

MINUTES OF THE ZONE MEETING

held at the Sportsground Pavilion, Chitty Avenue, Calingiri
Friday 20 April 2018 commencing at 10:05 am

1 OPENING & WELCOME

The Zone President, Cr Court, welcomed delegates and observers and introduced Cr David Lovelock, President, Shire of Victoria Plains. Cr Lovelock welcomed delegates to Victoria Plains and to Calingiri in particular and commented on –

- Since the Zone last met in Victoria Plains the Shire has appointed a new CEO, Ms Glenda Teede.
- A number of changes have been made to improve the structure and administration of the Shire. The number of Councillors has been reduced from 9 to 7. Consideration was given to doing away with Wards, however electors expressed the view that Wards be retained. Changes to the administration structure have included the engaging of a financial consultant to monitor the Shire's finances.
- A major chicken farm is being developed West of Mogumber; a \$40m project. This development could add to the argument for improvements to the Lime Sand Route from Lancelin. The Shire would like Main Roads to take over the route.
- A new gravel pit is to be opened up at Mogumber.
- Wished delegates well for the meeting and thanked them for attending.

2 ATTENDANCE & APOLOGIES

2.1 Attendance

Delegates -

Cr Peter Osborn	Shire of Chittering
Cr Steve Carter	Shire of Dalwallinu
Cr Jan Court	Shire of Gingin
Mr Clem Kerp	Shire of Goomalling
Cr Ken Seymour	Shire of Moora
Cr Michael Ryan	Shire of Northam
Cr Brian Rayner	Shire of Toodyay
Cr David Lovelock	Shire of Victoria Plains
Cr Peter Macnamara	Shire of Wongan-Ballidu
Cr Denese Smythe	Shire of York

Observers –

Mr Alan Sheridan	Shire of Chittering
Mr Jason Whiteaker	Shire of Northam
Mr Stan Scott	Shire of Toodyay
Cr Pauline Bantock	Shire of Victoria Plains
Ms Glenda Teede	Shire of Victoria Plains
Cr Stuart Boekeman	Shire of Wongan-Ballidu
Mr Paul Martin	Shire of York
Ms Mandy Walker	Director Regional Development, RDA Wheatbelt
Ms Jodie Holbrook	Director Local Government Policy & Engagement, Department of Local Government, Sport & Cultural Industries (from 10:17 am)
Mr Timothy Lane	Manager Strategy & Association Governance, WALGA
Mr Ashley Robb	Planning Project Officer, WALGA
Mr Cliff Simpson	Road Safety Advisor (Wheatbelt North), WALGA
Robert Dew	Zone Executive Office

Apologies

Cr Gordon Houston	Shire of Chittering
Ms Jean Sutherland	Shire of Dalwallinu
Cr Darren Slyn	Shire of Dandaragan
Mr Allister Butcher	Shire of Gingin
Cr Barry Haywood	Shire of Goomalling
Cr Rolly Van Gelderen	Shire of Goomalling
Cr Chris Antonio	Shire of Northam
Ms Mia Davies MLA	Member for Central Wheatbelt
Hon Martin Aldridge MLC	Member for Agricultural Region
Hon Laurie Graham MLC	Member for Agricultural Region
Hon Rick Mazza MLC	Member for Agricultural Region
Ms Anne Ferguson-Stewart	Office of Rick Mazza
Mr Wayne Scheggia	Deputy CEO, WALGA
Mr Tony Brown	Exec Manager Governance & Organisational Services, WALGA

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 ANNOUNCEMENTS

There were no announcements.

5 GUEST SPEAKERS / PRESENTATIONS

5.1 Great Northern Highway – Muchea to Wubin Upgrade (12:30 pm)

Update by the Project Team on progress of the upgrade works underway and planned for the Great Northern Highway between Muchea and Wubin including environmental approval progress for the Bindoon Bypass.

NOTED

6 MINUTES

6.1 Confirmation of Minutes

Minutes of the Zone Meeting held 23 February 2018 at Lancelin. Copies of these Minutes have been circulated to all member Councils.

RECOMMENDATION

That the Minutes of the Zone Meeting held on 23 February 2018, as printed and circulated, be confirmed.

RESOLUTION

Cr B Rayner moved and Cr D Smythe seconded –

That the Minutes of the Zone Meeting held on 23 February 2018, as printed and circulated, be confirmed.

CARRIED

6.2 Business Arising from the Minutes

(a) Equitable Access to State Funding for Rural Communities (Item 11.1)

Last meeting requested member Councils to provide further details of projects impacted by the withdrawal of funding by the State Government for inclusion in the Discussion Paper on Equitable Access to State Funding for Rural Communities. At the time of writing no further details have been received.

Direction is requested as to how the Discussion Paper is to be progressed.

RECOMMENDATION

For Discussion

FORESHADOWED MOTION

Cr D Smythe foreshadowed that she would move –

That the Zone (a) express its concerns at the State Government's decisions to close the Moora Residential College, to close six camp schools sites run by the Department of Education and for the Department of Education to retain an annual 20% dividend from funds remitted to the Agricultural Education Farm Provisions Trust Fund; and (b) urge the State Government to reverse these decisions.

Deferred to later in the meeting – See Item 12.1

Ms Jodie Holbrook entered the meeting at 10:17 am

Cr S Carter referred to the decision to remove Royalties for Regions funding for upgrade of the Northam-Pithara Road.

Mr A Sheridan indicated that he would be happy to rewrite the Discussion Paper and to include details of any further projects impacted by the withdrawal of State Government funding.

RESOLUTION

Cr D Smythe moved and Cr B Rayner seconded –

That Zone members be requested to provide information to Mr Alan Sheridan, Shire of Chittering, for inclusion in the Discussion Paper on Equitable Access to State Funding by Rural Communities, that the offer by Mr Sheridan to update and rewrite the Discussion Paper be accepted, and that the updated Discussion Paper be circulated to Zone members and delegates. CARRIED

(b) Loud Speaker System for Zone Meetings

RESOLUTION

Cr D Smythe moved and Cr D Lovelock seconded –

That the Zone purchase a suitable load speaker system for use by the Chair at Zone meetings and that expenditure of up to \$200 be authorised. CARRIED

7 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION BUSINESS

7.1 WALGA State Council Agenda

Review of the Agenda for the State Council meeting to be held Wednesday 4 May 2018. The Agenda has been circulated by WA Local Government Association to member Councils for distribution to delegates. The Zone is able to provide comment or submit alternate recommendations to State Council for consideration.

Matters for Decision

5.1 Submission to ERA – Inquiry into Business Licensing (Page 7)

WALGA Recommendation

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

In Brief

- Late last year, the Treasurer tasked the Economic Regulation Authority to undertake an inquiry into reducing the regulatory burden and other economic costs of State Government business and occupational licences (which includes permits and approvals) – including those which are administered by Local Government.
- WALGA has prepared a submission to the ERA which covers both issues for the business operations of Local Government and also its role as a regulator. Members were provided the opportunity to contribute to the submission, though limited response was received.
- The interim submission was provided to the Executive Committee out of session, and has been submitted to the ERA.

The meeting recommended that the Zone support the recommendation to State Council.

Mr T Lane advised that he would follow up a query from Mr C Kerp as to whether audit fees associated with the licensing of local governments which provide water services (mostly sewerage and non-potable water supplies) under the Water Services Act 2012 was included.

5.2 Interim Submission – Development Control Policies 1.1, 1.2, 1.7, 2.5, and 5.1 (Page 36)

WALGA Recommendation

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.

In Brief

- On 3 January 2018, the Western Australian Planning Commission (WAPC) released revised versions of five Development Control Policies for public comment: -
 - 1.1 Subdivision of Land – General Principles (DCP1.1),
 - 1.2 Development Control – General Principles (DCP1.2),
 - 1.7 General Road Planning (DCP1.7),
 - 2.5 Special Residential Zones (DCP2.5), and
 - 5.1 Regional Roads (vehicular access) (DCP5.1).
- The revised Development Control Policies aims to provide guidance on planning decisions and applications.
- The public comment period closed on the 23 March 2018, therefore an interim submission was prepared.

The meeting recommended that the Zone support the recommendation to State Council.

5.3 Interim Submission – State Planning Policy 4.1 Industrial Interface (Page 46)

WALGA Recommendation

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

In Brief

- On 21 November 2017, the Western Australian Planning Commission (WAPC) released a revised version of State Planning Policy 4.1 Industrial Interface (SPP4.1) for public comment.
- The revised State Planning Policy aims to provide guidance on planning decisions that will protect the long term future operation of Industry and Infrastructure facilities by avoiding encroachment from sensitive land uses and promoting compatible land uses.
- The public comment period closed on the 21 February 2018, therefore an interim submission was prepared.

The meeting recommended that the Zone support the recommendation to State Council.

Mr A Robb advised that he would follow up an enquiry as to whether the revised State Planning Policy applied to extractive industries.

5.4 Third Party Appeal Rights – Consultation with Members (Page 60)

WALGA Recommendation

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.*

In Brief

- Following the September 2017 State Council meeting, workshops were held with members on the various suggestions raised in WALGA's Third Party Appeal Rights in Planning Discussion Paper.
- In December 2017, the Association formally requested members to consider whether there would be any support for the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels.
- The outcomes of the consultation are provided within this report and result in a change to the current policy position of the Association.

RESOLUTION

Cr M Ryan moved and Cr S Carter seconded –

That the Zone:

- **Support items 1 and 4 of the recommendation to State Council;**
- **Recommends that item 2 of the recommendation to State Council be replaced with “Maintains its current policy position not to support the introduction of Third Party Appeal Rights”; and**
- **Recommends that item 3 of the recommendation to State Council be amended by deleting all the words after “of this consultation”.**

CARRIED

5.5 Community Resource Centre Funding Cuts (Page 69)

WALGA Recommendation

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.*

In Brief

- There is an ongoing acknowledgement of the important role of Community Resources Centres (CRCs) in rural, remote and regional Western Australia
- Several reviews have been undertaken, outlining the value of continued support of CRCs
- A 40% reduction of funding to CRCs has been included in forward estimates of the 2017 State budget for contracts commencing March 2019.

Mr C Kerp advised that a meeting was being held today in Narembeen to discuss the proposed reduction in funding to CRCs.

RESOLUTION

Mr C Kerp moved and Cr D Smythe seconded –

That the Zone recommends that the recommendation to State Council be amended by –

- **In item 1(a) replacing the word “may” with the word “will”;**
- **In item 3 replacing the words “the concerns” with the words “the grave concerns”; and**
- **In item 3 adding the words “continued and guaranteed” before the words “need for appropriate resources”.**

CARRIED

Ms J Holbrook advised that a meeting was being held with the Minister early next week which will include discussion on the funding for Community Resource Centres. The meeting requested feedback on the outcomes of this meeting.

The meeting requested that the issue of the reduction in funding for Community Resource Centres be included in the Zone’s Discussion Paper on Equitable Access to State Funding by Rural Communities.

5.6 Interim Submission on Infrastructure WA (Page 77)

WALGA Recommendation

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.

In Brief

- In February the Department of Premier and Cabinet released a proposal to establish Infrastructure WA, an independent body to provide expert advice to the Premier and Government on infrastructure needs and priorities in Western Australia.
- Infrastructure WA’s proposed roles are to develop a 20 year State Infrastructure Strategy, evaluate major project proposals over a threshold value of \$100 million and provide advice to the State Government on infrastructure priorities.
- An interim submission was provided to the Department of Premier and Cabinet highlighting strong support for the establishment of Infrastructure WA as a statutory body enabled under legislation.
- The Local Government sector seeks representation on the Infrastructure WA Board, an effective, transparent and genuinely open consultative and engagement process and consideration of the on-going costs of asset maintenance and renewal of any assets transferred to Local Government care and control.

The meeting recommended that the Zone support the recommendation to State Council.

5.7 Interim Submission on ‘Australia’s Strategy for Nature 2018–2030: Australia’s Biodiversity Conservation Strategy and Action Inventory (Page 92)

WALGA Recommendation

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.

In Brief

- In November 2016, Australian, State and Territory Environment Ministers agreed to revise ‘Australia’s Biodiversity Conservation Strategy: 2010- 2030’ (the ABC strategy) based on the findings of a review into the first five years of the Strategy’s implementation.
- The resulting ‘Australia’s Strategy for Nature 2018-2030: Australia’s biodiversity conservation strategy and action inventory’ (the strategy), aims to improve its ability to drive change in biodiversity management priorities, and better align with Australia’s international biodiversity commitments.

- WALGA lodged an interim submission with the Department of the Environment and Energy (DoEE) on 16 March 2018. The submission recommends significant revision of the strategy to provide a strong national framework for biodiversity conservation, meet Australia's international obligations, identify outcomes and set measurable targets, and commit adequate funding for the implementation of actions and monitoring of results.

The meeting recommended that the Zone support the recommendation to State Council.

5.8 Submission on the Emissions Reduction Fund Safeguard Mechanism (Page 102)

WALGA Recommendation

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.

In Brief

- The Commonwealth Government released the *Emissions Reduction Fund Safeguard Mechanism Consultation Paper*, proposing changes to the Safeguard Mechanism that would broaden the range of circumstances in which responsible emitters are able to increase their greenhouse gas emissions baseline.
- Due to the tight timeframe, WALGA provided a draft submission to the Executive Committee for its out-of-session approval and it was subsequently sent to the Commonwealth.
- Key points made in the submission are that the safeguard mechanism is currently not achieving its stated aim, the changes proposed in the Consultation Paper would fundamentally undermine an already compromised national mitigation policy and any changes to the safeguard mechanism must include more ambitious baselines for Australia's heaviest emitters.
- WALGA is seeking State Council's endorsement of the submission.

The meeting recommended that the Zone support the recommendation to State Council.

5.9 Surveillance Devices Act 1998 (WA) – Body Worn Camera use in Local Government Law Enforcement (Page 114)

WALGA Recommendation

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).

In Brief

- Some Local Governments have either implemented or are considering implementation of body worn cameras, as both an enforcement tool and an occupational safety personal protection equipment item.
- The current *Surveillance Devices Act 1998 (WA)* prescribes the definition of law enforcement officers, which includes a list of specified offices (State Government), but does not include Local Government law enforcement officers.
- WALGA's advocacy for amendment of the *Surveillance Devices Act 1998* to include Local Government Law Enforcement Officers, will clarify local government operations under this Act, when using body worn cameras and dash cam devices.

The meeting recommended that the Zone support the recommendation to State Council.

5.10 Vexatious or Malicious Freedom of Information Applications (Page 118)

WALGA Recommendation

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.*

In Brief

- Local Governments are regularly required to respond to access applications under the *Freedom of Information Act 1992(WA)*.
- Local Governments have advised of increasing incidents where Freedom of Information access applications are used for malicious or vexatious purposes.
- Where a Freedom of Information access application requires substantial resources to fulfil and the application is withdrawn, the responding Agency is unable to claim for costs incurred.
- The current *Freedom of Information Act 1992 (WA)* does not prescribe for the declaration of vexatious applicants nor sufficiently enable responding Agencies to claim costs arising from withdrawn Freedom of Information access applications.

The meeting recommended –

- (a) That the Zone support the recommendation to State Council; and**
- (b) Recommends that WALGA advocates for a review of the Freedom of Information Act 1992 (WA) as the current Act predates the wide spread use of electronic communications and information.**

The meeting also noted the need for provisions relating to vexatious or querulous complaints in areas other than freedom of information requests.

5.11 Social Media – Cyber Bullying Page 121)

WALGA Recommendation

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 establish, 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.

In Brief

- Social media use and misuse is becoming increasingly prevalent in the community, with Local Governments similarly experiencing increasing incidents where cyber communications negatively impact Local Government operations and governance as well as the health and safety of Elected Members and employees.
- Commonwealth legislation controls social media communications and therefore it is recommended that ALGA be requested to take up advocacy for changes that prevent fake online identities.

The meeting recommended that the Zone support the recommendation to State Council.

The meeting noted the need to tighten requirements around social media use in relation to local government elections and protections for elected members and senior staff.

The meeting noted the #PledgeNot2Sledge campaign initiated by the Redmond City Council (QLD).

5.12 Proposed Amendments to the WALGA Constitution (Page 124)

WALGA Recommendation

1. *That Clause 18 and Clause 19 of the Association Constitution be amended as follows:*
 - i. *Clause 18, sub-clause (1) be amended with the addition of the underlined words, as follows:*
 - (1) *Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17.*

II. Clause 19 be amended with the addition of the underlined words and the deletion of the strikethrough words, as follows:

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- ~~(3)~~ An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- ~~(4)~~ Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternate constituency to that of the President just elected.
- ~~(3)(5)~~ If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate constituency to that of the President.
- ~~(4)(6)~~ A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 48 19 shall still be eligible for election to a subsequent two (2) full consecutive terms.

2. That Clause 17A – Rotation of Presidency be added to the Association Constitution, as follows:

17A – Rotation of Presidency

1. At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
 2. At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
3. That Clause 20 of the Association Constitution be amended with the addition of the underlined words as follows:
A person shall cease or be disqualified from being a representative or deputy representative on the State Council, or from being President or Deputy President of the Association, or from attending State Council in an ex-officio capacity, if that person:
4. That sub-clause 20(j) of the Association Constitution be amended with the addition of the underlined words and the deletion of the strikethrough words as follows:
 - (j) Is a Councillor that has been suspended by the Minister for Local Government under Part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2)(c) of the Local Government Act 1995.

5. That sub-clause 10(2) of the Association Constitution be amended with the addition of the underlined words as follows:

(2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.

6. That sub-clauses 2(1), 5(7)(a), 9(1)(d), and 31(4)(b) be amended as follows:

I. That the following strikethrough words be replaced with the following underlined words in sub-clause 2(1):

~~“Local Government Managers Australia” means the Western Australian Division of the Local Government Managers Australia (LGMA), which body is incorporated under the Victorian Companies Act 1961.~~

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia.

II. That sub-clause 5(7)(a) of the Association Constitution relating to Associate Members of WALGA be amended with the words “Local Government Managers Australia (LGMA)” to be replaced with the words “Local Government Professionals Australia WA”.

III. That sub-clause 9(1)(a) of the Association Constitution relating to ex-officio members of State Council be amended to replace the words “Local Government Managers Australia (LGMA)” with the words “Local Government Professionals Australia WA”.

IV. That sub-clause 31(4)(b) of the Association Constitution relating to a dispute resolution panel be amended by replacing the word “LGMA” with the words “Local Government Professionals Australia WA”.

Special Majority Decision Required.

In Brief

- A number of potential amendments to the Association Constitution have arisen since the last governance review and Constitutional amendments in 2016;
- Amendment to the Constitution requires endorsement by a special majority of State Council and by a special majority at a WALGA Annual General Meeting;
- The issues identified and discussed in this report are as follows, with each issue corresponding to the numbers of the recommendations above:
 - i. President and Deputy President – Metropolitan and Country Representation;
 - ii. President and Deputy President – Rotation of Presidency between Metropolitan and Country constituencies;
 - iii. State Councillor Eligibility – Ex-officio Members;
 - iv. State Councillor Eligibility – Ministerial Suspension of Council or Councillor;
 - v. Election Procedure – Confirmation that the WALGA President is entitled to vote in elections for the positions of President and Deputy President; and,
 - vi. Change of Name – Local Government Professionals Australia WA.
- If one or more of the amendments above are endorsed by State Council by special majority an item will be prepared for the 2018 WALGA Annual General Meeting to be held on 1 August.

The meeting recommended that the Zone support all six of the recommendation to State Council.

RECOMMENDATION

That the above recommendations and comments be endorsed.

RESOLUTION

Cr B Rayner moved and Cr D Smythe seconded –

That the above recommendations and comments be endorsed.

CARRIED

Matters for Noting/information

6.1 Review of the State Industrial Relations System – Update (Page 134)

WALGA Recommendation

That State Council note the update on the Interim Report of the State Industrial Relations Review.

In Brief

- The Interim Report of the Ministerial Review of the State Industrial Relations Review has been released for comment.
- The Review recommends that Local Government employers and employees be regulated by the State industrial relations system, with the primary reason being to ensure jurisdictional certainty for the Local Government sector.
- WALGA's original submission to the review – endorsed by State Council in March 2018 – opposed Local Governments being regulated by the State system based on member feedback and that 96 percent of Local Government employees are currently regulated by the Federal system.
- A submission opposing the Interim Report's recommendation that Local Government be regulated by the State industrial relations system is being finalised.
- WALGA's submission will also make comment on the proposed transition process as well as a range of other recommendations that will impact the Local Government sector.
- The submission will be considered by the WALGA Executive Committee prior to being put forward to the review on an interim basis and will then be considered by State Council at the July 2018 State Council meeting.

6.2 Local Government Performance Monitoring Project (Page 137)

WALGA Recommendation

That the results of the Local Government Performance Monitoring Project be noted.

In Brief

- Eleven Local Governments initiated the *Local Government Performance Monitoring Project* to accurately reflect the planning and building performance of their organisations during the 2016/17 financial year.
- The Report has been presented to the Minister for Local Government, Minister for Planning and Minister for Commerce and the various State Government Departments, to consider these data sets in any regulations that might be prepared by the State for the Local Government sector.
- WALGA encourages other Local Government members to participate in the project in future years.

6.3 Update on the Building Commission's State Wide Cladding Audit (Page 140)

WALGA Recommendation

That State Council note the progress of the Building Commission's State Wide Cladding Audit and possible implications on the Local Government sector.

In Brief

- The State Government has initiated a State Wide Cladding Audit following the Grenfell Tower disaster in June 2017.
- The Audit involves the Building Commission investigating whether buildings are 'low' 'medium' or 'high' risk based on the type of cladding on the building.
- The number of buildings that will require a Local Government to issue a Building Order for remedial works is still unknown due to the investigation process still being undertaken, however, there will be

financial and resource implications for the sector to undertake any enforcement actions on properties found to be a 'high' or 'medium' risk.

6.4 Public Libraries Strategy Consultation Forum (Page 144)

WALGA Recommendation

That the Association's contribution to the consultation process for the Draft WA Public Libraries Strategy be noted.

In Brief

- (a) WALGA assisted the State Library WA in hosting a Consultation Forum to gather Local Government feedback on the Draft WA Public Libraries Strategy (the Draft Strategy) and *Our Future Background Paper* (the Background paper).
- (b) The Consultation Forum was well-attended by Local Governments, and provided an opportunity for participants to play an active role in the development of the final WA Public Libraries Strategy.
- (c) The Draft Strategy and Background paper are the culmination of years of work from State Library WA, WALGA and Public Libraries WA to consult the sector, develop a strategic view of library services and identify how they will need to evolve to suit 21st century requirements.

6.5 Aboriginal Heritage Act 1972 Review (Page 147)

WALGA Recommendation

That State Council note the Association is currently engaging with Members in order to develop a submission to State Government for the review of the Aboriginal Heritage Act 1972.

In Brief

- The Department of Planning, Lands and Heritage are conducting a review of the *Aboriginal Heritage Act 1972* (the Act)
- The Act is the States' principal legislation enabling the preservation of Aboriginal cultural heritage places and objects
- The review is being conducted in three phases and commenced on 9 March 2018 with the release of a Consultation Paper
- The Association is seeking feedback from Members on the Consultation Paper to provide a submission to State Government by 1 June 2018.

6.6 Heritage Bill 2017 (Page 149)

WALGA Recommendation

That State Council notes WALGA has received a response from the Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts addressing the Goldfields Esperance Country Zone concerns regarding parts of the Heritage Bill 2017.

In Brief

- (a) On 8 November 2017 the State Government introduced the *Heritage Bill 2017* which is currently being debated in Parliament.
- (b) The Goldfields Esperance Country Zone raised concerns on parts of the *Heritage Bill 2017* around ownership and the potential impacts on Local Government.
- (c) WALGA wrote to the Minister seeking feedback to these concerns and has received a response.

6.7 Waste Levy Policy Review (Page 152)

WALGA Recommendation

That State Council note the Discussion Paper on the Review of the Waste Levy Policy Statement.

In Brief

- MWAC has developed a Discussion Paper to inform a review of the WALGA Waste Levy and Strategy Waste Funding Policy Statement.
- Key issues for Local Government to consider include:

1. Application of the Waste Levy to the Non-Metropolitan area
 2. The Rationale for Local Government support for the Levy
 3. The expenditure of the Levy.
- It is requested that State Council note this Discussion Paper and identify any areas of concern regarding the Waste Levy, including its application and expenditure.

6.8 Report Municipal Waste Advisory Council (MWAC) (Page 154)

WALGA Recommendation

That State Council note the resolutions of the Municipal Waste Advisory Council at its 28 February meeting.

In Brief

- This item summaries the outcomes of the MWAC meeting held on 28 February.

RECOMMENDATION

That the above matters for noting/information be noted.

RESOLUTION

**Cr B Rayner moved and Cr D Smythe seconded –
That the above matters for noting/information be noted.**

CARRIED

Organisational Reports

- 7.1.1 Report on Key Activities, Environment and Waste Unit (Page 158)
- 7.1.2 Report on Key Activities, Governance and Organisations Services (Page 161)
- 7.1.3 Report on Key Activities, Infrastructure (Page 164)
- 7.1.4 Report on Key Activities, People and Place (Page 168)
- 7.2.1 Mayors/Presidents Policy Forum (Page 172)
- 7.2.2 Mining Community Policy Forum (Page 172)
- 7.2.3 Container Deposit Legislation Policy Forum (Page 173)
- 7.2.4 Freight Policy Forum (Page 173)

RECOMMENDATION

That the above organisational reports be noted.

RESOLUTION

**Cr D Smythe moved and Cr P Macnamara seconded –
That the above organisational reports be noted.**

CARRIED

Item 8.1(b) was dealt with at this time.

7.2 WALGA President's Report

Presentation of the WALGA President's Report (attached to Agenda).

RECOMMENDATION

That the WALGA President's Report be received.

Mr T Lane presented the WALGA President's Report and highlighted –

- The WALGA Honours Program – Nominations open 11 May 2018.
- 2018 Anzac Day Award – Nominations close 1 June 2018.
- Rural Fire Division – Engagement has just commenced.

RESOLUTION

**Mr C Kerp moved and Cr D Lovelock seconded –
That a letter of congratulations be sent to Cr Lynne Craigie on her re-election as WALGA President.**
CARRIED

RESOLUTION

**Mr C Kerp moved and Cr B Rayner seconded –
That the WALGA President's Report be received.**
CARRIED

7.3 State Councillor's Report

Report by the Zone's Representative Cr Jan Court on State Council meeting held 7 March 2018.

RECOMMENDATION

That the State Councillor's Report be received

Cr Court commented on –

- Election of WALGA President and Deputy President.
- City of Perth review and appointment of Commissioners.
- Lobby by WALGA on the State Government's education funding cuts.
- Increase in numbers of elected members attending training. She encourages elected members to attend the regional training courses.
- Waste management –
 - Finding very interesting;
 - Lightweight single-use plastic bags will be banned statewide from 1 July;
 - Replacement of plastic straws;
 - Ban by China on import of recyclables;
 - Contamination of curb-side recyclables with non-recyclable items;
 - Use of clear sided bins for recyclables;
 - Container deposit scheme – Concerns not working in the Eastern States and access to bins by those with disabilities;
 - Waste Conference.

Cr Ken Seymour left the meeting at 12 noon.

Mr S Scott referred to a decision by the City of Ipswich (QLD) to abandon its waste recycling program due to the cost, enquired if there was any information on the costs of recycling by local government and commented that he believed that education will not resolve the contamination issue.

Mr A Sheridan commented that the City of Ipswich decision will have a flow on effect to all local governments; that waste to energy is the future; and that the State Government needs to think about what it is going to recycle.

Ms J Holbrook pointed out that the Waste Avoidance and Resource Recovery Act 2007 requires local governments to have a waste policy, however this provision has never been actioned.

RESOLUTION

**Cr D Smythe moved and Mr C Kerp seconded –
That the State Councillor's Report be received.**
CARRIED

7.4 Zone Status Report

Report by WA Local Government Association on status of Zone resolutions for action by the Association – April 2018 (attached to Agenda)

Recommendation

That the April 2018 Status Report be received.

RESOLUTION

**Mr C Kerp moved and Cr D Smythe seconded –
That the April 2018 Status Report be received.**
CARRIED

8 ZONE REPORTS

8.1 Local Government Agricultural Freight Group

(a) Minutes

Minutes of the Local Government Agricultural Freight Group meeting held 13 April 2018 (attached to Agenda).

The next meeting of the Group is scheduled for 13 August 2018.

RECOMMENDATION

That the minutes of the Local Government Agricultural Freight Group meeting held 13 April 2018, as circulated, be received.

RESOLUTION

Cr D Smythe moved and Cr B Rayner seconded –

That the minutes of the Local Government Agricultural Freight Group meeting held 13 April 2018, as circulated, be received. CARRIED

(b) Report

Report by delegate Cr Ken Seymour.

RECOMMENDATION

That the Local Government Agricultural Freight Group Report be received.

Cr K Seymour commented on –

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RESOLUTION

Cr D Smythe moved and Cr S Carter seconded –

That Cr Brian Rayner be appointed as the Zone delegates to the Local Government Agricultural Grain Freight Group in place of Cr Louise House. CARRIED

RESOLUTION

Cr B Rayner moved and Cr D Smythe seconded –

That the Local Government Agricultural Freight Group Report be received. CARRIED

RESOLUTION

Cr K Seymour moved and Cr B Rayner seconded –

That the Zone support increasing from width for the movement of agricultural machinery requiring a Heavy Vehicle Agricultural Pilot from 6m to 8m. CARRIED

RESOLUTION

Cr P Osborne moved and Cr M Ryan seconded –

That the WA Local Government Association be requested to prepare background information on the requirements for the movement of agricultural machinery paper for consideration at the Zone's next meeting; and that Mr Ian Duncan, Executive Manager Infrastructure, WALGA, be invited to the next Zone's next meeting. CARRIED

(c) Revitalising Agricultural Region Freight Strategy

The Group has requested that at their forthcoming meetings ones encourage stakeholder engagement in the Revitalising Agricultural Region Freight Strategy and list for discussion the strategy's stakeholder questions -.

- (1) Which agricultural commodity supply chains and regions are you exposed to, and in which way?
- (2) How do you feel the transport component of WA's agriculture supply chain compares nationally? Internationally? This may be in terms of cost, efficiency or timing.
- (3) Are you aware of any infrastructure constraints that inhibit the productive movement of freight on road or rail? If so, can you please provide details? Can you suggest any realistic and achievable solutions?
- (4) Are you aware of any non-infrastructure constraints that inhibit the productive movement of freight on road or rail? (These may include policy, regulation, systems, competition issues or technology). Can you suggest any realistic and achievable solutions?
- (5) How would you rank the 6 objectives of the RARF project, and why?
 - Connected and continuous supply chains
 - Seamless modal integration
 - Optimised infrastructure and policy environment
 - Improved transport efficiency
 - Improved road safety•
 - Regional economic growth
- (6) Which agricultural commodity and/or region do you believe will see the most growth in production over the next 10 years? Why? What should the government do to support this?
- (7) Can you identify any changing trends or technologies that will significantly impact on the transport supply chain in the next 10 years?
- (8) Are you aware of any other opportunities to improve the movement of freight in regional Western Australia?
- (9) Do you have any recent publications or data (within the last 5 years) you would be willing to share with the project group to support the development of the Revitalising Agricultural Region Freight strategy?
- (10) Do you have any other comments or context for the Working Group to consider in its preparation of the Revitalising Agricultural Region Freight strategy and project list?

RECOMMENDATION

That the Zone strongly recommends to its member local governments that they participate in the Revitalising Agricultural Region Freight Strategy.

RESOLUTION

C D Smythe moved and Cr D Lovelock seconded –

That the Zone strongly recommends to its member local governments that they participate in the Revitalising Agricultural Region Freight Strategy. CARRIED

Mr C Kerp advised that a meeting on the Revitalising Agricultural Region Freight Strategy was to be held in Northam on 2 May 2018.Agriculture

9 AGENCY REPORTS

9.1 Department of Local Government, Sport and Cultural Industries

Presentation and report from the Department of Local Government, Sport and Cultural Industries.

Ms Jodie Holbrook commented on –

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RESOLUTION

Cr B Rayner moved and Cr D Smythe seconded –

- (a) That the Department of Local Government, Sport and Cultural Industries' Report be received; and**
 - (b) That an invitation be extended to the Minister for Local Government to attend the June or a subsequent Zone meeting.**
- CARRIED**

9.2 RDA Wheatbelt

Presentation of report from RDA Wheatbelt

Ms Mandy Walker commented on –

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RESOLUTION

Cr D Smythe moved and Cr S Carter seconded –

That the RDA Wheatbelt's Report be received.

CARRIED

Cr P Macnamara and Cr S Boekeman left the meeting at 12:33 pm.

Mr James Nelson and Ms Beth Woods entered the meeting.

5 GUEST SPEAKERS / PRESENTATIONS

5.1 Great Northern Highway – Muchea to Wubin Upgrade (12:30 pm)

Update by the Project Team on progress of the upgrade works underway and planned for the Great Northern Highway between Muchea and Wubin including environmental approval progress for the Bindoon Bypass

9 AGENCY REPORTS (Cont'd)

9.3 Roadwise

Presentation of report from Roadwise

Mr Cliff Simpson commented on –

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RESOLUTION

Cr D Smythe moved and Mr C Kerp seconded –

That the Roadwise Report be received.

CARRIED

10 FINANCE

10.1 Financial Reports

Balance Sheet and Profit and Loss Report for the period ending 31 March 2018 are attached.

RECOMMENDATION

That the financial reports for the period ending 31 March 2018, as attached, be received.

RESOLUTION

Cr D Smythe moved and Cr B Rayner seconded –

That the financial reports for the period ending 31 March 2018, as attached, be received.

CARRIED

10.2 Accounts for Payment

The following accounts are submitted for payment -

<u>Payee</u>	<u>For</u>	<u>Amount</u>
R W & L A Dew	LG Grain Freight Group Executive Services – May 2017 to April 2018	4,338.94
R W & L A Dew	Secretarial Services to Zone – June 2018 Quarter	3,891.25
	TOTAL (including GST)	<u><u>\$8,230.19</u></u>

RECOMMENDATION

That the accounts as listed totalling \$8,230.19 be approved for payment.

RESOLUTION

Mr C Kerp moved and Cr D Smythe seconded –

That the accounts as listed totalling \$8,230.19 be approved for payment.

CARRIED

11 ZONE BUSINESS

11.1 Strategic Environmental Planning and Approvals

BACKGROUND

The Zone had invited representatives of the Department of Premier and Cabinet to give a presentation to this meeting in relation to the Strategic Assessment of the Perth and Peel Regions being undertaken by the State Government, which potentially have implications for peri-urban local governments in the Zone.

COMMENT

Mr Mark Batty, Executive Manager Environment and Waste, WA Local Government Association, has advised that the State Government has paused the Assessment for review. There is some indication that the Assessment may not proceed. As such the presentation to this meeting has not been proceeded with.

RECOMMENDATION

For Noting

NOTED

11.2 Wheatbelt Conference 2018

FROM: Executive Officer

BACKGROUND

The Wheatbelt Conference 2018 supported by the Avon-Midland, Central and Great Eastern Country Zones was held 5-6 April 2018. The Conference was held in Jurien Bay with the theme Small Towns, Big Dreams: Transitioning Regional Economies.

COMMENT

The Organising Committee is scheduled to meet on 24 April to review the Conference. Following the review a report will be submitted to the three Zones for consideration.

All the speaker presentations are now available for your reference on the Shire of Dandaragan's website.

Delegates who attended the Conference may care to comment on the Conference.

RECOMMENDATION

For comment

RESOLUTION

Cr B Rayner moved and Cr D Smythe seconded –

That the Zone write to the Jurien Bay District High School P & C Association thanking them for the catering at the Wheatbelt Conference. CARRIED

RESOLUTION

Cr P Osborne moved and Cr M Ryan seconded –

That the Zone recommends that the Wheatbelt Conference be held annually CARRIED

12 URGENT BUSINESS (as permitted by the Presiding Member)

12.1 Equitable Access to State Funding for Rural Communities

Item 6.2(a) was submitted.

RESOLUTION

Cr D Smythe moved and Cr M Ryan seconded –

That the Zone (a) express its concerns at the State Government's decisions to close the Moora Residential College, to close six camp schools sites run by the Department of Education and for the Department of Education to retain an annual 20% dividend from funds remitted to the Agricultural Education Farm Provisions Trust Fund; and (b) urge the State Government to reverse these decisions. CARRIED

13 MEMBERS OF PARLIAMENT

No matters were brought forward.

14 DATE, TIME AND PLACE OF NEXT MEETING

The Zone's next meeting is scheduled for Friday 22 June 2018 and to be hosted by the Shire of York.

Future meetings of the Zone are scheduled for –

24 August 2018	Shire of Chittering
23 November 2018	Shire of Wongan-Ballidu

RECOMMENDATION

That the next ordinary meeting of the Zone be held Friday 22 June 2018 and be hosted by the Shire of York.

RESOLUTION

Cr B Rayner moved and Cr M Ryan seconded –

That the next ordinary meeting of the Zone be held Friday 22 June 2018 and be hosted by the Shire of York. **CARRIED**

CONSENSUS RESOLUTION

That the commencement time for Zone meetings be 10:00 am **CARRIED**

15 CLOSURE

There being no further business the Chairman thanked attendees, the Shire of Victoria Plains for hosting the meeting and declared the meeting closed at 1:12 pm.

CERTIFICATION

These Minutes were confirmed by the meeting held on

Signed:
(Chairman of meeting at which the Minutes were confirmed)