

Murchison Country Zone of WALGA

Shires of –ABN 75 305 122 944

Cue
Meekatharra
Mount Magnet
Murchison
Sandstone
Yalgoo



MINUTES

Murchison Country Zone

of

Western Australian Local Government Association

Friday 19 April 2024 - 9.36am

Cue Administration Centre - Austin Street Cue

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Ordinary Meeting, Cue Administration Centre on Friday 19 April 2024

1. Opening

The Chair opened the meeting at 9.36am.

2. Attendance

2.1 Delegates

Cr Rosasco Foulkes-Taylor	President Shire of Murchison, Zone President
Cr Emma Foulkes-Taylor	Shire of Murchison
Cr Jim McGorman	President Shire of Mount Magnet
Ms Tralee Cable	CEO Shire of Mount Magnet
Cr Les Price	President Shire of Cue, Deputy Zone President
Mr Richard Towell	CEO Shire of Cue
Cr Beth Walton	President Shire of Sandstone
Cr Vicky McQuie	Shire of Sandstone
Cr Harvey Nichols	President Shire of Meekatharra
Mr Kelvin Matthews	CEO Shire of Meekatharra
Cr Raul Venzuela	President Shire of Yalgoo
Mr Ian Holland	CEO Shire of Yalgoo

2.2 Observers

Mr Peter Money	Acting CEO Shire of Sandstone
Mr Bill Bohem	CEO Shire of Murchison
Ms Samantha Appleton	Executive Officer Murchison Country Zone

2.3 Visitors

Ms Nicole Matthews	Executive Manager Policy WALGA
Mr Daniel Thompson	Acting Manager of Economics WALGA
Hon Melissa Price MP	Member for Durack
Mr Don Mitson-Clarke	Office of Hon Melissa Price
Hon Merome Beard MLA	Member for North West Central
Mr Shane Love	Leader of the Opposition, Leader of the Nationals
Ms Holly Freeman	Office of Shane Love
Mr Mark Holdsworth	Executive Officer Regional Development Australia Mid West
Mr Rick Ryan	Acting Area Officer Murchison DFES
Mr Kieran Mussen	Acting Superintendent DFES
Mr John D'arcy	Stakeholder manager Water Corporation
Ms Veronique Thomas	Communication Advisor Water Corporation
Mr Adam Murezski	Acting Regional Development Officer MWDC
Mr Anthony Quahe	Civic Legal
Mr David Price	David Price Consulting
Ms Karen Morrissey	Murchison Geo Regions
Mr Kim Ingle	Acting Regional Director Main Roads WA
Ms Lousie Admamson	Network Manager Main Roads WA
Ms Victoria Gorrie	DON HSM WACHS Midwest
Mr Chris Lewis	ABC Features Reporter
Ms Piper Duffy	ABC Journalist
Mr Ahmed Khan	Accountant Shire of Cue
Cr Julie Humphreys	Shire of Cue

2.4 Apologies

Cr Karen Chappel K.J AM JP	President WALGA
Hon. R.H. Cook, MLA	Premier; Minister for State and Industry Development, Jobs and Trade; Public Sector Management; Federal-State Relations
Hon. S.M. Ellery, MLC	Minister for Finance; Commerce; Women's Interests
Hon. S.N. Dawson, MLC	Minister for Emergency Services; Innovation and the Digital Economy; Science; Medical Research; Minister assisting the Minister for State and Industry Development
Hon. D.A. Templeman, MLA	Minister for Culture and the Arts; Sport and Recreation; International Education; Heritage
Hon. J.R. Quigley, MLA	Attorney General; Minister for Electoral Affairs

Hon. H. M. Beazley	Minister for Local Government; Youth; Minister Assisting the Minister for Training and Workforce Development
Hon. Dr A.D. Buti, MLA	Minister for Education; Aboriginal Affairs; Citizenship and Multicultural Interests
Hon. S.F. McGurk, MLA	Minister for Training and Workforce Development; Water; Industrial Relations
Hon. D.T. Punch, MLA	Minister for Regional Development; Disability Services; Fisheries; Seniors and Ageing; Volunteering
Hon. R.R. Whitby, MLA	Minister for Energy; Environment; Climate Action
Hon. S. Winton, MLA	Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services
Hon. J. Jarvis, MLC	Minister for Agriculture and Food; Forestry; Small Business
Hon. J.N. Carey, MLA	Minister for Planning; Lands; Housing; Homelessness
Hon Rosetta Sahanna MLC	Member for Mining and Pastoral
Hon Kyle McGinn MLA	Member for Mining and Pastoral
Hon L Mettam MLA	Leader WA Liberals
Hon Peter Foster MLC	Member for Mining and Pastoral
Ms Carol Redford	CEO Astrotourism WA
Ms Janet-Hartley West	Regional Manager Midwest-Gascoyne Region Central and Northern Regions Main Roads WA
Mr Mark Bowen	Superintendent DFES
Ms Isobel Ross	Mental Health Promotion Coordinator WACHS Midwest
Mr Mark Strickland	Area Officer Murchison
Mr Nils Hay	Chief Executive Officer MWDC
Ms Yvonne Messina	Chair Regional Development Australia – Midwest Gascoyne
Ms Samantha Adams	Regional Road Safety Advisor WALGA Roadwise
Ms Joanne Fabling	CEO Midwest Chamber of Commerce and Industry
Mr Steve Greeve	Mid West Regional Manager Water Corporation
Cr Ian Black	Shire of Mount Magnet
Cr Stan Willock	Shire of Yalgoo
Ms Bev Hammerton	Operations Manager WACHS Midwest
Ms Jodi Rollston	Operations Manager WACHS
Mr Craig Vinci	Regional Manager Department of Local Government, Sport and Cultural Industries

3. Official Opening of Conference

Mr Ian Holland CEO of the Shire of Yalgoo welcomed those attending and opened the meeting.

4. Confirmation of the Minutes

4.1 Confirmation of Minutes – Ordinary Meeting 17 November 2023

Comment

Minutes of the meeting held Zone Meeting held 17 November 2023 have been circulated to Member Shires.

Recommendation

That the Minutes of the Zone Meeting held 17 November 2023 be confirmed.

RESOLUTION – Moved: Cr Venezuela Seconded: Cr Walton

That the Minutes of the Zone Meeting held 17 November 2023 be confirmed.

Carried 12/0

5. WA Local Government Association

5.1 WALGA President –

This was presented by Ms Nicole Matthews, Executive Manager Policy WALGA after item 6.4.

President's Report

May 2024

Introduction

It has been another busy couple of months in Local Government since the last round of Zone and State Council meetings. There has been the Aboriginal Engagement Forum, the launch of the WA Tree Festival(Tree Fest) for 2024, lots of discussion on planning matters, the State Government has opened a WA Hub in Canberra and much more. I will outline some of this activity in this report.

WA Canberra Hub

On 26 March, I was invited by the State Government to attend the official opening of the WA Canberra Hub.

The hub aims to facilitate collaboration with Commonwealth and other State and Territory Governments. Providing a space for in-person meetings, the hub is available for Member Councils, peak bodies, WA industry, Not-for-profits and advocacy organisations.

The hub will support a new way of working with the Federal Government, help to champion WALGA and the State's priorities, enhance relationships and improve outcomes for Local Governments and all Western Australians.

The opening was attended by WA Premier Roger Cook, Hon Hannah Beazley BA MLA, Hon David Michael MLA and Hon Reece Whitby MLA, and was an opportunity to celebrate the launch and new home for WA. I also took the opportunity to discuss Local Government issues with the State's leaders.

Planning

There has been a great deal of activity on trees in recent weeks. In early March, WALGA's model Local Planning Policy (LPP) was released, which enables Local Governments to regulate the removal of significant trees on private land. While planting trees is important, we know it is not enough to stem the loss in canopy cover. The model LPP will enable greater protection for our most significant of our canopy trees without the need for State Government approval.

Round One of the Urban Greening Grants has also been announced, with 12 Local Governments sharing in almost \$600,000 to plant 9,400 trees and 29,000 understory species this winter. And amongst all of this there continues to be a growing awareness

and concern about the impact of the Polyphagous Shot Hole Borer on our tree canopy across the metropolitan area.



I was very pleased that that the Minister for Planning; Lands; Housing; Homelessness has listened to our request for a comprehensive review of Local Government planning fees and charges. These fees have not changed in over a decade, despite State planning charges rising significantly over this time. The review is a significant first step to ensuring fees are set at cost recovery and appropriately indexed going forward.

National Inquiry into Local Government Sustainability

The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport will inquire into and report on Local Government sustainability. Local Governments are encouraged to make a submission by the due date of Friday, 3 May 2024 and provide recommendations relating to any or all of the inquiry's terms of reference.

The Committee has prioritised a deeper understanding of Local Government financial sustainability and funding frameworks, alongside the changing infrastructure requirements and service delivery obligations for Local Governments. The Committee are seeking to understand the challenges faced by Local Governments in servicing infrastructure requirements across Australia's regional, rural, and remote locations.

They will also examine labour hire and retention trends, including the impacts of labour hire practices, to identify barriers and opportunities to support our local workforce and Local Government sustainability and service delivery obligations.

WALGA is seeking an extension for this deadline for Local Governments until Friday, 31 May 2024. Further communications will be provided if this deadline extension is approved.

I would encourage Local Governments to provide a submission where possible.

Standardise Meeting Procedures

Meeting Procedures (Standing Orders) Local Laws have been the foundation for facilitating efficient and effective Council and Committee meetings. The State Government's Local Government Reform includes the proposal for replacing local laws with Standard Meeting Procedures Regulation. The Department of Local Government, Sport and Cultural Industries is consulting on proposals, with feedback required to the Department by 29 May 2024.

WALGA has prepared a Discussion Paper that combines the Department's Consultation Paper with comment and is seeking feedback from Local Governments. This feedback will be utilised to develop a sector-wide advocacy position for submission to the Department. Responses to WALGA are requested by Monday, 29 April 2024.

Again, I would encourage all Councils to provide a submission to the Department and to WALGA.

2024 Aboriginal Engagement Forum

I was delighted to provide an opening address at the seventh WALGA Aboriginal



Engagement Forum at the State Reception Centre in King's Park. It was important for me professionally and personally to acknowledge how difficult the last 12 months have been for First Nations people in my speech to the 160 plus delegates. I'm proud that WALGA and Local Government continues to learn and progress in this space.

WA 2024 Tree Festival launch

On Wednesday 27 March, WALGA collaborated with the Kings Park and Botanic Garden to launch the WA Tree Festival (Tree Fest) for 2024. The launch featured celebrity horticultural experts Trevor Cochrane and Sue McDougall in the beautiful Botanical Pavilion and Terraces in King's Park (Kaarta Gar-up).

In Western Australia, we are losing trees at a rate faster than we can replace them with the overall tree canopy in Perth at 16%; the lowest of any Australian City. Tree Fest aligns with [WALGA's State Budget Submission](#) ask for cooler cities and shadier suburbs through the creation of a State-Wide Urban Forest Strategy (\$1million) and the expansion of the Urban Greening Grant program (\$20m over 4 years).

Starting Saturday, 6 April and hosted during nature's natural planting window, the WA Tree Festival brings around 50 Local Governments and community groups together to help share the value of trees through events, activities and initiatives.

Media Activity

WALGA's Policy and Communications teams briefed me on a range of proactive and reactive media activity throughout February and March. As President, I held multiple interviews, including discussing planning reforms to R-codes, our request on more State budget money for Local Government libraries, the urban greening grants, the ARENA electric vehicle funding and emergency management funding.

Planning reforms around granny flats was the issue that sparked the most media interest.

**President Cr Karen
Chappel AM JP
WALGA President**



President's Contacts

The President's contacts since 6 March 2024 and scheduled before 1 May 2024 are as follows:

State and Commonwealth Government Relations

- Department of Energy, Mines, Industry Regulation and Safety - PoweringWA
- Western Australia Canberra Hub Opening
- National Emergency Management Ministers Meeting

Zone Meetings

- Central Country Zone Meeting
- Murchison Country Zone Meeting

Local Government Relations

- State Council Meetings:
 - State Council Meeting - March 6, 2024
 - WALGA Election Priorities Workshop
 - Local Government House Trust - Special Meeting x 2
 - Information Forum
 - Finance & Services Committee Meeting
 - Zone Chair Induction
- LGIS
 - JLT Management Committee
 - Offsite Board Workshop
- ALGA
 - Board Meeting
- Lord Mayors Distress Relief Fund
 - Board meeting, 11 April
- State Road Funds to Local Government Advisory Committee
- State Road Funds to Local Government Advisory Committee - Delegates Briefing and Workshop
- WALGA Aboriginal Engagement Forum
- CEO Performance Review Committee Meeting
- Inner City Group Meeting of the Mayors and CEOs
- Pre-SAC Meeting

Conferences, Workshops, Public Relations

- Streets Alive Program Launch
- Regional Telecommunications Review Breakfast
- Pathway to Politics for Women Advisory Committee

5.2 Zone Representative to State Council - Cr Les Price

Cr Price paid his respects to the late Pixie Pidgeon former Councilor and wife of former Shire President Ross Pigdon. He paid tribute to her work in the community during her lifetime.

19th April 2024

'CUE PARLIAMENT' - Murchison Country Zone

WELCOME Nicole Matthews - Executive Manager Policy WALGA. Representing WALGA President Karen Chappel

LAST MEETING 17th November '24

- 2 x State Council Meetings
- 2 x Strategic Forums
- 2 x State Council formation Forums
- 1 x Mining Industry and Shire Relationships in the Western Australian Murchison Region Meeting/Workshop - Geraldton
- 2 x Environment Policy Team Meeting
- 3 x Selection Panel Meetings
- 2 x Metropolitan Waste & Advisory Council (MWAC) Meetings.
- 1 x Flying Minute.
- 1 x Aboriginal Cultural Heritage Legislation Information Session
- 1 x WALGA State Council Induction
- 1 X WALGA Election Priorities Workshop
- 1 x Role of Mayors and Presidents
- 1 x DLGSC Local Government Reform Webinar No.1 - 2024

Whilst these few months have been somewhat less hectic when compared with very busy schedule of activities undertaken at the time of my last Zone report, nonetheless' WALGA continues to advocate and press for issues that affect Local Government. As always, I am mindful that as a State Councillor, I have an obligation to consider and support the advocacy positions of our Metropolitan Zones so long as that advocacy position does not impact Local Governments in the Murchison Country Zone in negative way. Cohesion and collaboration between the Country and Metrolpoitan Zones are crucial if we are to have a successful State Council where advocacy positions are considered and adopted. These positions should always be for the betterment of Local Government and its communities and not solely for the benefit of some sections of the community and not to the detriment or benefit for others. We in the regions are particularly vulnerable since our population base is small and, sad to say, our political impact negligible.

As you would be aware there is a State election looming in early 2025 and over the next few months you no doubt will see the Government espousing the virtues of their fiscal management and what they have done for Local Government and the Community at large. The available time gives WALGA the opportunity to develop priorities for the sector so that we can have some impact at the decision table of the incumbent Government. Over time I have sent through several emails with attachments on topics that are of interest not only to our region but also to the wider Local Government community.

During the State Council Meeting on 7th March 2024 State Councillors had the opportunity to vote for a new WALGA President and Deputy President for a further two year term. Karen Chappel (Shire President of Morawa) and Patrick Hall (Mayor, City of Canning) nominated for the role of President while Cr. Paul Kelly (Town of Claremont) nominated to continue as Deputy President. No other nominations were received for either position. All nominees have the credentials to take up the role. With 14 new State Councillors participating in a WALGA election for the first time the outcome was not always easy to predict. Karen Chappel was elected President and Cr. Paul Kelly as Deputy President. In passing, I would like to make mention that, following the election, Mayor Hall was very gracious in approaching President Chappel to congratulate her in front of all State Councillors.

President Chappel was unfortunately not able to be here today and is represented by Nicole Matthews. I would also like to welcome Daniel Thompson, Acting Manager of Economics WALGA.

Also, at the State Council Meeting Policy Team Chairs were elected by Policy Team Members and I was given the opportunity to continue as Chair of the Environment Policy Team, which is overseen by Nicole Matthews, who represent the WALGA President here at our meeting.

Recent activity has been very much focused on a number of areas:-

1. **WALGA CEO, Nick Sloan - Focus.**

At the State Council Meeting held on 7th March, CEO Nick Sloan provided a snapshot as to his direction for the Local Government Sector.

CEO Sloan is very mindful that WALGA has a key role to play in that it represents 1,137 elected members across 139 Local Governments with assets of \$50 Billion and having 87% of WA's road network under Local Government control. There is around 80 pieces of State legislation WALGA deals with.

WALGA has three (3) main areas of delivery being:-

- Policy Development.
- Services and Advice.
- Operational Functions.

WALGA's focus for will include:

- Climate Change.
- Emergency Management.

- Planning and Building Reform.
- Access to primary healthcare in regional and remote areas.
- Funding for cultural, sporting and waste infrastructure.
- Biosecurity.
- Infrastructure - Asset Management - Roads - Research – Innovation.

There will, amongst others, be advocacy positions around the following:-

- State Budget.
- Regional Road Safety Programs.
- Local Government Act 1995 Reforms.
- Transition to State Industrial Relations Systems.
- WALGA events and webinars.
- Proactive Media Engagement.

We, as a Zone, get the opportunity to contribute to the overall framework of policy and advocacy and members around this table should take some time to provide feedback and commentary, as brief as that may be, so that I can promote those positions at the appropriate time. I would like to thank those who do contribute...please keep it up!

While on WALGA personnel some areas of responsibility include:-

Tony Brown - Executive Director, Member Services.

Nicole Matthews - Executive Manager Policy

Ian Duncan - Executive Manager, Infrastructure.

Rachel Horton - Executive Manager Advocacy.

2. Hon Hannah Beazley BA MLA, Minister for Local Government

On 8th December Hon Hannah Beazley was appointed in the role as Minister for Local Government, Youth; Minister Assisting the Minister for Training and Workforce Development.

The Minister presented at the WALGA Strategic Forum on 6th March 2024 and outlined her vision and priorities for the Local Government portfolio. As a new Minister Hannah is getting her head around all the happenings of the portfolios she is responsible for.

The Minister is a supporter of Local Government and has an 'open' door policy and will be available to discuss matters of concern on various issues that arise from time to time that impact your Local Government and Council.

- The Minister and her Department have been monitoring the impacts of the introduction of the Tranche 1 Reforms to the Local Government Act 1995. These changes were approved by Parliament on 11th May 2023.
- Aside from Optional Preferential Voting and the requirement to publicly elect a Mayor or President of a large council there are three other matters which will impact all Local Governments. These include:-
 - (i) Setting State-wide caretaker periods during ordinary council elections.
 - (ii) Setting standardised council meeting procedures.

- (iii) Mandating live streaming of council meetings for Bands 1 and 2 and the recording of council meetings for Bands 3 and 4.
- The Minister also went on to say that she is open to consider other proposals that benefit Local Governments and their communities.
- There have been several changes which impact the manner in which Local Governments and Councils go about their business. The Minister is mindful of this and will see where any improvements can be made.
- The 2nd Tranche of the Local Government Act 1995 Reforms will be introduced before the end of the 2024 year. Amongst other changes the main interest will centre on:-
 - (i) The establishment of a new Local Government Inspector and
 - (ii) The introduction of Local Government Monitors for early intervention.

I will keep you updated as time goes by.

The Minister was asked to see if she would look at the impacts of Optional Preferential Voting and reintroducing 'first past the post' voting for Bands 3 and 4 Local Governments. She was also asked about the impact of the caretaker provisions. I'm not so sure we will see any changes to the legislation however, these matters are now before her.

3. **Commissioner Darren Klemm, AFSM, Fire and Emergency Services Commissioner**

The Commissioner provided an update on the various issues relevant to Local Governments in the emergency management portfolio. Some of the issues raised related to

- Preparedness for an event.
- The available resources to deal with the event.
- The ability to recover from the event.
- Protection of the community and its assets.

Of course, the issue of constant delays in releasing flood damage funds under DRFAWA which is administered by the department of Fire and emergency services. The Commissioner said additional resources had been put on to deal with the backlog and said they are aware of the problem. There are somewhere around 35 Local Governments which are impacted. I have been engaging with WALGA Executive Manager, Infrastructure, Ian Duncan and I know he is acutely aware of the problem and has been addressing this issue on our behalf. I guess Ian's hands are somewhat tied as he tries to release the purse strings.

4. **WALGA Election Priorities Workshop**

- On 7th March 2024 I and other State Councillors attended a workshop run by WALGA to determine the sector's key asks in advance of the State election. The workshop was designed to develop our advocacy campaign around these priorities, and this will become a key focus of our work in 2024.
- State Council's input to this process will be crucial and I welcome any feedback as to the issues and priorities you would like advanced ahead of the election.

5. **WALGA State Council Induction**

With 14 new first time State Councillors coming on board WALGA ran an induction course to cover off on the role of a State Councillor, identifying the various activities WALGA undertakes and what is to be expected of a State councillor during the period of their tenure.

6. **Role of Mayors and Presidents**

I attended a WALGA workshop on the role of Mayors and Presidents, with a focus on meeting procedures and the impacts of the Local Government Act 1995 Reforms.

7. **Strategic Planning Review**

The current 2020-2025 Strategic Planning cycle is due for review and WALGA will be undertaking a strategic planning process over the course of 2024. An overview of the project and timelines will be provided to State Council in due course.

8. **Salaries and Allowances Tribunal**

State Council endorsed the submission to the 2024 Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members. SAT published its determination in April 2024 and I'm sure our CEOs are all on top of the outcomes.

9. **ONE70 Buyout Update.**

The 170 Railway Parade, West Leederville building is owned on a 60/40 split with joint venture partners Qube, governed by a Joint Venture agreement ('JVA'). Under the JVA WALGA (as Trustee) has an on-off pre-emptive right to purchase Qube's 40% share after ten years, in early 2024. The Local Government House Trust Board of Management committed to exploring the buyout option of the building. A process of exploration and due diligence has been in progress.

This is a valued asset the association owns.

10. **Aboriginal Heritage Act 1972**

The *Aboriginal Heritage Act 1972* is now in effect and replaces the contentious and divisive *Aboriginal Heritage Act 2021*. WALGA has been privileged to be part of the panel that was able to provide input into the Aboriginal Heritage Legislation Amendment and Repeal Bill 2023.

The new focus is around :-

- Reduced Fees - \$250 per Application.
- Section 18 and Section 16 Applications where there are multiple Aboriginal sites the fee is \$5,096 per site.
- DPLH to undertake Heritage surveys at their cost over the next 10 years.
- Rights of Review to SAT.
- Shorter engagement and response timeframes.
- Mapping to minimise 'dithering'. Survey program will identify incorrect mapping.
- The main message - *Do your Due Diligence*.

11. **Honours Panel and Selection Panel Updates.**

Nominations are now open for WALGA Honours Awards and your consideration of someone within your Council who is deserving of some recognition. This is open to Elected members and officers of Local Governments. Nominations close at 5.00pm on 31st May 2024. There six awards available and these can be accessed on the WALGA website.

12. **Metropolitan Waste Advisory Council (MWAC).** The main issues for the Council centred on:-

- Waste Levy - Policy Statement and Advocacy Position.
 - (i) Currently 75% of funds collected through the Levy go to consolidated revenue with the remaining 25% hypothecated to the Waste Avoidance and Resource Recovery (WARR) Account.
 - (ii) WALGA's position is that all levies should be hypothecated to strategic waste management activities and
 - (iii) The levy should not be applied to licenced landfills outside the metropolitan area.
- The Waste & Environment Summit has been scheduled for Thursday 30 and Friday 31 May at the Shire of Northam Town Hall.
 - (i) The program will focus on key issues for the region, including waste management, biodiversity and biosecurity.
- State based system for Hazardous Household Waste.
- Recovery and recycling of offroad tries.
- Packaging Reform.
- E-Waste landfill ban regulations.
- E-cigarette/Vape Disposal Issues.

13. **Environment Policy Team Activities**

- WALGA has signed contracts for the Australian Renewables Energy Agency (ARENA) Funding program and has fully commenced program implementation. 22 Local Governments have committed to install 22 DC electric chargers and purchase 129 EV's as their contribution to the \$7.68M program.
- *'Polyphagus Shot-Hole Borer'*.
 - (i) There are currently 25 Local Governments which have now been quarantined as the spread of the beetle is becoming uncontrollable and widespread. Trees in Fremantle, Claremont, Kings Park, Perth Zoo and Hyde Park are currently being removed by The Department of Primary Industries and Regional Development (DPIRD) to prevent the spread of the exotic beetle. The spread in the metropolitan area is being hastened through green waste collection services by contractors and Local Governments and ending up at refuse sites.
- As to the Biosecurity and Agriculture Management Act (BAM Act) review WALGA continues to be proactive and has presented at an independent panel review and prepared a discussion paper and submission.

- The \$3.75M Urban Greening Grant funded by DWER is still open with the 2nd round coming on stream in April 2024.
 - State Government is committed to Planning Reform with a review of Local Government Fees and Charges. There is only a 42% cost recovery per application and WALGA has prepared a Fees and Charges Issues Paper.
 - Currently looking at Town Planning Scheme amendments whereby a development application would be required for the removal of trees on private property. Watch this space!
14. **Policy Teams.** WALGA has a number of Policy teams to consider matters to go before State Council and encourages all Zones to continue to put forward issues that affect their communities for advocacy consideration. WALGA will only know your concerns through the Zone process.
 15. **Status Reports.** The Zone Agenda provides the status of issues put forward to WALGA for addressing. We continue to monitor this progress.
 16. **Next State Council Meeting 1st May 2024.** The meeting Agenda is now available and sets out the main items for consideration. Please advise any issues you would like me to raise at this meeting. The Meeting is being hosted by the City of Wanneroo.

Les Price

President, Shire of Cue

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cue.wa.gov.au



5.3 Zone Status Report – April 2024

COMPLETE ZONE STATUS REPORT - Murchison

April 2024

Zone	Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
Murchison	17 November 2023 Zone Agenda Item 7.6 Disaster Recovery Funding Arrangements WA	That Murchison Country Zone of WALGA request WALGA to advocate on behalf of the local government sector to expedite the approval process for the delivery of Disaster Recovery Funding Arrangements.	<p>In response to requests from WALGA, DFES staff undertook a series of consultation meetings with Regional Road Groups and on-line webinars to hear issues being experienced by Local Governments dealing with the Disaster Recovery Funding Arrangements.</p> <p>WALGA has continued to highlight that there are more than 30 claims in process, some dating back to 2021 that need to be resolved and progressed. During February DFES officers visited with Local Governments in the Murchison region including Yalgoo, Cue, Meekatharra, Murchison and nearby Wiluna to work with staff to progress the claims. Finding acceptable evidence of previous condition, maintenance and impact of the event is challenging.</p> <p>There is a commitment from DFES to finalise the legacy claims by the end of the current financial year. Further discussions with DFES are scheduled for April to monitor progress against this commitment.</p>	July 2024	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
Murchison	17 November 2023 Zone Agenda Item 7.7 Improving the Patient Assisted Travel Scheme	That Murchison Country Zone of WALGA request that WALGA advocate for improvements to the Patient Assisted Travel Scheme (PATS) for regional Western Australia particularly around fuel and accommodation subsidies.	<ul style="list-style-type: none"> This was referred to the People and Place Policy Team for consideration at its February 2024 meeting. The Policy Team resolved that WALGA write to the Minister for Health to seek a review of the current level of the Patient Assisted Travel Scheme with the intention to increase it to reflect current costs, including an annual CPI increase. 	April 2024	Nicole Matthews Executive Manager Policy nmatthews@walga.asn.au 9213 2039
Murchison	17 November 2023 Zone Agenda Item 7.4 Fees for objection under the Mining Act 1978	That the Murchison Country Zone of WALGA <ol style="list-style-type: none"> lodge an objection to the Department of Mines regarding their introduction of an \$859 Mining Objection Fee, 	The proposal is aligned to WALGA's advocacy position that a review be undertaken to remove fees and charges from legislation, and Councils be empowered to set fees and charges for Local Government services. State Council is	April 2024	Tony Brown Executive Director, Member Services 9213 2051 tbrown@walga.asn.au

		call for WALGA to develop an advocacy position which requests the State Government to provide public analysis on cost shifting to the local government sector when changes are proposed to legislation not administered by the Department of Local Government – namely mining, planning, building and emergency management.	due to review and prioritise advocacy positions shortly in the lead-up to the 2025 State and Federal elections.		
Murchison	17 November 2023 Zone Agenda Item 7.8 Optional Preferential Voting ('OPV')	That WALGA advocate to the Minister for Ports; Local Government; Road Safety; Minister Assisting the Minister for Transport, Hon David Michael MLA to review and repeal legislation to remove Optional Preferential Voting (OPV) for Band 3 and Band 4 Local Government Elections and for the election of Presidents, Deputy Presidents and Chairs of Committees of Band 3 and Band 4 Local Governments and to revert to the First Past the Post method of counting votes.	<p>WALGA's governance staff are conducting a review of Local Government elections for the period 2015-2023. This will include the issue of vote counting system for Local Government elections and for internal elections.</p> <p>A report, together with proposals for an alternative engagement strategy that provides for an independent assessment of WALGA's election advocacy is being prepared.</p> <p>WALGA has surveyed staff and Elected Members and Officers and is currently collating the feedback.</p> <p>This report is anticipated to be submitted for the June/July round of Zone and State Council meetings.</p>	April 2024	Tony Brown Executive Director, Member Services 9213 2051 tbrown@walga.asn.au
Murchison C	14 April 2023 Zone Agenda Item 8.1 Natural Disaster Relief Funding for Flood Damage Road Restoration Works	<p>That with regard to natural disaster relief, specifically for flood damage road restoration works, WALGA continue to lobby DFES for:</p> <ol style="list-style-type: none"> 1. improved efficiencies in the assessment, processing, and acquittal payments; or 2. a systemic change in the way claims are managed that improves the whole process. 	<p>In response to requests from WALGA, DFES staff undertook a series of consultation meetings with Regional Road Groups and on-line webinars to hear issues being experienced by Local Governments dealing with the Disaster Recovery Funding Arrangements.</p> <p>WALGA has continued to highlight that there are more than 30 claims in process, some dating back to 2021 that need to be resolved and progressed. During February DFES officers met with officers from many of the impacted Local Governments to progress the claims. Finding acceptable evidence of previous condition, maintenance and impact of the event is challenging.</p> <p>There is a commitment from DFES to finalise the legacy claims by the end of the current financial year.-Further discussions with DFES are scheduled for April to monitor progress against this commitment.</p>	July 2024	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031

Murchison C	25 November 2022 Zone Agenda Item 6.3 Sealing of Goldfields Highway – Meekatharra Wiluna Road	<p>That the Murchison Country Zone of WALGA:</p> <ol style="list-style-type: none"> 1. Support the Shires of Meekatharra and Wiluna in sealing the remainder of the Goldfields Highway (Meekatharra Wiluna Road) as a matter of priority; 2. Make representation to the State and Federal Governments on behalf of the Shires of Meekatharra and Wiluna to provide funding for the completion of the project; and 3. Include this motion and support in the next WALGA State Council Agenda. 	<p>The Infrastructure Policy Team resolved that WALGA support the Shires of Wiluna and Meekatharra in <u>their representations</u> to State and Federal Governments for funding to complete sealing the remainder of the Goldfields Highway.</p> <p>Delegates noted that local leaders are best placed to make representations to State and Federal Government representatives. WALGA is able to support preparations and if necessary, introductions.</p>	Ongoing	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
Murchison C	2021 19 November Zone Agenda Item 7.4 Review of the Mining Act 1978	<p>That Murchison Country Zone of WALGA:</p> <ol style="list-style-type: none"> 1. Recommend WALGA Conduct a survey of all Local Governments support a review of the Mining Act 1978 with respect to supporting a review of those components of the Mining Act 1978 that affect Local Governments; <p>and Murchison Country Zone of WALGA Minutes 19 Nov 2021 41</p> <ol style="list-style-type: none"> 2. that the recommendation be forwarded to the Mining Communities Policy Forum of WALGA to undertake a review. 	<p>WALGA has been in discussions with the Regional Development Australia - Mid West Gascoyne (RDAMWG) regarding the issues being considered by the Mining Communities Policy Forum with a view to progressing a discussion on the relationships between Mining Companies and communities.</p> <p>The RDAMWG has contracted a consultant to carry out work and survey stakeholders.</p> <p>A forum was held in Geraldton on 11 March 2024 between Local Governments, Mining sector and State Government representatives. The results of this forum has been circulated to Zone Local Governments.</p>	April 2024	Tony Brown, Executive Director Member Services tbrown@walga.asn.au 9213 2051

5.4 Agenda Briefs – WALGA Meeting 1 May 2024

This resolution is presented should members choose to resolve to support and note the agenda and noting items en bloc.

Recommendation

That WALGA agenda item 5.4.1.1 be supported and matters for noting items 5.4.2.1 to 5.4.2.5 be noted.

RESOLUTION

Moved: Cr Venezuela

Seconded: Cr Walton

That WALGA agenda item 5.4.1.1 be supported and matters for noting items 5.4.2.1 to 5.4.2.5 be noted.

Carried 12/0

MURCHISON COUNTRY ZONE OF WALGA

FLYING AGENDA

WALGA STATE COUNCIL MATTERS FOR DECISION and NOTING

AT WALGA MEETING ON WEDNESDAY 1 May 2024

The following recommendations have been taken directly from the WALGA State Council Agenda for 1 May 2024 and which contains important detail of each item.

Each recommendation is followed by a direction to refer to the full WALGA State Council Agenda and 3 voting options. This is an editable Word Document so all that is required is to delete the 2 voting options you do not support and in the case of option 3 state your alternative recommendation.

Please note that this agenda will be included in our Zone Agenda for discussion on 19 April 2024 so no response is required until our meeting on the Friday 19 April 2024.

5.4.1 Matters for Decision

5.4.1.1 Waste Levy Advocacy Position

By Rebecca Brown, Manager Waste and Environment

WALGA RECOMMENDATION

That State Council:

- 1. Replace the existing WALGA Waste Levy Policy Statement and Advocacy Position 7.4 Waste Management Funding:**

Local Government considers that:

- 1. Waste Avoidance and Resource Recovery Levy funds should be hypothecated to strategic waste management activities in line with the State Waste Strategy and strongly opposes the application of the Levy to non-waste management related activities, such as funding State Government core activities; and**
- 2. The Levy should not be applied to licensed landfills outside the metropolitan area.**

- 2. Endorse a new Waste Levy Advocacy Position as follows:**

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

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

Local Government considers that:

- 1. The Waste Avoidance and Resource Recovery Levy funds must be fully hypothecated to strategic waste management activities in line with the State Waste Strategy and not be used for non-waste management related activities, such as funding State Government core activities.**
- 2. Strategic waste management activities funded by the State Government should:**
 - a. Provide adequate funding and support for Regional Councils, non-metropolitan and metropolitan Local Governments;**
 - b. Reflect the targets and priorities within the Waste Strategy;**
 - c. Fully fund and acknowledge the life cycle costs of infrastructure and services; and**
 - d. Facilitate the development, implementation and ongoing operation of Product Stewardship Schemes.**
- 3. The Levy should not be applied to waste generated in the non-metropolitan area as it is not feasible, or appropriate, to implement the Levy in areas with a limited rate base, access to markets for recycled materials, economic growth and resources to manage such a change.**
- 4. The Levy should not be applied to waste received at premises undertaking licensed activities whose primary purpose is resource recovery.**

5. **The Levy must be supported by a clear, evidence-based rationale to demonstrate the suitability of how charges are set, how and where funds are allocated, and the extent to which it is delivering on its objectives.**

EXECUTIVE SUMMARY

- The Waste Levy and Strategic Waste Funding Policy Statement was first endorsed in 2008 and was amended in 2018.
- The Statement outlines the Local Government position on levies charged on the weight or volume of waste received at licensed premises and the application of those funds to waste management activities.
- In 2023, the WA Government published the findings of a Review of the Waste Avoidance and Resource Recovery (WARR) Levy. The consultation summary report and supporting consultant report can be accessed on the Department of Water and Environmental Regulation (DWER) [website](#).
- Key outcomes of the Levy Review included a five-year schedule of increases and a commitment to investigate extending the levy boundary to regional areas.
- The new Waste Levy Advocacy Position uses contemporary language emphasises:
 - Full hypothecation of the Levy;
 - The key areas of expenditure for the Levy;
 - Opposition to the expansion of the Levy’s geographic application;
 - Opposition to the application of the Levy to resource recovery activities; and
 - The need for a clear evidence-based rationale for setting and expending the Levy.
- The Municipal Waste Advisory Council (MWAC) endorsed the new Advocacy Position in February 2024.

ATTACHMENT

- Waste Levy Policy Statement

POLICY IMPLICATIONS

This item rescinds the existing [Policy Statement](#) and [Advocacy Position](#):

7.4 Waste Management Funding

Local Government considers that:

1. *Waste Avoidance and Resource Recovery Levy funds should be hypothecated to strategic waste management activities in line with the State Waste Strategy and strongly opposes the application of the Levy to non-waste management related activities, such as funding State Government core activities; and*
2. *The Levy should not be applied to licensed landfills outside the metropolitan area.*

A new Advocacy Position for the Waste Avoidance and Resource Recovery Levy is proposed:

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

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

Local Government considers that:

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

BACKGROUND

WALGA's [Waste Levy Policy Statement](#) and Advocacy Position 7.4 Waste Management Funding were first endorsed in 2008, and amended in 2018 following a review and to reflect the implementation of the Waste Avoidance and Resource Recovery Strategy 2030 (State Waste Strategy).

The updated Advocacy Position has been updated to make the language more contemporary and outlines the Local Government position on levies charged on the weight or volume of waste received while undertaking licensed activities, and the application of those funds to waste management activities.

The key elements of the Advocacy Position remain, there is no support for the non-metropolitan application of the Levy and all funds raised through the Levy should be hypothecated to Strategic waste management activities.

The Municipal Waste Advisory Council (MWAC) endorsed the new Advocacy Position in February 2024.

COMMENT

Currently, 75% of Levy funds go to consolidated revenue with the remaining 25% hypothecated to the Waste Avoidance and Resource Recovery (WARR) Account. A significant proportion of funds allocated to the WARR Account goes into funding ongoing operations of the Department. MWAC has identified the continued importance of full hypothecation of the Levy to strategic waste management activities. [WALGA's Budget Submission](#) identifies the need for the full Levy amount to be expended on strategic waste management initiatives.

WALGA's 2020 [Submission](#) to the Levy Review reiterated key points of WALGA's position, in particular Local Governments' concern regarding a potential expansion of the levy to non-metropolitan areas. Following the Levy Review, DWER has advised it is preparing a consultation regulatory impact statement (CRIS) on options to expand the area where the WARR Levy applies. This is expected to be released for comment in 2024. The CRIS will examine the benefits, costs and financial impacts of expanding the area.

When the two Waste to Energy facilities begin operation, the amount of waste to landfill and consequently Levy generation will decrease. The State Government's long-standing position is that only residual waste is to be used for energy recovery following better practice source separation and does not propose to apply a levy on this material. The ongoing implementation and promotion of State Waste Strategy target initiatives such as Food Organics Garden Organics (FOGO) systems, community education and behaviour change programs and the Container Deposit Scheme are also expected to reduce landfill volumes.

The State Budget projections for the Levy show a decreased income, but greater hypothecation of the Levy to the WARR Account to compensate for the reduced income. This will maintain the annual funding amount to the WARR account, which provides assurance for Local Government of ongoing support for waste initiatives. However, as a significant proportion of funds within the account are directed to the ongoing operations of DWER, WALGA will continue to argue strongly for full hypothecation of levy funds to strategic waste management activities.

Waste Levy Policy Statement

March 2024

Policy Statement

A Policy Statement to outline the WALGA position on Levies charged on the weight or volume of waste received at sites undertaking licensed activities and the application of those funds to waste management activities.

Background

The Waste Avoidance and Resource Recovery Levy (the Levy) was first established in WA in 1998, through the *Environmental Protection (Landfill) Levy Act 1998* (EP Levy Act) where money raised through the Levy was only used to fund programs relating to the management, reduction, reuse, recycling, monitoring or measurement of waste and administering the fund. The current Levy is applied to putrescible waste and inert waste generated in, or disposed of, in the metropolitan area.

The Levy was originally intended to fund strategic waste management activities. In 2009, the EP Levy Act was amended to allow the Levy funds to be used to support the core activities of the State Government Department responsible for Levy administration. This means only 25% of the collected funds are retained for strategic waste management activities, with a significant proportion of these funds used to fund ongoing operations of the Department relating to waste management, such as salaries and overheads.

This Policy Statement provides comment on the existing Waste Levy as an existing mechanism.

Statement of Policy

1. Support for Waste Levy

- a) **The Waste Levy should be fully hypothecated to Strategic Waste Management Activities.**

Local Government strongly opposes the application of the Levy to non-waste management related activities, such as funding State Government core activities and ongoing operations.

- b) **The Levy should not be applied to waste generated in the non-metropolitan area.**

It is not feasible, or appropriate, to implement the Levy in non-metropolitan areas with a limited rate base, access to markets for recycled materials, economic growth and resources to manage such a change. The Levy's application to these areas would have negative environmental, social and economic outcomes.

- c) **The Levy should not be applied to waste received at premises undertaking licenced activities whose primary purpose is resource recovery.**

Local Government strongly opposes the application of the Levy to waste delivered to sites undertaking licenced activities, where those activities have, as a primary purpose, resource recovery (such as materials recovery facilities (MRFs), green waste processing facilities and waste to energy facilities (WTEs)). Local Government will consider the appropriateness of the Levy being applied to waste delivered to other types of licenced activities (for example mine dumps) on a case-by-case basis.

2. Strategic Waste Management Activities

Levy funds should be expended on programs that:

- a) **Support the achievement of targets, and reflects the priorities, within the State Waste Strategy**

- b) **Provide adequate funding and support for Regional Councils, non-metropolitan and metropolitan Local Governments, ensuring the difference in regional priorities are recognised**
- c) **Fully fund the life-cycle costs of infrastructure and services**
- d) **Facilitate the development, implementation and ongoing operation of Product Stewardship Schemes.**

3. Basis for setting Levy

The Waste Levy rate should be determined by reference to following criteria:

a) Capacity to fund the State Waste Strategy

It is necessary that the Levy rate(s) is/are supports the implementation of the State Waste Strategy. Local Government recognises that total annual expenditures may sometimes exceed and at other times fall below the total revenues raised by the Levy.

b) Capacity to achieve any other stated objectives

Any proposal from the State Government to use the Levy to achieve objectives, other than the generation of funds for strategic activities, must have valid reasons to show how a change in the Levy will support those objectives before Local Government would support the use of Levy funds.

c) Capacity to pay the Levy

In setting the Levy rate, the State Government must consider the capacity of Local Governments and their communities to pay the Levy.

a) Capacity to Plan

To ensure Local Government can plan and budget for changes to the Levy, and has a firm basis for business cases to change service provision, at least a 5 year rolling schedule for the Levy is required.

4. Regulation of the Levy

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

Without effective regulation, the Levy's ability to raise funds and act as an economic instrument to reduce waste to landfill is negated.

MATTERS FOR CONSIDERATION BY STATE COUNCILLORS (UNDER SEPARATE COVER)

Items Under Separate Cover to State Council only.

5.4.2 Matters for Noting/Information

5.4.2.1 WALGA 2023 Emergency Management Survey

By Rachel Armstrong, A/Policy Manager, Emergency Management

WALGA RECOMMENDATION

That State Council note the results of the 2023 Local Government Emergency Management Survey.

EXECUTIVE SUMMARY

- 102 (75%) of the 137 mainland WA Local Governments responded to WALGA's 2023 Emergency Management Survey.
- Key issues raised by Local Governments included: community preparedness and resilience; capacity to respond to and manage recovery; management of Bush Fire Brigades; inadequate LGGS funding; lack of emergency management resources; and challenges accessing grant funding.
- The survey demonstrates the importance of Community Emergency Services Managers (CESMs) to Local Governments that have one and that many regional Local Governments without a CESM would like one.
- The survey identified several issues with the *Bush Fires Act 1954* that Local Governments would like to see resolved in the proposed Consolidated Emergency Services Legislation.
- The survey results will inform WALGA's policy development and advocacy on behalf of the sector, including the WALGA 2024-25 State Budget Submission, and in the lead up to the next State and Federal elections.
- A summary of the survey results was presented at the State Council Information Forum on 3 April, and in a Sector webinar was held on 11 April 2024.

ATTACHMENT

- [Executive Summary – WALGA 2023 Emergency Management Survey](#)

BACKGROUND

WALGA undertakes a Local Government Emergency Management Survey every two years, with previous surveys undertaken in 2019 and 2021.

In 2019, WALGA undertook the 'Before, During, After' Local Government Emergency Management Survey. Actions undertaken as a result of the survey feedback included the establishment of a Local Government Emergency Management Network, and development of a new 'Emergency Management for Local Government Leaders' training course.

The 2021 survey built on the feedback received in the 2019 Survey with a specific focus on managing volunteer Bush Fire Brigades. The results provided the basis for a review of [WALGA's Emergency Management Advocacy Positions](#) and have enabled WALGA to effectively represent the Local Government sector's interests, including through:

- The State Emergency Management Committee, State Bushfire Advisory Committee, Inter-Agency Bushfire Operations Committee; and
- Representations to Government and policy submissions, including the 2023-24 and 2024-25 WALGA State Budget Submissions.

102 (75%) of the 137 mainland WA Local Governments responded to WALGA's 2023 Emergency Management Survey, which was conducted from 6 November and 8 December 2023.

COMMENT

Key issues raised by Local Governments in responding to the 2023 Survey included: community preparedness and resilience; capacity to respond to and manage recovery; management of Bush Fire Brigades; inadequate LGGS funding; lack of emergency management resources; and challenges accessing grant funding.

The survey demonstrates the importance of Community Emergency Services Managers (CESMs) to Local Governments that have one and that many regional Local Governments without a CESM would like one. The survey also identified several issues with the *Bush Fires Act 1954* that Local Governments would like to see resolved in the proposed Consolidated Emergency Services Legislation.

The 2023 Survey results provide critical information to underpin WALGA's Emergency Management policy and advocacy work. The results will inform WALGA's policy development and advocacy on behalf of the sector, supporting the [WALGA 2024-25 State Budget Submission](#), and in the lead up to the 2025 State and Federal elections. Key focus areas include the need for adequate resourcing for Local Government Emergency Management, increased support for volunteer Bush Fire Brigades (BFB) and State Emergency Service (SES) through the Local Government Grants Scheme (LGGS) and ensuring matters important to Local Government are considered in the development of the Consolidated Emergency Services Act.

Supporting material will be prepared to summarise and communicate key information to Local Governments, State and Federal Government and other stakeholders.

5.4.2.2 Tree Retention Model Local Planning Policy

By Coralie Claudio, Senior Policy Advisor, Planning

WALGA RECOMMENDATION

That State Council note the Tree Retention Model Local Planning Policy.

EXECUTIVE SUMMARY

- WALGA's model Tree Retention Local Planning Policy (LPP) was released in March 2024.
- The LPP aims to create a consistent regulatory framework for tree protection across WA.
- The LPP stipulates the circumstances in which a development approval is required to remove a tree and guides the assessment of these applications and other planning proposals.

ATTACHMENT

- [Model Local Planning Policy: Tree Retention](#)
- [Letter from the WALGA President to the Minister for Minister for Planning; Lands; Housing; Homelessness](#)

POLICY IMPLICATIONS

WALGA Advocacy Position **4.6 Urban Forest:**

To promote the growth of Western Australia's urban forest the State Government should:

1. *Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.*

2. *Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.*
3. *In consultation with Local Government:*
 - a. *Develop a state-wide Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:*
 - i. *a minimum tree canopy target of 30% by 2040 for the Perth and Peel regions,*
 - ii. *robust and contemporary data to inform decision making,*
 - iii. *funding mechanisms to support growth in urban canopy.*
 - b. *Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:*
 - i. *an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development,*
 - ii. *incentivising the provision and retention of trees on private property within the state planning framework,*
 - iii. *prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities,*
 - iv. *consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.*
4. *Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.*

BACKGROUND

The current State planning framework is largely silent on regulatory and policy mechanisms that can be used to retain trees on private land. Local Governments have sought to address this void through different statutory mechanisms, namely local planning policy or local planning scheme provisions. Proposed changes to local planning schemes by Local Governments to include tree protection provisions on private land within have been rejected by the Minister for Planning.

In 2023, WALGA prepared an *Issues Paper: Local Government Approaches to Tree Retention* (Issues Paper) which outlined the key challenges for Local Government in retaining trees on private land and street trees. Legal advice on the questions posed in the Issues Paper was procured from McLeods Barristers and Solicitors, who produced the *Legal Response to the Local Government Approaches to Tree Retention* (2023). The legal advice was purchased by approximately 50 Local Governments.

Key findings from the legal advice include:

- The removal of a tree is an activity that falls within the concept of ‘works’;
- Whether or not the works involved in removing a tree amount to a development that requires approval is a matter of fact and degree and is therefore inherently uncertain; and
- To remove uncertainty, it would be preferable for the planning framework to stipulate the circumstances in which approval is required to remove a tree. This can be done via scheme or policy provisions.

The development of a model LPP in response to the legal advice was identified by the Urban Forest Working Group (UFWG) as a high priority. The model LPP has been developed by WALGA, in consultation with the UFWG, and reviewed by McLeods.

The model LPP:

- Clarifies that the tree removal (or other tree damaging activity) is works that requires development approval;
- Introduces and defines the term ‘regulated tree’ being a living tree that:
 - Is 8 metres or more high, and/or
 - Has an average canopy diameter of at least 6 metres,

- Has a trunk circumference of at least 1.5 metres, measured 1.4 metres above the ground, and
- is of a species that is not included on State or local area weed register;
- Lists the circumstances where tree damaging activity would be exempt from requiring a development approval (i.e. tree does not meet the definition of regulated tree); and
- Promotes and facilitates tree preservation at all stages of the planning and development process, including strategic planning proposals and subdivision applications, as well as development applications.

The model LPP was [released](#) in March 2024.

COMMENT

Local Governments can adopt the LPP in accordance with the procedures set out in the *Planning and Development (Local Planning Scheme) Regulations 2015*, which requires community consultation and consideration by Council.

The provisions of the model LPP can be modified to respond specific Local Government context or community feedback. WALGA is recommending that Local Governments seek to minimise changes, particularly in relation to the definition of regulated tree and when a development application is required for tree damaging activity, to promote consistency in approach and reduce uncertainty for decision makers, proponents, and communities.

The model LPP has been well received by the sector with a number of Local Governments investigating the use of, or preparing to implement, the policy.

WALGA briefed the Minister for Planning on the model LPP prior to its release and provided him with a copy on its release. The WALGA President has also promoted the LPP during media interviews with ABC Radio and 6PR.

5.4.2.3 Local Emergency Management Arrangements (LEMA) Improvement Plan Implementation

By Simone Ruane, Project Lead, Emergency Management

WALGA RECOMMENDATION

That State Council note the Local Emergency Management Arrangement Improvement Project update.

EXECUTIVE SUMMARY

- In December 2023, the State Emergency Management Committee (SEMC) endorsed a Local Emergency Management Arrangements (LEMA) Improvement Plan, including funding to deliver the first phase of the Plan.
- The LEMA Improvement Plan aims to progress the local emergency management reforms recommended by Local Governments in the LEMA Review and will be delivered as a partnership between WALGA and the Department of Fire and Emergency Services (DFES).
- WALGA has been allocated \$356,000 to employ a LEMA Project Lead to work directly with Local Governments to develop and pilot new LEMA approaches over an 18-month period.

POLICY IMPLICATIONS

[Advocacy Position](#) **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.*

BACKGROUND

Under the *Emergency Management Act 2005* WA Local Governments are required to establish one or more Local Emergency Management Committees (LEMCs) and maintain Local Emergency Management Arrangements (LEMA) for their district. LEMA refers to the suite of emergency management documentation, systems, processes, agreements, and memorandums of understanding (MOU) that support a coordinated approach to EM at the local level.

Recognising the need for a more contemporary and fit-for-purpose local emergency management system, in 2019 the State Emergency Management Committee (SEMC) approved a review of the current LEMA model to identify the key issues and opportunities for improvement. In 2021, WALGA was allocated [AWARE Funding](#) to lead a Local Government consultation for the LEMA Review to ensure a sector-informed approach.

From April to December 2022, WALGA consulted with 100 Western Australian Local Governments to inform the LEMA Review. The resulting [LEMA Review Consultation with Western Australian Local Governments: Project Summary and Recommendations Report](#) laid the groundwork for a comprehensive [LEMA Improvement Plan and a five-year implementation approach](#). The Plan aims to reduce administrative burden and build the knowledge and capability of Local Governments in developing and maintaining fit-for-purpose LEMA. The SEMC approved the Plan and funding from the State Level Project Fund to deliver Phase 1 of the LEMA Improvement Plan in December 2023.

Phase 1 will be delivered as a partnership project between WALGA and the Department of Fire and Emergency Services (DFES) on behalf of the SEMC. WALGA has been allocated \$356,000 to employ a LEMA Project Lead to work directly with Local Governments to co-develop and pilot new LEMA approaches and supporting resources over an 18-month period.

COMMENT

The initiation of the LEMA Improvement Program demonstrates the commitment of the State Government to progress LEMA reforms. However, as outlined in WALGA's [2024-2025 Budget Submission](#), funding of \$1 million per year over 5 years is needed to implement the full LEMA Improvement Plan. WALGA's submission also requests \$9 million per annum for a Local Government Emergency Management Program to build the capacity of Local Governments to maintain effective LEMA and sustain improvements over the longer term.

5.4.2.4 Planning and Building Performance Monitoring Project

By Chris Hossen, Policy Manager, Planning and Building

WALGA RECOMMENDATION

That State Council note the results of the 2022-23 Local Government Performance Monitoring Project.

EXECUTIVE SUMMARY

- WALGA's Local Government Performance Monitoring Project has been undertaken annually since 2017.
- WALGA uses the findings of the project to support advocacy and policy development, particularly around planning and building regulation reform.
- 42 Local Governments participated in the 2022-23 Project, representing approximately 90% of Western Australia's population and 94% of the State's total population growth between 2021 and 2022.
- The 2022-23 data shows that Local Governments have maintained high levels of performance in undertaking their strategic and statutory planning and building functions.
- The findings of the Project are incorporated into an online interactive dashboard publicly available through the WALGA website.

ATTACHMENT

- [Key Indicator Snapshot](#)
- [Performance Monitoring Dashboard](#)

BACKGROUND

The *Local Government Performance Monitoring Project* (the Project) and associated *Local Government Performance Monitoring Report* (the Report) was 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 metropolitan Local Governments by Property Council WA.

The Project and accompanying Report have been undertaken annually since that time, with the number of participating Local Governments increasing from 11 to 43 in 2022-23. The process of collecting and reporting data has also been refined and improved. The Performance Monitoring Dashboard, now in its third year, provides a collated view of all participating Local Governments across the seven years of 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

42 Local Governments now participate in the project:

Albany	Armadale	Augusta-Margaret River
Bassendean	Bayswater	Belmont
Broome	Bunbury	Busselton

Cambridge	Canning	Cockburn
Denmark	East Fremantle	Fremantle
Gosnells	Greater Geraldton	Harvey
Joondalup	Kalamunda	Karratha
Kwinana	Mandurah	Manjimup
Melville	Mosman Park	Mundaring
Nannup	Nedlands	Northam
Perth	Port Hedland	Rockingham
Serpentine Jarrahdale	South Perth	Stirling
Subiaco	Swan	Toodyay
Victoria Park	Vincent	Wanneroo

These Local Governments represent approximately 90% of Western Australia’s population and 94% of the state’s total population growth between 2021 and 2022. 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 low standard deviation within most specific measures, and average sector performance year on year is consistent, this indicated a high degree of confidence that the reported performance is reflective of the sector as a whole, and that high levels of performance by some larger Local Governments are not impacting sector averages.

Key findings from the 2022-23 data:

- Participating Local Governments determined 55,598 applications (development applications, subdivision referrals and building permits), a 16% decrease on the previous year;
- 92% of these applications were determined or responded to within statutory timeframes;
- 99% of all development applications were approved;
- 97% of all development applications were determined under delegated authority;
- 22 Local Governments are currently reviewing their Local Planning Scheme (LPS);
- Local Governments continue to be concerned at the length of time taken to receive consent to advertise and final endorsement for LPSs; and
- For scheme amendments:
 - Local Governments finalised 64 scheme amendments in 2022-2023,
 - 60% of the time taken to complete scheme amendments could be attributed to State Government processes, significantly higher than the 49.5% average over the 7 years of reporting.

WALGA uses the findings of the project to 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 2023-24 financial year reporting period, with a focus on the remaining metropolitan and peri-urban Local Governments.

5.4.2.5 2024 WALGA Aboriginal Engagement Forum

By Hannah Godsave, Acting Manager, Community Policy and Michelle Dayman, Senior Advisor Events

WALGA RECOMMENDATION

That State Council note the report on the 2024 Aboriginal Engagement Forum.

EXECUTIVE SUMMARY

The WALGA Aboriginal Engagement Forum was held on 20 March 2024 at the State Reception Centre in Kaarta Gar-up (Kings Park).

The Forum provides an opportunity for the WA Local Government sector and partners to embrace the principles of reconciliation, through respectful Aboriginal and community engagement.

Feedback from speakers, attendees, WALGA Executive and State Councillors has been overwhelmingly positive, with 93 per cent of survey respondents saying they would attend future Forums.

BACKGROUND

WALGA has delivered Aboriginal Engagement Forums (the Forum) since 2017. The Forums provide an opportunity for the WA Local Government sector and partners to embrace the principles of reconciliation - to listen, learn and share with a collective goal of creating positive outcomes for Aboriginal Peoples and the wider community. The Forums aim to build capacity to achieve better practice policy, programs, and service delivery in Local Government.

The 2024 theme 'Djinaning Koora Djinaning Boorda' (Looking Back to Move Forward) acknowledged that our shared path to reconciliation is not straight forward but through reflection, sharing experiences, innovation, and collaboration we can inspire each other and move forward. The morning session, Djinaning Koora (Looking Back) centered around the understanding that without acknowledging our past and its impact, we are unable to move forward to achieve true reconciliation. The afternoon session, Djinaning Boorda (Moving Forward) celebrated the role Local Government plays in driving local level reconciliation. The [news article](#) on the Forum provides further reflections on the program.

187 delegates that attended the Forum, including:

- 34% identifying as Aboriginal;
- 108 from Local Government, including 17 Elected Members, representing 43 Local Governments across 13 WALGA Zones; and
- representatives from the not-for-profit sector, Aboriginal Organisations, State Government agencies and other businesses.

The Forum was facilitated by Ballardong Noongar woman Roanna Edwards as Master of Ceremonies. The program included presentations from Cr Yvonne Weldon from the City of Sydney, Carol Innes, Co-Director of Danjoo Koorliny, and representatives from Local Governments and Aboriginal organisations. The afternoon panels showcased a diverse mix of projects by Local Governments from across the State. Increased Aboriginal representation was evident, with First Nation presenters in all sessions.

The production of the event was elevated to align with the WALGA rebranding and create an event 'look and feel' consistent with the Forum's aim of providing space to share and learn. The planning of the event was supported by a Reference Group for cultural guidance that included State Councillors, Cr Barry Winmar and

Cr Helen Sadler as well as Deborah Wilkes, Deputy CEO at the Shire of Shark Bay and Local Government officers.

COMMENT

Ticket sales for the 2024 Forum were lower than expected, despite a managed and targeted marketing campaign. While it is difficult to precisely identify the reasons for the lower attendance, this has also been the recent experience of other organisations holding events in this space and has been attributed to an unease and uncertainty about engaging in the Aboriginal policy space post the Voice Referendum.

Feedback on the Forum from attendees has been overwhelmingly positive, with 93 per cent of survey respondents saying they would attend future Forums. Frequent comments along the lines of “best Forum to date” reflect the concerted effort to elevate both the production and programming of the event and the collaboration between the WALGA Policy and Advocacy teams, Elected Member representatives and Local Government officials via the Reference Group and other channels.

6.0 Matters for Consideration

6.1 Financial Statements

Proposed by: Executive Officer

Attachments: Income & Expenditure –01/07/2023 to 31/03/2024

COMMENT

Refer Financial Statements on next page

Reconciled balances of account as at 31 March 2024 –

Cheque Account (229 492)	\$30,419.13
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RECOMMENDATION

That the Financial Statements for the period 1 July 2023 to 31 March 2024 be received.

RESOLUTION – Moved: Cr E Foulkes-Taylor

Seconded: Cr Nicholls

That the Financial Statements for the period 1 July 2023 to 31 March 2024 be received.

Carried 12/0

**MURCHISON COUNTRY ZONE FINANCIAL STATEMENT
1/07/2023 to 31/03/2024**

Bank Balance (as Per B/S) 01/07/23

\$19,871.93

Income

Date	Source	Amount
24/07/2023	Shire of Cue	\$2,800.00
31/07/2023	Shire of Murchison	\$2,800.00
31/07/2023	Shire of Sandstone	\$2,800.00
03/08/2023	Shire of Meekatharra	\$2,800.00
09/08/2023	Shire of Yalgoo	\$2,800.00
13/03/2024	Shire of Mount Magnet	\$2,800.00
	Total Income to 31 March 2024	\$16,800.00

Payments

Date	Source	Amount
20/11/2023	Samantha Appleton – Exec Fees, Travel & Catering	\$4,975.30
22/11/2022	Murchison Club Hotel	\$1,277.50
	Total Expenditure to 31 March 2024	\$6,252.80

Reconciliation

Balance Bought Forward 01/07/2023	\$19,871.93
Add Income Received	\$16,800.00
Less Expenditure	-\$6,252.80
Balance	\$30,419.13
Balance as per Bank Statement 31 March 2024	\$30,419.13

Murchison Country Zone of WALGA

Financial Statement to 31 March 2024

Account	Budget 2023-24	Actual 2023-24	Projected 2023-24
Income			
General Subscriptions	16,800	16,800	16,800
Interest Earned	20	0	0
Reimbursements	0	0	0
Total Income	16,820	16,800	16,800
Expenditure			
Meeting Expenses Teleconferences Special Meetings & Workshops	4,000	1,396	3,000
Bank Fees & Charges	0	0	0
Reimbursable Expenses	200	0	200
Unclassified Expenses (Minute Book)			
Zone Representative Gratuities	2,500	0	2,500
Executive Officer Services	8,000	4,000	8,000
Executive Officer Reimbursements	2,000	857	2,000
Total Expenses	16,700	6,253	15,700
Net Income/(Loss)	(-630)	10,547	1,100

6.2 Budget 2024 - 2025

Proposed by: Executive Officer

BACKGROUND

The 2023-24 Budget was adopted at the April 2023 meeting. The Zone has usually considered the subscriptions for the new financial year at this time, in preparation for member Shires own budgets.

COMMENT

The Zone budget for 2023/24 is likely to result in a small surplus. It is suggested that Member Shire remain at \$2,800.00 each, excl GST for 2024-25.

The honorariums approved for 2023-24 which are due to be paid, are –

- Zone President \$600
- Zone Deputy President \$400
- Zone Representative to WALGA \$1,500

If further expense is incurred by the Zone through unforeseen circumstances, an additional charge may be required from each Shire, however the surplus funds being held may accommodate any eventuality.

RECOMMENDATION

That the draft Budget for 2024-25 be adopted, incorporating –

- a) Member Shire subscriptions of \$2,800.00 per Shire, excluding GST, and
- b) Honorariums be set at the same level as applied last year.
 - Zone President \$600
 - Zone Deputy President \$400
 - Zone Representative to WALGA \$1,500

RESOLUTION – Moved: Cr McQuie Seconded: Cr McGorman

That the draft Budget for 2024-25 be adopted, incorporating –

- c) Member Shire subscriptions of \$2,800.00 per Shire, excluding GST, and
- d) Honorariums be set at the same level as applied last year.
 - Zone President \$600
 - Zone Deputy President \$400
 - Zone Representative to WALGA \$1,500

Carried 12/0

Murchison Country Zone of WALGA

Budget 2024-2025

Account	Budget 2023-24	Estimated Actual 2023-24	Budget 2024-25
Income			
General Subscriptions	16,800	16,800	16,800
Interest Earned	20	0	20
Reimbursements	0	0	0
Total Income	16,820	16,800	16,820
Expenditure			
Meeting Expenses Teleconferences Special Meetings & Workshops	4,000	3,000	4,000
Bank Fees & Charges	20	0	20
Reimbursable Expenses Unclassified Expenses (Minute Book)	100	200	100
Zone Representative Gratuities	2,500	2,500	2,500
Executive Officer Services	8,000	8,000	8,000
Executive Officer Reimbursements	2,000	2,000	2,000
Total Expenses	15,650	15,700	16,620
Net Income/(Loss)	(-630)	1,100	200

6.3 Enhanced and Alternative Education Opportunities for Regional WA

Proposed by: Great Southern Country Zone

BACKGROUND

The Great Southern Country Zone has written to the Minister for Education, Hon. Tony Buti MLA Zone seeking support to prioritise increased State Government investment to improve regional education, including:

- Increased access to alternative programs for students disaffected by main-stream education, those at risk or who have specific learning needs, who may be disruptive, falling behind and at risk of failing to learn; providing these students with intensive support, active, empathic, and practical instruction, combined with health and other services to enable their success.
- Increased secondary education distance ATAR, VET and other WACE subject courses, if necessary supplemented by private providers, with qualified teacher mentoring and support provided in schools closest to students, supplemented with online access to subject specialist teachers to enable student success.
- Implement strategies to attract and retain quality teachers and subject specialists in remote communities, including:
 - Subsidised high standard GROH housing.
 - Increased financial bonuses, for remote locations and to encourage longer term retention.
- Providing sufficient GROH housing for State Government employees to reduce pressure on regional private rental availability and improve housing security for teachers and all Government service staff when transferring to regional locations.

The Great Southern Country Zone's call to action from State Government, seeks to reduce disadvantage for students living in regional Western Australia, so they can access the same quality educational opportunities available in metropolitan and regional centres, without need to attend boarding schools. In addition, these strategies will also deliver substantial economic and social benefit for regional communities.

COMMENT

If your region also experiences disadvantage in educational opportunities, the Great Southern Country Zone now seeks your consideration of the below recommendations and if the XXX Country Zone accepts the recommendations below, then your Zone may use the above content to assist in developing your submissions.

RECOMMENDATION

That the Murchison Country Zone:

1. Supports the call to action to reduce regional disadvantage in educational opportunities,
2. Agrees to write to the Minister for Education requesting action; and
3. Requests the WALGA Secretariat to advocate to State Government on this matter.

That the Murchison Country Zone:

- 1. Supports the call to action to reduce regional disadvantage in educational opportunities,**
- 2. Agrees to write to the Minister for Education requesting action; and**
- 3. Requests the WALGA Secretariat to advocate to State Government on this matter.**

Carried 12/0

Ms Karen Morrisey made a presentation on Murchison Geo Regions and recent activities of the group..

6.4 Adoption of Policy and Advocacy Prioritisation Framework

Proposed by: Kathy Robertson, Manager Association and Corporate Governance (WALGA)

BACKGROUND

State Council uses a Policy and Advocacy Prioritisation Framework to guide discussion and decision-making on policy and advocacy issues. The Framework was developed in 2020 on the request of State Council to assist State Councillors in determining the priority of a particular issue relative to existing (and competing) policy and advocacy priorities.

The Framework (included below) utilises 11 criteria to sharpen thinking (e.g. the impact on the Local Government sector, the number of Member Local Governments affected, the level of support amongst the public or other stakeholders, etc.), and encourage decision-makers to consider the wider context and impacts of the issue before settling on a pathway forward.

The Great Southern Country Zone also adopted the Prioritisation Framework not long after it was developed in 2020.

COMMENT

It is proposed that all Zones consider adopting the Policy and Advocacy Prioritisation Framework as included below.

If the Zone were to adopt the Prioritisation Framework, Zone Delegates could use it to guide their decision-making when determining whether or not to request action or advocacy from WALGA on a particular issue (that is, sector-wide issues). Issues that are not sufficiently prioritised (that is, regional issues) could instead be dealt with at the Zone level (e.g. through direct advocacy efforts on behalf of the Zone).

The Prioritisation Framework could also be used by Zone Delegates when drafting Agenda items and motions on policy or advocacy issues, using the criteria as prompts for what kind of information to include.

The Prioritisation Framework does not remove the need for judgements to be made and is intended to *guide*, not replace, decision-making.

How to use the Framework:

- If the majority of the factors are towards the left column, the issue is a high priority.
- If the majority of the factors are towards the middle, the issue requires action, but is not a high priority.
- If the majority of the factors are towards the right column, the issue is a low priority.

Following prioritisation, an appropriate and proportionate policy and advocacy approach can be determined.

Impact on Local Government Sector Impact on Local Government sector without intervention	High	Medium	Low
Reach Number of member Local Governments affected	Sector-wide	Significant (multiple regions, Zones, or bands)	Few
Influence Capacity to influence decision makers	High	Medium	Low
Principles Alignment to core principles such as autonomy, funding, general competence	Strong	Partial	Peripheral
Clarity Policy change needed is clear and well-defined	Clear	Partial	Unclear
Decision-maker support Level of support among decision-makers (political and administrative)	High	Medium	Low
Public support Level of support among the public or other stakeholders	High	Medium	Low
Positive consequences for WALGA Prospect of positive consequences for WALGA. E.g. enhanced standing among members or leverage for other issues.	High	Medium	Low
Negative consequences for WALGA Prospect of negative consequences for WALGA for not undertaking the advocacy effort. E.g. diminished	High	Medium	Low

standing among members or other stakeholders.			
Partnerships Potential for partnerships with other stakeholders	Yes (3+)	Possibly (1-2)	No (0)

RECOMMENDATION

That the Murchison Zone adopt the Policy and Advocacy Prioritisation Framework to determine the priority of a particular policy or advocacy issue, and guide future decision-making.

AMENDED RESOLUTION – Moved: Cr E Foulkes-Taylor Seconded: CEO Matthews

That the Murchison Zone:

- a. adopt the Policy and Advocacy Prioritisation Framework to determine the priority of a particular policy or advocacy issue, and guide future decision-making; and
- b. the proposer of the motion to go to WALGA completes the Advocacy Prioritisation Framework as part of the agenda item.

Carried 12/0

6.5 Importance of WALGA becoming a registered employer organisation

Proposed by: Tony Brown, Executive Director, Member Services,

BACKGROUND

Currently, WALGA is a registered industrial agent under the [Industrial Relations Act 1979 \(WA\) \(IR Act\)](#) which allows us to:

- appear as an agent for a WA Local Government or Regional Council (**Local Government**) in the Western Australian Industrial Relations Commission (**WAIRC**), Industrial Magistrate's Court or Industrial Appeal Court (**State Courts**); and
- provide advice or other services to Local Governments in relation to 'industrial matters' as defined in s.7 of the IR Act.

Since the mandate for Local Governments¹ to operate in the State industrial relations (**IR**) system from 1 January 2023, unions² have commenced various Local Government State awards³ (**LG State Awards**) variation claims in the WAIRC to amend industry employment conditions including to:

- increase minimum wages for outside workers;
- introduce Fair Work standards in the State system (increase casual loading from 20 to 25%; insert casual conversion; and insert flexible working arrangements) and other conditions (insert employment equity for Aboriginal and Torres Strait Islander persons; insert cultural and ceremonial leave; and amend severance pay for regional redundancies); and
- increase industry allowance for compensation for disabilities on construction and maintenance work.

In addition the WASU, LGRCEU and other unions (such as the Construction, Forestry, and Maritime Employees Union (**CFMEU**) as 'employee organisations' can make industrial agreements with Local Government employers under the IR Act.

A [recent decision of the WAIRC](#) has outlined although WALGA may intervene in award matters we are unable to represent named LG State Award employers and the broader Local Government sector in our own right.

Despite WALGA's advocacy since December 2022, the State Government has not agreed a pathway for WALGA to be provided with standing as an employer organisation under the IR Act.

¹ with the exception of the Shires of Christmas Island and Cocos (Keeling) Islands

² The Western Australian Municipal, Administrative, Clerical and Services Union of Employees (**WASU**) and the Local Government, Racing and Cemeteries Employees Union (WA) (**LGRCEU**)

³ The [Local Government Officers' \(Western Australia\) Award 2021](#) and the [Municipal Employees \(Western Australia\) Award 2021](#). These awards have not been updated significantly since prior to the introduction of the *Fair Work Act 2009* (Cth). They were old 1999 Federal awards which were registered without amendment as interim awards in 2011 in the State system. They then became State awards in 2021. No significant amendments have been made to these awards over 23 years.

For WALGA to represent Local Governments' views and have the same standing as the unions under the IR Act it has become vital for WALGA to seek to amend its constitution to apply to become an employer organisation.

If WALGA was to become an employer organisation it would provide more opportunity for WALGA to modernise the LG State Awards and intervene in industrial matters concerning the Local Government sector. In addition, the WAIRC is more likely to notify WALGA of award applications or variations and industrial agreement changes reducing the risk of unions being able to change the terms and conditions of the sector, with limited to no input from Local Governments or WALGA.

COMMENT

WALGA will be looking to amend its constitution to enable WALGA to become a registered employer organisation at the 2024 AGM in October 2024.

An agenda item will be prepared for the June/July round of Zone/State Council meetings detailing the proposed amendments.

This item is for the Zones awareness of the need for WALGA to become an employer organisation and to note that constitutional amendments will be required.

For any questions about the constitutional amendment process, please contact Tony Brown, Executive Director Member Services, tbrown@walga.asn.au or (08) 9213 2051.

RECOMMENDATION

That item 6.5 Importance of WALGA becoming a registered employer organisation be noted.

RESOLUTION – Moved: Cr Nicholls Seconded: Cr McGorman

That item 6.5 Importance of WALGA becoming a registered employer organisation be noted.

Carried 12/0

6.6 Department of Local Government Sport and Cultural Industries Report

This report is presented at the request of the Department of Local Government Sport and Cultural Industries



Department of Local Government, Sport and Cultural Industries Report

April 2024

Local Government Act Reform

- In May 2023, the Local Government Amendment Bill 2023 was passed and the *Local Government Amendment Act 2023* was assented.
- The *Local Government Amendment Act 2023* introduced key reforms related to elections and other priority matters based on 6 key themes:
 - Earlier intervention, effective regulation and stronger penalties
 - Reducing red tape, increasing consistency and simplicity
 - Greater transparency and accountability
 - Stronger local democracy and community engagement
 - Clearer roles and responsibilities
 - Improved financial management and reporting.
- The local government reforms were divided into two tranches to ensure that the election related reforms were in place in time for the October 2023 elections.
- Regulations have been made relating to the broadcasting and recording of council meetings, owners and occupiers' enrolment eligibility, and payments for the training and professional development of elected members.
- Regulations to support the implementation of other tranche one reforms continue to be developed by the Regulatory Reform team.
- On 3 November 2023, the Salaries and Allowances Tribunal (SAT) made a variation to the *Local Government Chief Executive Officers and Elected Members Determination*, issued on 6 April 2023.
- As a result, the reform to enable the payment of fees to independent committee members commenced on 1 January 2024.
- The variation by the SAT sets the thresholds for the payment of meeting fees to independent committee members.
- The enrolment changes to the owner occupiers roll took effect on 1 January 2024 and a training workshop was conducted by the DLGSC to explain these changes on Friday, 15 December 2023.

- The DLGSC continues to provide ongoing updates to the sector on the reforms as part of LG Alerts and monthly reform webinars.
- The DLGSC conducted Reform Webinar 8 on 29 February 2024, topics covered included –
 - changes to long service leave regulations
 - payments to independent committee members
 - owners and occupiers' enrolment changes
 - consultation for standardised meetings procedures
 - tranche 2 reforms – superannuation for elected members
 - A consultation paper and online survey for standardised meetings procedures are available on the DLGSC's website.
 - <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/local-government-act-reform/standardised-meeting-procedures-consultation>
 - Feedback received through the process for consultation will inform the drafting of regulations for standardised meetings procedures.
 - The consultation period ends Wednesday 29 May 2024, feedback is encouraged.
 - Other regulations reforms are continuing to be progressed in 2024, including integrated planning and reporting, online registers and local government CEO KPIs and reporting.
 - Further information in relation to the reforms are on the DLGSC website:
 - <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/local-government-act-reform>
 - The DLGSC monthly webinars take a deep dive into specific topics regarding the reforms – look out for LG Alerts for more details. If you would like a link to recordings of previous webinars, this is available on the DLGSC website:
 - <https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/local-government-act-reform/local-government-reform-webinars>
 - The DLGSC has also teamed up with LG Pro to deliver a series of monthly capacity-building webinars.

Model Financial Statements (MFS) and Financial

- Model Financial Statements (MFS) guidelines and templates for Class 1 and 2, plus a reduced version for smaller local governments (Class 3 and 4) were published on the DLGSC website on 16 May 2023 and applied to 2022-23 annual financial statements.
- A first tranche of regulatory amendments for the MFS commenced on 1 July 2022.
- A second tranche of regulatory amendments for the MFS commenced on 1 July 2023.
- The 1 September 2023 version of the Local Government (Financial Management) Regulations 1996 includes the new credit card regulation 13A.

- On 19 October 2023, an LG Alert was issued, which also provided guidance on reporting credit card and purchasing card transactions.
- An LG Alert was issued on 9 January 2024 seeking feedback on the MFS used for 2022-23 annual financial statements report.
- Feedback closed on 9 February 2024. Feedback is currently being reviewed and the guidelines and templates are being revised to take into account some of the considerations and also the amendments made to the Local Government (Financial Management Regulations 1996 since publishing.
- The updated MFS for 2023-24 annual financial statements report will be published at the end of April 2024.
- Non-financial asset valuation guidelines are currently being prepared and a draft has been issued to sector bodies for feedback by 20 March 2024.
- A sector body workshop is being held on 22 March 2024, to identify relevant changes and confirm support for finalisation of the guidelines, which is to be published at the end of April 2024.

Contact LG Accounting for queries – Lg.accounting@dlgsc.wa.gov.au

Local Government (Functions and General) Amendment Regulations 1996

- The *Local Government (Functions and General) Amendment Regulations 1996* were gazetted on Friday 19 May 2023. These amendments do the following:

Rural GP and Dentists tender exemption

- Recognising the importance of maintaining medical and dental services in our regions, a tender exemption for renewing or extending a contract with a medical or dental service is being provided to regional local governments.
- This exemption means those local governments will be able to maintain the services of an existing doctor or dentist without needing to call for public tenders.
- This exemption is only available to local governments outside the Perth Metropolitan Area and City of Mandurah.

Novation of Contracts

- An additional tender exemption is provided for where a local government novates a contract.
- As an example in the context of a dental service, this means where the dental practice is sold to another dentist, the local government can novate the existing contract with the old dentist to the new dentist.
- This improves local government contract management, allowing novation of contracts to occur, local governments should however make sure it is in their interest to novate the contract.
- This exemption is available to all local government.

Dental leasing exemption

- An exemption from the property disposal requirements has been provided for the leasing of land for dental services.
- This is to align with the new exemption provided for regional medical and dental services.
- This exemption is however available to all local governments, like the existing medical services exemption is.

Further queries can be directed – actreview@dlgsc.wa.gov.au

Local Government Grants Commission

- The WA Local Government Grants Commission (the Commission) has a full composition of members; however, as five member and deputy positions have terms that end on 31 August 2024, work has commenced for nominations. Only the deputy position of Deputy to the Deputy Chairperson remains vacant and will be filled in 2024.
- The total amount of 2023-24 Financial Assistance Grants (FA Grants) was \$393,675,581 (\$366,684,564 paid in advance). This was made up of two components:
 - \$241,099,199 for General Purpose Grants (\$230,921,687 paid in advance), and
 - \$152,576,382 for Local Roads Grants (\$135,762,877 paid in advance).
- An advance payment of the 2023-24 FFA Grants, based on a funding pool equivalent to approximately 100% of the total 2023-24 funding pool, was made to local governments on the 30 June 2023.
- Local Governments were advised that the advance payment meant remaining payments during 2023-24 would be limited and that they needed to ensure they have sufficient funds for 2023-24 to complete their planned programs.
- Due to the 100% advance, all WA local governments were either over or under paid, with the difference to be recouped from their future 2024-25 funding. All local governments with a variance of \$50,000, or greater than 2% of rates revenue, have been advised of the implications to next year's allocations.
- The Commission completed a visiting program to the Pilbara in order to conduct public hearings in October 2023, and is finalising plans to visit; the Upper Great Southern, the Eastern Goldfields-South and the Kimberley regions in April and May 2024.

Stop Puppy Farming

- The State Government is delivering on its commitment to stop and prevent puppy farming. These reforms have overwhelming community support.
- The Dog Amendment (Stop Puppy Farming) Act 2021 requires the design and development of a centralised registration system (CRS) for dogs.
- The CRS will also assist with the registration of cats under the *Cat Act 2011*, and the development of regulations, in consultation with stakeholders.

- A Request for Tender for the implementation of the CRS was released to the market on 24 January 2023 and closed on 8 March 2023. Responses to the Request for Tender have been evaluated and the evaluation report was endorsed by the State Tender Review Committee on 13 July 2023.
- The Discovery and Design phase for the CRS is currently underway and was completed on 18 March 2024.
- DLGSC is continuing to engage local governments and other key stakeholders across the State to prepare for CRS implementation.
- A consultation paper sought further feedback from stakeholders and interested members of the community to assist in developing workable regulations. A second consultation paper on new and existing fees and charges was released to targeted stakeholders on 1 February 2024 and closed 15 March 2024. Responses are currently being analysed.
- DLGSC is working to progress the implementation stage of the CRS and associated regulations in the second half of 2024.

Off Road Vehicles

- The ORV Committee is currently exploring opportunities to identify potential new ORV areas.
- On 13 December 2023, the Cook Government announced the end of harvesting Pine in the Gnangara State Forest due to roosting of the threatened Black Cockatoo.
- Therefore, DLGSC are in discussions with DBCA about potential investment opportunities, in Pinjar as an ORV area.
- A private proponent is currently investigating the potential of an ORV area in the south of Perth.
-

Local Government Election Commitments

- The Riverside Gardens Urban Forest development is expected to meet tree planting milestones by Winter 2024.
- The Contract Award for the Greenwood Scout and Guide Hall Refurbishment is expected in March 2024.
- Construction of the Sutherlands Park Youth Plaza development, planned for April 2024.
- The Ellenbrook Community Hub Development is at Request for Tender stage.
- The commitment to the Yellowwood Park – Skate and Parkour Facilities is on track and will provide a family friendly recreational space for the local community.
- The City of Stirling is overseeing the project for the upgrades to the Mirrabooka Village Neighbourhood Centre.
- The Birdwood Square Public Toilets and Changing Facilities project is on track, a commitment towards new facilities at Birdwood Square.

- The WA Loves Nature (Group) is managing the commitment towards the improvement of the West Perth Local Hay Street Native Bee-Scene Trail project.

DLGSC Contacts

LG Support and Engagement	lghotline@dlgsc.wa.gov.au
LG Policy and Legislation	legislation@dlgsc.wa.gov.au
CRS – Stop Puppy Farming	puppyfarming@dlgsc.wa.gov.au
Grants Commission – Financial Assistance Grants	Grants.commission@dlgsc.wa.gov.au
LG accounting enquiries	LG.accounting@dlgsc.wa.gov.au
LG Act Reform	actreview@dlgsc.wa.gov.au
LG Advisory Board	advisoryboard@dlgsc.wa.gov.au

RECOMMENDATION

That the April report of the Department of Local Government, Sport and Cultural Industries be received.

RESOLUTION – Moved: CEO Cable

Seconded: Cr Walton

That the April report of the Department of Local Government, Sport and Cultural Industries be received.

Carried 12/0

6.7 Mid-West Rescue Helicopter

Proposed by: Shire of Yalgoo

Attachments: Nil

SUMMARY

The Shire of Yalgoo calls on the Murchison Country Zone of WALGA to add its support to the growing number of voices calling for a Rescue Helicopter Service that is based in the Mid-West.

BACKGROUND

Despite an identified need the WA government has rejected calls for an emergency rescue helicopter to be based in Geraldton. Currently these helicopters are only viable in the region for search and rescue or recovery and not emergency response. This is due to the time it takes, and the multiple refuel stops that are required to arrive in the region.

COMMENT

Three upgraded helicopters will be able to operate within a 350km radius of Jandakot and Bunbury which increases their reach from Cervantes to Dongara or Moora to Perenjori. This however does nothing for users of extremely busy highways such as Great Northern, Geraldton-Mt Magnet and North West Coastal.

Rural roads keep the West Australian economy moving and crash statistics for those same roads are significantly higher than the metropolitan area due to fatigue and a range of other factors related to the tyranny of distance.

Public comments by the Emergency Services Minister state that existing helicopters covered 90 percent of the states population from their existing bases. This is a very problematic and basic way of trying to justify the status quo. 79 of that 90 percent live in the metropolitan area and are a short ambulance ride from a primary health care facility. This means that the existing helicopter service barely covers 50% of the population who live and work in rural areas.

Rural Western Australia relies on volunteer ambulance officers to respond to vehicle crashes and other emergencies. Due to demographic changes and fly in fly out projects it is becoming increasingly difficult to provide volunteer coverage year-round.

RECOMMENDATION

That the Murchison Country Zone of WALGA writes to the Ministers for Emergency Services, Regional Development and Health expressing disappointment in the lack of support for a Geraldton based rescue helicopter.

RESOLUTION – Moved: Cr Venezuela Seconded: Cr Price

That the Murchison Country Zone of WALGA writes to the Ministers for Emergency Services, Regional Development and Health expressing disappointment in the lack of support for a Geraldton based rescue helicopter.

Carried 12/0

6.8 Murchison Region School Dental Services

Proposed by: Shire of Yalgoo

Attachments: Nil

SUMMARY

The Shire of Yalgoo calls on the Murchison Country Zone of WALGA to demand the renewal of the Meekatharra Dental Clinic Mobile Caravan.

BACKGROUND

The Dental Health Service, operated by the North Metropolitan Health Service (NMHS) provides wonderful clinics across Western Australia to school aged children. Their staff often go above and beyond to provide compassionate general care and procedures which are vital for improved health outcomes. This free service (the responsibility of the state government) becomes even more important in regions that have no access to fluoridated drinking water such as the Murchison.

According to the Royal Flying Doctor Service (RFDS) Children living in rural and remote areas experience between 25 to 30 percent more dental issues than metropolitan children.

A significantly old caravan housed with local governments has been used to deliver these services to Murchison schools for decades. This van can no longer be self-levelled, utilises an out of date towing apparatus and requires a large set of custom build stairs for access (which provides no assistance to people with mobility impairments). Workarounds often have to be found by Shire staff or dental staff to simply connect utilities or get a piece of equipment to operate effectively.

In August 2023 the Shire of Yalgoo reached out to the NMHS requesting details on the age, maintenance and renewal plans for this equipment. Confirmation was provided but no response has been received.

COMMENT

A recent inspection of the fit for purpose and modern equipment used in the wheatbelt highlights a significant disparity between these locations. In seeking comment from NMHS it was asked if grant or community funding was applicable for the replacement of these services.

Local Governments already bear the logistical cost of transporting this equipment between schools and safely storing it between uses, one of the many minute but impactful areas that the state government cost shifts to local government.

Since 2014 dental services have been provided across the Shires of Mingenew, Morawa and Perenjori for 26 to 52 weeks of the year. This clinic was supported by corporate sponsors such as Karara and is operated by the RFDS from a custom-built fit for purpose platform. On top of this, these communities are serviced by the Geraldton Dental Mobile, which is in much better shape than the equipment for this district.

It is saddening to see the lengths these communities must go to in engaging not for profits and approaching mining companies just to secure a basic service. The children of this district should not be treated as second class citizens due to the location in which they live.

RECOMMENDATION

That the Murchison Country Zone of WALGA provide a comparison between the Murchison Dental Van and other dental services to the Minister for Health – calling for its immediate replacement.

RESOLUTION – Moved: CEO Holland

Seconded: Cr Venezuela

That the Murchison Country Zone of WALGA provide a comparison between the Murchison Dental Van and other dental services to the Minister for Health – calling for its immediate replacement.

Carried 12/0

6.9 Murchison Health Services

Proposed by: Shire of Yalgoo

Attachments: Nil

SUMMARY

In the area of health the Mid-West seems all but forgotten or stuck in years of planning limbo. Key projects that have been significantly delayed include Meekatharra Hospital upgrades, Geraldton Hospital upgrades, Mullewa Health Centre and further north the Tom Price Hospital Redevelopment.

BACKGROUND

The State Government who has spent years sitting on billions of dollars of surplus are yet to progress the majority of major hospital redevelopment work proposed prior to the last election in this region.

The Auditor General reported in late 2023 that Geraldton Hospital is Western Australia's most delayed major project. In contrast to Geraldton, \$170 million dollars was spent on Albany Health Campus which was completed from 2010 to 2013.

Projects are so far behind schedule that the WA Country Health Service has not updated it's Completed Projects page since 2021. <https://www.wacountry.health.wa.gov.au/About-us/Building-projects/Completed-projects>

COMMENT

The last published update for the Meekatharra Hospital described that the site was in the design phase. This was effectively 12 months ago with extremely limited public information or consultation since.

At the same time our districts smaller emergency facilities have seen an ongoing shuffle of contractors and anecdotally reduced cooperation between WACHS and service providers such as the Royal Flying Doctors Service or Geraldton Regional Aboriginal Medical Service. There has also been a noticeable lack of attendance by the WA Country Health Service representatives at past zone meetings and Local Emergency Management Committee meetings.

RECOMMENDATION

That the Murchison Country Zone of WALGA request a regional representative to ask during Parliamentary Question Time the current status and project timelines for medical facility renewals in the Mid-West.

RESOLUTION – Moved: CEO Cable

Seconded: Cr Price

That the Murchison Country Zone of WALGA request a regional representative to ask during Parliamentary Question Time the current status and project timelines for medical facility renewals in the Mid-West.

Carried 12/0

6.10 Train Visibility and Road Rail Interface

Proposed by: Shire of Yalgoo

Attachments: Nil

SUMMARY

Local Governments should be working with a number of stakeholders to improve safety at passive level railway crossings. Significant investment is seen in metropolitan areas with boom gate crossings and fencing however stop signs and short stacking distances are still prevalent in regional areas.

BACKGROUND

In 2022 the Shires of Cue and Yalgoo presented an item to the Australian Local Government Association (ALGA) National General Assembly.

In Australia each year, there are, on average 14 level crossing crashes and 200 near misses. In the 2020-2021 financial year alone, research compiled by the Office of the Rail Safety National Regulator (ONRSR) identified 34 level crossing collisions with vehicles resulting in four fatalities and four critical injuries. Passive level crossings represent serious dangers to regional motorists and have for decades claimed many lives and resulted in life altering injuries.

Rail operators primary concern has historically been the safety of its operators and passengers due to the catastrophic failures that can occur when cars are derailed or cannot be stopped. Cinema depicts most road rail incidents as cars sitting on train tracks but this is not necessarily the case when regional train cars and intersections have poor visibility and forewarning for vehicles impacting the side of a train.

Rail Interface Agreements are a requirement under the Rail Safety National Law (WA) Act 2015. 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. This agreement updates various elements of the existing agreements, particularly adding clarification on types of works and the responsibilities of both parties. As soon as this is complete, WALGA will liaise with each affected Local Government to provide advice around the new agreement.

COMMENT

Land holders such as farmers, pastoralists and mining companies may not be aware that these agreements should be in place for private crossings and not just public roads.

While Rail Safety is regulated at a national level there are many areas that WALGA and local governments can work towards increased interface safety.

It is suggested that WALGA provide these revised pro forma interface agreements to bodies such as the National Farmers Federation for amendment and circulation to potentially effected landholders. There appears to be a disconnect in this area where ARC Infrastructure and private road managers may not be aware of their obligations and responsibilities.

States, Territories and Local Governments will need to better understand what is required now and what improvements can be made over time with an increase in funding and stronger regulation. The installation of solar powered warning lights and bells that activate when trains are within a kilometre of a crossing will assist to avoid serious accidents and save lives.

RECOMMENDATION

That the Murchison Country Zone through its Member Local Governments prepares an advocacy position on low cost solar warning systems at passive level crossings with funding requested from Federal Infrastructure, Rail users and local governments, for consideration at the WALGA Annual General Meeting.

AMMENDED RESOLUTION – Moved: Cr Walton Seconded: Cr McGorman

That the Murchison Country Zone through its Member Local Governments:

- a. prepares an advocacy position on low cost solar warning systems at passive level crossings with funding requested from Federal Infrastructure, Rail users and local governments, for consideration at the WALGA Annual General Meeting; and**
- b. writes to the Australian Trucking Association supporting their advocacy for lights at railway crossings and on trains.**

Carried 12/0

6.11 Prospecting Safety

Proposed by: Shire of Yalgoo

Attachments: Nil

SUMMARY

As climate conditions change, people visiting the remote parts of this region will continue to be under prepared and place a greater strain on volunteer based or under resourced emergency services. Legislative change by the Department of Mines could have a significant impact on safety outcomes for prospectors and small scale operators in remote areas.

BACKGROUND

For the past 4 years the Shire of Yalgoo has operated prospecting tenements relatively close to town with a permit/contact system and within mobile phone coverage. The area is signed with conditions and the overlapping pastoralist works with the Shire on how the area is used.

In recent months deaths have tragically occurred in the prospecting/mining sector with preliminary information pointing to extreme conditions and no means of emergency communication.

Through periods which can be described as drought and the ongoing effects of climate change we are seeing longer and hotter summers in the region. This can mean that past experience or available advice is inadequate when determining how much water, food and safety equipment should be carried with you in remote areas.

COMMENT

Once a miners right has been issued by the Department of Mines (DEMIRS) there is no ongoing requirement to train or refresh on identified principles, legislation or departmental advice.

While this is similar to a Recreational Skippers Ticket in the sense that it does not expire, there are other safeguards in place for boating (a comparative “at risk” activity which can occur in remote areas or areas with a low population density). Legislation requires yearly registration of boats, and equipment such as EPIRBs (Emergency Position Indicating Radio Beacon) are mandatory when operating more than 400m from shore.

There has been a concerning lack of foresight in the area of remote safety. During Covid-19 border closures Western Australians were encouraged to “wander out yonder” with limited consideration to the impacts on regional volunteer based emergency services and no easy access to primary healthcare facilities. This push to holiday in remote areas and a lack of seasonal awareness likely contributed to deaths at Mt Augusta as another unfortunate example.

While DEMIRS actively publish information on Personal Locator Beacons (PLB) and safety this is often ignored along with the requirements to notify other landholders of your activity on crown land.

If PLBs are mandatory for people who are 400m away from a populated beach then surely it can be legislated for people who prospect and fossick hundreds of kilometres away from towns or regularly trafficked roads. This could be region dependant with evidence provided to DEMIRS. The cost of a PLB compared to most metal detecting equipment is also extremely minor.

Individuals who live and work in these areas understand the conditions and often have networks or family to coordinate with on a daily basis but even these residents and companies rely on telecommunication redundancies and other technology.

RECOMMENDATION

That the Murchison Country Zone of WALGA contact the Minister for Mining and Petroleum and call for immediate action by DEMIRS to improve the safety requirements of prospectors.

RESOLUTION – Moved: CEO Cable

Seconded: CEO Holland

That the Murchison Country Zone of WALGA contact the Minister for Mining and Petroleum and call for immediate action by DEMIRS to improve the safety requirements of prospectors.

Carried 11/1

6.12 Request for Support to Pursue Rateability of Miscellaneous Licenses

Proposed by Shire of Mount Magnet

Attachments SAT Determination

BACKGROUND

The Mining Act 1978 defines the types of lease and license that may be approved for various mining activities. These include a Mining Lease, a Prospecting License, an Exploration License, and a Miscellaneous License.

A Miscellaneous License is issued for the purposes of infrastructure that is associated with mining activities, but not mining activities themselves.

Approved purposes include Roads, water pipelines, gas pipelines, power supply, airport, bridge, workers accommodation.

The Local Government Act provides in s6.26

6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land —
 - (a) land which is the property of the Crown and —
 - (i) is being used or held for a public purpose; or
 - (ii) is unoccupied, except —
 - (I) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or

Traditionally Local Governments have not levied rates on Miscellaneous Licenses. In some limited instances, Local Governments have successfully applied to the Minister for Local Government for approval to rate Mining Camps utilising the Gross Rental Valuation method.

The Shire of Mount Magnet have interpreted the literal meaning of the s6.26(2)a(ii)(1) to be the exception to the exception of s6.26(1).

The Shire of Mount Magnet raised rates on Miscellaneous Licenses held in their Shire, and applied s6.39(2)b to apply rates to the previous 5 financial years -

- (2) A local government —
 - (b) is required, from time to time, to amend a rate record for the current financial year to ensure that the information contained in the record is current and correct and that the record is in accordance with this Act; and
 - (b) may amend the rate record for the 5 years preceding the current financial year.

An objection was received from one ratepayer and lodged with the State Administrative Tribunal.

The SAT heard this objection on 23rd January 2024 and their decision was handed down 19th March 2024. The decision was in favour of the applicant.

One consequence of the decision is the approval for rating Mining Worker Accommodation Villages on Miscellaneous Licenses, regardless of Valuation method, has been determined to be outside the authority of the Minister of Local Government to approve. Where this leaves Local Governments who have previously received approval is not yet clear.

The consequence to Local Governments across Western Australia is significant and of high value.

The Shire of Mount Magnet has received advice from Senior Counsel that the decision handed down contains errors of law and has recommended on that basis the decision be appealed.

COMMENT

The SAT leaves the door open to appeal by stating that the decision is “not without doubt”.

The decision also notes that the Shire position was at times “forceful and persuasive”. A similar assessment of the applicant position was not evident.

The Shire of Mount Magnet have appointed Senior Counsel to represent their position and have lodged notice of intent to appeal the decision with the Supreme Court of WA.

The cost burden to the Shire of Mount Magnet is not insignificant, having already reached \$85,000. In consideration that the Shire of Mount Magnet, as with other Murchison zone Shires is one of the smallest in the state with least access to resources for a Supreme Court battle. The Shire is therefore seeking financial support from other Local Governments to continue the matter.

The GVROC are preparing to discuss their support for this proposal at their next meeting of councils. The Shire of Ashburton have previously provided advice they are prepared to offer financial support.

The applicant in the matter is likely to obtain similar, though more significant financial support from other Mining Companies due to the consequence of the matter to that industry.

RECOMMENDATION

That the Shires of the Murchison Zone are supportive of the Shire of Mount Magnet appeal of the SAT decision in relation to the matter of Atlantic Vanadium Pty Ltd vs Shire of Mount Magnet in the Supreme Court and further that Councils of the zone will consider provision of financial support on an individual basis and refer to the Shire of Mount Magnet with their decision.

RESOLUTION - Moved: CEO Cable

Seconded: Cr E Foulkes-Taylor

That the Shires of the Murchison Zone are supportive of the Shire of Mount Magnet appeal of the SAT decision in relation to the matter of Atlantic Vanadium Pty Ltd vs Shire of Mount Magnet in the Supreme Court and further that Councils of the zone will consider provision of financial support on an individual basis and refer to the Shire of Mount Magnet with their decision.

Carried 12/0

Attachment



Matter No: DR 143 of 2023
Contact Officer: Karen
Your Ref: AW:51255

SHIRE OF MOUNT MAGNET
c/- McLeods
[Email: reception@mcleods.com.au](mailto:reception@mcleods.com.au)

Dear Parties

ATLANTIC VANADIUM PTY LTD v SHIRE OF MOUNT MAGNET

I enclose a copy of the reasons for decision and orders in these proceedings.

You may have a right to have this determination reviewed by the State Administrative Tribunal or by the Supreme Court.

If you have any enquiries, please contact the Tribunal on (08) 9219 3111. Yours

sincerely

EXECUTIVE OFFICER

19 March 2024

Enc.

JURISDICTION : STATE ADMINISTRATIVE TRIBUNAL

ACT : LOCAL GOVERNMENT ACT 1995 (WA)

CITATION : ATLANTIC VANADIUM PTY LTD and SHIRE OF MOUNT MAGNET [2024] WASAT 16

MEMBER : DR S WILLEY, SENIOR MEMBER

HEARD : 23 JANUARY 2024

DELIVERED : 19 MARCH 2024

FILE NO/S : DR 143 of 2023

BETWEEN : ATLANTIC VANADIUM PTY LTD
Applicant

AND

SHIRE OF MOUNT MAGNET
Respondent

Catchwords:

Local government - Objection to rate notice - Rates - Whether land the subject of a miscellaneous licence under the Mining Act is rateable land - Miscellaneous licence - Whether mining tenement is an estate in land

Legislation:

A New Tax System (Luxury Car Tax) Act 1999 (Cth), ss 15-30
Copyright Amendment Bill 2006 (Cth)
Copyright Act 1968 (Cth), s 111
Interpretation Act 1984 (WA), s 19(2)(h)
Land Administration Act 1997 (WA)

Local Government (Financial Management) Regulations 1996 (WA), reg 56

Local Government Act 1960 (WA) (repealed)

Local Government Act 1995 (WA), s 1.3(1)(d), s 1.3(2)(d), s 1.4, s 1.4(e), s 1.4(f), s 6.26(1), s 6.26(2), s 6.26(2)(a), s 6.26(2)(a)(i), s 6.26(2)(a)(ii), s 6.26(2)(a)(ii)(I), s 6.26(2)(a)(ii)(II), s 6.27, s 6.28, s 6.28(2), s 6.29, s 6.29(2), s 6.29(3), s 6.32(1), s 6.33, s 6.39, s 6.39(1), s 6.39(3), s 6.41(2), s 6.43, s 6.44(1), s 6.50, s 6.52, s 6.76(1), s 6.76(5), s 6.77, s 6.81, s 8, Div 6, Pt 6

Local Government Bill 1995 (WA), cl 24, cl 25(2)(a)

Mining Act 1978 (WA), s 8(1), s 18, s 27, s 40(2), s 43, s 45(1), s 45(1a), s 48(a), s 48(c), s 56A, s 56A(6aa), s 57(2), s 61, s 61(1), s 61(2), s 66, s 66(a), s 66(b), s 70, s 70E(1), s 70E(2), s 70J, s 78(1), s 78(1)(a), s 78(1)(b), s 85(1)(a), s 85(1)(d), s 85(3), s 85B, s 87(1), s 88(1)(b), s 88(2), s 88(3), s 91, s 91(6), s 91(7), s 91(8), s 91A, s 91B, s 94A, s 94A(2), s 117, Pt 3, Div 6

Mining Regulations 1981 (WA), reg 14, reg 23G, reg 42B, reg 42B(q), reg 42B(x)

State Administrative Tribunal Act 2004 (WA), s 27(2)

Result:

Preliminary issue determined

Category: A

Representation:

Counsel:

Applicant : Mr TC Russell & Ms L Holland

Respondent : Ms P Honey & Mr A Watts

Solicitors:

Applicant : DLA Piper Australia - Perth

Respondent : McLeods

Case(s) referred to in decision(s):

Automotive Invest Pty Limited v Commissioner of Taxation [2023] FCAFC 129
Blue Ribbon Mines Pty Ltd v Roy Hill Infrastructure Pty Ltd [2022] WASC 362
City of Rockingham v PMR Quarries Pty Ltd (Trading as WA Limestone Co) [2001] WASC 317; (2001) 118 LGERA 93

Erujin Pty Ltd v Western Australian Planning Commission [2010] WASC 326
Finesky Holdings Pty Ltd v Minister for Transport for Western Australia [2001] WASC 87
Fly by Night Musicians Club Ltd v City of Fremantle [2004] WASCA 161
Golden Pig Enterprises Pty Ltd v O'Sullivan [2021] WASC 396
LS v Mental Health Review Board [2013] WASCA 128
Mohammadi v Bethune [2018] WASCA 98
National Rugby League Investments Pty Ltd (ACN 081 778 538) v Singtel Optus Pty Ltd (ACN 052 833 206) (NSD 201 of 2012) (2012) 201 FCR 147; 289 ALR 27
Ord Irrigation Cooperative Ltd v Department of Water [2018] WASCA 83; (2018) 232 LGERA 33
Port Kennedy Resorts Pty Ltd v The City of Rockingham [2000] WASCA 423; (2000) 112 LGERA 296
Re Roberts; Ex parte Western Reefs Ltd v Eastern Goldfields Mining Company Pty Ltd (1990) 1 WAR 456
Redland Shire Council v Stradbroke Rutile Pty Ltd [1974] HCA 4; (1974) 133 CLR 641
Retirees WA (Inc) and City of Belmont [2010] WASAT 56
Shire of Katanning and Bride [No 2] [2011] WASC 248
TEC Desert Pty Ltd v Commissioner of State Revenue (WA) [2010] HCA 49; (2010) 241 CLR 576
The City of Rockingham v Port Kennedy Resorts Pty Ltd [1999] WASCA 300
Trecap Pty Ltd and City of Swan [2006] WASAT 142

REASONS FOR DECISION OF THE TRIBUNAL: What is the proceeding about?

1. These reasons deal with a novel question of statutory construction in the context of rates levied under the *Local Government Act 1995* (WA) (**LG Act**).
2. That question is whether land the subject of miscellaneous licences granted pursuant to the *Mining Act 1978* (WA) (**Mining Act**) held by Atlantic Vanadium Pty Ltd (**Atlantic** or **Applicant**) are 'rateable land' for the purposes of the LG Act.
3. For the reasons that follow, I find that the land the subject of the miscellaneous licences is not rateable land under the LG Act.

Factual background

4. The following facts are agreed. Accordingly, I find as follows.
5. Atlantic holds six miscellaneous licences (L58/27, L58/28, L58/29, L58/30, L58/32 and L58/35)¹ (**Miscellaneous Licences**) over land, relevantly, within the Shire of Mount Magnet (**Shire** or **Respondent**). These licences were granted between 23 June 1998 and 12 June 2009.²
6. Atlantic acquired the Miscellaneous Licences in around 2016 and they form part of its Windimurra Vanadium project.
7. The Miscellaneous Licences cover a total area of 5,633.39 ha, of which 4,237.59 ha sits within the Shire. The remaining portions are within the adjoining Shire of Sandstone.
8. On or about 15 June 2023, the Shire (**Respondent**) issued rates notices to Atlantic in respect of the Miscellaneous Licences following a review of its rate record under s 6.39 of the LG Act. Prior to 15 June 2023, the Shire did not issue rates notices for any of its Miscellaneous Licences (**Rates Notices**).
9. Mr Russell, counsel for the Applicant, also submitted that so far as the Applicant's research indicated, no other rates notices have been issued under the LG Act on any of the 4345 miscellaneous licences in

¹ L58/30, L58/27 and L58/28 are partially within the Shire of Mount Magnet.

² Refer Exhibit 1 – Tengraph map of the Miscellaneous Licences.

Western Australia.³ Of course, even if that is correct, it does not inform the question of statutory construction that arises.

10. Upon receipt of the Rates Notices, Atlantic and the Shire exchanged a series of communications on the question as to whether the land the subject of the Miscellaneous Licences is rateable land.⁴
11. On 23 August 2023, the Applicant lodged an application to review the Shire's decision relating to the rate record pursuant to s 6.77 of the LG Act.

The preliminary issue

12. The parties formulated a preliminary issue for determination. That question is the proper construction of s 6.26(2)(a)(ii)(I) of the LG Act and which is framed as follows:

Whether the land the subject of [the Miscellaneous Licences] held by the Applicant is, on the proper construction of section 6.26(2)(a)(ii)(I) of the [LG Act], not rateable land.

Statutory framework

The mining context

13. The preliminary issue arises under the LG Act, but concerns mining tenements granted under the Mining Act. Accordingly, as a matter of context, the operation of the Mining Act must be considered.⁵
14. Land which is 'open for mining' is identified in Pt 3 of the Mining Act. Section 18 provides that all Crown land, not being Crown land that is the subject of a mining tenement, is open for mining.
15. 'Crown land' is relevantly defined to mean, in effect, all land in Western Australia, except for land reserved for any public purpose; land granted by the Crown in freehold or leasehold; or land designated as a townsite.⁶
16. Section 27 provides that private land is open for mining. The premise that land is 'open for mining' reflects the primary object of

³ ts 7 and 8, 23 January 2024.

⁴ Letters were sent by the Respondent on 12 July 2023 and 14 August 2023; the Applicant sent letters on 29 June 2023, 27 July 2023 and 22 August 2023.

⁵ The Respondent's submissions, helpfully, include a detailed explanation of the operation of the Mining Act which is not contested by the Applicant. These submissions have been of assistance to me. I am grateful to the Respondent in this regard.

⁶ Mining Act, s 8(1).

the Mining Act, being to encourage and promote prospecting and exploration for, and mining of, mineral deposits.⁷ In pursuit of this object, the Mining Act provides for the grant of a range of mining tenements. The term 'mining tenement' is defined as follows:

Mining tenement means a prospecting licence, exploration licence, retention licence, mining lease, general purpose lease or a miscellaneous licence granted or acquired under this Act or by virtue of the repealed Act; and includes the specified piece of land in respect of which the mining tenement is so granted or acquired.

Mining tenements under the Mining Act

Exploration tenements

17. The first phase of mining involves exploration. A person must not undertake exploration activities without either a prospecting licence or an exploration licence.
18. A ***prospecting licence*** authorises the holder to enter land for the purpose of prospecting for minerals with employees and contractors and such vehicles, machinery and equipment as may be necessary and expedient.⁸ A prospecting licence holder may excavate, extract or remove earth, soil, rock, stone, fluid or mineral bearing substances not exceeding a prescribed amount.⁹ There is no minimum area for a prospecting licence, but it cannot exceed 200 ha.¹⁰ A prospecting licence has an initial duration of 4 years from the date of issue¹¹ and can be extended by the Minister for a further 4 year period.¹²
19. An ***exploration licence*** may be granted over a much larger area of land for a much longer duration and permits the holder to extract a greater volume of materials than a prospecting licence. An exploration licence may be granted over a maximum of 70 blocks.¹³ An exploration licence remains in force for a period of 5 years,¹⁴ and may be extended.¹⁵

⁷ *Blue Ribbon Mines Pty Ltd v Roy Hill Infrastructure Pty Ltd* [2022] WASC 362 [75] (Quinlan CJ) (***Blue Ribbon***).

⁸ Mining Act, s 48(a).

⁹ Mining Act, s 48(c). Pursuant to reg 14 of the *Mining Regulations 1981* (WA) (***Mining Regulations***), the prescribed amount that may be 'excavated, extracted or removed' is 500 tonnes. Any larger amount requires the Minister's written approval.

¹⁰ Mining Act, s 40(2).

¹¹ Mining Act, s 45(1).

¹² Mining Act, s 45(1a).

¹³ Mining Act, s 57(2). A 'block' is part of the graticular boundary system and identifies land by latitude and longitude.

¹⁴ Mining Act, s 61(1).

¹⁵ Mining Act, s 61(2).

20. An exploration licence authorises the holder to enter land for the purpose of exploration for minerals with employees and contractors and such vehicles, machinery and equipment as necessary or expedient.¹⁶ It provides for the exploration of minerals and the undertaking of operations and works necessary for that purpose, including digging pits, trenches and holes and sinking bores and tunnelling.¹⁷

Retention licence

21. A **retention licence** may be obtained if, during exploration, an identified mineral resource has been located but is impracticable to mine at present. A retention licence carries with it an assurance of being able to obtain title to mine once practical to do so.¹⁸
22. A retention licence authorises the holder to enter the subject land for further exploration, taking such plant and carrying out such works as are necessary, including digging pits, trenches and holes, excavating, extracting and removing mineral bearing substances not exceeding 1000 tonnes, and to take water.¹⁹ A retention licence has a maximum term of 5 years,²⁰ and may be renewed.²¹

Mining leases

23. A **mining lease** is required for the development of any mineral deposits discovered during the exploration phase. The holder of a prospecting licence, or an exploration licence, enjoys the right to apply for a mining lease in respect of all or part of the area licensed to them.
24. A mining lease authorises the holder to mine for, and dispose of, any minerals on the land in respect of which the lease is granted.²² The holder of a mining lease is entitled to use, occupy and enjoy the land for mining purposes and do all acts and things necessary to effectively carry out mining operations.²³

¹⁶ Mining Act, s 66(a).

¹⁷ Mining Act, s 66(b).

¹⁸ Respondent's submissions dated 16 November 2023, para 14.

¹⁹ Mining Act, s 70J, *Mining Regulations 1981* (WA) (**Mining Regulations**) reg 23G.

²⁰ Mining Act, s 70E(1).

²¹ Mining Act, s 70E(2).

²² Mining Act, s 85(1)(a).

²³ Mining Act, s 85(1)(d).

25. A mining lease confers rights of exclusive possession.²⁴ A mining lease remains in force for 21 years,²⁵ and the holder has an option for a further term of 21 years.²⁶

Ancillary tenements

26. There are two further tenements provided for in the Mining Act which are ancillary in nature and facilitate the conduct of mining activities.
27. A **general purpose lease** entitles the holder to the exclusive occupation of the land for one or more permitted purposes. The purposes are the erecting, placing and operating of machinery in connection with mining operations, the depositing or treating of minerals or tailings and use of the land for any other specified purpose directly connected with mining operations.²⁷ A general purpose lease is granted for a term of 21 years,²⁸ and may be renewed.²⁹
28. A **miscellaneous licence** is granted for one of the purposes prescribed in reg 42B of the Mining Regulations. Such purposes include, *inter alia*, roads, power lines, pipelines, mine site accommodation facilities, jetties etc. Its purpose must be directly connected with mining.³⁰ A miscellaneous licence is granted for 21 years and may be renewed for further terms.³¹

Operation of mining tenements

29. As a general proposition, both Crown land and private land may be the subject of an application for a mining tenement. Furthermore, and again in general terms, where such land is subject to a mining tenement, no other mining tenement may be granted over that land or co-exist with the existing tenement.³²
30. The exception to the basic scheme of the Mining Act is a miscellaneous licence. This is because a miscellaneous licence may be granted over land the subject of another mining tenement and *vice*

²⁴ Mining Act, s 85(3); *Finesky Holdings Pty Ltd v Minister for Transport for Western Australia* [2001] WASC 87 [96] (Roberts-Smith J).

²⁵ Mining Act, s 78(1)(a).

²⁶ Mining Act, s 78(1)(b).

²⁷ Mining Act, s 87(1).

²⁸ Mining Act, s 88(1)(b).

²⁹ Mining Act, ss 88(2) and (3).

³⁰ Mining Act, s 91(6).

³¹ Mining Act, s 91B.

³² *Blue Ribbon* [78].

versa.³³ The two tenements can apply, and co-exist, concurrently on the land.³⁴

0. Section 117 of the Mining Act serves to protect existing mining tenements from the effect of later grants of tenure, including other mining tenements. However, despite s 117, the Mining Act does provide for a *special prospecting licence* to be granted (after 12 months) notwithstanding that extant mining tenement.³⁵
1. A special prospecting licence allows the holder to prospect for gold only and must not exceed 10 ha. A special prospecting licence may be granted for a period of 3 months, or for any period which is a multiple of 3 months, but which does not exceed 4 years.³⁶
2. Although a miscellaneous licence may be granted over land the subject of another tenement, there is an implied prohibition on the grant of the miscellaneous licence having the effect of 'revoking or injuriously affecting any existing tenement'.³⁷
3. A mining tenement granted over private land operates concurrently with the tenure of the private landowner or occupier.³⁸

The LG Act

4. The long title of the LG Act is to provide for a system of local government in Western Australia. The LG Act provides for a system of local government by, *inter alia*, 'providing a framework for the administration and financial management of local governments and for the scrutiny of their affairs'.³⁹ One of the intended results of the LG Act is more efficient and effective local government.⁴⁰
5. Part 6 of the LG Act deals with the financial management of local governments. Division 6 of Pt 6 is directed to rates and service charges. In broad terms, rates are one basis on which local governments are funded. Section 6.32(1) requires a local government to impose a general

³³ Mining Act, ss 91 and 94A; *Blue Ribbon* [80].

³⁴ Mining Act, ss 91(8) and 94A(2).

³⁵ Mining Act, s 56A (on a prospecting licence); s 70 (on an exploration licence); s 85B (on a mining lease).

³⁶ Mining Act, s 56A(6aa).

³⁷ *Re Roberts; Ex parte Western Reefs Ltd v Eastern Goldfields Mining Company Pty Ltd* (1990) 1 WAR 456 550 (Malcolm CJ) (*Western Reefs*); cited in *Blue Ribbon* [86].

³⁸ Mining Act, s 27.

³⁹ LG Act, s 1.3(1)(d).

⁴⁰ LG Act, s 1.3(2)(d).

rate on rateable land in order to make up the budget deficiency in its annual budget.

31. Rates may be made by local government and levied on all rateable land within its district. In general terms, and subject to some exemptions, all land within a local government is rateable.⁴¹ Section 6.26(2) of the LG Act sets out the land that is not rateable land.
32. One exception is land which is the 'property of the Crown' and 'is being used or held for a public purpose'.⁴² There is a further exemption for land that is unoccupied which is then subject to two exemptions in paragraphs (I) and (II) of s 6.26(2)(a)(ii). Paragraph (I), which is set out at [51] below, is the focus of these reasons.
33. The term 'owner', where used in relation to land in the LG Act includes, relevantly, a person who holds in respect of the land a mining tenement under the Mining Act (which includes a person holding a miscellaneous licence).⁴³
34. Section 6.27 deals with multiple rates. It provides, relevantly, that where under the Mining Act a person either 'holds' or 'occupies, uses or enjoys' 'in respect of land in a mining tenement within the meaning given to that term by the Mining Act',⁴⁴ the land the subject of that tenement is rateable land for the purposes of the LG Act in the hands of the holder of another estate in that land. I will return to the question of what constitutes an 'estate' in land later in these reasons.⁴⁵
35. Section 6.28 of the LG Act is directed to the basis on which rates are to be calculated. The Minister is to determine the valuation method by which rates will be calculated and is required to publish that determination in the *Government Gazette*. In determining that method, regard is to be had to the general principle that the basis for a rate on any land is to be the unimproved value, or the gross rental value, of the land.⁴⁶
36. Section 6.29 deals with the method of valuation to rate for mining and petroleum interests. A 'relevant interest' as referred to in that section, means, for present purposes, a mining tenement held under the Mining Act. The effect of s 6.29(2) is that the basis for a rate on a

⁴¹ LG Act, s 6.26(1).

⁴² LG Act, s 6.26(2)(a)(i).

⁴³ LG Act, s 1.4(e).

⁴⁴ 'Mining tenement' is defined in the Mining Act to include, relevantly, a miscellaneous licence: LG Act, s 8.

⁴⁵ Refer [127] – [128] below.

⁴⁶ LG Act, s 6.28(2).

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relevant interest is the unimproved value of the land, except as provided for in s 6.29(3).⁴⁷

6. Section 6.29(3) provides that s 6.29(2) does not apply to a relevant interest in a portion of land on which capital improvements are located, if the Minister has determined that the gross rental value of the land shall be used as the basis for the rating of that interest, and the determination expressly excludes the application of the sub-section.
7. Rates can be imposed either uniformly or differentially.⁴⁸ Differential rates may be imposed according to any, or a combination, of the following characteristics: (a) zoning; (b) the purpose for which the land is held or used; (c) whether the land is vacant or not; or (d) any other characteristic or combination of characteristic prescribed.⁴⁹
8. As soon as practicable after a local government has resolved to impose rates in a financial year, it is required to compile a rate record in relation to, relevantly, all rateable land within its district.⁵⁰
9. A local government is required to give the rate notice to the owner of the rated land.⁵¹ The notice must state the date on which the rate notice was issued as well as prescribed particulars.⁵² Rates are a charge on the rated land.⁵³ The owner of the land on which the rate has been imposed is liable to pay the rate to the local government.⁵⁴
10. Rates become due and payable on such date as determined by a local government, but not earlier than 35 days after the date noted on the rate notice.⁵⁵
11. Section 6.52 provides that rates are apportionable: (a) as between successive owners (in instances where the ownership of the land may be transferred within the financial year); and also (b) as between owners of several portions of the rated land, according to the respective values of the portions.
12. Subdivision 7 of Div 6 deals with objections and review. Section 6.76(1) provides that a person may object to the rate record of a

⁴⁷ LG Act, s 6.29(2).

⁴⁸ LG Act, s 6.32(1).

⁴⁹ LG Act, s 6.33.

⁵⁰ LG Act, s 6.39(1).

⁵¹ LG Act, s 6.41(2).

⁵² *Local Government (Financial Management) Regulations 1996* (WA), reg 56.

⁵³ LG Act, s 6.43.

⁵⁴ LG Act, s 6.44(1).

⁵⁵ LG Act, s 6.50.

local government on the ground that, relevantly, the rated land is not rateable land. The local government must promptly consider the objection and may either disallow it or allow it wholly or in part.⁵⁶ The making of an objection does not affect the liability to pay any rate pending determination of the objection.⁵⁷

13. A person dissatisfied with the local government's decision on an objection may apply for a right of review.⁵⁸ In this proceeding, the Applicant objects to the Rate Notices for the Miscellaneous Licences on the basis that the Shire's rate record is incorrect because *inter alia* the land the subject of the Miscellaneous Licences is not rateable land under the LG Act.

Section 6.26(2)(a)(ii)(I)

14. The focus of these reasons is the proper construction of s 6.26(2)(a)(ii)(I) of the LG Act. For ease of reference, I set out s 6.26(2) below:

- (2) The following land is not rateable land —
- (a) land which is the property of the Crown and —
- (i) is being used or held for a public purpose; or
- (ii) is unoccupied, except —
- (I) where any person is, under paragraph (e) of the definition of *owner* in section 1.4,⁵⁹ the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
- (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of

⁵⁶ LG Act, s 6.76(5).

⁵⁷ LG Act, s 6.81.

⁵⁸ LG Act, s 6.77.

⁵⁹ 'Owner' is defined in s 1.4(e) of the LG Act to mean, relevantly, 'a person who' 'under the *Mining Act 1978*, holds in respect of the land a mining tenement within the meaning given to that expression by that Act ...'.

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owner in section 1.4⁶⁰ occupies or makes use of the land;

and

- (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
- (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
- (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
- (e) land used exclusively by a religious body as a school for the religious instruction of children; and
- (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*; and
- (g) land used exclusively for charitable purposes; and
- (h) land vested in trustees for agricultural or horticultural show purposes; and
- (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Management Act 2006*) by that co-operative and used solely for the storage of grain where that cooperative has agreed in writing to make a contribution to the local government; and
- (j) land which is exempt from rates under any other written law; and

⁶⁰ 'Owner' is defined in s 1.4(f) of the LG Act to mean 'where a person is in the unauthorised occupation of Crown land, means the person so in occupation'.

(k) land which is declared by the Minister to be exempt from rates.

The contest as between the parties

52. The Applicant submits that the drafting of s 6.26(2)(a)(ii)(I) could be 'clearer'.⁶¹ That somewhat understated submission may be accepted.
53. What is clear, and agreed as between the parties, is that the general position is that land which is the property of the Crown, and which is unoccupied is not rateable land for the purposes of the LG Act. That is the plain meaning of s 6.26(2)(a)(ii) read in isolation up until the word 'except' before the em-dash.⁶² That general position is subject to two exemptions. Those exemptions are set out in s 6.26(2)(a)(ii) following the em-dash.
54. The contest is as to the meaning of paragraph (I) and precisely what is exempted from the general position that land that is the property of the Crown and which is unoccupied is not rateable land.
55. The Applicant's construction, reduced to its simplest terms, is that s 6.26(2)(a)(ii)(I) means that any prospecting licence (not exceeding 10 ha) and any miscellaneous licence held under the Mining Act are not rateable land. That is to say, these two forms of licences under the Mining Act are exempt from the payment of rates under the LG Act, regardless of whether the land in question is occupied.⁶³
56. Against this, the Respondent's construction, reduced to its simplest terms, is that s 6.26(2)(a)(ii)(I) means that any prospecting licence (not exceeding 10 ha) and any miscellaneous licence held under the Mining Act are only exempt from being rateable land if, in fact, the land in question is unoccupied. That is to say, the question of whether such land is rateable land turns on whether the land is unoccupied. Only if unoccupied, is the land exempt from the obligation to pay rates.

Applicant's submissions

57. The Applicant submits as follows. *Firstly*, the plain and ordinary meaning of the text of s 6.26(2)(a)(ii) creates an exemption to the general presumption under s 6.26(1), whereby land which is the property of the Crown and unoccupied is not rateable land. The exception in

⁶¹ ts 18, 23 January 2024.

⁶² *Australian Guide to Legal Citation*, Fourth Edition, Melbourne University Law Review, cl 1.6.3 states that an em-dash may be used to indicate an interruption within a sentence or in place of a colon.

⁶³ The Applicant does not concede that the land is occupied in this case.

s 6.26(2)(a)(ii) that land must be unoccupied is subject to two further exemptions set out in paragraphs (I) and (II).

58. When read with the definition of 'owner' in paragraph (e) in s 1.4, paragraph (I), in effect, reads that land which is the property of the Crown and unoccupied is not rateable land except in the case of a mining tenement (as defined under the Mining Act) other than by reason of that person being the holder of a miscellaneous licence or a prospecting licence which does not exceed 10 ha.
59. In this context, the words 'other than' carry their ordinary meaning and, when used together, have been judicially considered to mean 'besides, except, apart from' in the construction of legislative provisions.⁶⁴ The Applicant submits that this meaning accords with its construction.
60. The words 'by reason of' have been interpreted to be synonymous with 'because of' in the context of other provisions in the LG Act.⁶⁵
61. The overall effect of s 6.26(2)(a)(ii)(I) is that all forms of mining tenements (other than a prospecting licence not exceeding 10 ha and a miscellaneous licence) are excluded from the application of s 6.26(2)(a)(ii) and, as a result, the land the subject of those tenements is rateable land regardless of whether the land is occupied.
62. By excluding all other forms of mining tenements from the application of s 6.26(2)(a)(ii), the statutory text indicates that the two forms of tenement referred to in paragraph (I) are to be treated differently. The Applicant submits that this is a significant textual indication that all tenement holders, other than the two forms to which paragraph (I) is expressly directed, are to be treated as rateable land under the LG Act.⁶⁶
63. For the tenements that paragraph (I) is directed to (being prospecting licences less than 10 ha and miscellaneous licences), the effect of s 6.26(2)(a)(ii)(I) is that the land the subject of these tenements is not rateable under the LG Act regardless of whether the land is occupied.

⁶⁴ *Automotive Invest Pty Limited v Commissioner of Taxation* [2023] FCAFC 129 [31] in the context of ss 15 – 30 of the *A New Tax System (Luxury Car Tax) Act 1999* (Cth) (Logan J).

⁶⁵ *City of Rockingham v PMR Quarries Pty Ltd (Trading as WA Limestone Co)* [2001] WASCA 317; (2001) 118 LGERA 93 [90] (Hasluck J).

⁶⁶ Applicant's submissions, para 29.—

64. The Applicant submits that such a construction accords with the intent of the LG Act which includes a 'more efficient and effective local government'.⁶⁷ In this regard, Mr Russell submitted as follows:

... we say that broader object of having an efficient and effective system of levying rates is more consistent with our construction, which is simpler and more readily identifies those tenements which are rateable land and those which are, we say, exempt in the sense that they are not subject to the exception that land must not be occupied under 6.26(2)(a)(ii).

We say our construction is far simpler and provides for a more readily administered and effective system of levying rates[.]⁶⁸

65. **Secondly**, the exception under s 6.26(2)(a)(ii)(II) supports the Applicant's construction that the exception in s 6.26(2)(a)(ii) applies to a miscellaneous licence regardless of whether it is occupied.
66. Paragraph (II) provides that any land which is the property of the Crown is rateable land if any person is, in fact, in unauthorised occupation or makes use of the land. The effect of paragraph (II) is similarly to exclude from the application of s 6.26(2)(a)(ii), land which is, in fact, occupied and treat that land as rateable (where an unauthorised occupier is an owner for the purposes of the LG Act).⁶⁹ In contrast to the exception in paragraph (I), there is no further exception of the type that follows the words 'other than by reason of'.
67. **Thirdly**, extrinsic materials support the Applicant's construction in that it was intended by Parliament that miscellaneous licences would be exempt from the obligation to pay rates under the LG Act, unlike other tenement holders under the Mining Act.
68. Whilst there is no explanatory memorandum for the *Local Government Bill 1995 (Bill)*, earlier drafts of the Bill included an 'exempt mining tenement' in (then) cl 6.25(2)(a)(ii)(I) and defined that term to mean 'a prospecting licence held under the [Mining Act] in respect of land the area of which does not exceed 10 hectares or a miscellaneous licence held under that Act'.⁷⁰

⁶⁷ LG Act, s 1.3(2)(d).

⁶⁸ ts 13, 23 January 2024.

⁶⁹ LG Act, s 1.4, paragraph (f) of the definition of 'owner'.

⁷⁰ Bill, cl 6.24.

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69. Clause 6.25(2)(a) of the Bill relevantly provided that the following was not rateable land, being land which is the property of the Crown, a local government or a regional local government and:

- (ii) is unoccupied, except —
 - (I) where any person is, under paragraph (e) of the definition of "owner" in section 1.3, the owner of the land other than by reason of that person being the holder of an exempt mining tenement; or
 - (II) where and to the extent and manner in which a person mentioned in paragraph (f) or (g) of the definition of "owner" in section 1.3 occupies or makes use of the land[.]

70. The LG Act, as passed, 'replaced' the term 'exempted mining tenement' in paragraph (I) with the current wording 'a prospecting licence held under the [Mining Act] in respect of land of which does not exceed 10 ha or a miscellaneous licence held under that Act'.⁷¹

71. The Applicant explains that the Committee notes do not address why the amendment was made but regard may be had to the Bill, in the form that it was introduced.⁷² The Bill, as introduced, manifests an intention to treat land the subject of a miscellaneous licence as being exempt from being rateable land.

72. **Fourthly**, the reason that miscellaneous licences are expressly identified by paragraph (I) as not being rateable land reflects the nature of the ancillary and subsidiary rights conferred by such licences.⁷³ Unlike other mining tenements, miscellaneous licences can co-exist with other mining tenements. This is because:

- (a) in general terms, a mining tenement cannot be applied for, or granted, in respect to land that is already the subject of a mining tenement under ss 18 and 27 of the Mining Act;⁷⁴
- (b) the basic scheme of the Mining Act is that there should not be competing mining tenements over the same ground and that the

⁷¹ Applicant's submissions, para 32.

⁷² *Intepretation Act 1984*, s 19(2)(h); see also *National Rugby League Investments Pty Ltd (ACN 081 778 538) v Singtel Optus Pty Ltd (ACN 052 833 206) (NSD 201 of 2012)* (2012) 201 FCR 147; 289 ALR 27 [81] (Finn, Emmett and Bennett JJ).

⁷³ Prospecting licences that do not exceed 10 ha under the Mining Act are generally for minor or ancillary purposes or use.

⁷⁴ *Blue Ribbon* [61].

rights conferred by them should be held exclusively.⁷⁵ Miscellaneous licences represent an exception to this basic scheme,⁷⁶ and

(c) miscellaneous licences may be granted over the land the subject of another mining tenement and *vice versa*,⁷⁷ but only if they can meaningfully co-exist.⁷⁸

73. The term 'unoccupied' is not defined in the LG Act. The term 'occupier' is defined under s 1.4 as:

the person by whom or on whose behalf the land is actually occupied, or if there is no occupier, the person entitled to possession of the land and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right ...!

74. The Applicant submits that that definition may assist in determining the meaning of 'unoccupied'.⁷⁹

75. In *The City of Rockingham v Port Kennedy Resorts Pty Ltd*,⁸⁰ Wheeler J considered the meaning of land which is the property of the Crown and unoccupied under s 6.26(2)(a) in the context of the (then) *Local Government Act 1960* (WA) but did not express any view on the exception under paragraph (I). In that case, the licence conferred a right to exclusive possession which weighed heavily in favour of the land being occupied, and therefore rateable land irrespective of whether it was, in fact, occupied.⁸¹

76. The question of whether land is unoccupied is not necessarily answered by the question of 'exclusive possession', but in determining that question, courts will consider the nature of the rights held.⁸² The Applicant observes that the rights granted under a miscellaneous

⁷⁵ *Western Reefs*, 550 (Malcom CJ); *Blue Ribbon* [79].

⁷⁶ *Blue Ribbon* [80].

⁷⁷ Mining Act, s 94A; *Blue Ribbon* [80].

⁷⁸ Mining Act, s 117; *Blue Ribbon* [84] – [86].

⁷⁹ *Redland Shire Council v Stradbroke Rutile Pty Ltd* [1974] HCA 4; (1974) 133 CLR 641, 645 (Menziess J).

⁸⁰ *The City of Rockingham v Port Kennedy Resorts Pty Ltd* [1999] WASCA 300 (*Port Kennedy Resorts*).

⁸¹ *Port Kennedy Resorts*, [34] (as to the licence), [42] – [49] (as to occupation). In *Port Kennedy Resorts Pty Ltd v The City of Rockingham* [2000] WASCA 423; (2000) 112 LGERA 296 (Pidgeon J, Ipp J, Parker J) (*Port Kennedy Resorts Appeal*) the Full Court observe that whether land is not rateable by reason of it being Crown land that is unoccupied does not necessarily involve the question of exclusive possession but concluded in that particular case the licence carried with it a right to exclusive possession: [20] – [21].

⁸² *Port Kennedy Resorts Appeal*, [20] – [21].

licence are of a different character to all other forms of tenement under the scheme of the Mining Act.

69. In practical terms, a mining tenement (other than a miscellaneous licence) may either be occupied or unoccupied but will confer primary exploration or mining rights on a tenement holder upon grant. No other mining tenement (aside from a miscellaneous licence (s 91) or a special prospecting licence (s 43)) may be granted over that same land. The Applicant submits that this may inform the intent behind the exemptions set out in s 6.26(2)(a)(ii)(I).
70. The Applicant submits that, in contrast, a miscellaneous licence confers ancillary or subsidiary rights for purposes that are 'directly connected with mining',⁸³ and any rights of the holder must co-exist with any other rights under any other mining tenements in respect of the same land.⁸⁴ Another mining tenement may also be marked out, applied for or granted in respect of the same land that is the subject of a miscellaneous licence.⁸⁵ This regime, the Applicant submits, supports its construction that the land the subject of a miscellaneous licence is treated differently under the LG Act and is not rateable regardless of the question of occupation.
71. *Fifthly*, the Applicant points to a scenario where both a miscellaneous licence and another form of tenement co-exist over the same land. The Applicant submits that, on the construction advanced by the Respondent, the land is rateable (if occupied) and each owner (being each tenement holder) is liable to pay rates.
72. This gives rise, the Applicant contends, to the prospect that two rates may be levied against different tenement holders as to the same land. The Applicant submits that this is not a circumstance contemplated by s 6.27 of the LG Act, which provides for multiple ratings where land the subject of a tenement, permit, drilling reservation, lease or licence under the Mining Act is rateable and the land may be rateable 'in the hands of the holder of another estate'.
73. In other words, multiple rating is only permitted where the other estate is not an estate arising from a grant under the Mining Act. This is a further indication that land the subject of a miscellaneous licence is to be treated differently under the LG Act and is not rateable.

⁸³ Mining Act, s 91(6).

⁸⁴ Mining Act, s 91(7).

⁸⁵ Mining Act, s 94A.

Respondent's submissions

82. The Respondent's submissions draw attention to the fact that the effective levying of rates under the LG Act is an important purpose, in order to ensure the efficient and effective operation of local government.⁸⁶ Further, it is apparent that it is the 'land' that is rateable.⁸⁷

The exception in s 6.26(2)(a)(ii)

83. The Respondent submits that it is plain, from the legislative text, that all land is rateable land unless the land falls within a prescribed exemption.⁸⁸

84. The Respondent observes that s 6.26(2) of the LG Act sets out the exemptions to the requirement, perforce of s 6.26(1), that all land within a local government district is rateable. One of the exceptions is unoccupied Crown land. The term 'Crown lands' is defined to mean:⁸⁹

... lands of the Crown —

- (a) not granted or contracted to be granted in fee simple; or
- (b) not held or occupied —
 - (i) under conditional terms of purchase; or
 - (ii) with a right to acquire the fee simple[.]

85. The State is authorised to lease or licence Crown land under various written laws, including the *Land Administration Act 1997* (WA) and the Mining Act. Crown land that is within a local government district may be occupied or unoccupied.

86. The Respondent submits that on an ordinary reading of s 6.26(2)(a)(ii) of the LG Act, it was the legislature's intention to exempt unoccupied Crown land from the obligation to pay rates.

87. The term 'unoccupied' is not defined in the LG Act. The Respondent submits its meaning, in the context of the LG Act, appears to be unsettled.⁹⁰ At its highest, being occupied connotes a

⁸⁶ *Trecap Pty Ltd and City of Swan* [2006] WASAT 142; referred to with approval in *Retirees WA (Inc) and City of Belmont* [2010] WASAT 56 [46] – [48] and *Shire of Katanning and Bride [No 2]* [2011] WASC 248 [25].

⁸⁷ *Fly by Night Musicians Club Ltd v City of Fremantle* [2004] WASCA 161 [15] (*Fly by Night Club*).

⁸⁸ *Fly by Night Club* [33].

⁸⁹ LG Act, s 1.4.

⁹⁰ *Port Kennedy Resorts* [42] – [43].

requirement of exclusive possession. At its lowest, it requires some physical act of occupation. A lease, by its nature, may amount to occupation, whereas a licence may not. In any event, the question of whether land is occupied or not for the purposes of s 6.26(2)(a)(ii) of the LG Act is a question of fact.⁹¹

The exception to the exception

88. There are two exceptions to the exception that unoccupied Crown land is not rateable. The relevant exception is where a person is the owner of a mining tenement, other than by reason of that person owning, relevantly, a miscellaneous licence. To be an 'owner' for the purposes of s 1.4(e) of the LG Act, the person only needs to hold a relevant mining tenement.
89. Section 18 of the Mining Act provides that all Crown land, not being Crown land that is the subject of a mining tenement, is open for mining.
90. The term 'mining tenement' is defined.⁹² By its terms, it is plain that a mining tenement is granted in relation to land. The different types of mining tenements provide very different rights to holders.⁹³ For example, a mining lease provides a holder with rights of exclusive possession for a period of 21 years (with an option to renew).⁹⁴ However, an exploration licence provides a holder with the right to enter and explore the land for a period of 5 years (with options to renew).⁹⁵
91. Given the nature of the different mining tenements, it is conceivable that, as a matter of fact, the holder of a mining tenement may not be in actual occupation of the land, or at least all of the land, the subject of the grant.
92. The Respondent submits that the grammatical meaning of subsection (2)(a)(ii) is that if a person owns land by reason of them holding a mining tenement, then, even if the land is unoccupied, the land is nevertheless rateable.

⁹¹ *Port Kennedy Resorts* [44].

⁹² Mining Act, s 8(1); refer [15] above.

⁹³ Refer [17] – [28] above.

⁹⁴ Mining Act, s 78(1).

⁹⁵ Mining Act, ss 61 and 66.

The exception to the exception to the exception

93. The exception above is subject to two further exceptions. Those two exceptions are if the mining tenement is either a prospecting licence less than 10 ha or a miscellaneous licence.

94. A miscellaneous licence is an ancillary instrument, in that it is granted in connection with mining operations. Unlike a general purpose lease, which is the other form of ancillary tenement, a miscellaneous licence does not provide rights of exclusive possession in relation to land.

95. Also, unlike other tenements, a miscellaneous licence may be granted over the land the subject of another mining tenement and *vice versa*.⁹⁶

96. The purposes for which a miscellaneous licence can be granted are wide ranging, from a search for groundwater to the construction of minesite accommodation facilities.⁹⁷

97. A prospecting licence is granted for a shorter term (4 years with an option to renew) and provides limited rights connected with exploration.

98. The Respondent submits that, plainly, the legislature did not intend for a miscellaneous licence or a small prospecting licence (less than 10 ha) to be construed as a general exception to subsection (2)(a)(ii). That is to say, the legislature did not intend that the holders of such tenements would be required to pay rates regardless of whether the land in question was occupied or not.

99. The Respondent submits that the grammatical meaning of s 6.26(2)(a)(ii)(I) is that if a person owns land by reason of them holding either a prospecting licence of less than 10 ha or a miscellaneous licence then:

- (a) if the land is unoccupied, it is not rateable; or
- (b) if the land is occupied, it is rateable.

100. In summary, the construction advanced by the Respondent is that the question of whether land the subject of a miscellaneous licence is rateable turns on whether that land is occupied. The Respondent submits that this construction is consistent with the ordinary meaning of the

⁹⁶ *Blue Ribbon* [80]; Mining Act, ss 91 and 91A.

⁹⁷ Mining Regulations, reg 42B.

words used in the provisions, and is otherwise consistent with the context, objects and purpose of the LG Act.

101. Use of the land the subject of a miscellaneous licence for the purpose of, for example, the construction of minesite accommodation facilities, power generation and transmission facilities or storage facilities for minerals, inherently involve a substantial level of physical occupation.
102. A construction which would deny a local government rates in respect of Crown land which is 'occupied', simply because the owner of that land holds it pursuant to a miscellaneous licence, would not be consistent with the purpose of the LG Act.

Consideration

103. This proceeding arises in the Tribunal's review jurisdiction.⁹⁸
104. The purpose of the review is to produce the correct and preferable decision at the time of the decision upon the review.⁹⁹ Neither party carries an onus.¹⁰⁰ The reference to 'correct and preferable' recognises that, where there is a discretion to be exercised, there may be more than one 'correct' decision.¹⁰¹ However, the task before me does not involve an exercise of discretion. Rather, it is a question of statutory construction.
105. The principles of statutory construction are well known and settled. They were set out by the Court of Appeal in *Mohammadi v Bethune*,¹⁰² as follows:

31 The principles of statutory construction are well known and do not require detailed exposition. Statutory construction requires attention to the text, context and purpose of the Act. While the task of construction begins and ends with the statutory text, throughout the process the text is construed in its context. Statutory construction, like any process of construction of an instrument, has regard to context. As Kiefel CJ, Nettle and Gordon JJ recently explained in *SZTAL*:

⁹⁸ LG Act, s 6.77.

⁹⁹ *State Administrative Tribunal Act 2004* (WA) (**SAT Act**), s 27(2).

¹⁰⁰ *Ord Irrigation Cooperative Ltd v Department of Water* [2018] WASCA 83; (2018) 232 LGERA 33 [115] (Buss P, Murphy JA, Mitchell JA).

¹⁰¹ *LS v Mental Health Review Board* [2013] WASCA 128 [92] (Murphy JA); *Erujin Pty Ltd v Western Australian Planning Commission* [2010] WASC 326 [29] (Allanson J).

¹⁰² *Mohammadi v Bethune* [2018] WASCA 98 [31] – [36] (Martin CJ, Mazza JA, Beech JA) (*Mohammadi*).

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The starting point for the ascertainment of the meaning of a statutory provision is the text of the statute whilst, at the same time, regard is had to its context and purpose. Context should be regarded at this first stage and not at some later stage and it should be regarded in its widest sense. This is not to deny the importance of the natural and ordinary meaning of a word, namely how it is ordinarily understood in discourse, to the process of construction. Considerations of context and purpose simply recognise that, understood in its statutory, historical or other context, some other meaning of a word may be suggested, and so too, if its ordinary meaning is not consistent with the statutory purpose, that meaning must be rejected.

32 The primary object of statutory construction is to construe the relevant provision so that it is consistent with the language and purpose of all the provisions of the statute.

33 The objective discernment of the statutory purpose is integral to contextual construction. The statutory purpose may be discerned from an express statement of purpose in the statute, inference from its text and structure and, where appropriate, reference to extrinsic materials. The purpose must be discerned from what the legislation says, as distinct from any assumptions about the desired or desirable reach or operation of relevant provisions.

34 Discernment of statutory purpose is particularly significant in cases, commonly encountered, where the constructional choice presented is from 'a range of potential meanings, some of which may be less immediately obvious or more awkward than others, but none of which is wholly ungrammatical or unnatural'. In such a case, the choice 'turns less on linguistic fit than on evaluation of the relevant coherence of the alternatives with identified statutory objects or policies'. As we will explain later in these reasons, we think this is such a case.

35 Thus, the material provisions of the Act must be understood, if possible, as parts of a coherent whole.

36 Statutory texts enacted by the same legislature are to be construed, so far as possible, to operate in harmony and not in conflict. Where two or more statutory enactments comprise the overlapping legislative scheme, the enactments should be construed accordingly, and the court should endeavour to produce a rational, sensible, efficient and just operation in preference to an inefficient, conflicting or unjust operation.

(citations omitted)

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106. I must say that the proper construction of s 6.26(2)(a)(ii)(I) is not at all clear. I accept that both constructions that are contended for, are open.
107. Some of the construction arguments advanced by the Respondent are forceful and persuasive. In particular, it is apparent that a miscellaneous licence may be used for substantial purposes, such as a minesite accommodation facility¹⁰³ or a workshop and storage facility.¹⁰⁴
108. Viewed in this way, it would seem to be inconsistent with the purpose of the rating scheme of the LG Act which, in general terms, only exempts land which is used for charitable, religious, or not-for-profit purposes from the requirement to pay rates, for some aspects of commercial mining activities to be exempt.
109. Aside from the exemption in paragraph (I), the only real commercial use that is otherwise exempt under s 6.26(2) are co-operative grain handling facilities, but only where a contribution will be made to the relevant local government. I accept that, as a matter of context, this is not an insignificant point that very much favours the construction advanced by the Respondent.
110. Nevertheless, in my view, the Applicant's construction of s 6.26(2)(a)(ii) is to be preferred for the following eight reasons.
- 111.** *Firstly*, the starting point is that, by reason of s 6.26(1), all land is rateable land unless that land falls within an exemption as set out in s 6.26(2). One of those exemptions is land which is the property of the Crown¹⁰⁵ and is, relevantly, unoccupied. It is not in contest that the land the subject of the Miscellaneous Licences is the property of the Crown.
112. Paragraph (I) provides for an exception to the general position that unoccupied land which is the property of the Crown is not rateable. That exception is where land is 'owned' under a mining tenement granted pursuant to the Mining Act.
113. That is to say, land that is the subject of a mining tenement is rateable land; it matters not whether the land in question is unoccupied. That much is, in my view, plain from paragraph (I).

¹⁰³ Mining Regulations, reg 42B(q).

¹⁰⁴ Mining Regulations, reg 42B(x).

¹⁰⁵ In my view, the term 'property of the Crown' is broader than 'Crown lands'. However, in the context of this proceeding, nothing turns on that.

114. However, paragraph (I) then provides an exception to that exception in the case of two mining tenements: being miscellaneous licences and prospecting licences less than 10 ha. The effect of the exception to the exception is that land held under either of these forms of tenements is not rateable. Again, it is not a question of occupation. The exception applies to all such licences. In my view, it is, albeit just, tolerably clear that that is the intended overall effect of paragraph (I) as it relates to these two mining tenements.
- 115. *Secondly***, the structure, language and syntax of subsection (2)(a)(ii) supports this conclusion. In my view, the question of whether the land is unoccupied or not is irrelevant to what follows after 'unoccupied, ...' in s 6.26(2)(a)(ii) for the purposes of paragraph (I). The word 'except' in this context relevantly means 'with the exclusion of' or 'otherwise than'.¹⁰⁶
116. Following the word 'except' paragraph (I) does two things. *First*, it provides that all land that is the property of the Crown that is owned for the purposes of s 1.4(e) (being land the subject of a mining tenement) is rateable land. *Second*, it exempts two forms of mining tenements from being rateable land; being land held under either a miscellaneous licence or a prospecting licence less than 10 ha.
117. The grammatical basis for the exemption for miscellaneous licences and prospecting licences less than 10 ha arises by the words 'other than by' and 'reason of' in paragraph (I) which, taken together, in this context mean, in effect, 'apart from' and 'because of'. That is to say, land that is the property of the Crown that is held under either a miscellaneous licence or a prospecting licence of less than 10 ha, is not captured by the general tenor of paragraph (I) that all mining tenements are rateable.
118. The overall meaning of paragraph (I) is that all other mining tenements, on land that is the property of the Crown, are rateable under the LG Act regardless of whether they are occupied or not.
119. Put another way, on its proper construction, s 6.26(2)(a)(ii)(I) has the result that:
- (i) the question of whether land that is the property of the Crown is occupied or not is irrelevant where the land in question is the subject of a mining tenement; and

¹⁰⁶ *Macquarie Dictionary Online.*

(ii) save for land held under a miscellaneous licence or a prospecting licence less than 10 ha, all land that is the subject of mining tenements under the Mining Act is rateable under the LG Act.

- 120.** *Thirdly*, on this point, and as a matter of context, if the Respondent's construction were correct, and paragraph (I) was intended to invite an inquiry or assessment as to whether land that was the subject of a miscellaneous licence or a prospecting licence less than 10 ha was in fact occupied, one would expect to see the kind of language deployed in paragraph (II) in the context of a person who is in unauthorised occupation of Crown land.
121. In paragraph (II) the focus is very much on the 'extent and manner in which' the land may be being occupied. Yet those words do not appear in paragraph (I). There is no inquiry to be had into the 'extent and manner' by which a miscellaneous licence or a prospecting licence less than 10 ha may be occupied or not. In my view, that omission is not without significance and supports the construction that the question of occupation is simply not relevant under paragraph (I).
- 122.** *Fourthly*, in my view, the nature of the rights that are granted pursuant to a miscellaneous licence or a prospecting licence less than 10 ha also inform the question of statutory purpose.
123. As was emphasised by the Applicant, in particular, miscellaneous licences and special prospect licences are *licences* only. They do not result in a grant of, in effect, exclusive possession over the tenement land. That is to say, a miscellaneous licence and a special prospecting licence coexist with any other mining tenements that have been granted.
124. In saying that, while paragraph (I) does refer to a 'prospecting licence held under the *Mining Act 1978* in respect of an area of land which does not exceed 10 ha' it is a provision which in my view is largely, but I accept not exclusively, directed to special prospecting licences which cannot exceed 10 ha and only permit prospecting for gold.
125. However, even in the context of a prospecting licence that is not greater than 10 ha (not being a special prospecting licence), the requirement that such a licence be not greater than 10 ha indicates that the activities in question must be, in a relative sense, minor in scale and thus should be exempt from the requirement to pay rates.

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126. In my view, these considerations provide a sound and logical explanation as to why Parliament would treat such tenements differently for the purposes of rating.
127. *Fifthly*, I agree with the Applicant that its construction provides for a simpler and more efficient rating system for local governments.
128. If the Respondent's construction were to be accepted, it would mean that local governments in some of the geographically largest, yet most remote, municipal areas (such as the Shire) would be required, on an annual basis, to interrogate and investigate each miscellaneous licence (on land that is the property of the Crown) to ascertain if the relevant tenement is occupied or not. That hardly provides for an efficient and effective rating system. That is especially so in circumstances where, as I have explained at [120] and [121] above, unlike paragraph (II), paragraph (I) does not include language directed to the 'extent and manner' in which the tenement holder 'makes use of the land'.
129. *Sixthly*, I accept the Applicant's submission that the fact that there may be multiple miscellaneous licences granted over the same land makes the question of rating extremely difficult.
130. I do not accept the Respondent's submission that s 6.27 of the LG Act contemplates the simultaneous rating of multiple mining tenements on the same land. Rather, I find, that s 6.27 is directed to the rating of other estates in land together with a mining tenement; not the rating of multiple mining tenements granted under the Mining Act. In this regard, I note that, contrary to the Respondent's submissions,¹⁰⁷ a mining tenement is not an estate in land nor is it a fixture. Rather, it is in the nature of personal property.¹⁰⁸
131. As a result, in my view, the LG Act does not provide for the rating of multiple mining tenements over the same land. That result leaves a significant lacuna in the construction advanced by the Respondent.
132. *Seventhly*, the Bill is relevant parliamentary material to which regard may be had.¹⁰⁹ In *National Rugby League Investments Pty Ltd*

¹⁰⁷ ts 35, 23 January 2024.

¹⁰⁸ *TEC Desert Pty Ltd v Commissioner of State Revenue (WA)* [2010] HCA 49; (2010) 241 CLR 576 [39] (French CJ, Gummow, Heydon, Crennan, Kiefel JJ); *Golden Pig Enterprises Pty Ltd v O'Sullivan* [2021] WASC 396 [45] (Allanson J).

¹⁰⁹ *Interpretation Act 1984* (WA), s 19(2)(h).

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v Singtel Optus Pty Ltd (NRL Investments),¹¹⁰ the Full Court of the Federal Court was dealing with an exemption to copyright infringement provided by s 111 of the *Copyright Act 1968* (Cth), in the context of the broadcasting and the private recording of rugby league matches for domestic purposes.

133. The legislative history of s 111 was that it had been redrafted, and its meaning affected by other amendments, during the passage of the *Copyright Amendment Bill 2006* (Cth). Three explanatory memoranda were prepared to explain the effect of the amendments.

134. The Full Court stated:¹¹¹

We have referred earlier both to various iterations of the s 111 exception in the sequence of drafts which culminated in the provisions enacted and to the various Explanatory Memoranda dealing with those iterations. We note this for this reason. If earlier draft provisions and Explanatory Memoranda are to be referred to (whether for the purposes of s 15AB of the Acts *Interpretation Act 1901* (Cth) or as a matter of common law principle for the purposes of construction of the Act: see *CIC Insurance Ltd v Bankstown Football Club Ltd* (1997) 187 CLR 384 at 408) care must be taken to ensure that the observations in the Explanatory Memorandum being relied upon were not addressed to, and were to be understood by reference to, a version of the provision in question which was later amended in a relevantly operative way prior to its enactment: see Pearce and Geddes, *Statutory Interpretation in Australia* (7th ed, LexisNexis, 2011) at [3.27] and see also *Avel Pty Ltd v Attorney-General for New South Wales* (1987) 11 NSWLR 126 at 128-129.

135. Ultimately the Full Court examined the legislative history and concluded:¹¹²

The changes made by the two pre-enactment amendments removed the requirements that the copies be made and watched in domestic premises. There is nothing to suggest that they in any way affected the clear premise of both the originally proposed s 111 and s 111 as enacted[.]

136. Here, I do not have the benefit of any explanatory memorandum. I am also mindful that I am being asked to consider an iteration of s 6.26(2)(a)(ii) that was not passed by the legislature. I therefore

¹¹⁰ *National Rugby League Investments Pty Ltd (ACN 081 778 538) v Singtel Optus Pty Ltd (ACN 052 833 206) (NSD 201 of 2012) (NRL Investments)* (2012) 201 FCR 147; 289 ALR 27 [81] (Finn, Emmett and Bennett JJ).

¹¹¹ *NRL Investments* [81].

¹¹² *NRL Investments* [88].

proceed, as I must, with care in considering how the Bill may inform the constructional choice before me.

137. Nevertheless, the Bill did provide that miscellaneous licences and prospecting licences less than 10 ha were intended to be exempt from being rateable land.
138. That is plain from the definition of 'exempt mining tenement' in the context of the (then) draft cl 6.25 in the Bill.¹¹³ While it is true that Parliament ultimately saw fit to change the drafting of (what became) s 6.26(2)(a)(ii)(I), I accept the Applicant's submission that the same intent is still apparent in the version that was passed (albeit expressed far less clearly). Put another way, in my view, there is nothing in the language of s 6.26(2)(a)(ii), as passed, that indicates a change of intent.
139. I say this because, as I have explained at [114] and [115] above, paragraph (I) is not premised on the question of occupation. If the redrafting of cl 6.25(2)(a)(ii) of the Bill was to evince a change of intent that there should be some inquiry into the fact of occupation for the exemption to apply then, in my view, language would have been included that referred to the manner and extent to which the relevant land was being occupied or used and how that would inform or otherwise the operation of the exemption.
140. In an overall sense and as a matter of context, I find that the Bill supports the Applicant's construction.
- 141. Finally**, in my view and building on what I explained at [122] to [126] above, it is not without significance, at least in the context of miscellaneous licences, that they are tenements that grant ancillary and subsidiary rights only.
142. The purposes for which miscellaneous licences may be granted must be directly connected to, but are not part of, 'mining operations',¹¹⁴

¹¹³ Refer [69] above.

¹¹⁴ 'Mining operations' is defined in s 8(1) of the Mining Act to mean 'any mode or method of working whereby the earth or any rock structure stone fluid or mineral bearing substance may be disturbed removed washed sifted crushed leached roasted distilled evaporated smelted combusted or refined or dealt with for the purpose of obtaining any mineral or processed mineral resource therefrom whether it has been previously disturbed or not and includes —

- (a) the removal of overburden by mechanical or other means and the stacking, deposit, storage and treatment of any substance considered to contain any mineral; and
- (b) operations by means of which salt or other evaporites may be harvested; and
- (c) operations by means of which mineral is recovered from the sea or a natural water supply; and
- (da) operations by means of which a processed mineral resource is produced and recovered; and

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as that term is defined in the Mining Act. That is to say, a miscellaneous licence is premised on there being extant mining activity on other mining tenements.

143. Miscellaneous licences can be granted only for one of the purposes identified in reg 42B of the Mining Regulations. Those purposes include:

- | | |
|--|---|
| (a) a road; | (m) a sulphur dioxide monitoring station; |
| (b) a tramway; | (n) a communications facility; |
| (c) an aerial rope way; | (o) a drainage channel; |
| (d) a pipeline; | (p) a pump station; |
| (e) a power line; | (q) a minesite accommodation facility; |
| (f) a conveyor system; | (r) a bore; |
| (g) a tunnel; | (s) a bore field; |
| (h) a bridge; | (t) a water management facility; |
| (i) taking water; | (u) a power generation and transmission facility; |
| (ia) a search for groundwater; facility for minerals or mineral concentrate; | (v) a storage or transportation |
| (j) hydraulic reclamation and transport of tailings; | (w) a minesite administration facility; |
| (k) an aerodrome;(x) | a workshop and storage facility; |
| (l) a meteorological station; | (y) a jetty. |

144. While it may be accepted that some of these purposes would involve the substantial physical occupation of land, it is also the case that they are all purposes that are *only* ancillary to mining operations.

145. My point being that while the mining tenements upon which mining operations are conducted are rateable under the LG Act, a miscellaneous licence which accommodates only support infrastructure, is not. In my view, there seems to be some logic to that which provides an explanation as to why such tenements should not be subject to rates.

- (d) the doing of all acts incident or conducive to any such operation or purposes[.]

In this regard, I note that a general purpose lease, which is rateable, is also ancillary in nature. Two things can be said about that. The *first* is that a general purpose lease delivers exclusive occupation to the holder. The *second* is that a general purpose lease is for 'erecting, placing and operating machinery thereon in connection with mining operations carried on by the lessee', 'for depositing or treating thereon minerals or tailings' or 'for using the land for any other specified purpose directly connected with mining operations'. Such purposes are directly related to mining operations, not ancillary purposes.

Conclusion

146. I accept that both constructions that are contended for are open and that my conclusion is not free from doubt. Nevertheless, as the Court of Appeal explained in *Mohammadi*, where more than one construction is open, the construction that best serves the object of the legislation is to be preferred.

147. Here, for the reasons I have explained, it is my view that on its proper construction, the effect of s 6.26(2)(a)(ii)(I) is that, relevantly, a miscellaneous licence, the purposes of which are to support mining operations *being conducted on other tenements*, should not be rateable under the LG Act.

148. Contrary to the Respondent's submissions, such a construction does not deny a local government rates from mining operations. Rather, the result is that a miscellaneous licence, which only provides support for mining operations elsewhere, and which is not granted on an exclusive basis, is not rateable.

149. It follows that in my view the Miscellaneous Licences are not rateable under the LG Act and, as a result, there was no authority to issue the Rates Notices.

150. The parties should confer on the orders necessary to give effect these reasons.

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I certify that the preceding paragraph(s) comprise the reasons for decision of the State Administrative Tribunal.

DR S WILLEY, SENIOR MEMBER

19 MARCH 2024

The member for North West Central Hon Merome Beard MLA, spoke to the meeting about her experience with the Liquor Accord and the Banned Drinkers Register.

6.13 Support for a Banned Drinkers Register Implementation Across the Region

Proposed by Shire of Mount Magnet

Attachments Nil

BACKGROUND

The Shire of Mount Magnet is seeking support from zone members to lobby for the introduction of a banned drinkers register across the region.

COMMENT

Communities in the Murchison are currently covered by a voluntary code of conduct in relation to the sale of alcohol in the form of a liquor accord, to which the Shire, Police and local liquor retailers are parties.

This approach has been in place in a number of communities for many years as a means of reducing harm to the wider community during periods of high alcohol consumption, and to varying degrees of success. The popularity of this model is principally due to the difficulty and inflexibility of formal liquor accords such as those in the northern areas of Western Australia which see entire communities being declared "dry".

Generally the invocation of these voluntary restrictions are a last resort when no alternative means of influencing consumption are available. The restrictions are usually on takeaway alcohol with a ban on the sale of full strength beer, limits on mid-strength beer, fortified wines and spirits when such excess consumption is predicted, and during periods of high community unrest.

Recent media coverage of a letter issued by the Deputy Commissioner of Police to Liquor Licensing labelled Mount Magnet as being in the highest 10 towns in Western Australia for alcohol related violence. It should be noted that due to the small number of residents in Mount Magnet the data is unfairly skewed to represent a particular agenda. Put simply one or two people committing a number of violent assaults in a small community will represent a statistically higher proportion than two people in a larger community. Mount Magnet cannot fairly be represented on a statistical basis with a metric of x number of people per thousand.

The current model of liquor restrictions has an impact on the entire community, many of whom are responsible drinkers. Tourists, pastoralists and prospectors living out of town are three particular groups of people who cannot drink at the licensed premises, but who should have access to alcoholic drinks as well.

In addition, there are undoubtedly people within these communities who are medically diagnosed alcoholics, who do not behave violently when inebriated. For these people the sudden and unplanned removal of access to alcohol can have significant medical and mental health consequences.

A banned drinkers register is in a trial phase in Carnarvon and Meekatharra currently. WA Police recommend the listing on this register of individuals who are known to behave in a way likely to cause harm to themselves or others when influenced by alcohol, usually taking into account their history with law enforcement.

The implementation of this register requires presentation of identification prior to the purchase of takeaway products and at the bar of a licensed premises with registered individuals being barred from purchasing alcohol.

There are issues with this model of restrictions also which include the inability to identify all people who act in a manner that is not safe for those around them while affected, as well as the transient nature of people in this region making it difficult to track and share registers. The current voluntary code acts as a safety net where all residents are caught up, not just those previously identified.

The greater majority of community members are not restricted in their access to alcohol with this model, however.

Commitment to the implementation of the model across the region is more likely to achieve a successful and sustainable outcome than individual towns, with the strength being achieved through a cohesive region wide approach.

The current trial is being closely monitored and while it is not likely to be implemented in other towns until research on the effect of the conditions is completed, Murchison communities could well register their interest in participating in further trials.

At their meeting on 28th February 2024, Shire of Mount Magnet Councillors unanimously endorsed

“Due to the perceived overuse of current Liquor Accord, That Council support the introduction of a Banned Drinkers register in Mount Magnet and instruct the CEO to notify the Director Liquor Licensing and the Commissioner of Police of this position

And

Place the motion in support of a Banned Drinkers Register on the Agenda of the next Murchison Region Zone Meeting.”

RECOMMENDATION

That the Murchison Country Zone of WALGA support the introduction of a Banned Drinkers register across the region as replacement for the current voluntary liquor accord model, and further that the introduction of the register be completed as soon as possible.

RESOLUTION - Moved: CEO Cable

Seconded: Cr McQuie

That the Murchison Country Zone of WALGA support the introduction of a Banned Drinkers register across the region as replacement for the current voluntary liquor accord model, and further that the introduction of the register be completed as soon as possible.

Carried 12/0

6.14 Support for Retention and Recruitment of Justices of the Peace in Regional Areas

Proposed by: Royal Association of Justices of Western Australia (Inc.)

Attachments: Letter from the Royal Association of Justices of Western Australia (Inc.)

SUMMARY

The Royal Association of Justices of Western Australia (Inc.) have written to the Murchison Country Zone of WALGA requesting support for the recruitment and retention of Justices of the Peace in regional areas.

COMMENT

The group has noted that access to JPs' in many regional areas is difficult and is likely to be more difficult in the future as JPs' retire and are not replaced.

The request is for the Zone to support their concerns by contacting State members of Parliament about this issue particularly with regard to recruitment of additional JP's and increasing the age limitations for JPs' from 75 to 85 years of age, reflecting the increased longevity of the population and improvements in the general health of the population.

A copy of the letter received is below.

RECOMMENDATION

That the Murchison Country Zone of WALGA:

1. Supports the request of the Royal Association of Justices of Western Australia (Inc.); and
2. Writes a letter to all members of State Parliament requesting that;
 - i. Members request the Government to consider increasing the retirement age of Justices of the Peace to 85 years of age, subject to capability; and
 - ii. Members request that the Government take action to recruit additional Justices of the Peace to provide access and support for residents in rural areas.

RESOLUTION - Moved: Cr Walton

Seconded: CEO Matthews

- 1. Supports the request of the Royal Association of Justices of Western Australia (Inc.); and**
- 2. Writes a letter to all members of State Parliament requesting that;**
 - i. Members request the Government to consider increasing the retirement age of Justices of the Peace to 85 years of age, subject to capability; and**

- ii. **Members request that the Government take action to recruit additional Justices of the Peace to provide access and support for residents in rural areas.**

Carried 12/0



13th March 2024

The Executive officer. President and Councillors.

RE: Availability of Justices of the Peace in Country and Remote regions.

As President of the Royal Association of Justices of WA (Inc.), NFP, and on behalf of our committee, our members, and the residents of the communities you serve, we thank you for the support that your Council and Local Government provides to the community by assisting Justices of the Peace (JPs) within your jurisdiction.

As part of the many services that you generate to afford a cohesive and caring community, such as arranging accommodation for JPs to perform their duties in a central place; this encourages a local connection. Throughout Western Australia our Local Authorities offer assistance to the residents of remote country regions by granting accommodation to JPs, enabling them to serve in local libraries and Council premises.

Notably we recently examined the location of JPs covering regional areas of WA exceeding a 100 km band from the Perth GPO and found vast travel differences and distances for residents seeking assistance from a JP. Furthermore, the average age of active JPs in the state is now accelerating towards 75 years old. This is the operational age for a JP where search warrants can no longer be witnessed and other limitations apply, in accordance with the *Justices of the Peace Act 2004* WA section 5. These shortfalls affect residents in the regional and country areas to a greater extent and is significantly demonstrated by the availability of the JPs list appearing on the 'Justice of the Peace Document Witnessing Centres' promoted on the Department of Justice's website.

Clearly, we must convince the State Government to encourage more committed, and younger JPs to continue this essential service in the future in required areas of our state. We are also hoping to lift the age where limitations are invoked, from 75 years old to either 85 years, or based on capacity of mind, perhaps involving intermittent testing. Considering improvements to quality and longevity of life we believe that it is time antiquated legislation is updated to reflect current trends and provide relief to those disadvantaged and vulnerable people living in our regional communities.

This is especially a matter of equity of services available to residents in regional areas. As such we seek your independent support in bringing to the attention of your local State members of Parliament, issues such as the differences, distances, age limitations and overall lack of access and availability of JPs throughout the regional parts of the State.

If you would like any further information, please contact me on my mobile: 0405 561 093.

Yours sincerely

,Brian J. Dodds JP | President | presidentrajwa.org.au

Central Law Courts, 2A, 501 Hay Street, Perth WA 6000

Tel: 08 9425 2824

Email aiwa@raiwa.org.at

Web: www.raiwa.org.au

Mr Mark Holdsworth Regional Development Australia Mid West provided an update from their March forum. He mentioned that 2026 is the International Year for Rangelands and Pastoralism and that he is still waiting for a response to a request for a designated area migration agreement.

Mr John D'arcy, Stakeholder Manager from the Water Corporation presented the Shire of Cue President with an award for having the best tasting tap water in Western Australia.

Hon Melissa Price MP, Member for Durack addressed the meeting about her role in opposition as well as industry and funding issues. She requested feedback on what projects Local Governments would like to see funded.

Hon Merome Beard MLA, Member for North West Central spoke about the pastoralist issues with the Aboriginal Cultural Heritage Act and proposed gun laws. Other issues covered included proposal to have Child Protection as a stand-alone agency, future possible reintroduction of Royalties to Regions, quad trucks on regional roads and healthcare issues.

Hon Shane Love MLA, Leader of the Opposition spoke about the forthcoming State budget and the Federal budget which will be one week later. He also spoke about the lack of funding for projects outside of the metro area including the Meekatharra Wiluna Road and how the restructuring of state government departments has happened and its effect on how money is spent.

Mr Kieran Mussen, Acting Superintendent DFES, spoke to the meeting noting the high threat fire season is now over. He also spoke of DFES members assisting police when prospectors were missing and of volunteers going interstate to assist with natural disasters. There has been some restructuring with Geraldton now looking after Yalgoo and Murchison. He also addressed potential issues dealing with fires in battery powered vehicles. The recovery department of DFES have also been bolstered to assist Local Governments who are the lead agency in disaster recovery.

Mr Rick Ryan, Acting Area Officer Murchison DFES let the meeting know about the availability of two online training units available to members and the public.

Mr Anthony Quahe from Civic Legal addressed the meeting about legal issues currently affecting Local Government including camp accommodation, road infrastructure, training, CEO performance reviews, probity reviews regulatory issues and legal disputes caused by contract wording.

Mr David Price from David Price Consulting spoke about people who want to serve compared to those that want power and issues that arise when these groups are working together. He has been attending Council meetings around Perth to observe meeting procedures and presentation skills and passed on some tips and information from his observations.

7.0 Shire Reports

7.1 Shire of Yalgoo



Activity Report April 2024

Tourism and Community Events

The Shire of Yalgoo has recently hosted a number of successful community events such as the Benny Mayhem Music Truck and school holiday On Country trip to Melangata and Jingemarra Stations. Now that some of the summer heat is behind us Caravanner's have started to return to the Caravan Park and wider region.

Human Resources and Council

Council has welcomed and sworn in Cr Angus Nichols and Cr Kieren Payne after a recent extraordinary election.

Administration has taken onboard Charles Brown in the position of Deputy Chief Executive Officer and positions have been filled for the Works Crew, Arts Centre and Caravan Park. To provide for a smoother transition of the position of Works Manager in future years the Shire is revising the position description of projects officer so that it incorporates understanding of road design, maintenance scheduling and usage of GIS systems for asset maintenance.

Road and Plant

Light utilities have just been replaced with new 4WD capable vehicles and the Shire has received a new slasher and mower.

Delivery of a Kenworth Prime mover is expected within a fortnight after a significant time spent on back order. A multi tyred roller has been replaced and a light works vehicle was replaced with a Single Cab Hino with crane hoist and slip on water tank.

The Shire will be unable to spend the remainder of the current round of R2R funding due to ongoing delays with the audit process. That being said RRG and LRCI funding have us reaching the final 4km of sealing for the Yalgoo-Ninghan Road next financial year. At this stage the road will be progressively widened.

Tenders are currently open for AGRN962 and AGRN1021 which occurred in 2021 and 2022 respectively after having recently been signed off by DFES.

Numerous Iron Ore projects are looking to reactivate after a slow few years. Negotiations are occurring for extraordinary use of Shire roads and further work is required at a commercial and state government level to prioritise the use of available rail.

Projects

Horizon has recently removed the cap on solar power that can be produced in town and fed back to the microgrid. The Shire is reexamining a number of projects that could have a better outcome as a result of this change.

Construction has been completed on two units. Final electrical work has just completed and all that is required is Horizon to activate the connection.

A Niche wall has been constructed at the Paynes Find Cemetery and renovations continue for other heritage buildings. Computers have been introduced in the Yalgoo library and commercial washing machines have been installed in a fit for purpose work area at the Yalgoo Caravan Park.

Ian Holland
Chief Executive Officer



7.2 Shire of Mount Magnet



WALGA – Murchison Country Zone

April 2024 Report

Project Works

Refuse site development is well advanced with new slots in place instead of cells. The site is now manned 7 days per week, and while no cost is passed on to residents, the Shire expects to see an improvement in income from waste product received.

Caravan Park expansion project is well underway.

Local Law Amendments for all 8 Local Laws have been gazetted and submitted to JSCDL.

Rateability of Miscellaneous Licenses, first mentioned in my zone report November 2022, consumes expanding amounts of time and resource, with financial support being sought from Local Governments across WA for an appeal of the recent SAT decision through the Supreme Court of WA.

Still waiting on the results of the application for Growing Regions Program funding for the Shire Administration Office expansion project. The Shire was invited to the second round and have a sound business case.

Six Development Applications have been processed this year to date demonstrating positive business growth. Applications include three for short stay accommodation, a crane hire and logistics business and two mechanical businesses – all desperately needed in Mount Magnet at the moment.

The Site and soils analysis have been completed for the Magnet Industrial Estate project, now working with Water Corporation for reticulated water supply. The town supply is currently limited despite a recent plant upgrade and the proposed development, no matter how desperately needed, cannot be supported by Water Corporation currently. Four bores have been sunk this year in various locations within the Shire with the refuse site producing 22,000 litres per hour, and the racecourse 5,000 litres per hour. Both of these innovations will provide opportunities for growth. We can now support dust suppression activities and the Racecourse greening.

A bit of demolition to occur in the next few months with the Cinema being pulled down and community consulted about their preferred use, and two houses deemed unfit for human habitation and the owners untraceable to be demolished by the Shire. The houses contain significant amounts of bonded asbestos, which represent a risk to the Shire if set alight and become friable. While every endeavour is exhausted to renovate as many properties as possible, the risk of arson is currently too great a cost for the Shire.

Permanent power supply is currently being installed to the Racecourse – partly funded through LRCIP, partly through Shire funds. This opens the facility to the opportunity for wider use by community without the reliance on generator power.

Roads

Creek crossing repairs to Youanmi Road currently underway through RRG funding. Quantity estimator is working on detailed plans for Warren St reseal. Having trouble securing reseal contractors to complete works on Moses and Richardson Street, the work desperately needed.

Housing

Upgrades to the Manager house for the Caravan Park continue, expected to complete by the end of April. One vacant unit is currently tenanted by WAPOL.

Staff

Stable senior team has been in place for two years. Movements of staff in Administration have led to a mostly remote work environment. Department of Transport compliance continues to create difficulties for staffing the front counter.

Library is open every day of the week and the Murchison Georegion are setting up an office in the Rons Rock room at the RTC building.

Garden crew are stable, seeking an MC truck driver. The addition of a final year Heavy Diesel fitter in the depot crew has seen an improvement in the machinery.

Governance/Finance

Four Councillors have now completed all available mandatory training, with Engagement training, Leadership training and a Mission and Vision workshop held recently.

Sound financial results for 2022/23 financial year have put the Council in a solid position. Two OAG audits completed in the one financial year, Reg 17 reviews just completed, and just about to kick off the 2023/2024 interim audit.

Rates processing now completed in house with the implementation of various strong administration and finance processes leading to a reduction of cost of administration of 54% over the 2021/22 financial year.

Tralee Cable

7.3 Shire of Murchison



WALGA - Murchison Country Zone April 2024 Report

Murchison Camp Oven Muster Festival

Located in the heart of Wajarri country, the *Murchison Camp Oven Muster* festival is celebrating the land and skies of the Murchison region at the Murchison Settlement on 3 - 4 August 2024.

Over two days, learn how to cook in a camp oven with Jo Clews - Camp Oven Master. Come join us, and camp out under the brilliant skies on the ancient land of the Murchison Settlement.

A range of events are planned by the Shires Working Group which includes representation from the Murchison Arts Council comprising women from of our local stations and within the Murchison Settlement.

Events to include long table shared camp over supper, whip cracking, local music, stalls, local and cuisine.



Carnarvon-Mullewa Road

Recent works completed in 2022/23 to seal to 7.2m width of the remaining gravel section on the Carnarvon-Mullewa Road between the Murchison Settlement and our Shire boundary has seen the Shire construct and seal 37km since 2021.

By the time of the meeting approximately 9.7 km of 4.0m sealed sections between the Ballinyoo Bridge and Twin Peaks-Wooleen Road will have been reconstructed and sealing either completed or about to be completed. Works include a number of floodway sections with extensive sections requiring cement stabilisation and an additional prime as well as two coat seal. Essentially the project has evolved from strengthening / stabilisation to a full so as to maintain and in some areas lower the pavement to have finished levels at a level that will provide for cross flow / floodway drainage as part of a Roads for Rehydration Approach. Project has extended our small construction crew.

Meanwhile data from last year's pavement testing of sealed sections by the ARRB is in the process of being analysed.



SKA Route

Approximately 18 months ago Council had entered into an Agreement with Main Roads WA to construct and maintain various local roads within the Shire to cater for construction traffic associated with the SKA Project, which is located on the Boolardy Station. Route involves sections of the Carnarvon-Mullewa, Twin Peaks Wooleen, Meeberrie-Mt Wittenoom, Boolardy-Wooleen, Beringarra-Pindar and Boolardy-Kalli Roads. Since this time approximately \$3.7m of gravel resheet works and \$460k of maintenance has been undertaken, largely by Shire contractors.

The premise of the funding is as part of the State Governments contribution towards the SKAO project by way of an all-weather access top site during the construction phase. However, on current projections the amount of funding provided will likely fall well short of what's required. Project is well underway with a range of infrastructure including a construction camp, siteworks, and upgraded airfield.





Murchison Settlement Redevelopment Works

Council has been progressing on upgrade to its water supply with contractors well in the construction of new ring main, and water supply pumps and building to distribute water from new bores.

In March 2024 Council was advised that our application under the State Government's the Infrastructure Development Fund- Stream 3 - Unlocking Regional Worker Accommodation Opportunities was successful for works to chlorinate the upgraded water supply and to upgrade the current power supply network which has arisen following detailed review. Both projects will advance the provision of worker accommodation which is a significant part of the aims of Infrastructure Development Fund. The majority of the funding goes towards a new powerhouse with a chlorinator for the current water upgrade project also included. Future worker accommodation via duplexes and a dwelling will follow in later years.

Total Est Cost of both projects around \$1.9m.

Council has also let a contract for the construction of new Ablution Block at the Caravan Park. Project has been planned for some time and schedule for completion in 2023/24. Est Cost \$480k. MI Global Constructions remain on track with the off-site build is well advanced.

Meanwhile Tenders for the construction of small swimming pool / splash pad have closed and will be soon considered by Council.



Bill Boehm
Chief Executive Officer

7.4 Shire of Sandstone



SHIRE OF SANDSTONE Activity Report April 2024

Human Resources

I commenced as CEO for the Sandstone Shire in December 2023 following the departure of Charlie Brown.

Deputy CEO Selina Sargeant left in mid January and her position has been filled internally by Finance Officer Tracey Weiss.

Patrick (Paddy) O'Brien commenced as Works Manager at the end of January 2024 and has filled the long vacant Works Manager position.

It's been a pretty hectic time with much catch up work and as often happens some local knowledge leaves with the departing people.

Thankfully Shire President Beth Walton knows more about the Shire and its people than anyone and has been excellent support.

Road Works and Equipment

The roadworks on the Paynes Find Road were finally completed in March 2024 but no doubt we will be back there next year to attend to other sections of the road.

The team is now working on the Meekatharra Road, the Menzies Road and hopefully soon the Wiluna Road, flood damage funds permitting.

We have a \$500,000 project underway on the cattle grids throughout the Shire. This is for cleaning, repair, replacement and removal; the project will carry on into the 2024/2025 financial year.

Due to various delays, the plant replacement program did not occur this year which gives us the opportunity to review the ten-year replacement program and there will likely some significant expenditure in 2024/2025 subject of course to vehicular availability.

Buildings

We have under construction one 3 x 2 staff house. Unfortunately late tendering meant we couldn't construct on time two planned 2 x 1 units for the Caravan Park under the LRCIP funding. This grant will now be expended on other community projects and some roadworks. As I write this document I am waiting to receive approval from the LRCIP fund to purchase two alternative accommodation units that we happened to chance on and which can be provided prior to June 30th.

If this grant amendment is denied we'll have a mad rush to come up with an alternative project/s or the funding will be lost.

Tourism

The historic church has had a substantial face lift and is looking very presentable. The Visitors Centre has reopened after the summer hiatus and visitor numbers are increasing.

Unfortunately, the hotel owners decided to close the public bar and relinquish the liquor licence and are just leasing the accommodation and kitchen. The Observatory Dome is functioning again for the tourist season and the telescope is an added and popular attraction for visitors and locals alike.

Other Projects

The murals on the Water Corp water tanks are completed and looking magnificent. The murals were in the finals of the national murals competition but didn't make the final cut, but still this was quite an achievement. The murals will look even more prominent when the colourbond fence is removed and replaced with chain link fencing.

We have a substantial street maintenance/beautification program underway which includes culling a number of trees and pruning numerous more.

Many smaller shrubs are to be planted, dead trees and shrubs removed and many less attractive ones being replaced.

There will be a further 50 Brachychiton Bella Pink (Kurrajong) trees planted throughout the townsite, in the street medium strips and various other locations.

Prior to my appointment the Shire engaged an IT company to change and manage the Shire's website. This has been very slow going and is probably still several months from completion.

The Council will this month confirm its decision on the rate to be applied in 2024/2025 and it's likely to be 2.5% increase. We'll be moving very quickly on budget preparation and my aim, with Council's agreement, is to have a budget ready for the June Meeting, or July at the very latest.

Peter Money
Chief Executive Officer

10 April 2024

7.5 Shire of Cue



WALGA – Murchison Country Zone April 2024 Report

Governance

Following the Local Government Elections in October 2023, Mr Neil Montgomery who was also the Cue Primary School Principal was elected as Councillor. Due to changing circumstances Neil has taken a position as Principal of Dwellingup Primary School and tendered his resignation from Council on 11 February 2024. An Extraordinary Election to fill the vacancy on Council will be held on Friday 21 June 2024. The date for the close of enrolments for the election is Friday 26 April 2024 with notice of this being published on the Shire's website and social media.

The 30th anniversary of The National General Assembly of the Australian Local Government Association is holding its annual conference in Canberra from 2 – 5 July 2024. Five Councillors and I have nominated to attend the week which will provide a great opportunity for Councillor's personal development and to represent the Murchison region. The Regional Development Forum will enable shires to discuss regional issues and opportunities. The General Assembly provides partnership between Local Governments and Federal Governments on a wide range of policy positions and the opportunity to submit motions directly relating to local government challenges.

President Price and I attended the Local Government and Mining in the Murchison Region Forum held in Geraldton. The forum is looking at ways to align mining companies environmental, social and governance initiatives to local government strategic plans and the Murchison Regional strategy. I presented an overview of the Murchison Regional Strategy at the forum and provided a local government perspective for the Murchison Region.

Administration

Some of the Shire administration staff have started working from 7am to 4pm. The Shire office opening hours are still the same being 9am to 4pm. Some staff including myself will continue working 8am to 5pm.

The Shire has upgraded its website which went live in February of this year with a new platform utilising Council Connect. The website includes a road condition report module and an events Calendar. The tourist park has just launched an online booking

portal and we will soon be transitioning to Altus financials from the Synergy system. These projects are part of our transition to a fully digital administration.

The Shire launched a Facebook tourism campaign in March that will run until September to attract visitors to the region.

Economic Development

I have received a request from Fenix Newhaul about trialling autonomous trucks on the Beringarra-Cue Road from Cue to Iron Ridge. Discussions are currently in progress with Main Roads and the Department of Transport to work out what the Shire would need in place if we were to allow this. The request is to have autonomous trucks running from the mine site to the Cue change over parking area located on Miners Pass Road, from here the trucks will be driven by an operator to Geraldton. The initial part of the trial will have an operator in the truck at all times.

Westgold have commenced the construction of a new decline at the Great Fingall mine site to access deposits at a depth of seven hundred metres. The development stage of this project is expected to take eighteen months and provide a long production life into the future.

Town Developments

The Shire's stonemason Nick has completed the restoration of the Cue Hospital incinerator/ "pizza oven". This can be seen on the outskirts of town to the South and adds another restored historic structure to the towns many attractions. The structure was in a state of disrepair and close to collapsing prior to the works being undertaken.



Horizon Power announced on 26 March 2024 every home in Cue can now apply for roof top solar due to their Smart Connect Solar technology being activated. Smart Connect Solar uses internet connective technology to manage the levels of solar energy on the network. This allows an unlimited number of solar houses on the network as the amount of solar going back into the system is governed through the internet to manage each system. Further information is available on the Horizon Power website page.

“Introducing Smart Connect Solar” www.horizonpower.com.au/about-us/news-announcements/introducing-smart-connect-solar/

I have received a request from GROH (Government Regional Officer Housing) to ask if the Shire will consider building more houses in Cue for their purposes on a ten plus one-year lease arrangement. GROH are requiring additional housing for DBCA who are looking to place a ranger station in Cue.

The design for the bank building and Masonic Lodge have been decided on and the architects are now finalising the drawings for the Certificate of Design Compliance and Heritage approval.

The green dome has now been installed at the Heydon Place industrial development which will now allow the power connection to be finalised for the site to complete the project.

The Shire has taken possession of a second-hand transportable building which will be used as a Refuse site office. We are working towards having a transfer station located at the entrance where refuse will be sorted and made available for reuse with the intention of minimising the amount of waste going into landfill and maximising recycling initiatives.

In February a number of Shire workers participated in a Snake Handling Course which has provided participants with some valuable knowledge in reptile behaviour, safe handling techniques and personal safety when encountering snakes.

The camel train monument at the southern entrance to town has received some lighting to provide a beacon to the entrance of town at night.



Works

The Shire received our new Freightliner Cascadia Prime Mover in Cue on 16 January 2024. The new truck is neatly fitted out and very comfortable to drive. It is a bit disappointing that this is now the second new vehicle we have purchased that has been driven from over East and delivered as a new vehicle with around five thousand kilometres on the clock. The new Yutong 27-seater bus that we received in late 2023 was also delivered in this manner. The Shire is still waiting on delivery of two Isuzu light trucks ordered in September 2023.

The outdoor exercise area located next to the Town Oval has had artificial turf laid under the equipment to make this area more enjoyable to use.

Patching works have been completed on the Beringarra-Cue Road north of the Wilgie Mia turnoff and shoulder maintenance is being carried out to the Murchison boundary.

Community Events

Australia Day was well attended by around 100 people at the Town Oval. The weather provided a pleasant atmosphere this year for the festivities to start off with a new inflatable children's water playground which proved very popular. Shire Staff then cooked and served up hot food to the attendees which was appreciated. During the festivities, Geoff Udy entertained us with a medley of Aussie songs right up until the fireworks started. The Shire presented the Australia Day Citizenship Award. Tracy Bachraty was awarded the Community Citizen of the Year for her outstanding community support, volunteerism, and commitment to Cue St John Ambulance. Funding for the day and fireworks display was provided by Auspire – Australia Day Council.

The Shire of Cue has commenced an initiative to have a Seniors Morning Tea every month at the Queen of the Murchison to encourage the senior members of our Shire to come together. This is an opportunity to have a cuppa and chat, and to raise any ideas and/or concerns with Shire staff.

On Friday 22 March 2024 Shire President Les Price and I attended the black-tie world premiere of the movie Before Dawn held at Reading Cinemas in Belmont with 1,500 attendees. The film is a WA made World War 1 drama by Jordan Prince-Wright with some of the filming undertaken at Coodardy Station and sponsorship funding provided by the Shire of Cue.





Filming on Coodardy Station

Richard Towell
Chief Executive Officer

7.6 Shire of Meekatharra



WALGA Murchison Zone Meeting – April 2024

Activities Report - Shire of Meekatharra

Meekatharra District Hospital

No further development has occurred regarding the project although architectural design and project planning has been completed. The community consultation process for heritage surveys of the site is still to be completed.

Sealing of the Goldfields Highway Wiluna Meekatharra Road

The Shire Presidents of Meekatharra and Wiluna continue to lobby and explore alternative options for the complete sealing of the remaining 124 km of unsealed road between Wiluna and Meekatharra. The condition of the unsealed road continues to deteriorate with vehicle accidents also an unfortunate regular occurrence.

Mining Activities

The Shire of Meekatharra confirm that Technology Minerals (KOP Ventures) and Australian Vanadium Limited (AVL), both located near Gabanintha have merged. Abra Mining located on the Ashburton Downs Rd have formally advised Council that they are experiencing financial operating difficulties. Newcam Minerals have commenced haulage of iron ore products from their mine site at Mt Gould using the Landor Meekatharra Rd.

Meekatharra Airport Upgrade

Council tendered its sealing works for the Meekatharra airport in October 2023 with the successful tenderer being Bitutek Pty Ltd. Works commenced on 11th of March 2024 and are scheduled for completion at the end of March. Some disruption to flight schedules have occurred during this period.

Land/Buildings

Council awarded the tender for architectural design of the Lloyds building project at it's December 2023 Council meeting with the successful tenderer being Studio Bravura Architect & Design. The initial workshop with Council occurred in February 2024 with design options to be provided for consideration and discussion at Councils April 2024 meeting. Major refurbishment of several Council buildings and housing continues.

Road Construction & Equipment

Landor Meekatharra Road

Sealing of approximately 3.2 kms on the Landor Meekatharra Road has been completed at SLK 33kms to 36kms in February 2024. Approximately 29kms remain unsealed of the total road network.

Wiluna North Road

Council has been recently advised that the RRG Murchison sub group Technical Working Group (TWG) have accepted the submission by Council for the Wiluna North Rd (Councils section) to be included in the MRWA 2040 Significant Local Roads with Regional Importance.

Connaughton Street Repairs

Council recently completed asphalt sealing repair works at the intersection of Connaughton Street and Great Northern Highway in town. The repairs were necessary due to the high volume of road trains entering/exiting the fuel facility.

Maintenance Program

Ashburton Downs, Turee Creek, Mingah Springs/Three Rivers, Wiluna North, Mt Clere, Woodlands and Sandstone Road(s) general grading maintenance continues with grids maintenance completed at several locations.

Plant & Equipment

- Construction of remote accommodation mobile camp units by Royal Wolf completed with units at Shire depot and mounted on the skeleton trailer units. Awaiting final fit-out of water, fuel and generator units.
- Arrival of one x 150 CAT Grader.
- Arrival of one x Smooth Drum Roller, and
- Replacement of several works light vehicles.

Governance/Admin/Finance

Annual Report 2023/24

Council held its Annual Electors meeting on Saturday 17th of February 2024 and adopted its 2023/24 Annual Report.

Health, Building & Planning Services

The Shared Services Agreement with the Shire of East Pilbara for the provision of health, building and planning services commenced in February 2023 and continues to work well.

Finance

- Council held its 2023/24 Audit Committee meeting on Saturday 17th of February 2024 and adopted its Compliance Audit Return (CAR).
- Council completed its 2023/24 budget review at its Council meeting on Saturday 17th of February 2024.

Human Resources

Council has recruited and appointed several positions in the organization since November 2023. These have included:

- Community Development & Services Manager – commenced February 2024.
- Deputy Chief Executive Officer – commenced early April 2024.
- Acting Works & Services Manager – commenced March 2024.
- Acting Project & Maintenance Officer – commenced March 2024.
- Town Crew Parks & Gardens x 2 – commenced from December 2023 to March 2024, and
- Plant Operator x 1 – external recruitment – commenced December 2023.

Community Activities

Meeka Outback Festival 2024 – The 2024 Meeka Festival is scheduled to be held over the long weekend 21st to 23rd of September 2024.

Entry Statements

Time capsule and rock cladding completed and installed February 2024 at north and south highway entrances.

Cemeteries Management Plan

Stage 3 of Councils Cemeteries Management Plan process continues with further stonemason work scheduled for Peak Hill and Abbots closed cemeteries in May 2024. Council has installed the 'Chronicle Cemeteries Management' software system in December 2023 as part of the Cemeteries Management Plan process for the town cemetery.

Town Lions Park Project

The Lions Park project continues with seating and gardening been completed.

8.0 Presentations

- Murchison Geo Regions
- Water Corporation
- Hon Melisa Price MP
- Hon Merome Beard MLA
- Hon Shane Love MLA
- Regional Development Australia Midwest
- DFES
- Civic Legal
- David Price Consulting

9.0 Next Meeting

At the November 2023 meeting it was resolved that the next meeting of the Murchison Zone of WALGA be held on Friday 22 November 2024.

10.0 Meeting Close

The President closed the meeting at 2.51pm.