

01-005-03-0003



South East Metropolitan Zone

Minutes

23 June 2021

South East Metropolitan Zone

Hosted by the City of Gosnells

2120 Albany Highway, Gosnells – 9397 3000

Wednesday 23 June 2021 commenced at 6:00 pm

Minutes

MEMBERS

2 Voting Delegates from each Member Council

City of Armadale	Cr Carole Frost (Deputy) Cr Donna Shaw (Deputy) Ms Joanne Abbiss, Chief Executive Officer – non-voting delegate
City of Canning	Cr Tim Porter Cr Mark Bain Mr Stephen Cain – non-voting delegate (Observer)
City of Gosnells	Cr Julie Brown (SC) Cr Peter Abetz (Deputy) Mr Martyn Glover, Acting Chief Executive Officer – non-voting delegate
City of South Perth	Mr Mike Bradford, Chief Executive Officer – non-voting delegate
Town of Victoria Park	Cr Bronwyn Ife - Chair Cr Claire Anderson (Deputy) Ms Natalie Martin Goode, Chief Community Planner – non-voting delegate
WALGA Secretariat	Chris Hossen, Policy Manager Planning and Building Felicity Morris, Governance Specialist
Guest Speakers	Corrine Hawke, NBN Co.
APOLOGIES	
City of Armadale	Mayor Ruth Butterfield (SC) Cr Emma Flynn Ms Joanne Abbiss, Chief Executive Officer – non-voting delegate
City of Canning	Mr Arthur Kyron Chief Executive Officer – non-voting delegate
City of Gosnells	Mayor David Goode JP Mr Ian Cowie, Chief Executive Officer - non-voting delegate
City of South Perth	Cr Samantha Bradder Cr Carl Celedin
Town of Victoria Park	Mayor Karen Vernon Mr Anthony Vuleta, Chief Executive Officer – non-voting delegate
DLGSC Representative	

ANNOUNCEMENTS

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

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

Agenda Papers were emailed 7 days prior to the meeting date.

Acknowledgement of Country All attendees acknowledged the traditional owners of the land that the meeting is held on and paying respects to Elders past, present and future.

ATTACHMENTS WITHIN THE AGENDA

1. Minister Response Letter
2. Draft Minutes of the previous meeting
3. Zone Status Report
4. President's Report
5. Standing Orders

1. DECLARATION OF INTEREST

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

Nil.

2. DEPUTATIONS

2.1 NBN Co. – Corrine Hawke, Head of Community and Stakeholder Engagement

NBN Co is the company that is building and operating Australia's national broadband network (nbn), the digital platform upon which we are delivering digital connectivity to every home and business. Our new purpose is to 'lift the digital capability of Australia' and part of our approach is to support digital literacy in our communities, ensure a positive experience for our customers, and assist them to maximise the social and economic benefits of the nbn network for themselves, their families, their business and communities.

An overview was provided on the following topics –

- The nbn business grade products and services available to local businesses to support innovation, productivity, jobs growth and local economic recovery in your communities
- How NBN Co is supporting residents, small business owners, seniors and vulnerable community members and groups with digital literacy to build their skills, knowledge and know-how and helping them to live, learn and work a digital society. We will provide case studies and examples of our work to demonstrate how our Community Ambassadors and community engagement team is delivering value in digital literacy.

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved Cr Mark Bain
Seconded Cr Tim Porter

That the Minutes of the meeting of the South East Metropolitan Zone held on 21 April 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED

4. BUSINESS ARISING

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

Noted

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION

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

The full State Council Agenda can be found via link: [State Council Agenda 7 July 2021](#)

5.1 Reviews of the *Cat Act 2011* and *Dog Act 1976*

That WALGA seek a commitment from the State Government:

1. for the conduct of comprehensive reviews of the *Cat Act 2011* and *Dog Act 1976*; and
2. that the reviews incorporate Local Government-specific consultation processes, coordinated in discussion with WALGA and Local Government stakeholders.

RESOLUTION

Moved: Cr Julie Brown
Seconded: Cr Donna Shaw

That the South East Metropolitan Zone support the WALGA Recommendation for Item 5.1.

CARRIED

5.2 Amendments to WALGA's Constitution

That the WALGA Constitution be amended as follows:

1. INSERT Definition – "Present" means attendance in person or by electronic means deemed suitable by the Chief Executive Officer.
2. Clause 5 (10) – DELETE "and Associate Members".
3. Clause 5 (11) – DELETE "Ordinary Member or", REPLACE "State Council" with "Chief Executive Officer" in the first sentence, INSERT "or its delegate" after State Council in the second sentence.
4. Clause 6 (3) – REPLACE "31 May" with "30 June".
5. Clause 7 (2) – REPLACE "30 June" with "31 July".
6. Clause 11 (1) – after Chief Executive Officer, INSERT "in accordance with the Corporate Governance Charter".

7. Clause 11 (2) – after Chief Executive Officer INSERT “by providing notice to State Councillors of the date, time, place and purpose of the meeting”
8. DELETE Clause 11 (3)
9. Clause 12 (1) – DELETE “as, being entitled to do so, vote in person”
10. DELETE Clause 12 (2)
11. Clause 12 (3) – DELETE “as, being entitled to do so, vote in person”
12. Clause 12 (4) – DELETE “as, being entitled to do so, vote in person”
13. Clause 16 (1) & (2) – After Any election INSERT “other than to elect the President or Deputy President”, REPLACE “generally in accordance with the provisions of the Local Government Act 1995 as amended (2) For the purposes of the election referred to in sub-section (1)” with “as follows”.
14. Clause 16 (2) (f) – REPLACE two instances of “2” with “1”.
15. INSERT Clause 16A – Election Procedure – President and Deputy President
 - (1) An election to elect the President or Deputy President shall be conducted as follows:
 - (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
 - (b) representatives are to vote on the matter by secret ballot;
 - (c) votes are to be counted on the basis of “first-past-the-post”;
 - (d) the candidate who receives the greatest number of votes is elected;
 - (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
 - (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
 - (g) when the meeting resumes, an election will be held in accordance with sub-sections 1(a), 1(b), 1(c) and 1 (d);
 - (h) if two or more candidates receive the same number of votes so that sub-section 1(d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.
16. Clause 21 (4) – REPLACE “Chairman” with “Chair”.
17. Clause 22 (1) – REPLACE “in August or September of” with “prior to 31 October”.
18. Clause 22 (3) – DELETE “in person”
19. DELETE Clause 22 (4) (b).
20. Clause 23 (3) – DELETE “in person”
21. Clause 24 (2) – DELETE “and of which vote is to be exercised in person”
22. Clause 24 (4) – DELETE “as, being entitled to do so, vote in person”
23. Clause 28 (1) – DELETE “The common seal shall be held in the custody of the Chief Executive Officer at all times.”
24. Clause 29 (1) – DELETE “as, being entitled to do so, vote in person”
25. Clause 29 (2) – DELETE “as, being entitled to do so, vote in person”
26. Clause 31 (4) (c) – DELETE “and Regional Development”.

RESOLUTION

Moved: Cr Julie Brown
Seconded: Cr Tim Porter

That the South East Metropolitan Zone support the WALGA Recommendation for Item 5.2.

CARRIED

RESOLUTION

Moved: Cr Tim Porter
Seconded: Cr Claire Anderson

That the South East Metropolitan Zone notes all Matters for Noting and Organisational Reports as listed in the July 2021 State Council Agenda.

CARRIED

6. BUSINESS

6.1 Accounting for Cash in Lieu of Public Open Space

By Cr Julie Brown, City of Gosnells

BACKGROUND

The Department recently released guidelines in relation to accounting for cash in lieu of public open space. A copy of the Local Government Alert from the Department is attached.

The guideline raises two fundamental issues of concern. First, it indicates that each subdivision which contributes cash in lieu funds should have a reserve account. This would create a bureaucratic nightmare as numerous small yield subdivisions generate cash in lieu payments. According to the guideline, each will now need its own discrete reserve which is bureaucratic and unnecessary, as the money is ultimately pooled and spent across a local suburban area. Further, it will create confusion when seeking to spend cash in lieu funds in an area. That is, from which of the numerous reserves established should the funds be drawn?

Second, the guideline requires cash in lieu funds to be held in different places (either a reserve, in trust, or in the municipal fund depending on the time when the funds were collected). Again, this generates bureaucracy and red tape.

It is considered completely inappropriate to hold monies for the same purpose in different places. This approach also runs counter to the general accounting practice where, as accounting standards change, all assets or monies are treated in accordance with the new standards which apply.

ATTACHMENT

- Department of Local Government, Sport and Cultural Industries LG Alert: Accounting for Cash in Lieu of Open Space

COMMENT

Based on the above, WALGA advocacy is considered appropriate to encourage the Department to change its guidance to the sector in relation to cash in lieu of public open space to prevent the introduction of significant red tape.

RESOLUTION

Moved: Cr Julie Brown
Seconded: Cr Peter Abetz

That the South East Metropolitan Zone asks WALGA to advocate for the Department of Local Government to change its guidance in relation to accounting for cash in lieu of public open space as the current guidance introduces significant red tape and bureaucracy.

CARRIED

7. OTHER BUSINESS

The Zone resolved at the 25 November meeting the following:

RESOLUTION

Moved: Cr Julie Brown
Seconded: Mayor David Goode

That WALGA advocate for the equal distribution of valuation costs for properties where the Water Corporation, the Department of Fire and Emergency Services and the Local Government require the valuation.

CARRIED

State Council considered this matter and resolved at the March 2021 State Council meeting:

Moved: Cr Julie Brown
Seconded: Cr Frank Cvitan

That WALGA advocate to the State Government for the equal distribution of valuation costs for properties where the Water Corporation, the Department of Fire and Emergency Services and the Local Government require the valuation.

RESOLUTION 179.1/2021

CARRIED

Correspondence was sent to the Minister for Lands on 14 April and a response has been received and is attached to this Agenda. (Attachment 1)

Noted

8. EXECUTIVE REPORTS

8.1 WALGA President's Report

The WALGA representative, Chris Hossen, presented the President's Report.

Noted

8.2 State Councillor's report to the Zone

WALGA State Councillor, Cr Julie Brown, presented on the previous State Council meeting.

Noted

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

Department of Local Government, Sports and Cultural Industries representative was an apology for this meeting.

9. DATE, TIME AND PLACE OF NEXT MEETING

RESOLUTION

Moved: Cr Bronwyn Ife
Seconded: Cr Mark Bain

That the next ordinary meeting of the South East Metropolitan Zone be held on Wednesday 18 August 2021 at the City of South Perth commencing at 6:00 pm.

CARRIED

10. CLOSURE

There being no further business the Chair declared the meeting closed at 7:02 pm.