



# Gascoyne Country Zone

# Minutes

Teleconference

10:00am  
Friday 27 April 2018

# Gascoyne Country Zone

Meeting held via teleconference

Commencing at 10:00am, Friday, 27 April 2018

The Chair, Cr Cheryl Cowell, opened the meeting at 10:03am.

## Minutes

### ATTENDEES

Shire of Carnarvon

Cr Brett Smith  
Mark Dacombe – A/Chief Executive Officer

Shire of Exmouth

Cr Ben Dixon  
Cameron Woods – Chief Executive Officer

Shire of Shark Bay

President Cr Cheryl Cowell (Chair)  
Paul Anderson – Chief Executive Officer

Shire of Upper Gascoyne

John McCleary – Chief Executive Officer

WALGA

Tim Lane, Manager Strategy and Association Governance  
Marissa MacDonald, Policy Officer Transport and Roads  
Engel Prendergast, Senior Road Safety Consultant

### GUESTS

Department of Local Government,  
Sport and Cultural Industries

Jodie Holbrook, Director Local Government Policy &  
Engagement

### APOLOGIES

Shire of Upper Gascoyne

President Cr Don Hammarquist

### Attachments

The following were provided as attachments to the agenda:

1. Minutes March 2018 Meeting
2. State Council Agenda – via link: [http://walga.asn.au/getattachment/About-WALGA/Structure/State-Council/Agendas-and-Minutes/Agenda-State-Council-Agenda-May-2018-with-attachments-\(1\).pdf.aspx](http://walga.asn.au/getattachment/About-WALGA/Structure/State-Council/Agendas-and-Minutes/Agenda-State-Council-Agenda-May-2018-with-attachments-(1).pdf.aspx)
3. President's Report

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## 1. DEPUTATIONS

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Nil.

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## 2. DECLARATION OF INTEREST

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

Nil.

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## 3. CONFIRMATION OF MINUTES

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### 3.1 Minutes of the 2 March 2018 Meeting of the Gascoyne Country Zone

#### RECOMMENDATION

Moved Cr Dixon  
Seconded Cr Smith

**That the Minutes of the meeting of the Gascoyne Country Zone held on 2 March 2018 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

### 3.2 Business Arising

#### Presentation by the Carnarvon Rangelands Biosecurity Association

The Executive Officer will invite the new Executive Officer of the Carnarvon Rangelands Biosecurity Association to present at the June 2018 Zone Meeting.

**NOTED**

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## 4. ZONE BUSINESS

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### 4.1 Zone Status Report

<i>Agenda Item</i>	<i>Zone Resolution</i>	<i>WALGA Response</i>
<b>2018 March 2 Zone Agenda Item 4.1</b> Zone Status Report	That the Gascoyne Zone: 1. Note the development of the model policies; 2. Request WALGA to liaise with LGIS about insurance coverage or an assistance package or cyber bullying issues; and, 3. Request WALGA to continue to advocate for stronger defamation laws and assistance from the State Government to pursue defamation cases where appropriate.	WALGA has prepared a draft template Communications and Social Media Policy, Code of Conduct (Social Media) Clause and Guideline for Elected Member Personal Use of Social Media, circulated in an Infopage on 26 March 2018 for sector feedback by 27 April 2018. Finalised templates will be made available to WALGA's Governance Subscribers. An Agenda Item has been prepared for the May 2018 State Council meeting recommending request for ALGA advocacy for changes to Commonwealth legislation to provide for implementing:

		<ol style="list-style-type: none"> <li>1. Cyber-bullying protections for all Australians, similar to those provided to Australian children under the Enhancing Online Safety Act 2015 (Cth);</li> <li>2. Identification validation checks before a new social media account can be established, including a timeframe by which social media providers must ensure that all existing active accounts retrospectively comply</li> </ol> <p>A social media / communications control order, similar to a violence restraining order, which prevents a person from contacting any other person through social media.</p>
<p><b>2016 November 25 Zone Agenda Item 6.1</b> Community Cyber Bullying – Shire of Carnarvon</p>	<p>That this meeting request State Council to investigate the ramifications of internet sites and media outlets that are using falsehoods and innuendoes to continually harass Local Government and their employees including the option of strengthening defamation laws.</p>	<p>WALGA has prepared a draft template Communications and Social Media Policy, Code of Conduct (Social Media) Clause and Guideline for Elected Member Personal Use of Social Media, circulated in an Infopage on 26 March 2018 for sector feedback by 27 April 2018. Finalised templates will be made available to WALGA's Governance Subscribers.</p> <p>Report to the May 2018 State Council meeting recommending request for ALGA advocacy for changes to Commonwealth legislation to provide for implementing:</p> <ol style="list-style-type: none"> <li>1. Cyber-bullying protections for all Australians, similar to those provided to Australian children under the Enhancing Online Safety Act 2015 (Cth);</li> <li>2. Identification validation checks before a new social media account can be established, including a timeframe by which social media providers must ensure that all existing active accounts retrospectively comply</li> </ol> <p>A social media / communications control order, similar to a violence restraining order, which prevents a person from contacting any other person through social media.</p>
<p><b>2018 March 2 State Council Agenda Item 5.1</b> <b>Local Government Act Review</b></p>	<p>That WALGA;</p> <ol style="list-style-type: none"> <li>1. Endorse the responses to the Department of Local Government, Sport and Cultural Industries consultation paper provided in this report;</li> <li>2. Forward the WALGA policy positions endorsed at the December 2017 State Council meeting to the Department as part of this submission for the Act review process <u>with an amendment to ensure the tender threshold is time or per contract limited to prevent Local Governments from breaching the regulations based on cumulative purchasing from a single supplier;</u></li> <li>3. Request that the Department of Local Government, Sport and Cultural Industries ensure that representation from WALGA and the Local Government Professionals WA is included in any legislative drafting process as a result of the Local Government Act review; and</li> <li>4. Support the continuance of the Department of Local Government as a direct service provider of compliance and recommend the Department service its capacity building role through the utilisation of third party service providers.</li> </ol>	<p>This position has been incorporated in WALGA's Act review submission.</p> <p><b>STATE COUNCIL RESOLUTION MARCH 2018</b></p> <p>That WALGA;</p> <p>Endorse the responses to the Department of Local Government, Sport and Cultural Industries consultation paper provided in this report, subject to;</p> <ol style="list-style-type: none"> <li>a. A review of the ability of Elected Members to dial into Council meetings.</li> <li>b. Local Governments should be encouraged (not required) to seek third party assistance in the recruitment and performance management of a CEO, whether this be by the Public Sector Commission or registered consultants.</li> <li>3. Forward the WALGA policy positions endorsed at the December 2017 State Council meeting to the Department as part of this submission for the Act review process;</li> <li>4. Request that the Department of Local Government, Sport and Cultural Industries ensure that representation from WALGA and the Local Government Professionals is included in any legislative drafting process as a result of the Local Government Act review; and</li> <li>4. Support the continuance of the Department of Local Government as a direct service provider of compliance and recommend the Department fund its capacity building role through the utilisation of third party service providers.</li> </ol>

**NOTED**

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## **5. STATE COUNCIL AGENDA – MATTERS FOR DECISION**

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

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### **5.1 MATTERS FOR DECISION**

#### **5.1 Submission to ERA – Inquiry into Business Licensing**

That WALGA's submission to the Economic Regulation Authority Inquiry into Business Licensing be endorsed.

#### **5.2 Interim Submission – Development Control Policies 1.1, 1.2, 1.7, 2.5, and 5.1**

That the interim submission to the WA Planning Commission on Development Control Policies 1.1, 1.2, 1.7, 2.5, and 5.1 be endorsed.

#### **5.3 Interim Submission – State Planning Policy 4.1 Industrial Interface**

That the interim submission to the WA Planning Commission on State Planning Policy 4.1 Industrial Interface be endorsed.

#### **5.4 Third Party Appeal Rights – Consultation with members**

That WALGA:

1. Note the results of the additional consultation with members on the possible introduction of Third Party Appeal Rights into the Planning System;
2. Based on the feedback received, amend its current policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels;
3. Provide the State Government with the outcomes of this consultation and advocate for the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels as part of the upcoming Independent Planning Reform process; and
4. Further consult with members to provide more clarity on the exact details of the criteria that would need to be established, before any system of Third Party Appeals for decisions made by Development Assessment Panels is implemented by the State Government.

#### **5.5 Community Resource Centre Funding Cuts**

That:

1. WALGA:
  - a. Acknowledges the difficulties being faced by proposed funding cuts to Community Resource Centres and the flow on effects this may have to Local Governments; and
  - b. Considers previous reviews into the location and functionality of Community Resources Centres.
2. WALGA coordinate a representative paper with affected Local Governments to highlight the long term implications for the Local Government Sector; and
3. WALGA write to the relevant Ministers and Agencies to highlight the concerns of affected Local Governments and the need for appropriate resources and long term planning support to assist rural, regional and remote communities.

## **5.6 Interim Submission on Infrastructure WA**

That the interim submission to the Department of Premier and Cabinet on the proposal for establishing Infrastructure WA as a statutory body under legislation be endorsed.

## **5.7 Interim Submission on 'Australia's Strategy for Nature 2018 – 2030: Australia's Biodiversity Conservation Strategy and Action Inventory'**

That WALGA's interim submission to the Department of the Environment and Energy on 'Australia's Strategy for Nature 2018 – 2030: Australia's Biodiversity Conservation Strategy and Action Inventory' be endorsed.

## **5.8 Submission on the Emissions Reduction Fund Safeguard Mechanism**

That the submission to the Department of the Environment and Energy (Cwth) relating to proposed changes to the Emissions Reduction Fund Safeguard Mechanism be endorsed.

## **5.9 Surveillance Devices Act 1998 (WA) – Body Worn Camera use in Local Government Law Enforcement**

That WALGA advocate for amendment of Regulation 4 of the Surveillance Devices Regulations 1999 (WA) so that it includes Local Government 'Authorised Persons' as a class of Law Enforcement Officers for the purposes of the Surveillance Devices Act 1988 (WA).

## **5.10 Vexatious or Malicious Freedom of Information Applications**

That WALGA advocates for amendment of the Freedom of Information Act 1992 (WA) to:

1. Enable the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the Right to Information Act 2009 (QLD); and
2. Enable an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn.

## **5.11 Social Media – Cyber Bullying**

That WALGA endorse a request to ALGA for its advocacy for changes to Commonwealth legislation to provide for implementing:

1. Cyber-bullying protections for all Australians, similar to those provided to Australian children under the Enhancing Online Safety Act 2015 (Cth);
2. Identification validation checks before a new social media account can be established, including a timeframe by which social media providers must ensure that all existing active accounts retrospectively comply;
3. A social media / communications control order, similar to a violence restraining order, which prevents a person from contacting any other person through social media.

## **5.12 Proposed Amendments to the WALGA Constitution**

*Recommendation on page 124-126 of the WALGA State Council Agenda:*

[http://walga.asn.au/getattachment/About-WALGA/Structure/State-Council/Agendas-and-Minutes/Agenda-State-Council-Agenda-May-2018-with-attachments-\(1\).pdf.aspx](http://walga.asn.au/getattachment/About-WALGA/Structure/State-Council/Agendas-and-Minutes/Agenda-State-Council-Agenda-May-2018-with-attachments-(1).pdf.aspx)

## **RECOMMENDATION**

**Moved Cr Smith  
Seconded Cr Cowell**

**That the Gascoyne Country Zone endorse all Matters for Decision contained in the State Council agenda**

**CARRIED**

## **5.2 MATTERS FOR NOTING**

- 6.1 Review of the State Industrial Relations System – Update**
- 6.2 Local Government Performance Monitoring Project**
- 6.3 Update on the Building Commission’s State Wide Cladding Audit**
- 6.4 Public Libraries Strategy Consultation Forum**
- 6.5 Aboriginal Heritage Act 1972 Review**
- 6.6 Heritage Bill 2017**
- 6.7 Waste Levy Policy Review**
- 6.8 Report Municipal Waste Advisory Council (MWAC)**

## **RECOMMENDATION**

**Moved Cr Smith  
Seconded Cr Cowell**

**That the Gascoyne Country Zone Note the Matters for Noting contained in the State Council agenda**

**CARRIED**

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## **6. OTHER BUSINESS**

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### **6.1 Costs of Audits by the Office of the Auditor General**

The Shire of Exmouth reported that the cost of their audit to be undertaken by the Office of the Auditor General will be \$46,000. This contrasts to a cost of \$20,000 for the previous audit undertaken by Moore Stephens.

**Moved Cr Dixon  
Seconded Cr Smith**

**That the Gascoyne Zone requests WALGA to express its concern to the Minister for Local Government regarding the significant increase in audit costs due to legislative change requiring the Office of the Auditor General to undertake Local Government audits.**

**CARRIED**

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## **7. EXECUTIVE REPORTS**

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### **7.1 State Councillor's Report to the Zone**

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Cr Cheryl Cowell updated the Zone on the previous State Council meeting.

**NOTED**

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### **7.2 President's Report to the Zone**

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Tim Lane provided a summary of the President's Report on behalf of Cr Lynne Craigie.

**NOTED**

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### **7.3 DLGSC's Report to the Zone**

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Jodie Holbrook provided a report to the Zone on the work of the Department of Local Government, Sport and Cultural Industries.

**NOTED**

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### **7.4 RoadWise Update**

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Engel Prendergast updated the Zone on the activities of the RoadWise program.

**NOTED**

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## **8. DATE, TIME AND PLACE OF NEXT MEETING**

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**The next ordinary meeting of the Gascoyne Country Zone will be held at 12:30pm on Friday 22 June 2018 at the Shire of Carnarvon.**

**NOTED**

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## **10. CLOSURE**

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There being no further business the Chair declared the meeting closed at 10:46am.