

# **Pilbara Country Zone Minutes**

## **18 April 2024**

**Held by MS Teams**

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## **ANNOUNCEMENTS**

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

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

Confirmation of Attendance – Attendance was confirmed prior to the commencement of the meeting.

## **ATTACHMENTS**

1. Draft Minutes of previous meeting
2. April 2024 Update – Department of Local Government, Sports and Cultural Industries
3. President's Report
4. State Councillors' Report to the Zone

## 1 OPENING, ATTENDANCE AND APOLOGIES

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### 1.1 OPENING

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*The Chair, Cr Wendy McWhirter-Brooks opened the meeting at 11:35am.*

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### 1.2 ATTENDANCE

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#### MEMBERS

#### 2 Voting Delegates from each Member Council

City of Karratha	Mayor Daniel Scott Cr Brenton Johannsen Ms Virginia Miltrup, Chief Executive Officer non-voting delegate
Town of Port Hedland	Mayor Peter Carter Cr Ash Christensen Mr Carl Askew, Chief Executive Officer, non-voting delegate (arrived 12:58pm)
Shire of East Pilbara	President Cr Anthony Middleton Cr Wendy McWhirter-Brooks - <b>Chair</b> Mr Steven Harding, Chief Executive Officer non-voting delegate
Shire of Ashburton	President Cr Audra Smith Cr Alana Sullivan Mr Kenn Donohoe, Chief Executive Officer non-voting delegate
WALGA Secretariat	Deputy President, Cr Paul Kelly Mr Nick Sloan, Chief Executive Officer Ms Chantelle O'Brien, Zone Executive Officer
<b>Guest Speaker/s</b>	
Pilbara Development Commission	Mr Simon Taylor, Chief Executive Officer

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### 1.3 APOLOGIES

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DLGSC Representative	Mr Toby Cotterell, Regional Manager
Federal Member for Durack	Hon. Melissa Price MP

## 2 ACKNOWLEDGEMENT OF COUNTRY

We, the delegates of the Pilbara Country Zone acknowledge the traditional owners of these lands that we are meeting on today and pay our respects to Elders past, present and future.

## 3 DECLARATIONS OF INTEREST

Nil.

## 4 DEPUTATIONS

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### 4.1 PILBARA DEVELOPMENT COMMISSION UPDATE

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Newly appointed Pilbara Development Commission CEO, Simon Taylor was invited on behalf of the Pilbara Country Zone members and provided a Deputation on current projects.

## 5 CONFIRMATION OF MINUTES

### RESOLUTION

**Moved:** Mayor Daniel Scott

**Seconded:** Cr Alana Sullivan

**That the Minutes of the meeting of the Pilbara Country Zone held on 22 February 2024 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

## 6 BUSINESS ARISING

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### 6.1 STATUS REPORT

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#### BACKGROUND

Presenting the Status Report for April 2024 which contains WALGA's responses to the resolutions of previous Zone Meetings.

Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
23 November 2023 Zone Agenda Item 7.2 <b>Disaster Recovery Funding Arrangements WA</b>	That the Pilbara Country Zone request WALGA: 1. to raise the matter and seek action to find solutions for the excessive delays in processing and approving of claims with the Disaster Recovery Funding Arrangements WA, with the appropriate agency; and 2. the appropriate agency be requested to engage proactively with the Shire of Ashburton to	In response to requests from WALGA, DFES staff undertook a series of consultation meetings with Regional Road Groups and on-line webinars to hear issues being experienced by Local Governments dealing with the Disaster Recovery Funding Arrangements.  WALGA has continued to highlight that there are more than 30 claims in process, some dating back to	July 2024	Ian Duncan Executive Manager Infrastructure <a href="mailto:iduncan@walga.asn.au">iduncan@walga.asn.au</a> 9213 2031

	address current outstanding claims for Natural disaster events dating back to 2020.	2021 that need to be resolved and progressed. During February DFES officers met with officers from the Shire to progress the claims. Finding acceptable evidence of previous condition, maintenance and impact of the event is challenging.  There is a commitment from DFES to finalise the legacy claims by the end of the current financial year. Further discussions with DFES are scheduled for April to monitor progress against this commitment.		
22 February 2024 Zone Agenda Item <b>6.2 Remote Area Residential Fuel – Fringe Benefits Tax Exemption Request</b>	That the Pilbara Country Zone request WALGA advocate to the Federal Government to provide a 100% Fringe Benefits tax exemption to remote area residential fuel when provided in conjunction with an accommodation-related Fringe Benefit in a remote area.	This issue will be discussed with the Australian Local Government Association.	<b>April 2024</b>	<b>Nicole Matthews Executive Manager Policy nmatthews@walga. asn.au 9213 2039</b>

This is an opportunity for Member Councils to consider the response from WALGA in respect to the matters that were submitted at the previous Zone Meeting.

## RESOLUTION

**Moved: Mayor Daniel Scott**  
**Seconded: President Audra Smith**

**That the Pilbara Country Zone notes the Status Report.**

**CARRIED**

## 7 STATE COUNCIL AGENDA – MATTERS FOR DECISION AND NOTING

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

The full State Council Agenda can be found via link: [State Council Agenda - 1 May 2024](#)

The Zone can provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

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### 7.1 MATTERS FOR DECISION

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#### 7.1 Waste Levy Advocacy Position

*By Rebecca Brown, Manager Waste and Environment*

#### **WALGA RECOMMENDATION**

**That State Council:**

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

**Local Government considers that:**

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

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

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

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

**Local Government considers that:**

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

## **EXECUTIVE SUMMARY**

- The Waste Levy and Strategic Waste Funding Policy Statement was first endorsed in 2008 and was amended in 2018.
- The Statement outlines the Local Government position on levies charged on the weight or volume of waste received at licensed premises and the application of those funds to waste management activities.
- In 2023, the WA Government published the findings of a Review of the Waste Avoidance and Resource Recovery (WARR) Levy. The consultation summary report and supporting consultant

report can be accessed on the Department of Water and Environmental Regulation (DWER) [website](#).

- Key outcomes of the Levy Review included a five-year schedule of increases and a commitment to investigate extending the levy boundary to regional areas.
- The new Waste Levy Advocacy Position uses contemporary language emphasises:
  - Full hypothecation of the Levy;
  - The key areas of expenditure for the Levy;
  - Opposition to the expansion of the Levy's geographic application;
  - Opposition to the application of the Levy to resource recovery activities; and
  - The need for a clear evidence-based rationale for setting and expending the Levy.
- The Municipal Waste Advisory Council (MWAC) endorsed the new Advocacy Position in February 2024.

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## 7.2 POLICY TEAM AND COMMITTEE REPORTS

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- 8.1 Environment Policy Team Report
- 8.2 Governance Policy Team Report
- 8.3 Infrastructure Policy Team Report
- 8.4 People and Place Policy Team Report
- 8.5 Municipal Waste Advisory Council (MWAC) Report

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## 7.3 MATTERS FOR NOTING/INFORMATION

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- 9.1 WALGA 2023 Emergency Management Survey
- 9.2 Tree Retention Model Local Planning Policy
- 9.3 Local Emergency Management Arrangements (LEMA) Improvement Plan Implementation
- 9.4 Planning and Building Performance Monitoring Project
- 9.5 2024 WALGA Aboriginal Engagement Forum

## RESOLUTION

**Moved:** President Audra Smith  
**Seconded:** President Cr Anthony Middleton

**That the Pilbara Country Zone:**

1. **Supports all Matters for Decision as listed above in the May 2024 State Council Agenda, and**
2. **Notes all Matters for Noting, other Policy Team and Committee Reports and Organisational Reports as listed in the May 2024 State Council Agenda.**

**CARRIED**

## 8 ZONE BUSINESS

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### 8.1 STATE GOVERNMENT OWNED INFRASTRUCTURE

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*By the Shire of East Pilbara*

#### BACKGROUND

The Shire of East Pilbara was recently advised by the WA Department of Education ("the Department") of the immediate closure of the building accommodating the Newman Recreation Centre, which is owned by the Department. The facility is licensed to the Shire to operate the Newman Recreation Centre. The closure was as a result of a structural assessment the Department had undertaken, which found safety concerns relating to the continued use of the building.



It is understood that facilities operated by other local governments are housed in buildings owned by the State Government and its agencies, through a variety of tenure and management arrangements. State funding for the maintenance and upgrade of this built infrastructure is understood in many cases not to have kept pace with the needs of that infrastructure, which may pose a risk to the safety of the community and interruption to the provision of services such buildings have been dedicated to support.

Council resolved to write to the Pilbara Country Zone to bring this matter to its attention and to seek its support for WALGA to consider this issue of concern to many other local government authorities.

## **RESOLUTION**

**Moved: Cr Brenton Johannsen**

**Seconded: President Cr Anthony Middleton**

**That the Pilbara Country Zone request WALGA to raise the matter of investigating infrastructure owned by State Government with the Office of the Auditor General.**

**CARRIED**

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## **8.2 ENHANCED AND ALTERNATIVE EDUCATION OPPORTUNITIES FOR REGIONAL WA**

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The Executive Officer of the Great Southern Country Zone has asked for this Item to be considered for inclusion in the Zone Agenda;

*Report by: Great Southern Country Zone*

### **BACKGROUND**

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

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

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

## COMMENT

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

The Great Southern Country Zone have requested that the Pilbara Country Zone consider the following request;

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

## RESOLUTION

**Moved: President Audra Smith**

**Seconded: Mayor Daniel Scott**

**That the Pilbara Country Zone;**

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

**CARRIED**

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## 8.3 REQUEST TO PRESENT – DEPARTMENT OF COMMUNITIES

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*By Chantelle O'Brien, Zone Executive Officer*

### BACKGROUND

WALGA Secretariat received a request from the Department of Communities to attend a future Pilbara Country Zone meeting and provide an update on Emergency Relief and Support.

The Emergency Relief and Support Directorate would like to provide an update on the state-wide audit of evacuation centres. This update will explore the findings and potential funding opportunities to address risks associated with cyclones.

Jeanette Gould, Regional Manager Pilbara/Kimberley would like to present on the teams recent state-wide audit of evacuation centres. This audit was brought about from lessons learned activities in relation to Communities' responses to Severe Tropical Cyclone Seroja and Tropical Cyclone Ilsa. Communities aimed to gather additional information on risks associated with opening an evacuation centre in response to specific hazards. This includes factors such as backup power and flood vulnerability, as well as factors associated with the structural integrity of a building during a cyclone. Communities would like to discuss grant funding opportunities that could improve local government facilities and increase the number of cyclone-suitable evacuation centres in the Pilbara region.

### RESOLUTION

**Moved: Cr Ash Johannsen**

**Seconded: President Cr Anthony Middleton**

**That the Pilbara County Zone supports an update from the Department of Communities on Emergency Relief and Support.**

**CARRIED**

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## 8.4 ADOPTION OF POLICY AND ADVOCACY PRIORITISATION FRAMEWORK

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*By Kathy Robertson, Manager Association and Corporate Governance*

### BACKGROUND

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

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

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

### COMMENT

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

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

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

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

How to use the Framework:

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

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

<b>Impact on Local Government Sector</b> Impact on Local Government sector without intervention	High	Medium	Low
<b>Reach</b> Number of member Local Governments affected	Sector-wide	Significant (multiple regions, Zones, or bands)	Few
<b>Influence</b>	High	Medium	Low

Capacity to influence decision makers			
<b>Principles</b> Alignment to core principles such as autonomy, funding, general competence	Strong	Partial	Peripheral
<b>Clarity</b> Policy change needed is clear and well-defined	Clear	Partial	Unclear
<b>Decision-maker support</b> Level of support among decision-makers (political and administrative)	High	Medium	Low
<b>Public support</b> Level of support among the public or other stakeholders	High	Medium	Low
<b>Positive consequences for WALGA</b> Prospect of positive consequences for WALGA. E.g. enhanced standing among members or leverage for other issues.	High	Medium	Low
<b>Negative consequences for WALGA</b> Prospect of negative consequences for WALGA for not undertaking the advocacy effort. E.g. diminished standing among members or other stakeholders.	High	Medium	Low
<b>Partnerships</b> Potential for partnerships with other stakeholders	Yes (3+)	Possibly (1-2)	No (0)

## RESOLUTION

**Moved: President Cr Anthony Middleton**  
**Seconded: Cr Ash Johannsen**

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

**CARRIED**

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## 8.5 IMPORTANCE OF WALGA BECOMING A REGISTERED EMPLOYER ORGANISATION

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*By Tony Brown, Executive Director, Member Services,*

### BACKGROUND

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

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

Since the mandate for Local Governments<sup>1</sup> to operate in the State industrial relations (**IR**) system from 1 January 2023, unions<sup>2</sup> have commenced various Local Government State awards<sup>3</sup> (**LG State Awards**) variation claims in the WAIRC to amend industry employment conditions including to:

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

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

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

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

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

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

## COMMENT

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

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

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

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

## Noted

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<sup>1</sup> with the exception of the Shires of Christmas Island and Cocos (Keeling) Islands

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

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

## **9 OTHER BUSINESS**

**Nil.**

## **10 EXECUTIVE REPORTS**

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### **10.1 WALGA PRESIDENT'S REPORT**

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Deputy President, Cr Paul Kelly presented the President's Report. The report was attached within the agenda.

**Noted**

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### **10.2 STATE COUNCILLOR'S REPORT TO THE ZONE**

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WALGA State Councillor, Cr Wendy McWhirter-Brooks presented on the previous State Council meeting.

**Noted**

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### **10.3 DEPARTMENT OF LCOAL GOVERNMENT SPORTS AND CULTURAL INDUSTRIES UPDATE REPORT**

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DLGSC representative Toby Cotterell is an apology for this meeting. The Department of Local Government Sport and Cultural Industries update for April was attached within the agenda.

## **11 NEXT MEETING**

The next meeting of the Pilbara Country Zone will be held in person on Thursday, 20 June 2024 at the City of Karratha commencing at 11:30am.

## **12 CLOSURE**

There being no further business the Chair declared the meeting closed at 1:22pm.