



# **Annual General Meeting**

## **Minutes**

**Monday, 20 September 2021**

**Crown Perth, Grand Ballroom**

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# **MINUTES**

## **WALGA**

### **Annual General Meeting**

**Held at**

**Crown Perth, Grand Ballroom**

**Monday, 20 September 2021**

**The meeting commenced at 12:10pm**

## Annual General Meeting – Order of Proceedings

### 1. Attendance, Announcements, Standing Orders and Previous Minutes

#### 1.1 Record of Apologies

- Town of Bassendean
- Shire of Meekatharra
- Shire of Williams

#### 1.2 Announcements

Nil

#### 1.3 Adoption of AGM Association Standing Orders

The AGM Association Standing Orders are contained within this Agenda (Attachment 1).

**Moved:** Cr Julie Brown, City of Gosnells  
**Seconded:** Cr Frank Johnson, Shire of Gingin

**That the AGM Association Standing Orders be adopted.**

**CARRIED**

#### 1.4 Confirmation of Minutes

The Minutes of the 2020 WALGA Annual General Meeting are contained within this Agenda (Attachment 2).

**Moved:** Cr Kevin Trent, Shire of York  
**Seconded:** Cr Frank Cvitan, City of Wanneroo

**That the Minutes of the 2020 WALGA Annual General Meeting be confirmed as a true and correct record of proceedings.**

**CARRIED**

### 2. Adoption of Annual Report

The 2021 Annual Report, including the 2020/21 Audited Financial Statements, was distributed to members separately.

**Moved:** President Cr Karen Chappel, Shire of Morawa  
**Seconded:** Mayor David Goode, City of Gosnells

**That the 2021 Annual Report, including the 2020/21 Audited Financial Statements, be received.**

**CARRIED**

### **3. Consideration of Executive and Member Motions**

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As per motions listed.

### **4. Closure**

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There being no further business the Chair declared the meeting closed at **12:56pm**.

## 3. Consideration of Executive and Member Motions

### 3.1. Amendments to WALGA's Constitution (01-001-01-0001 TL)

*Executive Member to move:*

#### **SPECIAL MAJORITY REQUIRED**

**Moved:** President Cr Tony Dean, Shire of Nannup

**Seconded:** Mayor Logan Howlett, City of Cockburn

**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;**

#### **IN BRIEF**

- A number of amendments are proposed to the WALGA Constitution.
- The proposed amendments were endorsed by a special majority of State Council at the meeting on 7 July 2021.

- (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”.

### **CARRIED BY SPECIAL MAJORITY**

#### **Executive Summary**

- A number of amendments are proposed to the WALGA Constitution;
- Amendments are necessary:
  - To remove requirements for delegates to attend annual and special general meetings in person; and,
  - As a result of WALGA’s change of financial year end to 30 June, from the previous 31 May year end.
- Other amendments are proposed to:
  - Allow a second vote to be conducted if two candidates tie in an election for President or Deputy President;
  - Clarify the application process for Ordinary and Associate Members;
  - Simplify the process for providing notice of State Council meetings;
  - Allow motions at Special State Council meetings to be passed with a simple, as opposed to absolute, majority, except as required elsewhere in the Constitution, such as the absolute majority requirement to adopt the budget; and,
  - Tidy up outdated wording.
- The proposed amendments to the Constitution were passed at the 7 July 2021 State Council meeting by a Special Majority.
- Consequently, these Constitutional Amendments are now being put to the 20 September 2021 Annual General Meeting.

#### **Attachment**

- [WALGA Constitution – Proposed Amendments Mark-Up](#)

#### **Background**

Amendments to the Constitution are required to allow delegates to attend and vote virtually through a videoconference, webinar or other platform at Annual or Special General Meetings of the Association if required.

In addition, WALGA has this year changed its financial year end from 31 May to 30 June. The 30 June year end means that WALGA's financial year now aligns with Local Governments' year end. Amendments to clauses relating to the budget, termination of membership and the timeframe for holding the AGM are required as a result of this change.

The requirement to amend the Constitution has provided an opportunity to amend the election procedure for WALGA President and Deputy President. The proposed change would enable a second ballot to be held if two or more candidates are tied for the position. This aligns with the procedure in the *Local Government Act 1995* for the election by Council of Mayors, Presidents, Deputy Mayors and Deputy Presidents.

Other minor changes to remove outdated and tidy up wording are proposed, as per the mark-up version of the Constitution attached.

### **Comment**

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority at an Annual General Meeting or Special General Meeting.

As the proposed amendments were endorsed by State Council at the 7 July meeting, they are now being put to the 20 September 2021 WALGA Annual General Meeting

## 3.2. Cost of Regional Development

Shire of Gnowangerup Delegate to move:

Moved: Cr Fiona Gaze, Shire of Gnowangerup  
Seconded: Cr Greg Stewart, Shire of Gnowangerup

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

**CARRIED**

### **IN BRIEF**

- The shortage of long-term and short-term accommodation for workers in regional areas, combined with the high cost of developing land, has become an urgent issue.
- Government intervention is needed.

### **MEMBER COMMENT**

At the most recent Great Southern Zone meeting, a number of Shires raised the urgent issue of a shortage of long-term and short-term accommodation for workers and the high cost of developing land. DevelopmentWA has been approached for a solution and has provided the following response:

*“The costs associated with the development of land across regional Western Australia are dramatically inflated by the servicing standards (including statutory charges) that are imposed upon the developer by the servicing agencies. There is no latent capacity in the Western Power electrical distribution network across the Wheatbelt and Great Southern, allowing Western Power to impose any upgrading costs upon a land developer under its “user pay” principles.*

*It is our experience that the development costs to create a conventional residential allotment on the edge of a town ranges from \$100,000 to \$160,000 per lot and it is not uncommon for us to be confronted with development costs between \$200,000 and \$400,000 per lot for industrial sites. As you would appreciate, if lots are created and then released into the market, regional based buyers would not entertain paying a price which will allow the developer to recover those costs, let alone make a profit.*

*This situation produces a failure in the market and DevelopmentWA receives a modest annual subsidy from the State Government to undertake land developments on behalf of Local Governments where a demand for new land exists and the private sector is not responding.”*

There is considerable pressure on the Regional Development Assistance Program, and the high cost of headworks particularly for water and electricity are a major disincentive to development by the private sector and Local Government. Urgent government intervention is needed to ensure that housing for workers for vacancies in industry in rural areas is delivered at a reasonable cost.

### **SECRETARIAT COMMENT**

Market failure in the provision of residential and industrial land occurs across most of regional Western Australia. State Government intervention was previously provided through the Regional Headworks Program, funded by Royalties for Regions, and through commitments from the utility providers to spread the costs of upgrading and extending infrastructure to service additional land across their customer base, rather than pass these costs to the developer. These arrangements no longer exist.

Strong growth in the demand for housing in regional WA has again highlighted this market failure and the consequent impacts on employment and economic development. The Regional Development Assistance Program delivered by DevelopmentWA is the only State Government support for industrial and residential land development in regional towns. The experience of Local Governments in accessing the Regional Development Assistance Program and the demand on the modest budget allocation will be important information to underpin advocacy for an achievable path to housing growth in regional towns.

### 3.3. CSRFF Funding Pool and Contribution Ratios

*Shire of Dardanup Delegate to move:*

**Moved:** Cr Peter Robinson, Shire of Dardanup  
**Seconded:** Cr Carmel Boyce, Shire of Dardanup

**That WALGA lobby the State Government to:**

- 1. Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.**
- 2. Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.**

**CARRIED**

#### MEMBER COMMENT

There is currently \$12.5 million available in the 2021 Community Sporting and Recreation Facilities Fund (CSRFF). \$1 million of this funding per year, for the next four years, has been specifically set aside for projects that increase female participation in sport and recreation, such as unisex change rooms. An additional \$2.5 million per annum for the next four years is also available in a new sub program called the Club Night Lights Program (CNLP). Therefore the total amount of funding available under the CSRFF program is \$15 million per annum for the next 4 years.

The current CSRFF funding model requires 1/3 contribution from local governments, 1/3 contribution from the clubs and 1/3 could be funded through CSRFF. Some CSRFF applications are eligible for up to one half of the project cost. The eligibility is measured against key development principles with applicants proving eligibility through completion of additional forms and process.

Over the last four CSRFF funding rounds, the WA State Government has contributed an average grant amount of \$424,270 to 91 projects. To put that figure into the terms of a sporting club's contribution, it would take 424 Bunnings sausage sizzles to raise enough money to fund 1/3 of the average State assisted project. Even if a club contributes a portion of this through volunteer labour and in-kind donations, the staggering figure is simply unattainable - which leaves local government to pick up the tab on over 66% of the bill.

Other Australian states use different structures to fund sporting infrastructure, for example, in Queensland the Active Community Infrastructure program allows \$40 million over three years. Unobstructed by percentage contribution rules, the Queensland State Government will invest up to \$1 million per project. Each EOI submission is evaluated on a case by case basis. In round one, the Queensland Government will deliver \$16 million in funding for sport and recreation infrastructure projects to 21 organisations. The average size of these grants is \$741,826, a figure that is almost double that of Western Australia's average contribution and close to 50% of the average cost of building a small pavilion with change rooms.

It is recommended that WALGA lobby the State Government to increase the funding available to \$25 million per annum and to increase the ratio to 50%. In this way, the total number of projects could still be maintained and the impost on local clubs and Local Government ratepayers could be reduced.

#### **IN BRIEF**

- Clubs are not able to contribute their one third required contribution towards facilities and major projects as required under CSRFF framework;
- This results in Local Governments having to fund two thirds of new infrastructure at significant cost to ratepayers;
- Support is sought for WALGA to lobby State Government to increase funding towards this program and to allow a 50:50 split between State and the local communities.

## SECRETARIAT COMMENT

WALGA has advocated for funding for the Community Sporting and Recreation Facilities Fund (CSRFF) to be increased to \$25 million per annum for a number of years, most recently as part the Association's 2020 [State Election campaign](#) and [WALGA's 2020-21 State Budget Submission](#).

Funding for the CSRFF will increase from \$12 million in 2021-22 to \$12.5 million in 2022-23. \$10 million over four years has also been allocated for sports floodlighting infrastructure under the Club Night Lights Program.

WALGA's Advocacy Position 3.7.1 Community Infrastructure states:

*"The Association supports Local Government initiatives and infrastructure that contribute to the health and wellbeing of the community."*

### 3.4. Regional Telecommunications Project

Shire of Esperance Delegate to move:

**Moved: Cr Jennifer Obourne, Shire of Esperance**  
**Seconded: Cr Malcolm Cullen, Shire of Coolgardie**

**That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.**

**CARRIED**

#### **IN BRIEF**

- State funding has decreased to only \$5 million for the entire state and the installation of towers have dried up significantly.
- The Federal Government has allocated its largest allocation of funding in Round 6 of \$80 million.
- Matching funds from the State is critical to securing funds from the Federal Mobile Black Spot Program which is in threat of being secured by other States with matching funding.

#### **MEMBER COMMENT**

The regions are the powerhouse of the Western Australian economy and the sustainability of their futures relies on enhanced connectivity. Co-investment by state and federal governments along with Telcos is critical to increase coverage in areas that would otherwise be difficult to justify on economic grounds as it is an expensive and complex exercise.

Under the Barnett Government, there was \$60 million in the bucket of funding for regional telecommunications and partnering with the Commonwealth, there were 89 towers delivered within the federal electorate of O'Connor alone.

After the Labor Government took office, this bucket of State funding has decreased to only \$5 million for the entire state and the installation of towers has dried up significantly. On the contrary, the Federal Government has allocated its largest allocation of funding in Round 6 of \$80 million since the initial Round 1. Matching funds from the State is critical to securing funds from the Federal Mobile Black Spot Program which is in threat of being secured by other States with matching funding.

The State Government's forward estimates show no commitments to the program, demonstrating a lack of long term commitments by the State Government to the Regional Telecommunications Project. Service providers such as Telstra are reluctant to install regional mobile telecommunications infrastructure without third party funding.

Solving the coverage and capacity gaps in regional WA is critical for the success of our regions and a matter of equity for country constituents.

#### **SECRETARIAT COMMENT**

As identified, the Commonwealth Government committed \$380 million over six rounds to the Mobile Black Spot Program (the Program). In April 2020 the Round 5 results were announced, with a further 182 base stations to be funded in regional and remote Australia.

The Commonwealth Government has committed \$80 million for Round 6 of the Program and is expected to commence after the Round 5A process is complete.

Since 2012, State Governments have committed to improving mobile connectivity in regional Western Australia, currently through its Regional Telecommunications Project (RTP) and previously via the Regional Mobile Communications Project (RMCP).

The RTP initial allocation was \$45 million from 2014-15 with a further \$20 million allocated from 2016-17.

The total RTP allocation under the last Coalition Government was \$65 million, which was mainly used for State co-contributions under the Commonwealth Mobile Black Spot Program Rounds 1 and 2. Information on the various MBSP Rounds is here: <https://www.communications.gov.au/what-we-do/phone/mobile-services-and-coverage/mobile-black-spot-program>

The Mobile Black Spot Program Round 4 announced on 22 March 2019 stated “*The Federal and State governments will contribute \$4.3 million each to the Mobile Black Spot Round 4 program in WA, with a further \$6 million from telecommunications companies*”.

The Regional Telecommunications Project Continuation (RTPC) Funding (announced 21 May 2019) provided a further \$20 million allocation from 2019-20 by the Labor Government, bringing total RTP funding to \$85 million.<sup>1</sup>

On 21 April 2020 a joint Commonwealth/State media statement announcing the Mobile Black Spot Program Round 5 outlined “*under Round 5, \$29.7 million will be invested in mobile infrastructure in Western Australia. This includes \$12.8 million funding from the Commonwealth and \$5.5 million from the Western Australian Government*”.

The outcomes of Round 1 of the Regional Connectivity Program were announced on 28 April 2021 advising that “*the McGowan Government will contribute \$5.88 million to projects under the Commonwealth's Regional Connectivity Program to help bring mobile and broadband infrastructure to some of Western Australia's most under-served areas*” and “*the State's investment has attracted co-funding of \$17.1 million from the Commonwealth and additional funding from project applicants and third party contributors*”.<sup>2</sup>

Along with the Digital Farm Grants Program Round 3 announced in January 2021 of a “*\$6.3 million investment by the State delivering high-speed broadband to 600 farmers and residents across WA's grain growing regions under Round 3 of the Digital Farm program*” there continues to be considerable investment in Telecommunications in WA.<sup>3</sup>

Notwithstanding, the need is still significant, with the Shire of Esperance motion to increase State funding by way of co-contribution to leverage Federal programs to regional areas that have limited or no access is supported.

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<sup>1</sup> <https://www.mediastatements.wa.gov.au/Pages/McGowan/2019/05/20-million-dollars-on-the-table-for-regional-mobile-black-spots.aspx>

<sup>2</sup> <https://www.mediastatements.wa.gov.au/Pages/McGowan/2021/04/23-million-dollar-boost-for-regional-connectivity.aspx>

<sup>3</sup> <https://www.mediastatements.wa.gov.au/Pages/McGowan/2021/01/6-point-3-million-dollar-funding-injection-to-bring-high-speed-broadband-to-the-grainbelt.aspx>

### 3.5. Review of the Environmental Regulations for Mining

Shire of Dundas Delegate to move:

Moved: Cr Laurene Bonza, Shire of Dundas  
Seconded: Cr Tracey Rathbone, Shire of Coolgardie

Regarding a review of the *Mining Act 1978*.

1. To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old *Mining Act* to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.
2. That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote resource communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.

**CARRIED**

#### MEMBER COMMENT

The mining industry currently enjoys concessions in relation to both environmental and planning legislation that are not available to other industries, nor to Local Governments. For example, a mining company can lodge a mine plan which includes a facility to 'bury' tyres. No other industry or Local Government is permitted to put tyres in landfill or otherwise bury or cover up tyres. There is a cost involved with the disposal of old tyres, which under current legislation, the mining industry is exempt from as they are permitted to bury their old tyres. This flies in the face of all the environmental legislation in relation to the disposal of tyres.

In the planning space, a mining company can object to any development on land over which they hold a current mining tenement, whether that ground is currently being actively mined or the ground has been 'tied up' in a project group of tenements and no work has ever been commenced or completed on the subject ground. This can have very detrimental effects on Local Government planning for the future as the mining company can call to a halt any attempt to develop land for any project. For example, in the Shire of Dundas, we have a very real need to have land released for industrial zoning, however, the one area readily available has an existing mining tenement over it and the mining company has lodged an objection to the Shire being able to purchase that land as a freehold title. The mining tenement has been in existence since 1983 and has never been worked. Similarly, the existence of a mining tenement can hamper any proposed land release for development by a Local Government because it 'may' be explored at some future time. The mining sector appears to enjoy these concessions on the fact that it employs a large number of people and, more importantly, generates royalty revenue for the State Government.

#### **IN BRIEF**

The Australian and State Governments has several initiatives and studies completed regarding mining environmental regulating and the Mining Rehabilitation Fund.

Our plan is focused on existing information and plans:

- Industry Australia has done extensive studies in this field: [Mine Rehabilitation \(industry.gov.au\)](http://industry.gov.au).
- There is already an established fund for this possible initiative: [Mining Rehabilitation Fund Yearly Report 2018-19 \(dmp.wa.gov.au\)](http://dmp.wa.gov.au).

We hope to get support for this initiative to get Local Governments across Western Australia involved by receiving some of these funds to actively participate in these rehabilitation works with mining partnerships and Local Government. This opportunity will fund diversification and implement a plan for after mine life, reducing the impacts of the mining boom bust cycle. (WA currently has approx. \$182 million in the mining rehab fund, generating around \$1 million in interest and of which approx. \$312,000 was used in rehab projects).

Figures from 2019 indicate that the Mining industry in Australia employs approx. 245,000 people while agricultural industries (including forestry and fishing) employ approx. 333,000.

There is a massive, world-wide push to encourage more sustainable and environmentally friendly practices in all industry. Climate change is the hottest topic around the world and reducing greenhouse gases and implementing the best environmental practices is high on everyone's agenda.

There appears to be a large disconnect between the acceptable practices of the mining industry and the rest of industry and Local Government. Mining, by its very nature, is a finite industry but, current mining techniques cause wholesale destruction on an often-massive scale, most of which can never be recovered to its former state. The agricultural sector, on the other hand, is a sustainable industry whose entire focus is the production of food to keep us alive. Despite this, whilst it is considered appropriate for hundreds of hectares of land to be cleared to accommodate a mine site and all its attendant infrastructure, with scant regard for habitat and/or fauna and flora, a farmer can be fined thousands of dollars and/or face a term of imprisonment for clearing even a tiny portion of native vegetation on his freehold land.

In the planning arena, Section 120 of the *Mining Act 1978* makes provision that whilst any planning scheme made under the *Planning & Development Act 2005*, will be 'taken into account', it will not prohibit or affect the grant of a mining tenement.

It appears to be illogical that every other sector is to be bound by legislation that does not apply to the mining industry. The *Mining Act* is 43 years old and, given the current review of the 26-year-old *Local Government Act*, is well and truly due for some review itself.

We are not opposed to the mining industry, in fact, our whole Shire was born out of the mining industry. However, the current provisions of the *Mining Act 1978* doom us to be forever beholden to the 'boom and bust' nature of mining as it is nearly impossible to create a diverse and sustainable community when the *Mining Act* overrides other legislation. For example, any areas that we may earmark as having huge tourism potential can be wiped out in an instant by the application for a mining tenement over that ground. The loss of tourism potential is not something that can be recovered under a rehabilitation scheme. Rehabilitation should be a route of last resort not the accepted norm. Mining companies need to acknowledge that things such as proper disposal of tyres is a normal cost of conducting their business and act accordingly. There must be some mechanism for preserving unique landscapes that cannot be returned to their former state no matter how good the rehabilitation plan is. The mining industry employs some clever and innovative people and rather than tie up money in rehabilitation schemes (WA currently has approx. \$182 million in the mining rehabilitation fund, generating around \$1 million in interest and of which approx. \$312,000 was used in rehab projects), money should be directed into research and development of alternate and less destructive mining methods that leave our stunning natural environment and fauna more intact and available when mining ceases.

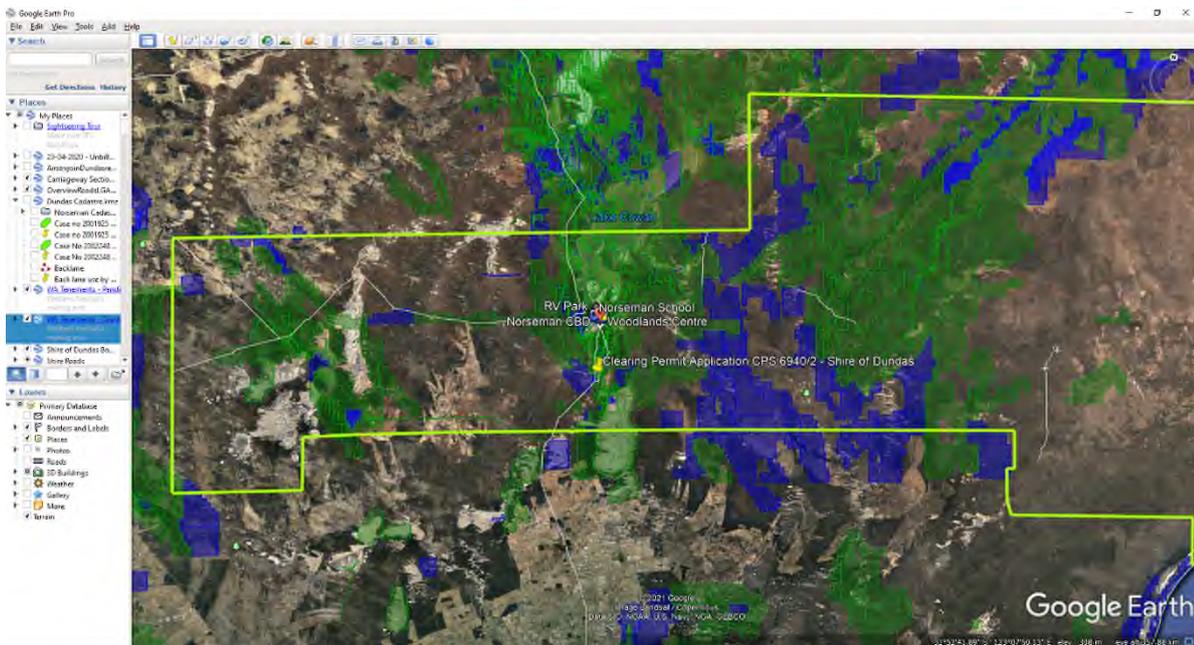
There are many papers available relating to mining impacts and legislation that mining is seemingly exempt from abiding by, some of which are referenced below:

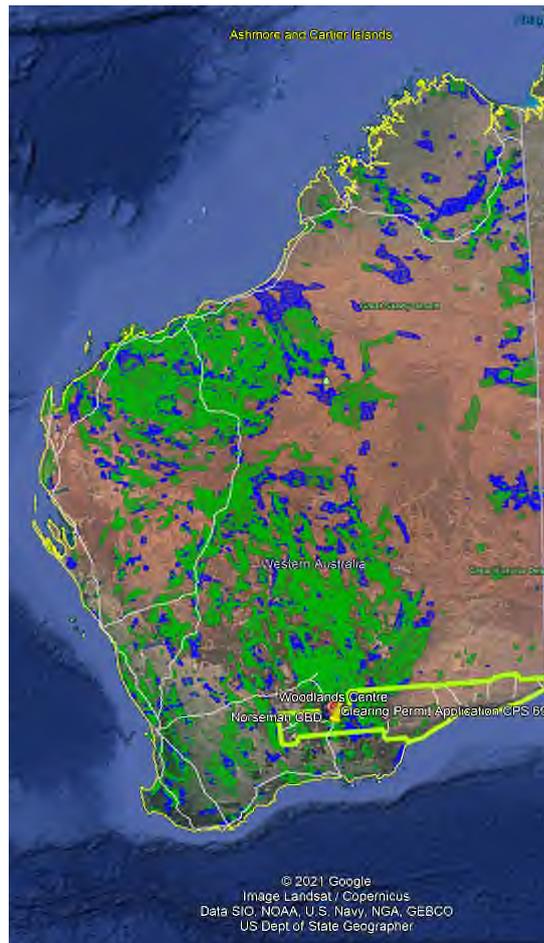
- EPA report 1699, 1 February 2021 [EPA Report 1699 - Lake Way Sulphate of Potash Project.pdf](#)
- Regulations affecting landfill management for local governments. Major relevant legislation is contained within:
  - [The Waste Avoidance and Resource Recovery Act 2007](#)
  - [The Waste Avoidance and Resource Recovery Levy Act 2007](#)
  - [The Waste Avoidance and Resource Recovery Regulations 2008](#)
  - [The Waste Avoidance and Resource Recovery Levy Regulations 2008](#)
- [Guide to drafting waste local laws](#) – the Guide to drafting waste local laws is intended to provide general guidance to local government. It is for use by local governments and the Western Australian Local Government Association.

- [Factsheet: Assessing whether material is waste](#) – this Factsheet provides information to industry on matters relevant to determining whether material is waste under the *Environmental Protection Act 1986* and the *Waste Avoidance Resource Recovery Act 2007* and their associated regulations.
- [Factsheet: - amendments to the Environmental Protection Regulations 1987 - clean fill and uncontaminated fill](#) – this Factsheet provides information on clean fill and uncontaminated fill in accordance with the amended *Environmental Protection Regulations 1987* and the revised *Landfill Waste Classification and Waste Definitions 1996 (amended 2019)*.
- [NBN News | WHITEHAVEN COAL APPROVED TO BURY HUNDREDS OF TYRES](#)
- [Tyre Product Stewardship Scheme | Department of Agriculture, Water and the Environment](#)
- [Mining report finds 60,000 abandoned sites, lack of rehabilitation and unreliable data - ABC News](#)

Mines closed, rehabilitated, and relinquished	
Queensland	0
Western Australia	Unknown
New South Wales	1
South Australia	18
Northern Territory	0
Victoria	1
Tasmania	1

## Status in 2018





*Green area is approved mining leases blue is pending leases*

The Mining Rehabilitation Fund has a substantial amount of funds available and these funds could be put to much better use by funding research into more sustainable practices in the mining industry. Every other industry is required to count legislative compliance as a normal cost of conducting their business. The mining industry must be compelled to do the same.

Mine rehabilitation is all very well and good but, tackles the issue after the *'horse has bolted'*. We could achieve far better outcomes if mining companies worked to adopt sustainable, environmentally friendly, mining techniques that do not need these rehabilitation projects. The burying of tyres is only one part of the problem, and it contributes to the wholesale destruction that goes with mining to the detriment of everything else. There is no tourism value in a rehabilitated mine site. You cannot replace unique granite outcrops and the stunning woodlands once they have been decimated by mining practices. Climate change is happening, and we are currently content to let it be accelerated by actively encouraging poor practice by mining companies.

## ATTACHMENTS

- [Photographs](#)
- [Department of Mines, Industry Regulation and Safety – Mining Rehabilitation Fund Yearly Report 2019-20](#)

## SECRETARIAT COMMENT

### **With respect to the Part 1 of the Motion:**

Mining companies are required to comply with relevant environmental regulations and conditions of approval, which includes developing and implementing rehabilitation plans.

The Department of Mines, Industry Regulation and Safety (DMIRS) assesses environmental proposals for prospecting, mining exploration and development activities in accordance with the *Mining Act 1978*. Native vegetation clearing permits are assessed under delegation in accordance with the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. Unconditional Performance Bonds (UPB) may be imposed as mining securities for compliance with environmental conditions imposed under the *Mining Act* in some cases.

Mining, petroleum and geothermal activity proposals that may have a significant impact on the environment are assessed by the Environmental Protection Authority (EPA). In addition, proposals likely to have significant impact to matters of national environmental significance require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

In relation to tyre disposal, the Association acknowledges the significant challenge this poses for Local Governments, particularly those in the non-metropolitan area in regard to end of life tyre management. The Shire of Dundas is to be commended for its commitment to ensuring that tyres generated in the Shire are recycled; this is a significant achievement.

It is a significant barrier that there is not an effective Product Stewardship Scheme for tyres, which covers the full costs, including transport, of recycling tyres. The current situation means that frequently organisations choose the cheapest option for disposal or material, rather than the best environmental and social outcome.

As part of the funding to address the Export Bans for recyclable materials, including tyres, the State and Federal Government is investing over \$18 million in tyre recycling infrastructure for WA. WALGA is investigating how this funding will assist Local Governments across WA to develop sustainable tyre recycling solutions, which focus on resource recovery and minimise landfilling of these products.

### **In relation to Part 2 of the Motion:**

The *Mining Rehabilitation Fund Act 2012* and the *Mining Rehabilitation Fund Regulations 2013* provide the legislative framework for declaring abandoned mine sites and enables the Mining Rehabilitation Fund (MRF) to receive levy contributions made by WA mining operators for the purpose of rehabilitation of abandoned mines and other land affected by mining operations carried out, in, on or under those sites.

Income for the MRF comes from a levy on existing mines based on the size of the operating mine and the expenditure comes from the interest earned by the fund. The MRF is aimed at addressing legacy mines pits that were not subject to the current legislative process and requirements, and where no company or individual can be identified and made responsible for the rehabilitation of the mine.

The Mining Rehabilitation Advisory Panel is an independent body that provides advice to the Director General of the DMIRS on matters related to the MRF, including which abandoned mines should receive funds for remedial action.

The Abandoned Mines Policy provides guidance on how the priorities for the use of the funds and which abandoned mines will be managed. The key principle used in decision making is the level of risk an abandoned mine represents. The policy encourages the use of partnerships with Local Governments, community groups and business in the management and rehabilitation of the selected abandoned mine sites.

**DECLARATION**

These Minutes will be confirmed at the 2022 WALGA Annual General Meeting.

Signed

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Person presiding at the meeting at which these Minutes were confirmed