

01-005-03-0016



Peel Zone

Minutes

22 April 2021

Peel Zone

Hosted by the Shire of Waroona

52 Hesse Street, Waroona, 9733 7800

Thursday 22 April 2021 commenced at 2:00 pm

Minutes

MEMBERS

2 Voting Delegates from each Member Council

Shire of Boddington	Cr Earl Schreiber Mr Graham Stanley, Acting Chief Executive Officer non-voting delegate
City of Mandurah	Cr Caroline Knight
Shire of Murray	President Cr David Bolt Cr Douglas McLarty Mr Dean Unsworth, Chief Executive Officer non-voting delegate
Shire Serpentine Jarrahdale	President Cr Michelle Rich - Chair
Shire of Waroona	President Cr Michael Walmsley Cr Naomi Purcell Mr Dean Unsworth, Chief Executive Officer non-voting delegate
WALGA Representatives	Mayor Tracey Roberts, President Mr Chris Hossen, Planning Policy Manager Ms Melanie Davies, Biodiversity and Sustainability Project Officer Ms Katherine Celenza, Road Safety Advisor
DLGSC Representative	Gordon MacMile, Director Strategic Coordination and Delivery
Guest Speakers	Emma Horsefield, Safety Program Manager, LGISWA

APOLOGIES

Shire of Boddington	President Garry Ventris
Shire Serpentine Jarrahdale	Cr Lauren Strange Mr Paul Martin, Chief Executive Officer non-voting delegate
City of Mandurah	Mayor Rhys Williams Mr Mark Newman, Chief Executive Officer non-voting delegate

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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 prior to the Zone meeting to the Chair and Secretariat.

Agenda Papers were emailed 7 days prior to the meeting date to your Council for distribution to Zone Delegates.

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

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. Draft Minutes of previous meeting
2. Zone Status Report
3. President's Report

1. DECLARATION OF INTEREST

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

Nil.

2. DEPUTATIONS

All Deputations have a time limit of 20 minutes, which includes questions time.

2.1 WHS Legislation

Emma Horsefield, Safety Program Manager, LGISWA presented to the Zone on recent changes to the Workplace Health and Safety Legislation.

Emma noted that the regulations to support the new *Work Health and Safety Act 2020* are currently being drafted, and are anticipated to commence in early 2022. Local Governments need to be prepared for when they come into effect.

Emma discussed a number of changes to the legislation, as follows:

- the term 'PCBU' (Person Conducting a Business or Undertaking) has been introduced to capture broader employer entities
- the term 'worker' has been more broadly defined to capture a range of working relationships. Volunteers are now classed as a worker and need to adhere to the same policies and protocols as staff.
- the term 'Officer' is defined as a person who makes or participates in decisions that affect the whole, or a substantial part, of the business or undertaking (applies to Executive level staff).

Elected Members are exempt from the new legislation.

The changes have raised some concerns in the Local Government sector, particularly in regards to volunteer management. Emma discussed the example of volunteer firefighters, with approximately 570 volunteer bushfire brigades throughout WA. Local Governments are required to undertake volunteer due diligence checks and provide education and training to meeting their obligations under the WHS Act.

Some Local Governments that do not have the resources to meet their obligations have MOUs in place with DFES (Department of Fire and Emergency Services) for bushfire volunteer management. However, Emma noted that MOUs are not legally binding, and that DFES do not have an obligation to manage bushfire volunteers. Only the City of Rockingham has handed bushfire volunteer responsibility to DFES through a gazetted action.

Emma advised that bushfire volunteers, including spontaneous volunteers and transfer of responsibility to DFES, is a complex area. Emma will have the following resources available in early May, which will be provided to Peel Zone members and the broader sector:

- Bushfire Volunteer Safety Handbook
- Factsheet – Spontaneous Volunteers
- FAQ's – Bushfire Volunteers
- LG's responsibility for BFV's (WHS)
- Volunteer WHS Responsibilities

Peel Zone members expressed concern that some volunteers and small contractors struggle to meet Local Government WHS requirements. Emma noted that meeting legislative obligations does not have to be an onerous undertaking, and training requirements are based on the duty being performed.

Emma recommended that Local Government provide education to staff on the upcoming regulatory changes, and review and update any relevant processes or procedures once they are enacted.

Attachment 1: Presentation on WHS Legislation, LGIS

Noted

2.2 DPLH – Deputation Change

The Department of Planning, Lands and Heritage have advised that information on the new Legislation and Noongar Agreement will now be provided to Local Governments via an alternative format. Further information on this will be communicated in due course. Therefore will no longer be presenting at the Zone meeting.

Noted.

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: President Michael Walmsley
Seconded: President David Bolt

That the Minutes of the meeting of the Peel Zone held on 25 February 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.

Noted.

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION

(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-5-May-2021](#)

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

Matters for Decision

5.1 Local Government Financial Ratios

That WALGA:

1. Advocate to the Minister for Local Government to amend the Local Government (Financial Management) Regulations 1996 to prescribe the following ratios:
 - a. Operating Surplus Ratio,
 - b. Net Financial Liabilities Ratio,
 - c. Debt Service Coverage Ratio, and
 - d. Current Ratio.
2. Recommend that Local Governments consider including Asset Management ratios in their Annual Report.
3. Request the Department of Local Government, Sport and Cultural Industries to review the Asset Management ratios in consultation with the Local Government sector.
4. Continue the Local Government Financial Ratios Working Group as a reference group for the development of a Model set of Financial Statements and Budget Statements, and to establish new financial indicators.

5.2 Roads Asset Preservation Model Review

That WALGA:

1. Seek support from the WA Local Government Grants Commission to provide presentations on the inputs, operation of and outputs of the Road Asset Preservation Model at Zone or Regional Road Group meetings where requested.
2. Advocate to the WA Local Government Grants Commission to improve the formatting and labelling of the model and make it available via the Commission's website.

5.4 Review of the State Industrial Relations System

That WALGA:

1. Seek confirmation from the State Government on whether it intends to re-introduce legislation for Local Governments to operate solely in the State Industrial Relations System.
2. If the State Government reintroduces legislation to require all Local Governments to operate within the State Industrial Relations System, continue to advocate for the State Government to:
 - a. Amend the Industrial Relations Act 1979 (WA) to include additional provisions to modernise the State IR system; and

- b. Provide adequate funding and resourcing to ensure Local Governments are equipped with the appropriate tools and training to enable a smooth transition.

RESOLUTION

Moved: Cr Caroline Knight
Seconded: President David Bolt

That the Peel Country Zone

- 1. Supports items 5.1, 5.2 and 5.4 in the May 2021 State Council Agenda**

CARRIED

5.3 Western Australian Development Index

That the development and implementation of the Western Australian Development Index, led by the Department of Local Government, Sport and Cultural Industries, be supported.

Western Australian Development Index

The City of Mandurah expressed concerns about how the index would be operationalised and the potential administrative burden. It was noted that the 12 domains or service areas aren't all within the remit of Local Government, and that it may not be the role of Local Government to collect the data. The City of Mandurah considered that not enough information was provided on the practical implications of the Western Australian Development Index (WADI) for Peel Zone to support its development and implementation at this stage.

Peel Zone members noted that it was unclear if the index would result in Local Governments being judged against one another. Members also expressed concern that the index could be used as a budgeting tool, and potentially reduce investment in domains that are performing well.

Gordon MacMile, Director Strategic Coordination and Delivery DLGSC, clarified that the IPRF currently reflects outputs, whereas WADI would allow information to be reported on service delivery and outcomes and provide a more comprehensive picture of what is being achieved by the Local Government sector. The Department is seeking funds to develop the index and the datasets needed to provide input.

RESOLUTION

Moved: Cr Caroline Knight
Seconded: President Michael Walmsley

That the Peel Country Zone

In consideration of support for the development and implementation of the WA Development Index be deferred until further information can be provided regarding its implementation, specifically:

- How the WADI will be implemented and operationalised;**
- Information about the subsets/indicators within each of the 12 domains;**
- Expectations for how LGs will be required to capture, measure and report on subjective wellbeing data;**
- How the information will be aggregated and used; and**
- Practical impacts to the Integrated Planning and Reporting Framework (Strategic Community Plan).**

CARRIED

Matters for Noting

- 6.1 New Regulations Update – Model Code of Conduct for Council Members, Committee Members and Candidates; and CEO Standards for Recruitment, Performance Review and Termination
- 6.2 State Election Campaign
- 6.3 Draft Position Statement: Dark Sky and Astrotourism
- 6.4 Report Municipal Waste Advisory Council (MWAC)

RESOLUTION

Moved: Cr Earl Schreiber
Seconded: President David Bolt

That the Peel Country Zone

Notes all Matters for Noting and Organisational Reports as listed in the May 2021 State Council Agenda.

CARRIED

6. REPORTS FROM MEMBER COUNCILS

Nil

7. GENERAL BUSINESS

7.1

Shire of Murray queried whether there were indications of further Local Government reform following the appointment of Hon John Carey, Minister for Housing; Local Government.

The WALGA President provided a response.

Noted.

8. EXECUTIVE REPORTS

8.1 WALGA President's Report

The WALGA President, Mayor Tracey Roberts presented the President's Report.

President, Mayor Tracey Roberts commended the resilience of Local Government following tropical cyclone Seroja, and also advised that LGIS will provide \$1 million in emergency payments. WALGA is also seeking professionals in a range of areas from non-affected Local Government that have the capacity to help.

President, Mayor Tracey Roberts advised that WALGA will host a breakfast event with the Minister for Local Government; Housing on 20 May. Minister Carey will speak about his priorities and intentions over the next term of Government.

President, Mayor Tracey Roberts advised Peel Zone members to write to the Minister and request Council visits to showcase innovative projects and discuss learnings.

Noted.

8.2 State Councillor's report to the Zone

WALGA State Councillor, President Cr Michelle Rich presented on the previous State Council meeting.

President Cr Rich moved a motion at the last State Council meeting requesting more time for submission periods, such as for the Child Safety Officers item. Local Governments are not getting an opportunity to consider items at council due to time constraints in submission period. Gordon MacMile noted that the Department received 44 responses from the sector, with most submissions formally adopted by Councils.

Noted.

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

Department of Local Government, Sport and Cultural Industries representative, Gordon MacMile Director Strategic Coordination and Delivery, updated the Zone on DLGSC issues.

Mr MacMile noted that the DLGSC now has five Ministers. Local Government elections will be held on 16 October 2021, and agreements with the election commission needs to be in place by 27 July.

Noted.

8.4 Topics for next meeting update by the DLGSC

The Zone would like an update and/or information on the following topics at the next Zone meeting.

- **Rivers Regional Council Waste to Energy** – address implementation of FOGO, community messaging, issue of contamination, waste levy, and costs.

Noted.

9. DATE, TIME AND PLACE OF NEXT MEETING

Peel Zone members requested that WALGA move the meeting time forward to follow an earlier meeting of zone members. The suggested time was 1pm.

The next ordinary meeting of the Peel Zone will be held on 24 June at the Shire of Boddington, commencing at 1pm.

Noted.

10. CLOSURE

There being no further business the Chair declared the meeting closed at 4.11 pm.