



Ph: (08) 9328 1991
Fax: (08) 9228 0071
PO BOX 6456 EAST PERTH WA 6892
Email: hwestcott@wsquared.com.au

GVROC Council Meeting

Friday 25 August 2017
In-Person Meeting
City of Kalgoorlie-Boulder Councillors Conference Room,
commencing at 9.01am

MINUTES

CONTENTS

1.	OPENING AND ANNOUNCEMENTS.....	3
2.	DECLARATION OF INTEREST.....	3
3.	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	3
	3.1 Attendance	3
	3.2 Apologies.....	4
4.	GUEST SPEAKERS/PRESENTATIONS.....	4
5.	MINUTES OF MEETINGS.....	4
	5.1 Minutes of a Meeting of the Goldfields Voluntary Regional Organisation of Councils (GVROC) Council held Wednesday 2 August 2017 (Attachment).....	4
	5.2 Business Arising from Meetings of the Goldfields Voluntary Regional Organisation of Councils (GVROC) – August 2017 Status Report (Attachment).....	4
	5.3 Matters for Noting.....	6
6.	GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS FINANCE.....	7
7.	GOLDFIELDS RECORDS STORAGE FACILITY	7
8.	GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS - LAW AND ORDER	8
	8.1 Aboriginal Justice Program – Shire of Leonora.....	8
9.	GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS BUSINESS	9
	9.1 Review of <i>Local Government Act 1995</i>	9
	9.2 Actions Arising from Presentations given at the GVROC Council Meeting held Wednesday 2 August 2017	34
	9.3 Elected Member Training	35
10.	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) BUSINESS	36
	10.1 State Councillor / Goldfields Esperance Zone President's Report (Attachment).....	36
	10.2 WALGA Status Report (Attachment).....	36
	10.3 Review of WALGA State Council Agenda - Matters for Decision	36
	10.4 Review of WALGA State Council Agenda - Matters for Noting/Information.....	39
	10.5 Review of WALGA State Council Agenda - Organisational Reports	39
	10.6 Review of WALGA State Council Agenda - Policy Forum Reports.....	40
	10.7 WALGA President's Report (Attachment).....	40
11.	LATE ITEMS as notified, introduced by decision of the Meeting	41
12.	FUTURE MEETINGS/FUNCTIONS	41
13.	CLOSURE OF MEETING.....	41

GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (GVROC)

**An in-person meeting of the GVROC Council to be held Friday 25 August 2017
commencing at 9.01am (morning tea will be served at 10.30am)**

MINUTES

1. OPENING AND ANNOUNCEMENTS

The purpose of the meeting is to discuss business related to the activities of the Goldfields Voluntary Regional Organisation of Councils and to consider and provide advice to the WALGA State Council Representative, Cr Mal Cullen.

Cr Cullen opened the meeting at 9.01am welcoming all in attendance.

2. DECLARATION OF INTEREST

Pursuant to the Code of Conduct, Councillors and CEOs must declare to the Chairman any potential conflict of interest they may have in a matter before the Goldfields Voluntary Regional Organisation of Councils as soon as they become aware of it. Councillors, CEOs and Deputies may be directly or indirectly associated with some recommendations of the Goldfields Voluntary Regional Organisation of Councils. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

3. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

3.1 Attendance

Cr Mal Cullen (Chair)
 Cr Tracey Rathbone
 Mr James Trail
 Cr Jacqui Best
 Cr Laurene Bonza
 Cr Beverley Stewart (via Teleconference)
 Mr Matthew Scott (via Teleconference)
 Mayor John Bowler (departed the meeting at 11.56am)
 Mr John Walker (departed the meeting at 11.34am)
 Cr Patrick Hill (entered the meeting at 9.05am)
 Mr Pascoe Durtanovich (entered the meeting at 9.05am)
 Cr Peter Craig (via Teleconference left the meeting at 10.40am)
 Mr Jim Epis (via Teleconference left the meeting at 10.40am)
 Cr Jill Dwyer
 Ms Rhonda Evans
 Mr Chris Paget (via Teleconference)
 Cr Keith Dunlop
 Mr Ian Fitzgerald

President, Shire of Coolgardie
 Deputy President, Shire of Coolgardie
 CEO, Shire of Coolgardie
 President, Shire of Dundas
 Councillor, Shire of Dundas
 Councillor, Shire of Esperance
 CEO, Shire of Esperance
 Mayor, City of Kalgoorlie-Boulder
 CEO, City of Kalgoorlie-Boulder
 President, Shire of Laverton
 A/CEO, Shire of Laverton
 President Shire of Leonora
 CEO, Shire of Leonora
 President, Shire of Menzies
 CEO, Shire of Menzies
 CEO, Shire of Ngaanyatjaraku
 President, Shire Ravensthorpe
 CEO, Shire of Ravensthorpe

Ms Helen Westcott, Joint Executive Officer
 Mr Bruce Wittber, Joint Executive Officer

3.2 Apologies

Mr Doug Stead, CEO Shire of Dundas
Cr Victoria Brown, President Shire of Esperance
Cr Damian McLean, President Shire of Ngaanyatjarraku
Cr Jim Quadrio, President Shire of Wiluna
Cr Graham Harris, Deputy President Shire of Wiluna
Mr Colin Bastow, A/CEO Shire of Wiluna

3.3 Guests

Nil

3.4 WALGA Representatives

Mr Tony Brown, Executive Manager Governance and Organisational Services
Mr Zac Donovan, Executive Manager Finance and Marketing

3.5 Department of Local Government, Sport and Cultural Industries

Nil

4. GUEST SPEAKERS/PRESENTATIONS

Nil

9.05am Cr Hill and Mr Durtanovich entered the meeting

5. MINUTES OF MEETINGS

5.1 Minutes of a Meeting of the Goldfields Voluntary Regional Organisation of Councils (GVROC) Council held Wednesday 2 August 2017 (Attachment)

Minutes of the GVROC Council Meeting held Wednesday 2 August 2017 are presented for adoption.

RECOMMENDATION:

That the Minutes of the GVROC Council Meeting held Wednesday 2 August 2017 be confirmed as a true and correct record of proceedings.

EN BLOC RESOLUTION: Moved: Mayor Bowler Seconded: Cr Dwyer

That the Minutes of the GVROC Council Meeting held Wednesday 2 August 2017 be confirmed as a true and correct record of proceedings subject to amending the date on the top of Page 3 from "2016" to "2017".

CARRIED

5.2 Business Arising from Meetings of the Goldfields Voluntary Regional Organisation of Councils (GVROC) – August 2017 Status Report (Attachment)

Since the last GVROC Council Meeting held Wednesday 2 August 2017 the Executive Officer has not had an opportunity to prepare a further Status Report.

One issue that comment should be made on relates to the issue of the loss of direct grant road funding being faced by Councils in 2017/2018. The matter was considered by GVROC at its August meeting, with the meeting resolving as shown below:

RESOLUTION: *Moved: Cr Brown* *Seconded: Cr Williams*

That GVROC write to the Minister for Transport to express its concern over the cuts to direct road funding grants to Councils.

CARRIED

As yet a letter from GVROC to the Minister has not been prepared.

The issue was also the subject of the following motion at the WALGA Annual General Meeting:

That WALGA:

1. *Lobbies the Minister for Transport;*
 - a) *To seek a reversal of their stated intent to reduce the State Road Funds to Local Government Agreement by \$10.3 million in 2017/18; and*
 - b) *for the reinstatement of the fixed percentage of licensing fees.*
2. *Investigate options for the Local Government sector to reduce services and assistance provided to State Government entities unless financial compensation is provided.*

The WALGA Secretariat has indicated in respect to this motion that:

WALGA has written to the Hon Minister for Transport, Rita Saffioti during July urging her to reconsider the proposed funding cut to the State Road Funds to Local Government Agreement and has been in discussion with senior officers from Main Roads to explore ways to mitigate any impact on Local Government.

The Association's policy position is that funding from the State Government for Local Government roads should be at least 27% of revenue from vehicle licensing fees.

The Executive Officer understands that WALGA has been successful in obtaining a meeting with the Minister for Transport on Tuesday 22 August 2017 but the Executive Officer is unsure if the intent of the meeting relates to this issue or more general transport and planning issues.

The Chair of Wheatbelt Regional Road Group South, Cr Lyn Baker, recently wrote to the Minister for Transport to protest at the cut to direct road funding.

A copy of the letter forms an attachment to the meeting agenda.

Cr Baker has given approval for her correspondence to be included in the meeting agenda. She is also happy for the letter to be referenced in any correspondence that GVROC might prepare.

Meeting Comment:

The Executive Officer advised that the matter was discussed at the Great Eastern Country Zone Meeting on Thursday 24 August 2017 at which time the meeting was advised that the decision will not be reversed but there is likely to be other matters included in the State Government Budget that would be favourable to local government.

The following is an extract from Local Government News 25 August 2017:

Meeting with the Hon Rita Saffioti MLA

WALGA President, CEO and staff met with the Minister for Transport; Planning; Lands Hon Rita Saffioti MLA on Tuesday, 22 August.

The Minister welcomed the opportunity to open discussions regarding the State Road Funds to Local Government Agreement and was pleased to hear of the strength of relationship between Main Roads and Local Government.

The President indicated that the sector is seeking the growth tax scenario afforded by a percentage share (27%) of vehicle licencing fees being applied to Local Government roads through the Agreement.

The Minister noted Local Government's preference to link road funding to vehicle licence fee revenue, commenting that the sector may want to reconsider this in light of the weaker economy affecting licence fee revenue. A number of options for how an agreement may be structured over a five year period were discussed.

The Minister noted the work that is progressing to transfer some major metropolitan roads from Local Government to Main Roads and indicated that this would need to be considered in funding allocations within a new agreement.

The Minister also highlighted the election commitments to upgrade key Local Government roads in metropolitan and regional areas, suggesting that these projects would need to be included within the total consideration of funding for roads. The Minister committed to a further discussion on this after the Budget is released.

Whilst the Minister also indicated that she understands the pressures on Local Governments, and in particular smaller, rural Councils, she was clear that the decision to cut direct road grants will not be reversed.

She highlighted that redirected Federal and State funding would be committed to road projects in regional WA and believes that when these details are made clear to Councils they will be more than happy with the outcome.

In terms of planning issues, the Minister expressed some sympathy for Local Government's concerns about the DAPs, particularly in terms of transparency and accountability. She is also interested in some broader considerations in regard to planning system reforms, but stressed that there had been no formal discussion between herself and the Premier on how this might be pursued.

All in all the meeting had a very positive frame, with the Minister demonstrating a strong appreciation of Local Governments' perspectives across her portfolios.

For more information, email Executive Manager, Infrastructure Ian Duncan.

RECOMMENDATION:

That:

1. The correspondence from Cr Lyn Baker, Chair Wheatbelt Regional Road Group South be noted; and
2. The Status Report for August 2017 be noted.

EN BLOC RESOLUTION: Moved: Mayor Bowler Seconded: Cr Dwyer

That:

1. **The correspondence from Cr Lyn Baker, Chair Wheatbelt Regional Road Group South be noted; and**
2. **The Status Report for August 2017 be noted.**

CARRIED

5.3 Matters for Noting

Nil

6. GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS FINANCE

Nil

7. GOLDFIELDS RECORDS STORAGE FACILITY

Nil

DRAFT

8. GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS - LAW AND ORDER

8.1 Aboriginal Justice Program – Shire of Leonora

Reporting Officer: Jim Epis, CEO Shire of Leonora
Helen Westcott, Executive Officer

Disclosure of Interest: Nil

Date: 18 August 2017

Attachments: Letter from CEO Shire of Leonora to Hon John Quigley MLA, Attorney General

Background:

The CEO, Shire of Leonora has provided the Executive Officer with a draft of correspondence to the State's Attorney general, Hon John Quigley. The letter details concern the Shire of Leonora has with respect to the current management of the Aboriginal Justice Program.

Whilst a copy of the letter forms an attachment to the meeting agenda, it has also been previously distributed by Jim Epis, CEO Shire of Leonora, on Thursday 17 August 2017.

The Shire of Leonora is seeking support from the GVROC to assist in pursuing this issue.

The Executive Officer referred the matter to the GVROC Chair who requested that the matter be listed for discussion.

Executive Officer Comment:

The letter expresses concern at the lack of Government services which combined with the long distances between communities exacerbates the ability of residents to access government services.

The Shire of Leonora believes that the Aboriginal Justice Program was working effectively in the Goldfields until the position was relocated to Perth. With this decision, the opportunity to address issues quickly has been lost.

The Shire's letter provides significant detail around the region's disadvantage and need for the reinstatement of a locally manager for the Aboriginal Justice Program.

The Shire is seeking GVROC's support in this matter.

The Executive Officer believes that GVROC should support every effort to have the Aboriginal Justice Program reinstated.

Meeting Comment:

The Chair Cr Cullen indicated that Shire of Coolgardie was also involved in the program. He feels that GVROC should "take up" the cause as it is not just indigenous members of the community that are being assisted by the program.

RECOMMENDATION:

That GVROC write to the State's Attorney General, Hon John Quigley MLA, seeking the re-opening of an office for the Aboriginal Justice Program within the Goldfields Esperance region.

RESOLUTION:

Moved: Cr Craig

Seconded: Cr Hill

That GVROC write to the State's Attorney General, Hon John Quigley MLA, seeking the re-opening of an office for the Aboriginal Justice Program within the Goldfields Esperance region.

CARRIED

9. GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS BUSINESS

9.1 Review of Local Government Act 1995

Reporting Officer: Helen Westcott, Executive Officer

Disclosure of Interest: Nil

Date: 16 August 2017

Attachments: Local Government Act Review Forum Outline as at 1 August 2017
Presentation – Local Government Act Review

The following Agenda Item was submitted by WALGA so may not follow the GVROC's normal format. It also includes under Executive Officer Comment an extract of the discussion at the GVROC CEOs Group Meeting on 14 July 2017 in relation to the Review of the Local Government Act.

Background:

The Minister for Local Government has announced a review of the Local Government Act and Regulations. The process will be in two (2) stages.

The Minister's office has advised that there may be some flexibility as to what issues are to be considered in stage 1 or stage 2. Based on this the Association will consult the sector on all potential Act amendment issues this year.

The Minister has advised of the following issues that he is tabling for consideration:

Phase 1- Modernising Local Government

2017 consultation, 2018 legislation tabled

- Improving behaviour and relationships
- Making information available online
- Restoring public confidence
- Regional Subsidiaries
- Reducing red tape

Phase 2: 'Services for the community'

2018 consultation, 2019 legislation tabled

- Increasing Participation in Local Government Elections
- Strengthening public confidence in local government elections
- Increasing community participation
- Enabling Local Government Enterprises
- Improving financial management
- Reducing red tape

Sector Principles

Key foundations of the Act, which the sector would like considered, relate to the retention of the 'general competence' principle and consideration of a size and scale compliance regime. The Act review will incorporate regulatory amendments.

Discussion Paper

WALGA has produced a Discussion paper (attached) that is structured around each section of the Act. This Discussion Paper draws on a number of resources upon which WALGA's proposals for Act amendment are based. These resources represent long-standing positions on Act amendments that were developed by the Sector and Sector representatives.

All positions are up for review as part of this process. In addition we welcome any other item to be brought forward.

Submission of Feedback

During August and September 2017, WALGA will hold Zone and Regional Group forums on the Local Government Act Review. Local Governments can choose to contribute in conjunction with a Zone/Regional Group meeting, separately by lodging a Council endorsed submission, or both.

The final collated feedback will be prepared as a State Council Agenda Item for Zone consideration during the November/December 2017 round of Zone meetings. State Council will ultimately determine its position at its meeting of 6 December 2017.

Executive Officer Comment:

Below is an extract of the discussion by the GVROC CEOs Group Meeting 14 July 2017 in relation to the Review of the Local Government Act. The comments from the GVROC CEOs on the issues have been highlighted.

GVROC CEO Meeting 14 July 2017 Comment:

Tony Brown presented an Infopage and draft WALGA Discussion Paper on the proposed *Local Government Act 1995* (the Act) review.

Tony advised that WALGA was looking to get the sector's view on the review of both stages during the current consultation process.

GVROC CEOs indicated it was critical that a "major review of the Act was undertaken as well as a review of the role and functions of the Department of Local Government.

Based on his experience in other jurisdictions John Walker was of the view the Act should be slimmer and greater use should be made of regulations which are far easier to change if required.

He also was also of the view that GVROC should note upfront that in parallel with the review that the Department should be reviewed.

Relevant parts of the WALGA Discussion Paper are detailed below. Where the Discussion Paper is cited it is presented in the same format as the discussion paper. Comments made during the meeting are shown in the format used for GVROC meeting papers.

GVROC Meeting 25 August 2017 Comment:

Tony Brown advised that the Department of Local Government would be preparing a Discussion Paper that is likely to be published in November 2017.

There was general discussion on the review of the Local Government Act and the opinion expressed by the GVROC CEOs of the need for a "parallel" review of the role and functions of the Department of Local Government.

CONSENSUS RESOLUTION:

**That GVROC support the GVROC CEOs position of the need for a review of the role and functions of the Department of Local Government as part of the review of the *Local Government Act 1995*.
CARRIED**

About this Discussion Paper

This Discussion Paper draws on a number of resources upon which WALGA's proposals for Act amendment are based. These resources represent long-standing positions on Act amendments that were developed by the Sector and Sector representatives.

It is acknowledged that only formally adopted State Council advocacy positions can be truly regarded, for the purpose of this Discussion Paper, as representing the collective views of Local Government. Ultimately, this Discussion Paper aspires to honour all views on Local Government Act reform identified through research of the following resources:

- **WALGA Advocacy Positions:** A document representing a collation of WALGA's advocacy positions determined by formal State Council resolutions, inclusive of motions passed at the Association's Annual General Meeting.
- **WALGA Zone Proposals:** This Discussion Paper attempts to capture WALGA Zone resolutions requesting WALGA seek amendment to the Local Government Act.
- **Local Government Reform Steering Committee Report May 2010:** Proposals developed by the Legislative Reform Working Group. Some proposals have already been implemented through Local Government Act amendments since 2010, with the remaining recommendations presented in this Paper for consideration.

This Paper gathers the information from these sources and presents in order of the relevant Part of the Act and associated Regulation. The relationship between Parts of the Act and Regulations is shown in this Table:

LG Act	Regulation
Part 2	Constitution Regulations 1998
Part 3	Functions and General Regulations 1996 / Regional Subsidiaries Regulations 2017
Part 4	Elections Regulations 1996
Part 5	Administration Regulations 1996 / Rules of Conduct Regulations 2007
Part 6	Financial Management Regulations 1996
Part 7	Audit Regulations 1996
Part 8	No Regulations
Part 9	Uniform Local Provisions Regulations 1996
Schedules	

Part 1 – Introductory Matters

Local and Statewide Public Notice: Sections 1.7 and 1.8

The Association welcomes the opportunity to modernise the requirements of giving public notice of particular matters, as prescribed in the Local Government Act. The Minister for Local Government has indicated an intention to deal with this in Phase 1 of the Review process, by making information available online. It is already common practice within the Local Government sector to place statutory public notices on official websites, despite there being no legislated requirement to do so.

GVROC CEO Meeting 14 July 2017 Comment:
Support

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position on Local and Statewide Public Notice: Sections 1.7 and 1.8.

CARRIED

Part 2 – Constitution of Local Government

Method of Election of Mayor/President: Section 2.11

Position Statement Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

State Council Resolution March 2012 – 24.2/2012

Tony Brown advised that the State Government's position was to have popularly elected mayors.

GVROC Comment:

GVROC CEOs were of the view that it should be mandatory to have popularly elected mayors for Cities with all other elections to be at the discretion of the individual Council with a simplified process for changing the method of electing the mayor/president "going both ways".

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position on the Method of Election of Mayor/President: Section 2.11.

CARRIED

Elected Member Training: New Proposal

Position Statement WALGA opposes legislative change that would:

1. Require candidates to undertake training prior to nominating for election;
2. Incentivise Elected Member training through the fees and allowances framework; or
3. Mandate Elected Member training.

Further, if mandatory training becomes inevitable, WALGA will seek to ensure that it:

- a) Only applies to first time Elected Members;
- b) Utilises the Elected Member Skill Set as the appropriate content for mandatory training;
- c) Applies appropriate Recognition of Prior Learning (RPL);
- d) Requires training to be completed within the first 12 months of office; and
- e) Applies a penalty for non-completion of a reduction in fees and allowances payable.

State Council Resolution December 2015 – 119.7/2015
October 2008 – 399.4/2008

GVROC Comment:

GVROC CEOs were of the opinion, though not unanimously, that WALGA should maintain its current position but other means of training could be considered, for example a standardised mandatory induction process for newly elected Councillors.

GVROC CEOs were of the opinion that part 2 of the current policy should be deleted.

RESOLUTION:**Moved: Mayor Bowler****Seconded: Cr Mazza**

That GVROC does not support mandatory training but encourage elected members to undertake appropriate training.

CARRIED 8/1

Stand Down when Contesting State or Federal Election: New Proposal

Amend the Act to require an Elected Member to stand down when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:

- (a) that an Elected Member stand down from any decision making role and not attend Council and Committee meetings; or
- (b) that an Elected Member stand down from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

Background

The East Metropolitan Zone has identified that, under the *Local Government Act 1995*, there is no requirement for an Elected Member to either stand down or take leave of absence if they are a candidate for a State or Federal election. If elected to Parliament the Elected Member is immediately ineligible to continue as an Elected Member. Currently it is up to an individual Elected Member to determine if they wish to take a leave of absence. In some cases Elected Members have voluntarily resigned.

GVROC Comment:

GVROC CEOs were of the opinion that Council Members seeking election for State or Federal Parliament should stand down with the issue of the writ.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position on requiring elected members to stand down when contesting State or Federal Elections.

CARRIED

Part 3 – Functions of Local Government

Notification of Affected Owners: Section 3.51

Position Statement

Section 3.51 of the *Local Government Act 1995* concerning “Affected owners to be notified of certain proposals” should be amended to achieve the following effects:

1. to limit definition of “person having an interest” to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation); and

2. to specify that only significant, defined categories of proposed road works require local public notice under Section 3.51 (3) (a).

State Council Resolution February 2009 – 480.1/2009

GVROC Comment:

GVROC CEOs agree with the position statement.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Notification of Affected Owners: Section 3.51.

CARRIED

Control of Certain Unvested Facilities: Section 3.53

The Local Government Act 1995 includes a provisions, under Section 3.53, that is carried forward from Section 300 of the former Local Government Act 1960. Section 300 stated:

300. A council has the care, control, and management of public places, streets, ways, bridges, culverts, fords, ferries, jetties, and drains, which are within the district, or, which although not within the district, are by this Act placed under the care, control, and management, of the council, or are to be regarded as being within the district, except where and to the extent that under an Act, another authority has that care, control, and management.

Section 3.53 refers to infrastructure as an 'otherwise unvested facility', and is defined to mean: "a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section."

Section 3.53 places responsibility for an otherwise unvested facility on the Local Government in whose district the facility is located. Lack of ongoing maintenance and accreting age has resulted in much infrastructure falling into a dilapidated state. This, together with the uncertain provenance of many of these facilities, particularly bridges, is reported as placing an unwarranted and unfunded burden on a number of Local Governments.

It is recommended Section 3.53 of the Act be deleted and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

GVROC Comment:

GVROC CEOs agree with the WALGA recommendation.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to the WALGA recommendation on Control of Certain Unvested Facilities: Section 3.53.

CARRIED

Regional Local Governments: Part 3, Division 4

Position Statement

The compliance obligations of Regional Local Governments should be reviewed.

Background Currently, Regional Local Governments are treated by the *Local Government Act 1995* for the purposes of compliance, as if they were a Local Government.

The Association believes that this places an overly large compliance burden on Regional Local Governments. The large compliance burden reduces potential cost savings that aggregated service delivery may achieve through increased efficiency and acts as a disincentive for Local Governments to establish Regional Local Governments.

State Council Resolution January 2012 – 9.1/2012

Council Controlled Organisations: Part 3, Division 4

Position Statement The *Local Government Act 1995* should be amended to enable Local Governments to establish Council Controlled Organisations (CCO).

Background The CCO model is available to Local Governments in New Zealand where they are used for a variety of purposes. The model allows one or more Local Governments to establish a wholly Local Government owned commercial organisation. The Association has developed the amendments required for the CCO model to be implemented in Western Australia.

State Council Resolution October 2010 – 107.5/2010
October 2010 – 114.5/2010

NOTE: Council Controlled Organisations has also been referred to as 'Local Government Enterprises' in the past i.e. WALGA's Systemic Sustainability Study 2008.

GVROC Comment:

GVROC CEOs agree with the position statement.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to the WALGA recommendation on Council Controlled Organisations: Part 3, Division 4.

CARRIED

Local Government (Functions and General) Regulations 1996

Tender Threshold: Regulation 11(1)

Position Statement WALGA supports an increase in the tender threshold to align with the State Government tender threshold (\$250 000).

Background The tender threshold should be increased to allow Local Governments responsiveness when procuring relatively low value good and services.

State Council Resolution July 2015 – 74.4/2015

September 2014 – 88.4/2014

GVROC Comment:

GVROC CEOs agree with the position statement.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to the WALGA recommendation on Tender Threshold: Regulation 11(1).

CARRIED

Dispositions of Property: Regulation 30(3)

That Regulation 30(3) be amended to delete the financial limitation (\$75,000) on a disposition used to purchase other property in the course of acquiring goods and services.

GVROC Comment:

GVROC CEOs support WALGA's position.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to the WALGA position on Dispositions of Property: Regulation 30(3).

CARRIED

Local Government (Regional Subsidiaries) Regulations 2017

Regional Subsidiaries

Position Statement

That WALGA advocate for legislative and regulatory amendments to enable Regional Subsidiaries to:

- 1. Borrow in their own right;
- 2. Enter into land transactions; and,
- 3. Undertake commercial activities.

Background

The *Local Government Act 1995* was amended in late 2016 to enable Local Governments to establish regional subsidiaries, and this represents a significant advocacy achievement for the Local Government sector;

The *Local Government (Regional Subsidiaries) Regulations 2017*, which were enacted in early 2017, contain significant restrictions that limit the flexibility and will reduce the benefits of the regional subsidiary model;

In particular, the regulations prevent regional subsidiaries from borrowing from any organisation other than a constituent Local Government, entering into a land transaction, and commencing a trading undertaking; and,

This item recommends legislative and/or regulatory amendments to remove these restrictions that unnecessarily prevent regional subsidiaries from becoming an effective and efficient collaborative service delivery mechanism.

State Council Resolution

March 2017 – 5.1/2017

GVROC Comment:

GVROC CEOs agree with the position statement.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to the WALGA recommendation on Regional Subsidiaries.

CARRIED

Part 4 – Elections and Other Polls

Conduct of Postal Elections: Sections 4.20 and 4.61

Position Statement	The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and Local Governments to conduct postal elections.
Background	Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.
State Council Resolution	March 2012 – 24.2/2012

GVROC Comment:

GVROC CEOs are of the view that the Act be amended to allow WA Electoral Commission, Australian Electoral Commission individual local government and other private organisations to conduct postal elections.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to the Conduct of Postal Elections: Sections 4.20 and 4.61.

CARRIED

Voluntary Voting: Section 4.65

Position Statement	Voting in Local Government elections should remain voluntary.
State Council Resolution	427.5/2008 – October 2008

GVROC Comment:

GVROC CEOs were of the opinion, though not unanimously, that local government elections should include compulsory voting.

CONSENSUS RESOLUTION:

That GVROC support the retention of non-compulsory voting in local government elections.

CARRIED

On-Line Voting

WALGA has received requests from three (3) Zones to explore the possibility of introducing on-line voting in Local Government elections.

A State Council Item for Noting was prepared in May 2017 advising that WALGA staff will liaise with the WAEC regarding the use of the iVote system and also seek feedback from the Local Government sector on online voting and other opportunities to increase voter turnout. The Minister for Local Government has indicated that online voting is likely to be considered in the context of increasing elector participation.

GVROC Comment:

GVROC CEOs were of the opinion that if compulsory voting was introduced the method adopted should be the same as used by the State Government.

The GVROC CEOs also expressed a concern around the integrity of on-line voting and the availability/accessibility of internet access for some electors.

CONSENSUS RESOLUTION:

That GVROC does not support mandatory postal elections but does support postal voting at the discretion of each individual local government.

CARRIED

Part 5 - Administration

Electors' General Meeting: Section 5.27

Position Statement Section 5.27 of the *Local Government Act 1995* should be amended so that Electors' General Meetings are not compulsory.

Background There is adequate provision in the Local Government Act for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings.

NOTE: The current Local Government Amendment (Auditing) Bill 2017 proposes that a Local Government's Annual Report is to be placed on its official website within 10 days of being received.

State Council Resolution February 2011 – 09.1/2011

GVROC Comment:

GVROC CEOs agree with the position statement.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Electors' General Meeting: Section 5.27.

CARRIED

Special Electors' Meeting: Section 5.28

That Section 5.28(1)(a) be amended:

- (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and

- (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

GVROC Comment:

GVROC CEOs were of the view that the ability of call Special Elector Meetings was unnecessary and should be removed from the Act.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Special Electors' Meeting: Section 5.28.

CARRIED

Senior Employees: Section 5.37(2)

That Section 5.37(2) be deleted to remove any inference or ambiguity as to the role of Council in the performance of the Chief Executive Officer's function under Section 5.41(g) regarding the appointment of other employees (with consequential amendment to Section 5.41(g) accordingly).

GVROC Comment:

GVROC CEOs support.

In supporting the WALGA recommendation the GVROC CEOs noted that s5.36 of the Act allowed for a CEO to be appointed by simple majority but then an absolute majority was required to approve the contract. This appeared to be an anomaly and should be resolved.

Meeting Comment:

WALGA commented that there was some indication that the Minister may wish that the Public Sector Commissioner has a role in CEO recruitment and performance review.

The meeting commented that each local government was an autonomous body and should be able to make their own decisions in relation to the recruitment, performance and dismissal of a CEO.

RESOLUTION:

Moved: Cr Rathbone

Seconded: Cr Dwyer

That GVROC is of the view that local governments should retain their autonomy in relation to recruitment, annual performance review and dismissal of CEOs and does not support the involvement of the Public Sector Commissioner with regard to recruitment, annual performance review and dismissal of a CEO.

CARRIED

Annual Review of Certain Employees Performance: Section 5.38

Section 5.41(g) of the Act allocates the function of responsibility for all employees, including management supervision, to the Chief Executive Officer. Section 5.38 therefore creates unnecessary ambiguity; unnecessary in terms of the certainty that Section 5.41(g) already provides. It is recommended that Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct an annual Chief Executive Officer performance review.

GVROC Comment:

GVROC CEOs support

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Annual Review of Certain Employees Performance: Section 5.38.

CARRIED

DRAFT

Gifts and Contributions to Travel: Sections 5.82 and 5.83

The current Gift Provisions in the Local Government Act are very confusing and overly prescriptive. The Department of Local Government and Communities have established a Gift Working Group to look at completely reviewing the gift provisions for changes following the March 2017 State Election. WALGA is a participant in this working group. WALGA representatives have been advocating for the following:

- There be one section for declaring gifts. Delete declarations for Travel.
- Gift provisions only for Elected Members and CEO's. Other staff fall under Codes of Conduct from the CEO to the staff.
- Gifts only to be declared if above \$500.00.
- There will not be any category of notifiable gifts or prohibited gifts.
- Gifts only to be declared in respect to an Elected Member or CEO carrying out their role.
- No need to declare gifts received in a genuine personal capacity.
- Exemptions for ALGA, WALGA and LG Professionals (already achieved).
- Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts. So Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.

GVROC Comment:
GVROC CEOs support.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Gifts and Contributions to Travel: Sections 5.82 and 5.83.

CARRIED

Vexatious and Frivolous Complainants: New Provision

It is recommended that a statutory provision be considered, permitting a Local Government to declare a person a vexatious or frivolous complainant. Section 5.110(3a) of the Act was recently introduced in relation to the Local Government Standards Panel ruling on vexatious and frivolous Rules of Conduct Regulations breach allegations:

“...a standards panel can at any stage of its proceedings refuse to deal with a complaint if the standards panel is satisfied that the complaint is frivolous, trivial, vexatious, misconceived or without substance.”

Given the extensive cost and diversion of administrative resources currently associated with vexatious and frivolous complainants across the Local Government sector, it is recommended that a more general mechanism, based on the principles associated with the introduction of Section 5.110(3A), be investigated.

GVROC Comment:
GVROC CEOs support.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to a new provision on Vexatious and Frivolous Complainants.

CARRIED**Local Government (Administration) Regulations 1996****Revoking or Changing Decisions: Regulation 10**

Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented. This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist clarify the rights of a Councillor to seek a revocation or change.

GVROC Comment:
GVROC CEOs support.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Revoking or Changing Decisions: Regulation 10.

CARRIED**Minutes, contents of: Regulation 11**

Regulation 11 contains a potential anomaly in that the content requirements relating to Minutes of a Council or Committee meeting do not make reference to the reports and information that formed the basis of the Agenda to that meeting. Despite it being a common practice that Agenda reports and information are included in most Minutes, this is not universally the case, and it is recommended that an amendment be considered as an aid to community understanding of the decision-making process of the Council.

GVROC Comment:
GVROC CEOs are of the view that the regulation should be deleted.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Minutes, contents of: Regulation 11.

CARRIED**Repayment of Advance Annual Payments: New Regulation**

The Local Government Legislation Amendment Act 2016 introduced Section 5.102AB, which provides that Regulations may be made relating to the recovery of advance payments of annual allowances or annual fees made to a person who subsequently ceases to hold office during the period to which the payment relates:

5.102AB. Repayment of advance annual payments if recipient ceases to hold office

(2) *Regulations may be made —*

(a) *requiring the repayment to a local government, to the extent determined in accordance with the regulations, of an advance payment of an annual allowance or annual fee in the circumstances to which this section applies; and*

(b) providing for a local government to recover any amount repayable if it is not repaid.

Regulations enabling the recovery of advance annual payments have yet to be made and it is recommended this matter be prioritised.

GVROC Comment:
GVROC CEOs support.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Repayment of Advance Annual Payments: New Regulation.

CARRIED

Local Government (Rules of Conduct) Regulations 2007

Position Statement

WALGA supports:

1. Official Conduct legislation to govern the behaviour of Elected Members;
2. An efficient and effective independent Standards Panel process;
3. An ability for the Standards Panel to dismiss vexatious and frivolous complaints; and,
4. Confidentiality for all parties being a key component of the entire process.

NOTE: Point 3 achieved under the Local Government Legislation Amendment Act 2016

State Council Resolution

March 2016 – 10.1/2016

July 2012 – 55.3/2012

December 2008 – 454.6/2008

GVROC Comment:
GVROC CEOs support.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Local Government (Rules of Conduct) Regulations 2007.

CARRIED

Part 6 – Financial Management

Imposition of Fees and Charges: Section 6.16

Position Statement

That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services

Background

Local Governments are able to impose fees and charges on users of specific, often incidental, services. Examples include dog registration fees, fees for building approvals and swimming pool entrance fees.

In some cases, Local Governments will recoup the entire cost of providing a service. In other cases, user charges may be set below cost recovery to encourage a particular activity with identified community benefit, such as sporting ground user fees or swimming pool entry fees.

Currently, fees and charges are determined according to three methods:

- By legislation
- With an upper limit set by legislation
- By the Local Government.

Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:

- Lack of indexation
- Lack of regular review (fees may remain at the same nominal levels for decades)
- Lack of transparent methodology in setting the fees (fees do not appear to be set regarding appropriate costs recovery levels).

Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This means all ratepayers end up subsidising the activities of some ratepayers.

When fees and charges are restricted by legislation, rather than being set at cost recovery levels, this sends inappropriate signals to users of Local Government services, particularly when the consumption of those services is discretionary. When legislative limits allow consumers to pay below 'true cost' levels for a discretionary service, this will lead to overprovision and a misallocation of resources.

Under the principle of 'general competence' there is no reason why Local Governments should not be empowered to make decisions regarding the setting of fees and charges for specific services.

Additionally, it is recommended that Section 6.16 be amended so that it only relates to statutory application fees and charges and not consumer items, facility entrance fees, ad hoc minor fees and charges etc. The exhaustive listing of relatively minor fee and charge items, together with technical requirement to give public notice of any change after the adoption of the annual budget, is both inefficient and costly.

GVROC Comment:

GVROC CEOs are of the view that Councils be empowered to set fees and charges for all local government services including those set by other legislation such as Dog Act.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Imposition of Fees and Charges: Section 6.16.

CARRIED

Power to Borrow: Section 6.20

Section 6.20(2) requires, where a power to borrow is proposed to be exercised and details of the proposal are not included in the annual budget, that the Local Government must give one month's public notice of the proposal (unless an exemption applies). There is no associated requirement to request or consider written submission prior to exercising the power to borrow, as is usually associated with giving public notice. Section 6.20(2) simply stops the exercise of power to borrow for one month, and it is recommended it be deleted.

GVROC Comment:

GVROC CEOs support.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Power to Borrow: Section 6.20.

CARRIED

Restrictions on Borrowings: Section 6.21

Position Statement

Section 6.21 of the *Local Government Act 1995* should be amended to allow Local Governments to use freehold land, in addition to its general fund, as security when borrowing.

Background

Borrowing restrictions in the *Local Government Act 1995* act as a disincentive for investment in community infrastructure. Section 6.21(2) states that a Local Government can only use its 'general funds' as security for borrowings to upgrade community infrastructure, and is restricted from using its assets to secure its borrowings. This provision severely restricts the borrowing capacity of Local Governments and reduces the scale of borrowing that can be undertaken to the detriment of the community.

This is particularly relevant since the Global Financial Crisis. Treasury now requires member Local Governments to show as contingent liabilities in their balance sheet their proportion of contingent liabilities of the Regional Local Government of which they are a member. Given that the cost of provision of an Alternative Waste Disposal System is anything up to \$100 million, the share of contingent liabilities for any Local Government is significant. Even under a 'Build-Own-Operate' financing method, the unpaid (future) payments to a contractor must be recognised in the balance sheet of the Regional Local Government as a contingent liability.

This alone is likely to prevent some Local Governments from borrowing funds to finance its own work as the value of

contingent liabilities are taken into account by Treasury for borrowing purposes.

State Council Resolution January 2012 – 8.1/2012

GVROC Comment:
GVROC CEOs support.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Restrictions on Borrowings: Section 6.21.

CARRIED

Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)

Position Statement

WALGA's policy position regarding charitable purposes is as follows:

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;
2. Either
 - a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations;
 - or
 - b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.

Background

Exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers. There may be an argument for exemptions to be granted by State or Federal legislation. Examples include exemptions granted by the Commonwealth *Aged Care Act 1997* and group housing for the physically and intellectually disabled which is supported under a government scheme such as a Commonwealth-State Housing Agreement or Commonwealth-State Disability Agreement.

State Council Resolution December 2015 – 118.7/2015
January 2012 – 5.1/2012

GVROC Comment:
GVROC CEOs are of the opinion that there should be no exemptions from local government rates and any exemption should be left to individual Councils to decide.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Rating Exemptions – Charitable Purposes: Section 6.26(2)(g).

CARRIED**Differential General Rates: Section 6.33**

This section outlines the characteristics that Local Governments may take into account when imposing differential general rates. It is recommended the issue of time-based differential rating should be examined, to address some Local Governments view that vacant land should be developed in a timely manner.

GVROC Comment:

GVROC CEOs are of the opinion that there should be a complete review of the differential rating provisions within the Local Government Act.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Differential General Rates: Section 6.33.

CARRIED**Service of Rates Notice: Section 6.41**

That Section 6.41 be amended to:

- (a) permit the rates notice to be issued to electronically; and
- (b) introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc) without requirement to issue individual instalment notice.

GVROC Comment:

GVROC CEOs are of the opinion that there should be a review of the type of resolutions that require simple and absolute decisions in the Act.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Service of Rates Notice: Section 6.41.

CARRIED**Rates or Service Charges Recoverable in Court: Section 6.56**

That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.

GVROC Comment:

GVROC CEOs are of the opinion that this section should be deleted.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Rates or Service Charges Recoverable in Court: Section 6.56.

CARRIED

Meeting Comment:

It was noted that GVROC had made comment on a number of rating issues but it was generally felt that there should be a complete review of all rating provisions of the Local Government Act as part of the review of the Local Government Act.

Local Government (Financial Management) Regulations 1996**Exemption from AASB 124: Regulation 4**

Regulation 4 of the Financial Management Regulations provides a mechanism for an exemption from the Australian Accounting Standards (AAS). Regulation 16 is an example of the use of this mechanism, relieving Local Governments from the requirement to value land under roads.

A Zone has requested that an exemption be allowed from the implementation of AASB 124 'Related Party Transactions' due to the current provisions in the Act on declarations of interest at meetings and in Primary and Annual returns. This is regarded as providing appropriate material declaration and disclosure of interests associated with function of Local Government.

GVROC Comment:
GVROC CEOs support.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Exemption from AASB 124: Regulation 4.

CARRIED**Part 7 – Audit**

The Local Government Amendment (Auditing) Bill 2017, before Parliament at the time of writing, will substantially replace much of Part 7 to provide for the auditing of Local Governments by the Auditor General.

New legislation will allow the Auditor General to contract out some or all of the financial audits but all audits will be done under the supervision of the Auditor General and Office of the Auditor General.

GVROC Comment:
GVROC CEOs noted the Local Government Amendment (Auditing) Bill 2017 currently before Parliament - consider more details are required on what performance audits will entail.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Audit and the role of the Auditor General with respect to performance audits.

CARRIED

Part 8 – Scrutiny of the Affairs of Local Government

Stand Down Provision: New Proposal

Position Statement

WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken.

Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the Sector:

1. That ... the established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and
2. That activities associated with the term 'disruptive behaviour', presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.

Background

In 2008 a discussion paper was circulated seeking feedback regarding legislative amendments to suspend an individual Elected Member, as follows:

- An elected member to have the ability to stand down where they are being investigated or have been charged;
- An elected member to be forcibly stood down where they are being investigated or have been charged and whose continued presence prevents Council from properly discharging its functions and affects its reputation and integrity or where it is in the public interest;
- The Standards Panel to make the stand down decision;
- Such matters to be referred to the Standards Panel only by a Council (absolute majority), a statutory agency or the Department;
- Three to six months stand down periods with six month extensions;
- The elected member to remain entitled to meeting fees and allowances; and
- Inclusion of an offence for providing false information leading to a stand down.

State Council Resolution August 2008 – 400.4/2008

10.18am Cr Cullen left the meeting and Mayor Bowler assumed the chair

10.20am Cr Cullen returned and resumed the chair

GVROC Comment:

GVROC CEOs are of the opinion that this proposal should not be supported as it has the capacity to be used for political purposes. The concept should be used with great caution.

Meeting Comment:

It was felt during discussion that a Council should have role in seeking the removal of a person from the Council. This may take the form of the Council, by absolute majority, referring the matter to the Standards Panel for determination on the understanding that the Standards Panel had the capacity to make a prompt decision.

CONSENSUS RESOLUTION:

That GVROC supports the Stand Down Provision as outlined in the WALGA Position Statement on the understanding that the Council will have some role in seeking the removal of a person from the Council.

CARRIED**Part 9 – Miscellaneous Provisions****Onus of Proof in Vehicle Offences may be Shifted: Section 9.13(6)**

Amend Section 9.13 by introducing the definition of 'responsible person' and enable Local Governments to administer and apply effective provisions associated with vehicle related offences

Background:

This proposal from the North Metropolitan Zone emerged due to an increase in cases when progressing the prosecution of vehicle related offences in court (at the request of the vehicle owner) only to have the charges dismissed by the Magistrate when the owner of the vehicle states that he does not recall who was driving his vehicle at the time of the offence. Magistrates have then ruled that this was sufficient to establish 'proof to the contrary', as currently identified in the Section 9.13(6) of the Local Government Act 1995, and as a result dismiss the charges.

The *Litter Act 1979* was amended in 2012 to introduce the definition of 'responsible person' (as in the *Road Traffic Act 1974*) so that a 'responsible person' is taken to have committed an offence where it cannot be established who the driver of the vehicle was at the time of the alleged offence. This also removes the ability for the responsible person to be absolved of any responsibility for the offence if they fail to identify the driver.

It is suggested that a similar amendment be made to Section 9.13 of the Act in order to ensure that there is consistent enforcement in regards to vehicle related offences.

GVROC Comment:

GVROC CEOs are of the opinion that this whole part of the Act should be reviewed including the Miscellaneous Provisions Act and if there is anything "useful" should be in the LGAct.

CONSENSUS RESOLUTION:

That GVROC is of the view that the Miscellaneous Provisions Act should be repealed and any relevant matter that is required be included in the Local Government Act or regulations.

CARRIED

Schedule 2.1 – Creating, Changing Boundaries and Abolishing Districts

Poll Provisions: New Proposal

Position Statement Schedule 2.1 of the *Local Government Act 1995* should be amended so that the electors of a Local Government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll.

State Council Resolution December 2014 – 108.5/2014

GVROC Comment:

GVROC CEOs are of the opinion that there would be no need for polls of local governments.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Creating, Changing Boundaries and Abolishing Districts.

CARRIED

Number of Electors: Clause 2.1(1)(d)

That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.

GVROC Comment:

GVROC CEOs are of the opinion that this should be deleted.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Number of Electors: Clause 2.1(1)(d).

CARRIED

Schedule 2.2 – Provisions about Names, Wards and Representation

Who may make Submission: Clause 3(1)

That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.

GVROC Comment:

GVROC CEOs are of the opinion that this should be deleted.

CONSENSUS RESOLUTION:

That GVROC support the GVROC CEOs position with regard to Schedule 2.2 – Provisions about Names, Wards and Representation.

CARRIED

Schedule 4.1 – How to Count Votes and Ascertain Result of Election

Method of Voting

Position Statement	Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.
Background	The FPTP method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.
State Council Resolution	427.5/2008 – October 2008

This State Council resolution influenced amendment to Schedule 4.1 in 2009 that returned Local Government elections to a first past the post system from the preferential proportional representation. The resolution is reiterated here as an indication of the sector's ongoing preference for this vote counting system.

GVROC Comment:

GVROC CEOs are of the opinion that this position statement is not supported as if compulsory voting is introduced the same system as State Government uses in determining results should be used.

CONSENSUS RESOLUTION:

That recognising GVROC does not support compulsory voting in local government elections GVROC is of the view that the same system of vote counting used in State Government elections should be used to determine the results of local government elections.

CARRIED

Further Matters Raised by the CEOs Group and Tony Brown

Involvement of the Public Sector Commission

Tony raised the issue of the Public Sector Commission being involved in the recruitment of the CEOs.

GVROC Comment:

GVROC CEOs are of the opinion that as each local government is an autonomous body and as such should be left to determine their own appointment.

This matter was considered under Senior Employees: Section 5.37(2)

Rating of Mining Camps

Rhonda Evans raised the issue of rating of mining camps, noting that some are rated and whilst others are not. There needs to be consistency in how this issue is treated.

CONSENSUS RESOLUTION:

That GVROC support the need for consistency and simplification in the rating of mining camps.

CARRIED

Financial Management Regulations

Matthew Scott commented that he believed the financial management regulations should be reviewed.

Confidentiality Issue the Act

Matthew Scott raised the issue of Act being quite specific of when you can close the meeting – believes the matter should be reviewed.

Consultation: Nil

Voting Requirement: Simple majority

The matter is presented for discussion and decision.

RESOLUTION: Moved: Cr Rathbone Seconded: Cr Best

That the GVROC position on each item considered in the review of the *Local Government Act 1995* be developed into a formal submission for endorsement at the next GVROC Meeting on Friday 13 October 2017.

CARRIED

10.40am the meeting adjourned for morning tea

11.01am meeting resumed following morning tea with all in attendance except Cr Craig and Mr Epis

Standards Panel

Ian Fitzgerald raised the issue of the performance of the Standards Panel and suggested that this is a matter that should also be reviewed during the review of the Local Government Act.

DRAFT

9.2 Actions Arising from Presentations given at the GVROC Council Meeting held Wednesday 2 August 2017

Reporting Officer: Helen Westcott, Executive Officer

Disclosure of Interest: Nil

Date: 16 August 2017

Attachments: Nil

Background:

Following on the various presentations given at the GVROC Council Meeting on Wednesday 2 August 2017 there was insufficient time for Member Councils to determine whether any further action was required on any or all of the issues.

To recap the following presentations were made at the meeting:

- Camp Kulin;
- Squires Patton Boggs – Native Title Update; and
- Joint Presentation by the Department of Mines, Industry Regulation and Safety and Department of Planning, Lands and Heritage.

Executive Officer Comment:

No further comment required.

Consultation: Nil

Voting Requirement: Simple majority

The matter is presented for consideration.

Meeting Comment:

There was a discussion on each of the presentations.

During discussions it was suggested that the issue of Camp Kulin be left to each individual Member Council.

During discussions on the presentation from Squires Patton Boggs it was suggested that given the changes that are occurring on a regular basis that it may be appropriate to receive a six monthly briefing on current progress with the various claims.

RESOLUTION: Moved: Cr Hill Seconded: Cr Mazza

That the issue of native title be left to individual Member Councils with consideration being given to obtaining six monthly briefing updates from Squires Patton Boggs with details of Member Councils who wish to be involved in the briefings being provided to the Executive Officer.

CARRIED

RESOLUTION: Moved: Cr Rathbone Seconded: Cr Hill

Resolution still to be finalised

Coolgardie are working to arrange a meeting and will come back to the GVROC with a report

9.3 Elected Member Training

Reporting Officer: Shire of Dundas
Helen Westcott, Executive Officer

Disclosure of Interest: Nil

Date: 18 August 2017

Attachments: Nil

Background:

The Shire of Dundas' President, Cr Best, recently contacted WALGA to enquire whether any training for newly elected Councillors would be available post the local government elections in October and before the end of the year.

Executive Officer Comment:

WALGA has advised that training can be made available, suggesting the following courses:

- Serving on Council (1 day);
- Meeting Procedures and Debating (1 day); and
- Understanding Financial Reports and Budgets (1 day)

Funding through the Country Local Government Fund is no longer available for elected member training, so cost per Elected Member would be \$515 per course of study.

Elected member training could be arranged around the GVROC Meeting scheduled to be held in Esperance on Friday 2 February 2018 but a decision on how the training is to be funded is a matter for consideration.

Consultation: Nil

Voting Requirement: Simple majority

The matter is presented for consideration.

RESOLUTION: **Moved: Cr Best** **Seconded: Cr Rathbone**

That WALGA be advised that the last week of November or first week of December 2017 may be a suitable time to conduct elected member training with expressions of interest from Member Councils to be submitted to the Executive Officer by 31 October 2017.

CARRIED

11.34am Mr John Walker left the meeting

10. WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) BUSINESS

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

10.1 State Councillor / Goldfields Esperance Zone President's Report (Attachment)

Cr Mal Cullen (President, Shire of Coolgardie)

10.2 WALGA Status Report (Attachment)

From Executive Officer

BACKGROUND:

Presenting the Status Report for August 2017 which contains WALGA's responses to the resolutions of previous Meetings

ZONE COMMENT:

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

RECOMMENDATION:

That the Goldfields Voluntary Regional Organisation of Councils notes the State Councillor's and WALGA Status Report.

RESOLUTION: Moved: Cr Rathbone Seconded: Mr Fitzgerald

That the Goldfields Voluntary Regional Organisation of Councils notes the State Councillor's and WALGA Status Report.

CARRIED

10.3 Review of WALGA State Council Agenda - Matters for Decision

From Executive Officer

Background:

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure.

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

5.1 2017 Annual General Meeting Minutes (01-003-02-0003 TB)

WALGA Recommendation

That Annual General Meeting Items 4.1B and 4.2B be noted and referred to the relevant WALGA policy unit for consideration.

ZONE COMMENT:

GVROC supports the WALGA recommendation.

5.2 2018-19 State Budget Submission 05-001-03-0006 DM)

WALGA Recommendation

That WALGA's submission to the State Government in advance of the 2018-19 Budget be endorsed.

ZONE COMMENT:

When this matter was considered at the Zone Meeting on 30 June 2017 the Member Councils feedback to WALGA on its proposed approach to the 2018-2019 State Budget Submission, requesting that WALGA include requests for:

- Reinstatement of the Exploration Incentive Scheme (page 12 of the budget submission);
- Honouring of funding for aged housing projects (page 14 of the budget submission);
- Honouring of funding commitments made to the region through the Goldfields Esperance Revitalisation Fund;
- Local road funding levels to be maintained at current levels (p11 of the budget submission); and
- The establishment of a regional equivalent of the Perth Theatre Trust thereby ensure equitable access for residents in rural and regional Western Australia to arts and culture events (p17 of the budget submission – Arts Funding).

The Executive Officer was unable specifically find reference in the budget submission to the Goldfields Esperance Revitalisation Fund. If this is a matter that the GVROC is unable to satisfy itself that it has been included it can raise the issue for inclusion.

GVROC supports the WALGA recommendation subject to further comment being included relating to Royalties for Regions and in particular the Goldfields Esperance Revitalisation Fund and funding for CLGF for Training of Elected Members.

11.50am Cr Cullen left the meeting and Mayor Bowler assumed the Chair

11.51am Cr Cullen returned to the meeting and assumed the Chair

5.3 Review of the Emergency Services Levy (05-24-02-0001 MP)

WALGA Recommendation

That the interim submission to the Economic Regulation Authority (ERA) on the Review of the Emergency Services Levy (ESL) Draft Report be endorsed.

ZONE COMMENT:

GVROC supports the WALGA recommendation.

5.4 Outcomes of Consultation – Third Party Appeal Rights in Planning (06-06-01-0001 GC)

WALGA Recommendation

That:

1. WALGA maintain its current policy position on Third Party Appeal rights; that the Local Government sector does not support the introduction of Third Party Appeal rights.
2. State Council notes that while there is increased support for the introduction of some form of Third Party Appeal rights, there is no consistent agreement on the form and scope any such rights should take.
3. WALGA undertakes further consultation with members on Third Party Appeal Rights, to discuss the various concerns and suggestions raised in response to the discussion paper, to determine if a consensus on a new policy position could be reached.
4. WALGA continue to advocate that an independent review of decision making within the WA planning system is required, including the roles and responsibilities of State and Local

Government and other decision making agencies, Development Assessment Panels and the State Administrative Tribunal appeal process.

ZONE COMMENT:

GVROC supports the WALGA recommendation.

5.5 Interim Submission – Development Control Policy 2.2 – Residential Subdivision (05-036-03-0060 VJ)

WALGA Recommendation

That the interim submission to the WA Planning Commission on Development Control Policy 2.2 – Residential Subdivision be endorsed.

ZONE COMMENT:

GVROC supports the WALGA recommendation

11.52am Cr Cullen returned to the meeting and assumed the Chair

5.6 National Disability Insurance Scheme (NDIS) Costs position paper submission (05-021-01-0002/1)

WALGA Recommendation

That the interim submission to the Productivity Commission's National Disability Insurance Scheme (NDIS) position paper be endorsed.

ZONE COMMENT:

GVROC supports the WALGA recommendation

5.7 Productivity Commission Inquiry – Introducing Competition and Informed User Choice into Human Services: Reforms to Human Services (05-031-01-0001 JH)

WALGA Recommendation

That the interim submission to the Productivity Commission Inquiry on Introducing Competition and Informed User Choice into Human Services – Reforms to Human Services, be endorsed.

ZONE COMMENT:

GVROC supports the WALGA recommendation

5.8 Interim Submission to the Australian Government Committee on the Impacts of Climate Change (05-028-03-0018 LS)

WALGA Recommendation

That the interim submission in response to the Inquiry into the impacts of climate change be endorsed.

ZONE COMMENT:

GVROC supports the WALGA recommendation

5.9 Interim Submission - Possible Amendments to Telecommunications Powers and Immunities (05-036-03-0048 MB)**WALGA Recommendation**

That the interim submission to the Department of Communications and the Arts on the 'Possible Amendments to Telecommunications Powers and Immunities' be endorsed.

ZONE COMMENT:

GVROC supports the WALGA recommendation

5.10 Submission in Response to the Inquiry into Airfare Pricing in Regional Western Australia (05-003-02-0005 MM)**WALGA Recommendation**

That the interim submission in response to the 'Inquiry into Airfare Pricing in Regional Western Australia' be endorsed.

ZONE COMMENT:

GVROC supports the WALGA recommendation

5.11 Interim Submission to the National Freight and Supply Chain Priorities Inquiry (05-006-03-0012 ID)**WALGA Recommendation**

That the interim submission in response to the Australian Government Inquiry into National Freight and Supply Chain Priorities be endorsed.

ZONE COMMENT:

GVROC supports the WALGA recommendation.

RECOMMENDATION:

That the Goldfields Voluntary Regional Organisation of Councils endorses all recommendations being matters contained in the WALGA State Council Agenda other than those recommendations separately considered.

RESOLUTION: Moved: Mayor Bowler Seconded: Cr Rathbone

That the Goldfields Voluntary Regional Organisation of Councils endorses all recommendations being matters contained in the WALGA State Council Agenda other than those recommendations separately considered.

CARRIED

10.4 Review of WALGA State Council Agenda - Matters for Noting/Information

6.1 National Disability Insurance Scheme (NDIS) and role of Local Government report (05-021-01-0002/1)

6.2 First Interim State Public Health Plan (05-031-01-0001 EDR)

6.3 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

10.5 Review of WALGA State Council Agenda - Organisational Reports

7.1 Key Activity Reports

- 7.1.1 Report on Key Activities, Environment and Waste Unit (01-006-03-0017 MJB)
- 7.1.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)
- 7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)
- 7.1.4 Report on Key Activities, Planning and Community Development (01-006-03-0014 WC)

10.6 Review of WALGA State Council Agenda - Policy Forum Reports

7.2 Policy Forum Reports

- 7.2.1 Mayors/Presidents Policy Forum
- 7.2.2 Mining Community Policy Forum
- 7.2.3 Container Deposit Legislation Policy Forum
- 7.2.4 Freight Policy Forum

10.7 WALGA President's Report (Attachment)

Presenting the WALGA President's Report

RECOMMENDATION:

That the Goldfields Voluntary Regional Organisation of Councils notes the following reports contained in the WALGA State Council Agenda:

- Matters for Noting/Information;
- Organisational reports;
- Policy Forum reports; and
- WALGA President's Report.

11.56am Mayor Bowler left the meeting

RESOLUTION: **Moved: Cr Hill** **Seconded: Cr Rathbone**

That the Goldfields Voluntary Regional Organisation of Councils notes the following reports contained in the WALGA State Council Agenda:

- **Matters for Noting/Information;**
- **Organisational reports;**
- **Policy Forum reports; and**
- **WALGA President's Report.**

CARRIED

11. LATE ITEMS as notified, introduced by decision of the Meeting**WANDRRA Process**

See Ian for comments

Minister for Emergency Services

Minister visited Albany and Esperance but bypassed

12. FUTURE MEETINGS/FUNCTIONS

- Friday 15 September 2017 – an in-person meeting of the GVROC CEOs Group (in Kalgoorlie unless otherwise determined);
- Friday 13 October 2017 – an in-person meeting of the GVROC Council (in Kalgoorlie unless otherwise determined);
- Friday 1 December 2017 – an in-person meeting of the GVROC Council to consider the WALGA State Council agenda for the State Council meeting to be held Wednesday 6 December 2017 (in Kalgoorlie unless otherwise determined);
- Friday 8 December 2017 an in-person meeting of the GVROC CEOs Group (in Kalgoorlie unless otherwise determined); and
- Friday 2 February 2018 – an in-person meeting of the GVROC Council in Esperance.

13. CLOSURE OF MEETING

There being no further business the Chair declared the meeting closed at 12.06pm

DECLARATION

These minutes were confirmed by the Goldfields Voluntary Regional Organisation of Councils at the meeting held 13 October 2017

Signed _____

Person presiding at the meeting at which these minutes were confirmed