the planning performance of metropolitan Local Governments.

The Project and Report have been undertaken annually since that time, with the number of participating Local Governments increasing from 11 to 49 in 2023-24. The process of collecting and reporting data has also been refined and improved. The Performance Monitoring Dashboard, now in its fourth year, provides a collated view of all participating Local Governments across the eight years of the Project reporting, and allows Local Governments to analyse and compare performance by year, region or against individual Local Governments. The use of the dashboard reduces project costs and reporting times and allows for a faster expansion of the project.

The dashboard is not intended to be a comparison of individual Local Government performance; however, it allows individual Local Governments to draw comparisons between themselves and other Local Governments, which may be useful for those who may have similar development pressures and resourcing.

COMMENT

49 Local Governments now participate in the Project (see attachment). The Project collects a range of data on Local Government planning and building regulatory functions and seeks to provide a representative and evidence-based analysis of the performance of the sector. These Local Governments represent approximately 92% of Western Australia's population and 94% of the state's total population growth between 2021 and 2023. Collectively, they provide a strong indication of how the Local Government sector in Western Australia is performing in the areas of strategic and statutory planning and building regulation. There is a low standard deviation within most specific measures, and average sector performance year on year is consistent, providing a high degree of confidence that the reported performance is reflective of the sector, and that high levels of performance by some larger Local Governments are not impacting sector averages.

Key findings from the 2023-24 data:

- participating Local Governments determined 63,043 applications (development applications, subdivision referrals and building permits), a 12% increase on the previous year
- 90% of these applications were determined or responded to within statutory timeframes
- 99% of all development applications were approved
- 98% of all development applications were determined under delegated authority
- Local Governments continue to be concerned at the length of time taken to receive consent to advertise and final endorsement for Local Planning Schemes
- For scheme amendments:
 - Local Governments finalised 78 scheme amendments in 2023-2024
 - 40% of the time taken to complete scheme amendments could be attributed to State Government processes, a significant reduction from the previous year, and well below the 49.5% average over the eight years of reporting.

WALGA uses the findings of the project to inform and support advocacy and policy development, particularly around planning and building regulation reform and to reinforce the critical role of Local Government in the planning system. WALGA will continue to utilise this information to inform policy development, advice and advocacy in relation to any legislation, policy or regulations prepared by the State which affect the planning and building functions of Local Government.

WALGA is encouraging additional Local Governments to participate in the 2024-25 financial year reporting period, with a focus on the remaining two metropolitan and peri-urban Local Governments.

NOTED

10.5 LARGE SCALE RENEWABLE ENERGY UPDATE

By Lisa Harwood, Principal Policy Advisor Economic Development

FOR NOTING

EXECUTIVE SUMMARY

- Western Australia's energy sector is transforming to achieve the State and Australian governments' 2050 net zero emissions target.
- There is a lack of guidance from State Government around the renewable energy transition, including consultation expectations and the delivery of community benefits by project proponents.
- State Council endorsed a suite of renewable energy-related advocacy positions in September 2024.
- WALGA has been progressing a number of initiatives to support Local Governments since State Council endorsed three energy transition advocacy positions last year.
- Work has commenced on the creation of a Community Benefits and Engagement Guide to support Local Governments when engaging with developers and their communities.

ATTACHMENTS

- [Renewable Energy in WA – WALGA Research Paper](#)
- [Empowering Local Governments – Planning for Renewable Energy](#)

POLICY IMPLICATIONS

This item relates to the following [WALGA advocacy positions](#):

- 6.16 Energy Transition Engagement and Community Benefit Framework
- 6.17 Renewable Energy Facilities
- 6.18 Priority Agriculture

BACKGROUND

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*. Following on from this discussion, further conversations across WALGA Member Councils have led to the consideration of how local communities should be involved in, and benefit from, renewable energy projects.

After consultation with Members, discussions with State Governments and other jurisdictions, WALGA developed three advocacy policy positions related to the renewable energy transition. These were endorsed by all WALGA zones and State Council at its September 2024 State Council Meeting. These positions form the basis of WALGA's advocacy on this topic and will be used to inform discussions with Government and advocate on behalf of our Member Councils.

WALGA has progressed policy work to support Member Councils with the renewable energy transition including:

- **Energy Transition Survey:** In September 2024, WALGA conducted a survey to capture data on Local Government sentiment on the energy transition. The survey was targeted towards Local Government CEOs.

- **WALGA Research Paper:** The paper outlines how other State Governments are responding to renewable energy projects and highlights relevant energy strategies and stakeholders in State and Federal Government.
- **Planning resource:** "Empowering Local Governments - Planning for Renewable Energy" provides an overview of the State and Local planning frameworks and tools available to Local Governments for managing renewable energy facility development. It also outlines the three development assessment pathways for renewable energy proponents.
- **Teams Group for Local Government Leaders:** A Teams Group was established for CEOs and Elected Members to facilitate continued collaboration and knowledge sharing between Local Governments. Both the research paper and planning resource have been shared in the Group.
- **Large Scale Renewable Energy Forum:** The Forum brought together State Government, industry and Local Government to discuss the opportunities and challenges of large-scale renewable energy projects, and what support Local Governments need when it comes to engaging with proponents.

COMMENT

WALGA's work in this space is ongoing. This includes:

- **Community Benefits and Engagement Guide:** WALGA has engaged a consultant to prepare a Community Benefits and Engagement Guide to assist Local Governments when working with proponents on large scale renewable energy projects. Two Local Government workshops have been held so far, attended by 28 representatives, providing the opportunity to discuss the challenges they face with community benefits and engagement with developers and the community. Topics discussed include the need for the sector to work together; concerns around housing and other infrastructure; community impact; and the planning process.
- **Rating research paper:** A piece of work is being prepared on the role of Local Government rates and other rating mechanisms, when it comes to large scale renewable energy projects. The paper will provide current rating provisions, including what is and isn't viable in WA, national trends, including examining the role of payment in lieu of rates, and recommendations for WA Local Governments.
- **Conference participation:** WALGA staff have spoken at several conferences on the impact of large scale renewable energy projects on regional communities. CEO Nick Sloan presented at the Clean Energy Council's Clean Energy Summit on March 25 on the key planning challenges being faced by communities. Lisa Harwood, Principal Policy Advisor Economic Development, appeared on a panel at the Mid West & Gascoyne Major Projects Conference on April 8 to discuss the future of energy in the region.
- **Political and Government engagement:** The WALGA President has written to the Premier and the new Minister for Energy and Decarbonisation; Manufacturing; Skills and TAFE; Pilbara, Hon Amber-Jade Sanderson BA MLA, seeking a meeting to discuss the key issues being faced by Local Governments. Conversations with key Government agencies, including PoweringWA and the Department of Planning, Lands and Heritage are ongoing.
- **Engagement with industry and other stakeholders:** WALGA continues to have ongoing conversations with ALGA, Clean Energy Council, Smart Energy Council and the Conservation Council of WA.

ZONE FEEDBACK

GOLDFIELDS ESPERANCE COUNTRY ZONE

GVROC suggests that consideration needs to be given to not only large-scale renewables, but also other renewable alternatives and include small scale renewable solutions for regional communities.

Sustainability is also still an issue for renewables and current cost and budgets used by the Government for renewables do not seem to consider any additional costs in this area, with only the costs of delivering the infrastructure reported. The redundancy of such things as batteries, wind turbines and blades are not factored in, and these will become an issue especially around waste management for those parts that are not recyclable.

There also needs to be more transparency around the ownership models of large-scale renewable energy infrastructure projects, if they are not State or Federal Government owned, to ensure that large foreign owned companies are held to accountable and agreements set to ensure that regional communities receive benefits, rather than profits leaving the country.

SECRETARIAT COMMENT

WALGA acknowledges the energy transition is broader than just large scale renewable energy projects. The three energy transition advocacy positions which were endorsed by WALGA's State Council last year have been specific to these large scale projects and thus that has been the focus of our work to date.

WALGA will be actively pursuing product stewardship for all the materials generated by renewable operations, including photo voltaic, batteries, wind turbines and blades, to ensure these products have funded and suitable end of life solutions.

WALGA is undertaking work regarding the support of Local Governments in delivering long lasting benefits for their communities from renewable energy projects. This includes the creation of a best practice Community Benefits and Engagement Guide and advocating to State Government for the delivery of community benefit frameworks.

NOTED

10.6 POLYPHAGOUS SHOT-HOLE BORER RESPONSE

By Nicole Matthews, Executive Manager Policy

FOR NOTING

EXECUTIVE SUMMARY

- Polyphagous shot-hole borer (PSHB) remains a critical biosecurity concern for Western Australia and Local Government.
- A decision on the future of the National PSHB Response Plan is expected by end June 2025.
- Should it be determined that PSHB can no longer be eradicated, or that it is not cost-effective to do so, it is likely there would be a transition period, after which responsibility for long-term long-term management would fall to the State Government.
- WALGA is advocating for the ongoing impacts on Local Government to be addressed under either outcome, with a focus on:
 - securing adequate long-term funding for ongoing PSHB management, including for Local Government
 - maintaining Quarantine Area arrangements
 - ensuring the adequacy and effectiveness of the PSHB response or long-term management arrangements
 - the development and implementation of PSHB research and trials
 - greater transparency and improved data sharing, including changes to the *Biosecurity and Agricultural Management Act 2007*
 - the need for community education and messaging.

POLICY IMPLICATIONS

This item aligns with Advocacy Position [4.4 Post Border Biosecurity](#):

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.*

July 2023 - 226.FM/2023

BACKGROUND

The nationally funded response to eradicate PSHB is currently being reviewed, with a decision expected by end June 2025. This decision will be determined by the National Management Group (NMG) considering expert advice from the Consultative Committee on Emergency Plant Pest (CCEPP) as to whether it is still technically feasible to eradicate PSHB and if it is cost-beneficial to do so.

Possible outcomes of this process are:

1. Continuation of the national eradication response, with or without modification under the national agreement, or
2. A time-limited (generally 6-12 month) national transition program if it is determined that eradication of PSHB not technically feasible or cost-beneficial, with the objective to:
 - a. undertake activities to allow industry and/or the community to live with PSHB (a transition to management program), after which time the national arrangement would cease and long-term PSHB management would become the responsibility of the State Government, or
 - b. contain PSHB while future management options are determined or activities are undertaken with a view to return to full eradication in the future (a transition containment program).

COMMENT

At the Local Government PSHB CEO meeting held on 30 April, the Department of Primary Industries and Regional Development (DPIRD) indicated that it anticipates a decision on the future of the national PSHB response will be made by the NMG, of which it is a member, by end June 2025.

A decision to end the eradication response and transition to long-term management could have significant long-term impacts on Local Government, who would be responsible for managing PSHB on their land.

WALGA is advocating for the ongoing impacts on Local Government to be addressed in a new response plan, transition to management or long-term management arrangement, with a focus on:

- securing additional PSHB funding, including for Local Government
 - the need for a long-term commitment to management is included as a priority in WALGA's 2025-26 State Budget submission
- maintaining Quarantine Area arrangements
- ensuring the adequacy and effectiveness of the PSHB response or long-term management arrangements
- the development and implementation of a dedicated, coordinated PSHB research program
 - there is currently no proven prevention or eradication method for PSHB
 - the WA Agricultural Research Collaboration is funding a limited program, however no projects have been announced
 - the City of Canning has undertaken a controlled chemical trial with promising results and other Local Governments have been trialling different approaches
- greater transparency and improved data sharing, including changes to the *Biosecurity and Agricultural Management Act 2007*
 - DPIRD has indicated that the BAM Act prohibits full disclosure of PSHB data to Local Government and confidentiality deeds have been required to access data in the form of 'heat maps', which does not specify infested trees on private land and is unable to be shared between neighbouring Local Governments
- the need for community education and messaging, which will be particularly critical if there is a change from eradication to management.

DPIRD has undertaken to keep WALGA informed and has requested that the sector be briefed and consulted at the earliest opportunity once a decision is made.

WALGA will continue to keep State Council and the Sector informed as further information becomes available.

NOTED

11 ORGANISATION REPORTS

11.1 KEY ACTIVITY REPORTS

11.1.1 REPORT ON KEY ACTIVITIES, ADVOCACY PORTFOLIO

By Rachel Horton, Executive Manager Advocacy

FOR NOTING

The Advocacy Portfolio comprises the following work units:

- *Marketing*
- *Communications*
- *Media*
- *Events*

The following outlines the activities of the Advocacy Portfolio since the March State Council meeting.

1. MARKETING

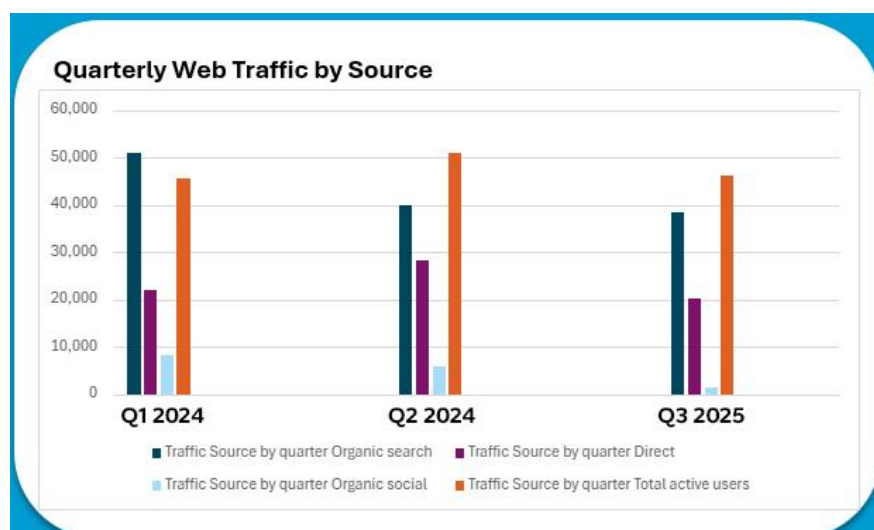
Graphic design and Web development

Motion graphics were developed for the Honours Awards campaign, promotion of the new Diploma of Local Government for Officers course, and Aboriginal Engagement Forum. Branding was also developed for the Urban Forest Conference and new Members Hub.

A landing page was developed to host WALGA's 2025-26 Federal Budget analysis which achieved 254 views in the first 24 hours. The new landing page featured an improved user experience with access to information via an accordion style expanding menu.

Website Analytics

The total active visitors to the site are relatively consistent. It is pleasing to see stable organic search as this means search engines are ranking the website well irrelevant of paid campaigns.



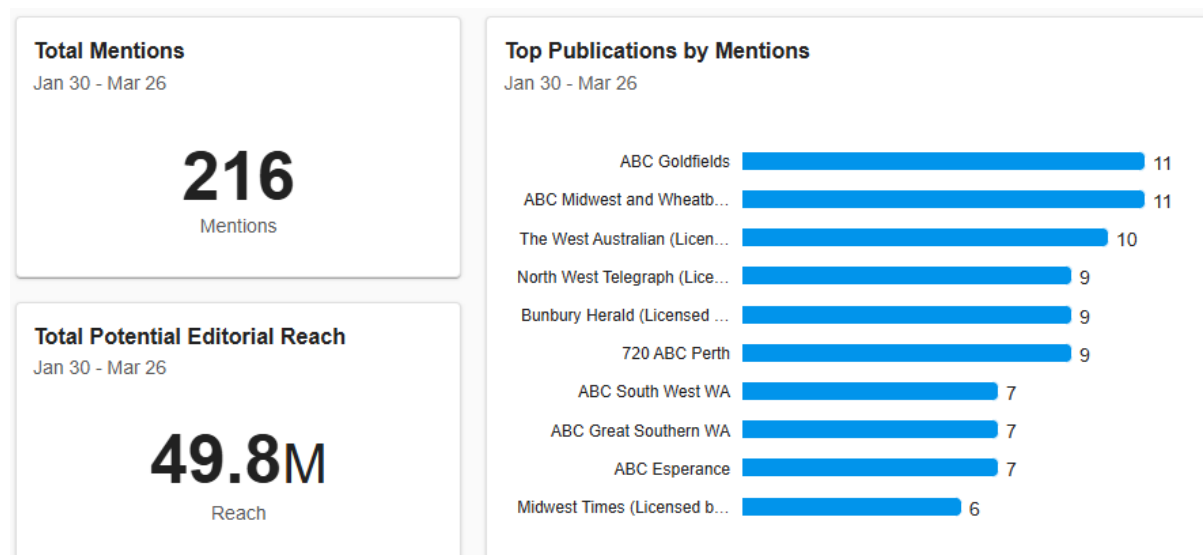
2. COMMUNICATIONS

Multiple external communications were prepared throughout the reporting period including:

- Eight LG Direct weekly newsletters distributed to over 2,000 Elected Members and senior staff
- Development of WALGA's 2025 Local Government Directory
- The April issue of the Western Councillor Magazine
- 2025-26 Federal Budget Analysis.

3. MEDIA

There were 216 mentions of WALGA and President Karen Chappel between 30 January and 26 March. This is a decrease from 664 in the previous reporting period (noting that this period is a shorter reporting time frame of 55 days compared to the previous 92 days). This equates to an average of four mentions a day, slightly lower than the average of five a day throughout this financial year.



Earned Media:

WALGA received 15 requests for comment across print, radio, television and online media:

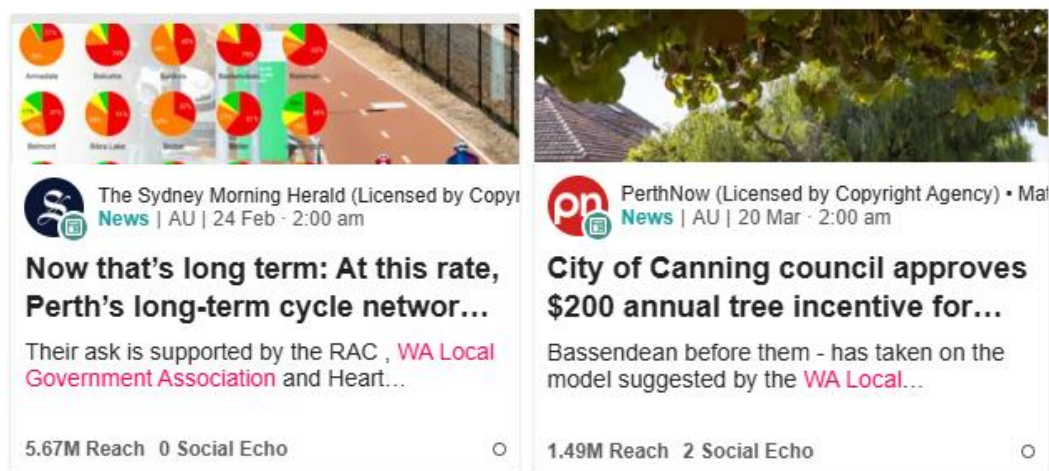
1. Local Government Act – 5 February
2. Power Purchase Agreement – 11 February
3. Urban Forest Conference – 13 February
4. UFC ABC live broadcast – 14 February
5. Regional Health op-ed – 15 February
6. Health services – 18 February
7. Q&A Request – Government News – 27 February
8. Power Purchase Agreement – 12 March
9. Council inquiry – 12 March
10. International Women's Day – 13 March
11. Wildlife Displacement – 13 March
12. Car Seats and RoadWise – 21 March
13. RoadWise – 24 March
14. Council inquiry – 25 March
15. Federal Budget – 26 March

As part of the Urban Forest Conference, ABC Radio attended the event and conducted interviews throughout the day with the WALGA President and event speakers.

An Op-Ed by the WALGA President *'Local councils can't keep picking up the slack on health'* was published in The West Australian on Saturday, 15 February. The piece was also covered throughout the month in regional titles.

Top media mentions by Advocacy issue:

1. Active Transport - 5.67m
2. Urban Canopy - 1.49m
3. Renewables - 1.1m

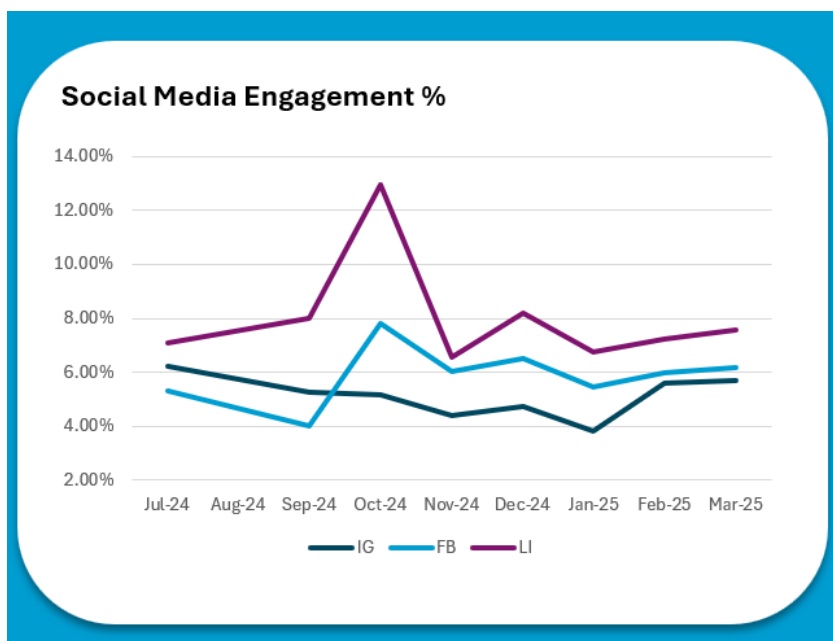


Media Releases:

- [WALGA applauds Nationals' pledge to double CSRFF investment and plan for WA's sporting future](#) – 30 January
- [WALGA advocacy reflected in new Elected Member superannuation provisions](#) – 31 January
- [WA Liberals' funding announcement backs WALGA's call to ease Local Government GP crisis](#) – 13 February
- [\\$1.2m telecommunications boost for the Perth Hills a welcome step towards building resilient communities](#) – 19 February

Social Media:

Social media engagement is strong with likes, comments and shares well above benchmarks (1% is considered good engagement on Facebook and Instagram, and 3% on LinkedIn.) The spike in September and October 2024 is due to increased activity around the Local Government Convention. LinkedIn and Facebook were previously prioritised as channels, but since the same posts have been applied to Instagram the engagement is tracking in line with the other media. Social media following is the next focus as the number of fans remains consistent at 17,700 LinkedIn followers, 3,400 Facebook fans and 1,300 following WALGA Instagram.



4. EVENTS

Urban Forest Conference

The biannual Urban Forest Conference took place at Murdoch University on 14 February. Positive feedback was received regarding the event and program with the conference held under the canopy of the state-of-the-art Boola Katijin Building.

Feature panels and breakout sessions from key Local Government leaders, a keynote by City of Melbourne greening innovator, Dr Freya Thomas, and a diverse range of session topics ensured informative and conversation provoking content. New additions included the Village Green hub to showcase WALGA Preferred Suppliers and the Field Tour program showcasing Perth Inner City Group case studies.

Aboriginal Engagement Forum

The WALGA Aboriginal Engagement Forum will take place at Kaarta Gar-rup (Kings Park) on 9 April demonstrating WALGA's commitment in the reconciliation space. The program theme **Doyntj-Doyntj Maladjiny | Growing Together** will explore how the collaborative power of Local Government can be unlocked to form meaningful partnerships and transform relationships with Aboriginal people.

A total of 232 registrations were achieved with 36 Local Governments represented. There is strong support from regional areas and an increase in attendance by Elected Members and CEO's (20 from 14 in 2024). For the first time, a roundtable for Aboriginal Elected Members will be held at WALGA on the afternoon prior to the event to both foster collaboration and gain feedback on issues facing Aboriginal elected members in their roles.

WALGA Local Government Awards

Planning for the 2025 awards gala is well advanced, with the event set to build on the success of the inaugural event in 2024. The date for the awards has been set for 19 July and will take place in the prestigious Hackett Hall at the WA Museum.

NOTED

11.1.2 REPORT ON KEY ACTIVITIES, INFRASTRUCTURE PORTFOLIO

By Ian Duncan, Executive Manager Infrastructure

FOR NOTING

The Infrastructure Portfolio comprises the following work units:

- *Roads*
- *Funding*
- *Urban and Regional Transport*
- *Utilities*
- *Road Safety*

The following outlines the activities of the Infrastructure Portfolio since the last State Council meeting.

1. Roads

Local Government Transport and Roads Research and Innovation Program (LGTRRIP)

Guidelines for the use of crumbed rubber modified asphalts, sprayed seals, reclaimed asphalt pavement (RAP) and a catalogue of standard pavement profiles are scheduled for publication shortly. Work has commenced on an investigation into available technologies for best practice road condition assessments and data collection and the development of a road safety rating tool for intersections.

Condition Assessment of Roads of Regional Significance

The condition assessment survey of significant roads in the Pilbara and Gascoyne regions is now complete and Local Governments have been provided access to the condition data via an online tool and hard drive. The condition survey project for the Kimberley region has commenced, with data logging to begin in April.

Road Rail Interface Agreements

Rail Interface Agreements are a requirement under the *Rail Safety National Law (WA) Act 2015*. Each metropolitan Local Government with road/rail crossings with PTA electrified network has now signed this updated agreement. For road/rail interfaces on the Arc Infrastructure network, a model *pro forma* agreement between Local Governments and Arc Infrastructure is nearing the end of negotiations and should be available for Local Government review and action soon. WALGA will begin a process to liaise with each relevant affected Local Government to provide advice around the new agreement, once the *pro forma* agreement has been finalised.

Update of User Guides for calculating the cost of road wear for defined freight tasks

Due to recent escalation in road construction costs, WALGA has initiated an update of the unit rates that are used to underpin the methodologies in the User Guides for calculating the cost of road wear for defined freight tasks on sealed and unsealed roads. NTRO have been appointed to update the guides and to compile an online calculator. The updates are scheduled for publication in April.

Operational Boundaries and Asset Responsibilities in Rural Regions

Main Roads have released a draft policy document that defines the operational and maintenance boundaries between State and Local Roads outside of the Metropolitan Region (a policy for the Metropolitan Region was published in 2020). WALGA has consulted Local Governments and Zone committees. Feedback has been collated, and a submission response has been provided to Main Roads.

2. Road Funding

Multi-Criteria Assessment (MCA) Model Revisions

The WALGA Infrastructure Team is working with the Regional Road Groups to harmonise the MCA models used by Regional Road Groups to prioritise projects for Road Project Grant funding. The proposed changes to the MCA models reflect the new focus areas of the State Roads Funds to Local Governments Agreement, while still allowing for flexibility to recognise the significant differences between regions. All the Regional Road Groups have commenced the MCA revision process, with the process in the Gascoyne and SW region now complete.

3. Transport

Bus Stop Infrastructure

Bus stop infrastructure agreement is in its final stages. It is anticipated that the parties will sign the new agreement in April.

Active Transport and Micromobility-Discussion Paper

On 6 March, WALGA hosted the Active Transport Strategic Forum, where high-level stakeholders were invited to provide insights on the gaps and challenges in active transport that WALGA had identified. These discussions will help shape the development of WALGA's Active Transport policy position. As the next step, an online workshop for Local Government officers is scheduled for 2 April

Road Assets and Expenditure Report Update Project

Tango IT has completed a final report detailing the current processes used to develop the RAE Report and identifying options for improvement in data collection, interpretation, and presentation. Work has commenced to prepare the procurement documents to progress to Phase 2 of the project. This phase will include the development of a database, reporting interface, and dashboard.

4. Utilities

Underground Power

Representatives from Local Governments with projects in the Targeted Underground Power Program met during March to provide feedback on possible approaches to recovering the costs for the consumer mains connection (property boundary to the house), which in some projects is the largest component of the costs to be recovered from property owners and can differ substantially between parcels within the project area and between projects. The practical application of a range of cost models was also considered by the working group and this feedback will inform further discussions with Energy Policy WA, Western Power and Government.

Streetlighting

The first LED streetlights installed in the pilot phase of the Proactive Streetlight Replacement Program are expected to be operating during April. The three Local Governments involved in the pilot between April and June have been engaged, made decisions regarding luminaires to be installed and prepared materials for communication to the community.

As foreshadowed, preparation of a revised Public Lighting Asset Management Strategy has been delayed by Western Power. However, a consultant has been appointed and consultation with Local Governments is still likely to occur during the current financial year.

5. Road Safety

Road Safety Council Update

The Road Safety Council met on 14 March, primarily to consider submissions for Road Trauma Trust Account funding and to prepare the Council's recommendations to the Minister responsible for road safety for the 2025-26 budget. The other matters considered at that meeting included: updates on the road safety research program, a proposal to introduce demerit point penalty for lower-level speeding offences, and reviews of both the e-rideable regulations and the graduated licensing systems. The Road Safety Council meet next in June.

NOTED

11.1.3 REPORT ON KEY ACTIVITIES, MEMBER SERVICES PORTFOLIO

By Tony Brown, Executive Director Member Services

FOR NOTING

The Member Services Portfolio comprises the following work units:

- *Association and Corporate Governance*
- *Commercial Development*
- *Commercial Management*
- *Commercial Services*
- *Employee Relations*
- *Governance and Procurement*
- *Training*

The following outlines the activities of the Member Services Portfolio since the March State Council meeting.

1. COMMERCIAL

Preferred Supplier Program (PSP) Annual Reports

Members have been provided with PSP annual report information regarding their use of WALGAs PSP. The PSP supports Members with administration savings, contractual benefits and advice and support from WALGA. Members are provided with access to over 1,100 Preferred Suppliers across 12 Panels and over 160 Categories.

During the 2024 calendar year WALGA members procured over \$455 million worth of goods and services through the PSP. Over 1,140 requests for Quotation were initiated through WALGA's online portal VendorPanel (eQuotes).

Preferred Supplier Program (PSP) Development

Approximately 120 new Preferred Suppliers across all panels have been added to the Program resulting from the previous Tender. The first of the PSP Tenders for 2025 has been released to 165 companies. Member endorsements are assisting to move the PSP towards a more relevant and active supplier base. It is also resulting in more engagement with regional suppliers and Small to Medium Enterprise (SME).

New categories for Architectural Services (32 suppliers) and Aboriginal Heritage Surveys (seven suppliers) have been implemented.

Enhancements to PSP categories are being made for Recycled Construction & Demolition Materials, Project and Operations Management, and Leisure Centre Equipment Supplies.

New PSP category development and development research is being undertaken in the areas of:

- PSP008 - Facilities management
- PSP005 – Mobility and Accessibility Equipment supplies
- PSP005 – Swimming Pool inspection services
- PSP005 - Provision of HACCC and social services
- PSP002 – Environmental Health consultants

- **PSP003 – Building Inspection Services**

With many Members currently engaged in Council Business System and ERP reviews and procurement, WALGA's PSP Panel for Business Systems Software and Services has contractual options available. Resources to raise awareness and support the use of the Panel are under development.

Phase two of the WALGA Sustainable Energy Project has been successfully contracted for a new three year term. The new term of the project involves 50 WALGA Members and incorporates a diversification strategy to further support sustainable energy infrastructure development. WALGA is also in the process of implementing a Carbon Reporting Tool to support the project analytics.

ARENA

The ARENA project remains on track, with the originally planned chargers and Electric Vehicles now installed and delivered. A small number of additional EVs purchased through the program will be delivered within the next few months.

Several further funding and commercial opportunities have been identified and are actively being pursued.

Artificial Intelligence Project

A few specific initiatives related to Artificial Intelligence (AI) are being progressed through the Commercial Services Area. This includes a Sector Readiness Assessment project, and development of briefing materials.

The Sector Readiness Assessment project is progressing, with a Request for Quotation released to the open market, closing in late March. This project aims to examine AI readiness and key issues across a sample of twelve member Local Governments, as well as for WALGA itself. As part of this work, WALGA is also intending for the successful consultant to profile AI threats and cybersecurity risk transformations associated with AI technology.

The development of briefing materials is intended to assist Council Members and Local Government employees consider the potential uses cases of AI within Local Government. The initial briefing materials have been developed to provide an introduction to the underlying technologies associated with AI, and a profile of potential use cases, risks, potential future developments, and avenues for further reading.

WALGA Tax Superannuation

WALGA continues to work to provide information to Members in relation to Council Member Superannuation. Following a webinar and several queries from members following the commencement of the provisions, we are now working to consolidate advice into guidance material available through the member section of the WALGA website.

2. EMPLOYEE RELATIONS

WALGA ER continues to represent the sector in a number of applications in the WA Industrial Relations Commission (WAIRC) including:

Applications CICS 5, 8 and 9 of 2023 - Union demarcation dispute.

These applications relate to a dispute over coverage of Local Government employees between three unions, the Western Australian Municipal, Administrative, Clerical and Services Union of Employees (WASU), Local Government, Racing and Cemeteries Employees Union (LGRCEU) and the Construction, Forestry, Mining and Energy Union of Workers (CFMEUW).

The matter is ongoing and has had 20 hearing days in July and October 2024, with the CFMEUW evidence still to be completed.

During the hearing in October 2024 the CFMEUW made a number of applications. One application was to dismiss the matter, which the Commission rejected and dismissed. Another application was for discovery of documents from WALGA and the WASU, which the Commission ordered and WALGA and WASU complied with. The CFMEUW also made a second application for discovery of documents from WALGA, WASU and the LGRCEU.

A decision has been issued on 26 March that dismissed the CFMEU's application for orders of production. The decision found that there was no evidence of collusion or improper conduct WALGA or their solicitors or counsel. Further it was found that *"To contend that there is improper collusion between the WASU, the WALGA, and the LGRCEU, would require a substantial evidentiary foundation which is lacking. At its highest, the case advanced by the CFMEUW is based on supposition and speculation."*

The matter has been listed for a further directions hearing on 7 April to determine next steps in relation to the legal privilege of documents produced to the WAIRC and the re-listing of the substantive application.

Application APPL 164 of 2024

An application has been made by the WASU through s80BH of the *Industrial Relations Act 1979* (WA) (IR Act) to be named to the Local Government Industrial Award – Industrial Agreement (LGIA-IA) which is an instrument that transitioned to the State Industrial Relations system. If WASU is named to the LGIA-IA it is then able to take action to enforce the instrument, but more importantly the WASU could 'retire' it under s. 41(7) of the IR Act and the state awards (LGO and ME Awards amongst others) would then apply.

Sixty Local Governments have been named to APPL 164 of 2024 and WALGA is directly representing the Shire of Dundas (lead Local Government) as their industrial agent in this matter and assisting other Local Governments. WALGA filed a response on behalf of the Shire of Dundas on 17 January.

On 5 March the WASU lodged an application to dismiss the Respondent's response filed in this matter on the basis that the objections of the Respondents have no real prospect of success and the matter should proceed without hearing further from the Respondents.

A directions hearing was heard on 17 March where the WASU's application to dismiss the Respondent's objections was dismissed. Directions were issued for the parties to provide written submissions and the matter will be listed for a hearing not before 9 May.

Transitional Regulation now defunct

The operation of Regulation 8 of the *Industrial Relations (General) Regulations 1997* ended on 1 January. This means that s 41(9) of the IR Act (set out below) now applies to all Local Government industrial agreements:

To the extent that an industrial agreement is contrary to or inconsistent with an award, the industrial agreement prevails unless the agreement expressly provides otherwise.

WALGA ER continues to support the sector in navigating through award and agreement application to Local Governments arising from the cessation of this Regulation.

New IR Legislation

WALGA ER continues to provide advice and support to Local Governments in relation to the implementation of the *Industrial Relations Legislation Amendment Bill 2024* (IRLA Act), with most changes coming into effect 31 January.

3. GOVERNANCE AND PROCUREMENT

Procurement Workshops

WALGA coordinated with LGIS to deliver a Contract Risk Workshop to discuss contingent liabilities in procurement (indemnities, limitations of liability, liquidated damages, insurances, process contract risks, etc). The workshop covered the Local Government context, risk management principles, managing contractual risk, risk clauses and touched on emerging risks. Information on this can be obtained by contacting WALGA's Procurement service.

Local Government Legislative Reform

WALGA continues to support members in implementing and preparing for reforms included in the Local Government Amendment Acts of 2023 and 2024.

The requirement to appoint all Committee Members by absolute majority Council decision by 1 July is now in effect. Preparation is also being made for the anticipated reforms to Audit Risk and Improvement Committee, including the requirement to appoint an independent person as Presiding Member. In addition, Local Governments are required to consider the application of newly introduced caretaker restrictions in their forward planning.

The Department of Local Government, Sport and Cultural Industries consultation regarding the publication of CEO KPIs and online registers is open until 8 May. WALGA circulated an Info Page and Discussion paper, seeking feedback on the draft regulations. The results of this consultation, and proposed WALGA submission are the subject of a report in this Agenda.

4. TRAINING

Over the next six weeks to the end of April, the WALGA Training team has 12 on site courses booked and confirmed.

The Certificate III in Local Government is now established. The February intake received nine enrolments, five trainees and four fee for service students and for the April intake, five enrolments are being processed.

The Training team have launched the Diploma of Local Government for Officers program. The first intake starts with the Planning stream on 22 May and the General stream on 6 June. WALGA is offering multiple intakes throughout the year and hope to successfully build this program over the next year.

The Notice of Intent has been lodged with the State Training Board, and the Training team is working closely with the Training Council and the Financial, Administrative and Professional Services WA to have the Diploma of Local Government made available as an existing worker Traineeship. Any engagement from the sector is welcomed and is important to demonstrate that the sector will support a Traineeship. This application is the first of multiple steps and does not guarantee funding through the Department of Training and Workforce Development.

The Diploma of Local Government – Elected Member program has had a slow start to the year, and WALGA is planning to attract full numbers in our next November intake.

NOTED

11.1.4 REPORT ON KEY ACTIVITIES, POLICY PORTFOLIO

By Nicole Matthews, Executive Manager Policy

FOR NOTING

The Policy Portfolio comprises the following work units:

- *Economics*
- *Environment and Waste*
- *Planning and Building*
- *Emergency Management*
- *Community*

The following outlines the activities of the Policy Portfolio since the March State Council meeting.

1. ECONOMICS

Economic Development

Two new economic development initiatives have been launched in the last few months. The first is the new Economic Development Newsletter for Local Governments, which will provide bimonthly updates on economic development initiatives, events and grants. The second is a virtual Economic Development Member Network via a Microsoft Teams Group, which brings together Local Government economic development practitioners from across the State, providing the opportunity to meet and ask questions of each other, share wins and provide feedback on economic development work at WALGA.

The team have also met with a range of stakeholders including:

- Regional Australia Institute
- Economic Development Australia
- Perth South West Metropolitan Alliance
- Conservation Council of WA
- Department of Training and Workforce Development
- Perth Inner City Group
- Tourism WA
- Perth Hills Tourism Alliance
- Western Power
- Clean Energy Council
- Department of Jobs, Tourism, Science and Innovation
- Smart Energy Council
- Destination Perth

Key topics of discussion include renewable energy, tourism and workforce development.

Economic Briefing

WALGA has released its latest Economic Briefing, which is available [here](#).

The Western Australian economy is strong, the challenge in coming years is to transition from a public sector led recovery to private sector led economic growth. Global trade tensions and rising tariffs are a major risk to global economic growth and therefore the Australian economy. The RBA reduced interest rates as inflation is judged to be moving sustainably towards its target range.

WA's labour market is the strongest in the nation with low unemployment, solid jobs growth and high labour force participation. Wage growth is slightly above the national average, with the private sector growing faster than the public sector over the last year. The rate of growth in construction costs has slowed as prices settle at a new, higher level after a period of rapid rises. The global factors and capacity constraints driving this growth have eased however, a strong construction pipeline will keep demand high for materials and labour.

Local Government costs increased 3.2% over the last 12 months. Price rises have moderated on average across the board; however, a tight labour market and strong domestic economy may see some price pressures resurface.

Federal Budget

Treasurer Hon Jim Chalmers handed down the 2025-26 Federal Budget on 25 March. The Government took a cautious approach, with a clear focus on responsible fiscal management and investment in addressing the cost of living, healthcare, education and access to housing.

Importantly, the Budget retained its commitment to several key sector funding programs, including Financial Assistance Grants, Roads to Recovery, and the Black Spot Program. Read WALGA's full 2025-26 Federal Budget Analysis, [here](#).

2. ENVIRONMENT AND WASTE

Native Vegetation Field Days

In April, WALGA hosted three regional Field Days. Local Government officers gathered in Busselton, Corrigin, and Tammin for capacity-building sessions, where they discussed and learned through case studies about effective management of native vegetation in road reserves.

Native Vegetation Offsets Roundtable

WALGA, in partnership with the Department of Water and Environmental Regulation (DWER), hosted a roundtable on 28 March with 11 Local Government CEOs and senior officers. The session sought to explore and identify potential solutions to the challenges associated with environmental offsets in Western Australia and assist the Department in its ongoing reform.

FOGO Forum

WALGA hosted the second FOGO Forum for Local Government officers on 11 March, with representation from 18 Local Governments. The Forums are a workshop and networking opportunity for officers to connect and discuss key issues for Local Governments implementing or planning FOGO. The March Forum focused on contamination management, barriers to effective waste management in public housing and lessons learned from FOGO rollouts. WALGA will now undertake advocacy with the Department of

Water and Environmental Regulation on the need for clearer messaging on accepted FOGO materials to support a quality end product and engage with the Department of Communities to investigate strategic opportunities to address waste management issues in public housing, such as high contamination and illegal dumping.

H5 Avian Influenza (H5 Clade 2.3.4.4b)

WALGA conducted initial scenario planning with a representative sample of Local Governments to inform input and feedback to the national planning response on H5 AI (Bird Flu). The session provided an outline of the scope, roles and support Local Governments would require in preparation for an incursion. Key outcomes from the session included the need to take learning from the PSHB response and sufficient measures in place, particularly around on-ground implications for emergency management and waste facilities. WALGA attended the Biosecurity Senior Officers Group (BSOG) meeting on 26 March to update State agencies on the outline.

3. PLANNING AND BUILDING

Development Assessment Panel Advocacy Position Review

WALGA has commenced a review of its Development Assessment Panel (DAP) advocacy position to update and expand the position to cover all forms of State Government Development Assessment and Approval (i.e. Significant Development Pathway, DAP, Public Works, MRS Approvals. Development WA). Consultation with Local Governments was undertaken from April to May. State Council consideration of the reviewed advocacy position is scheduled for the July meeting.

4. EMERGENCY MANAGEMENT

CEO Bushfire Management Roundtable

On 26 March, WALGA hosted a CEO Bushfire Management Roundtable. Local Government CEOs from the Cities of Albany and Kwinana and the Shires of Dandaragan, Manjimup, Corrigin and Waroona participated, alongside LGIS and WALGA representatives. DFES representatives include Deputy Commissioner Operations, Craig Waters, Executive Director Rural Fire Division, Murray Carter, Executive Director Corporate Services, Patrick Leach and Chief Superintendent Bushfire Centre of Excellence, John Tillman. Attendees discussed bushfire brigade management, training and doctrine, bushfire operations, LGGs and bushfire risk management. Outcomes from the session will be circulated to Participating CEOs, DFES and State Council.

State Emergency Management Committee (SEMC)

SEMC met on 13 March, attended by WALGA CEO Nick Sloan. SEMC Communiques are available [here](#).

SEMC Time Limited Working Group - Colvin and Glasser Reviews

WALGA is representing the Local Government sector on a SEMC Time Limited Working Group to review and assess the implications of the Colvin and Glasser reviews for WA and make recommendations, with a report to be tabled at the 8 May SEMC meeting. Feedback is aligned with WALGA's submission on the [Colvin Review](#).

Bushfire Operations Committees

WALGA is a member of the Bushfire Operations and Interagency Bushfire Operations Committees. The BOC provides a formal communications link from the Regional Operations Advisory Committee (ROAC)/ District Operations Advisory Committee (DOAC) to DFES with relevant concerns and issues from their regions. The BOC communique from the 28 February meeting is available [here](#). The IBOC oversees and guides bushfire interagency collaboration efforts. The communique from the 5 February IBOC meeting is available [here](#).

Local Emergency Management Arrangements Improvement Program

WALGA is overseeing a pilot project to evaluate a proposed new approach and revised templates and resources with Local Governments. WALGA, along with a sector-led working group of ten Local Governments, have developed templates for the pilot.

Local Governments involved in the pilot include the City of Kwinana and the Shires of Manjimup, Gingin, Chittering and Shark Bay.

Following the pilot, a report will be prepared on the process, outcomes, and results, and provided to the State Emergency Management Committee to inform the roll-out of the LEMA model. It will run until the end of August with the participation of Local Government LEMCs, Staff and Council.

Bushfire Risk Management Coordinators

WALGA will continue to host two Bushfire Risk Mitigation Coordinators (BRMCs) until June 2028 under a funding agreement with DFES. BRMCs work with WALGA, DFES and Local Governments to develop and implement Local Government bushfire mitigation programs, focusing on building capacity for Local Governments with limited capacity and expertise to manage their ongoing mitigation program using in-house resources.

5. COMMUNITY

Aboriginal Engagement Forum

The Forum is scheduled for 9 April at the State Reception Centre, Kaarta Gar-Up (Kings Park). This year's theme is Doyntj-Doyntj Maladjiny | Growing Together, which explores how we can unlock collaborative power to form meaningful partnerships and transform relationships with Aboriginal people to deliver positive impacts for all. There has been a significant increase in Elected Member and CEO attendance this year, with around 20 Elected Members, including five State Councillors and nine Local Government CEOs. An event review will be tabled for the August State Council meeting.

Aboriginal Elected Members Roundtable

On 8 April, WALGA will hold the first Aboriginal Elected Members Roundtable, attended by 15 elected members. The Roundtable will provide an opportunity for Aboriginal Elected Members from across Western Australia and WALGA's Senior Leadership to connect in person, for attendees to share their experiences, achievements, challenges and aspirations as a Councillor and to explore how WALGA can assist and support them in their role. We intend for this first Roundtable to lay the foundations for greater connectivity and collaboration across the Local Government Sector. An event review will be tabled for the August State Council.

NOTED

11.2 PRESIDENT'S REPORT

The [President's Report](#) was made available at the time the Agenda was published.

NOTED

11.3 CEO'S REPORT

The CEO's Report was circulated to State Councillors with the Revised Agenda (under separate cover).

NOTED

12 ADDITIONAL ZONE RESOLUTIONS

WALGA RECOMMENDATION

Moved: President Cr Phillip Blight
Seconded: President Chris Antonio

That the additional Zone resolutions from the April 2025 round of Zone meetings as follows be referred to the appropriate Portfolio for consideration and appropriate action.

RESOLUTION 034.2/2025

CARRIED

AVON MIDLAND COUNTRY ZONE (Infrastructure Portfolio)

Draft Sewer Infill Program Demand Assessment and Advocacy Position

That the Avon-Midland Country Zone supports and endorses the Peel Country Zone's request for WALGA to undertake an assessment of the extent of the sewer infill gaps in Western Australian towns and cities and develop an advocacy position supporting a new State Government sewer infill program to assist with subdivision, housing, health and environmental values.

CENTRAL COUNTRY ZONE (Policy Portfolio)

Advocacy for Statewide Community Enhancements Fund (CEF) Framework & Renewable Energy Guidelines

That the Central Country Zone of WALGA:

1. Supports the Shire of Narrogin's Community Enhancements Fund (CEF) Policy as a best-practice model for equitable benefit-sharing from large-scale renewable energy projects;
2. Requests WALGA State Council to advocate to the State Government for the development of a Statewide Community Enhancements Fund Framework, consistent with the key principles of the Shire of Narrogin's CEF Policy, including:
 - o A minimum indexed contribution from renewable energy proponents based on installed capacity;

- Local Government management of restricted cash reserves for community benefit;
 - A dedicated component for Indigenous Nations Funds (recommended 10%);
 - Alignment with Local Government strategic planning;
 - Transparent governance, community engagement, and annual reporting.
3. Further requests WALGA to advocate for the adoption of a broader Renewable Industry Framework for WA as outlined in the Shire of Narrogin's Advocacy Position, including:
- Consistent planning standards for renewable energy development (e.g., setbacks, zoning);
 - A State-mandated community engagement framework;
 - Legacy workforce housing solutions in lieu of short-term TWAs;
 - A uniform Payment in Lieu of Rates (PILoR) model for wind, solar and BESS facilities;
 - Empowerment of Local Governments to manage benefit-sharing and rating mechanisms.

CENTRAL METROPOLITAN ZONE (Member Services Portfolio)

Rising Costs for Local Government in Meeting Compliance Obligations

That the Central Metropolitan Zone request that WALGA:

1. adopt an advocacy position to request the State Government to liaise with the Office of the Auditor General (OAG) to look at ways to reduce costs for the carriage of annual financial audits;
2. advocate on behalf of the sector by writing to the OAG requesting that consideration be given when setting their audit plans to cap the number of performance audits individual Local Governments may be selected to participate in to one every two years; and
3. advocate on behalf of the sector by writing to DLGSC requesting that consideration be given to reducing 'red tape' in Local Government by ensuring the review of existing obligations ahead of introducing new obligations, in order to eliminate duplication in effort and controls.

GASCOYNE COUNTRY ZONE (Policy Portfolio)

Indigenous Land Use Agreements for Towns/Cities

That WALGA State Council request the State Government on behalf of all town's where there are Unallocated Crown Lands within townsites that are subject to Native Title negotiate an ILUA, at the State's cost, for the extinguishment of Native Title.

GASCOYNE COUNTRY ZONE (Policy Portfolio)

Vote of No Confidence in Government Handling of Children at Risk

That the Gascoyne Country Zone:

1. Approves a Vote of No Confidence in the State and Federal Governments for their systemic failure to address the worsening crisis affecting vulnerable children and youth, leading to increased crime, social breakdown, and harm to our communities.
2. Condemns the Government's ongoing neglect and failure to act on well-documented inquiries, expert recommendations, and community-led solutions that could have prevented the crisis from reaching its current state.
3. Demands urgent and immediate intervention, including:
 - A full-scale overhaul of the current youth intervention strategies in WA, including the failed Target 120 program, and an urgent redirection of funding to community-led initiatives that actually work.

- The immediate restoration and expansion of essential youth services that have been cut from regional WA, including mental health, diversion programs, crisis housing, and family support services.
 - An increase in frontline service resources in regional areas, including Carnarvon, to address the youth crisis with a combination of enforcement and prevention, rather than reactive policing alone.
 - The establishment of a dedicated Regional Youth Crisis Response Taskforce, in consultation with Local Governments, Aboriginal community organisations, and law enforcement, to implement a real and measurable strategy to tackle this crisis.
 - The State and Federal Governments to formally report on the progress of previous inquiries, royal commissions, and policy commitments, ensuring transparency and accountability on their failures to act.
4. Urges the State and Federal Governments to recognise that their current approach is failing, and that without decisive action, they will continue to abandon the most vulnerable children in our communities, further fuelling crime, social collapse, and intergenerational harm.
 5. Request the State Council to consider this at the next available State Council meeting.

GOLDFIELDS ESPERANCE COUNTRY ZONE (Policy Portfolio)

Local Government (Development Assessment Panels) Regulations 2025

GVROC note the WALGA update on the new *Local Government (Development Assessment Panels) Regulations 2025*, which were gazetted on 1 April 2025 and provide its concerns and comments above for consideration by WALGA and State Council on this matter.

GVROC comments:

The GVROC have serious concerns about the new *Local Government (Development Assessment Panels) Regulations 2025* as listed in the points below and request that WALGA and the State Council consider these in their advocacy and discussions on this item.

- The new regulations around DAPs erode democracy and the principles of community concerns by taking away the Local Governments role and responsibilities in the planning process.
- The new regulations also create conflicts between the developers and the Local Governments around the requirements to still approve and issue building permits but not having authority over the planning approval process. It also places cost burdens on the Local Governments through the changes being implemented with no funding provided by the State Government to meet additional costs.
- Under the new DAP regulations, it is expected that major developers will just bypass Local Governments and not address any community concerns on large scale developments, only doing what is best to maximise their financial returns from developments.
- GVROC notes and supports WALGA's call for greater transparency around DAP processes and decisions, as community distrust of DAP decision-making is a key area of concern for many Local Governments.

MURCHISON COUNTRY ZONE (Policy Portfolio)

Increasing the Department of Communities Presence in Regional and Remote Western Australia

That the Murchison Country Zone of WALGA request that WALGA advocate for increasing the Department of Communities presence in regional and remote Western Australia.

MURCHISON COUNTRY ZONE (Policy Portfolio)

Climate Change Policy Statement

That State Council replace the 2018 Climate Change Policy Statement Advocacy Position 4.1 Climate Change with the following advocacy position.

WALGA calls on the Australian Federal Government and Western Australian State Government to:

- a. Prioritise and provide the necessary climate leadership, coordination, and action to deliver a climate change response that improves the quality of life for all Australians*
- b. Provide the required level of funding, resources and support to Local Governments to enable local communities to respond to climate change; and*
- c. Ensure that any climate change action does not impact the standard of living of local communities.*

MURCHISON COUNTRY ZONE (Policy Portfolio)

Disaster Recovery Funding Arrangements

The Murchison Country Zone request, that should Yalgoo Council agree to pursue a judicial review of the DFES decision in relation to reimbursement of flood damage expenditure, WALGA seek evidence from Local Governments of advice received from DFES concerning application of the DRFA WA in relation to acceptable procurement processes and evidence requirements; and report to the Zone.

NORTH METROPOLITAN ZONE (Policy Portfolio)

Advocacy for the Establishment of a Translocation Centre for Mass Wildlife Displacement

That the North Metropolitan Zone requests the Western Australian Local Government Association (WALGA) to advocate to the State Government for the immediate establishment of permanent translocation centres across WA to manage mass wildlife displacement caused by urban expansion, renewable energy projects and infrastructure development.

These centres must be:

- a) Strategically located within high-risk urban growth corridors to prevent mass mortality events.
- b) Properly funded and managed; to ensure humane sedation and removal from development sites.
- c) To ensure animals are kept together and released together in original numbers and that sites are large enough to take all the displaced animals from development sites to the new translocation sites.
- d) Ensure up to three stages of the translocation process occurs and allows time to ensure animals can adapt to the new vegetation habitat and find water prior to stage 3 release.
- e) Translocation centres must be funded for cost of supplemental vegetation and food during staging to ensure animals are given sufficient time to adapt to the new vegetation.
- f) Veterinary care and post-release monitoring is provided and allowed under the conservation act.
- g) That translocation centres and wildlife corridors are legally recognised as essential infrastructure within urban planning and environmental impact assessments.

Failure to act will result in the largest wildlife crisis WA has ever faced, drawing national and international scrutiny, and damaging WALGA's reputation as an advocate for responsible environmental governance.

NORTH METROPOLITAN ZONE (Policy Portfolio)

Social Housing

That the North Metropolitan Zone calls on WALGA to advocate to State Government to better support the community inclusion of social housing tenants within the wider community by:

1. Informing local communities when social and affordable housing build projects are in development to allow for community feedback.
2. Consult with Local Government and WA Police to better manage social cohesion and service requirements in response to new social housing builds, especially those with high density.
3. Commit to funding wraparound support services for social housing to support tenants with complex needs.
4. Commit to funding addition community safety services provided by Local Government or WAPOL to support tenant interactions with the wider community and public space.
5. Management of social housing tenancy agreement breaches.

PEEL COUNTRY ZONE (Member Services Portfolio)

Rating of Large Scale Renewable Energy Facilities

That the Peel Country Zone:

1. supports the rating of large-scale renewal energy facilities as gross rental value (GRV) improvements on land;
2. supports a review through WALGA of the legal case history across Australia of item 1 above, for a legal opinion and recommendations regarding any legislative changes that will ensure GRV rating for renewable energy facilities in Western Australia; and
3. subject to item 2 outcomes, supports the development of this position by WALGA as an advocacy position.

PEEL COUNTRY ZONE (Office of the CEO)

LGIS Claims Management

That WALGA:

1. engage an independent investigator to review the performance, structure and time taken to process workers compensation claims since 12 months prior to the current CEO until now, and that the selection panel for this investigator be chosen by a panel that includes Local Governments affected by the performance of LGIS;
2. ensure that this report is made available unredacted to each Local Government;
3. ensures that the report is completed by 30 September 2025; and
4. are at arms-length from this report.

SOUTH EAST METROPOLITAN ZONE (Advocacy Portfolio)

Biennial Climate Change Conference

That WALGA organises (commencing in 2026) a biennial conference or get-together in the alternate year to the WALGA Urban Forest Conference, focused on taking stock of progress and opportunities for further action as per the WALGA Climate Change advocacy position.

SOUTH EAST METROPOLITAN ZONE (Member Services Portfolio)

WALGA's Advocacy Position on the Frequency of Elections

That WALGA amends advocacy position 2.5.16 on elections and supports all in/all out elections.

13 DATE OF NEXT MEETING

The next ordinary meeting of the WALGA State Council will be held in the Boardroom at WALGA, ONE70, LV3, 170 Railway Parade, West Leederville on Wednesday, 2 July 2025 commencing at 4:15pm.

14 CLOSURE

There being no further business the Chair declared the meeting closed at 2:06pm.

STATUS REPORT ON STATE COUNCIL RESOLUTIONS

MEETING	RESOLUTION	COMMENT	COMPLETION DATE	OFFICER RESPONSIBLE
5 March Item 8.1 Climate Change Advocacy Position	That State Council refer this advocacy item back to the Environment Policy Team for further development. RESOLUTION 003.1/2025	The Environment Policy Team considered motion 8.1 at the March meeting, following State Councils recommendation for further development. The Environment Policy Team agreed that further sector consultation needed to occur to fully understand the sector views in relation to the composite updated Advocacy Position on Climate Change and resolved for WALGA to develop an approach for sector consultation for consideration at the Environment Policy Team meeting in May.		Nicole Matthews Executive Manager Policy
5 March Item 8.2 Waste Management Legislation Advocacy Position	That State Council replace the Waste Management Legislation Policy Statement and Advocacy Position 7.1 Waste Management Legislation with the following advocacy position: <i>1. Local Government <u>generally</u> supports Australian and State Government waste management legislation which:</i> <i>a. includes requirements for national and state waste strategies which support Local Governments to implement the strategies and achieve targets</i> <i>b. focuses on coordinated action and clear roles and responsibilities</i>	Advocacy Positions Manual updated.		Nicole Matthews Executive Manager Policy

MEETING	RESOLUTION	COMMENT	COMPLETION DATE	OFFICER RESPONSIBLE
	<i>c. establishes a lead agency for waste management</i> <i>d. establishes and maintains a regulated product stewardship framework for all products entering the Australian market</i> <i>e. includes provisions to optimise market development and participation in waste processing.</i> <i>2. Local Government calls for the Waste Avoidance and Resource Recovery Act 2007 to be amended to include:</i> <i>a. Waste education in the definition of Waste Services</i> <i>b. Circular Economy principles.</i> RESOLUTION 004.1/2025			
5 March Item 8.3 Appointment to Finance and Services Committee	That State Council appoint Mayor Caroline Knight, the State Council representative from the Peel Country Zone to the Finance and Services Committee. RESOLUTION 005.1/2025	Noted	March 2024	Tony Brown Executive Director Member Services
5 March Item 8.4 Finance and Services Committee Minutes – 19 February 2025	That State Council endorse the Minutes of the Finance and Services Committee meeting held on 19 February 2025. RESOLUTION 006.1/2025	Endorsed	March 2024	Tony Brown Executive Director Member Services
5 March Item 8.5 Local Government House Trust Board of	That State Council note the Minutes of the Local Government House Trust Board of Management meeting held on 19 February 2025. RESOLUTION 007.1/2025	Noted	March 2024	Tony Brown Executive Director Member Services

MEETING	RESOLUTION	COMMENT	COMPLETION DATE	OFFICER RESPONSIBLE
Management Minutes – 19 February 2025				
5 March Item 8.6 Honours Panel Minutes – 18 December 2024	That State Council note the Minutes of the Honours Panel meeting held on 18 December 2024. RESOLUTION 008.1/2025	Noted	March 2024	Tony Brown Executive Director Member Services
5 March Item 8.7 Selection Committee Flying Minute – 18 February 2025	That State Council note the resolution contained in the 18 February 2025 Selection Committee Flying Minute. RESOLUTION 009.1/2025	Noted	March 2024	Tony Brown Executive Director Member Services
5 March Item 8.8 LGISWA Board Minutes	That State Council note the Minutes of the LGISWA Board meeting held on 13 December 2024. RESOLUTION 010.1/2025	Noted	March 2024	Tony Brown Executive Director Member Services
5 March Item 8.9 LGIS Board Remuneration	That State Council: 2. Endorse amendments to the LGIS Corporate Governance Charter to replace the use of the existing Average Weekly Earnings figure (Perth, ABS schedule 6302.0) to the Wage Price Index (reflecting ordinary time hourly rates of pay excluding bonuses for Western Australia; private and public sector; all industries for the prior 12 months), incorporating minor drafting improvements. 3. Approve the remuneration for LGIS Board Members to be adjusted upward by 3.3% for the 2025-26 financial year accordingly. RESOLUTION 011.1/2025	Amendments to the LGIS Corporate Governance Charter endorsed. Remuneration for LGIS Board Members approved.	March 2024	Tony Brown Executive Director Member Services

MEETING	RESOLUTION	COMMENT	COMPLETION DATE	OFFICER RESPONSIBLE
5 March Item 8.10 Use of the Association's Common Seal	That State Council: 1. Notes the delegated use of the common seal by the President and CEO being affixed to the Compliance Certificate for Building Loan Facility with Commonwealth Bank. 2. Notes the delegated use of the common seal by the President and CEO being affixed to the Letter of Offer (Reinstatement) with Australia and New Zealand Banking Group Limited for the LGIS WorkCare Bank Guarantee for 2025 on 5 February 2025. 3. Approves and ratifies WALGA entering into that Letter of Offer (Reinstatement), which increases the applicable Facility Limit to \$ <redacted> to satisfy the requirements of WorkCoverWA and enable the continuation of the LGIS Workers Compensation arrangements. RESOLUTION 012.1/2025	Noted Letter of Offer approved and ratified.	March 2024	Tony Brown Executive Director Member Services
5 March Item 9.1 Infrastructure Policy Team Report	That State Council: 1. Note the report from the Infrastructure Policy Team for the 5 March 2025 meeting. 2. Determine to: a. Delete Advocacy Position 5.2.8 (Towards Zero Road Safety Strategy 2008 – 2020). b. Amend the title of Advocacy Position 5.2.7 from Road Safety Strategy (Imagine Zero) to Driving Change Road Safety Strategy 2020-2030. 3. <u>Undertake further policy development and consultation with Members regarding the default open road speed limit in Western Australia.</u> RESOLUTION 013.1/2025	Advocacy Positions Manual updated.		Ian Duncan Executive Manager Infrastructure

MEETING	RESOLUTION	COMMENT	COMPLETION DATE	OFFICER RESPONSIBLE
6 December Item 8.1 2024 Annual General Meeting Resolutions	That: 1. the item 7.1 Amendments to <i>Cat Act 2011</i> - Allow Local Governments to Make Local Laws to Contain Cats to the Owner's Property be endorsed. ... 3. the following resolutions from the 2024 WALGA Annual General Meeting be referred to the Governance Policy Team for further work to be undertaken: 7.2 Advocacy for Legislative Reforms to Counter Land-Banking 7.3 Advocacy for Expansion of Differential Rating to Include Long Term Unoccupied Commercial Buildings (Property Activation Levy). RESOLUTION 089.5/2024	Advocacy Positions Manual updated. Correspondence has been sent to the Minister for Local Government requesting the CAT Act be reviewed to provide Local Governments with the ability to contain cats on an owner's property. In addition, work has commenced on developing a template Cat Local Law to assist Local Government to make local laws to the extent of the current local law-making powers. Work on items 7.2 and 7.3 is being carried out and an update will be provided for the next meeting.		Tony Brown Executive Director Member Services
6 December Item 8.1 2024 Annual General Meeting Resolutions	That: ... 2. the following resolutions from the 2024 WALGA Annual General Meeting be referred to the Environment Policy Team for further work to be undertaken: 7.2 Advocacy for Legislative Reforms to Counter Land-Banking 7.4 Action on Asbestos for Western Australia 7.6 Advocacy for Accessibility. ... 4. the following resolution from the 2024 WALGA Annual General Meeting be referred to the People and Place Policy Team for further work to be undertaken:	Items 7.2, 7.4 & 7.6 will be considered at upcoming meetings of the Environment Policy Team. The People and Place considered motion 7.5 at the March meeting and carried the recommendation: That the People and Place Policy Team agree that the 2024 AGM motion 7.5 Addressing the Impracticality of Local Governments Funding Department of Communities and GROH Houses will be addressed as part of WALGA's advocacy approach on this issue.	Item 7.5 completed 19 March 2025	Nicole Matthews Executive Manager Policy

MEETING	RESOLUTION	COMMENT	COMPLETION DATE	OFFICER RESPONSIBLE
	7.5 Addressing the Impracticality of Local Governments Funding Department of Communities and GROH Houses. RESOLUTION 089.5/2024			
6 December Item 8.2 Local Government Elections Advocacy Positions	That item 1 be deferred, and the Secretariat further investigate implications of compulsory and voluntary participation in Local Government elections and report back to State Council. RESOLUTION 090.5/2024 That WALGA adopt the following Elections Advocacy Positions: <i>The Local Government sector supports:</i> <i>1. Councillors serve four-year terms with elections every two years and half of the Council positions spilled at each election.</i> <i>2. First-Past-The-Post (FPTP) voting system for Local Government elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections.</i> <i>3. First-Past-The-Post (FPTP) voting system for internal Council elections.</i> <i>4. Councils holding elections by means of in-person, postal and/or electronic voting.</i> <i>5. Current legislative provisions of Mayor/President of Class 1 and Class 2 Local Governments being directly elected by the community and Class 3 and Class 4 Local Governments determining whether its Mayor or President is elected by the Council or by the community.</i>	Advocacy Positions Manual updated. Preparation of a report on implications of compulsory and voluntary participation in Local Government elections in progress. Letter written to Minister for Local Government advising on the five advocacy positions endorsed.		Tony Brown Executive Director Member Services

MEETING	RESOLUTION	COMMENT	COMPLETION DATE	OFFICER RESPONSIBLE
	RESOLUTION 091.5/2024			
6 December Item 8.6 Bus Stop Infrastructure Agreement	That State Council: - Provides in principle support for the proposed Bus Stop Infrastructure Partnership Agreement between WALGA and the Public Transport Authority 2024/25 to 2028/29. - Request the WALGA Secretariat negotiate with the Public Transport Authority seeking: - Deletion of the word “typically” from Clauses 6.2, 8.1 (ii) and 8.6 (i) - Indexation of funding provided under the Bus Shelter Subsidy Program (BSSP) and Bus Shelter Maintenance Assistance Scheme (BSMAS) during or at the end of the Agreement - Authorise the WALGA President to sign the Bus Stop Infrastructure Partnership Agreement, on the completion of best endeavours to negotiate with the Public Transport Authority. - Refer the request for WALGA develop an advocacy position that Commonwealth Disability Standards have a provision for minimum standards of public transport shelter to the Infrastructure Policy Team. RESOLUTION 095.5/2024	The outcome of negotiations with the PTA to amend the draft Agreement to incorporate the matters identified were documented and provided to the WALGA President and CEO for consideration in early April.		Ian Duncan Executive Manager Infrastructure