

01-005-03-0016



Peel Zone

Minutes

29 November 2018

Peel Zone

Hosted by the Shire of Murray

1915 Pinjarra Road, Pinjarra

Thursday 29 November commenced at 2:15 pm

Minutes

MEMBERS

2 Voting Delegates from each Member Council

City of Mandurah

Mayor Rhys Williams
Cr Caroline Knight
Mr Mark Newman, Chief Executive Officer non-voting delegate

Shire of Murray

President David Bolt
Cr Steve Lee

Shire Serpentine Jarrahdale

President Michelle Rich
Cr David Atwell
Mr Kenn Donohoe, Chief Executive Officer non-voting delegate

Shire of Waroona

President Michael Walmsley
Mr Ian Curley, Chief Executive Officer

WALGA Representatives

Ms Vanessa Jackson, Policy Manager Planning & Improvement
Mr Mark Batty, Executive Manager, Environment & Waste

DLGC Representative

Ms Nina Hewson, DLGSC representative

Guest Speakers

Mr Mark Batty, WALGA Executive Manager Environment and Waste

APOLOGIES

Shire of Murray
Shire of Boddington

Mr Dean Unsworth, Chief Executive Officer
President Martin Glynn
Cr David Smart
Mr Chris Littlemore, Chief Executive Officer

Table of Contents

1.	DEPUTATIONS	4
1.1	Presentation – Crisis Support Service - Peel Region.....	4
1.2	Biosecurity – Mark Batty, Executive Manager Environment & Waste	4
2.	CONFIRMATION OF MINUTES	4
3.	DECLARATION OF INTEREST.....	4
4.	BUSINESS ARISING	5
5.	STATE COUNCIL AGENDA - MATTERS FOR DECISION.....	5
	Item 5.3 2019-20 State Budget Submission.....	5
	Items for Noting 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11.....	6
	Items 7.1 & 7.2.....	6
6.	REPORTS FROM MEMBER COUNCILS	6
	Nil.....	6
7.	GENERAL BUSINESS	6
7.1	Notice of Meetings 2019	6
7.2	Local Government Act Review Forum – Report Attached.....	7
7.3	Beached Cetacean Carcass Removal along the Western Australian Coastline to be funded by the State Government	8
7.4	Biosecurity	9
8.	EXECUTIVE REPORTS.....	9
8.1	WALGA President’s Report.....	9
8.2	State Councillor’s report to the Zone.....	9
8.3	Department of Local Government and Communities Representative Update Report.....	10
9.	DATE, TIME AND PLACE OF NEXT MEETING.....	10
10.	CLOSURE	10

ANNOUNCEMENTS

Confirmation of Attendance an attendance sheet was circulated prior to the commencement of the meeting to record your name for the minutes.

ATTACHMENTS WITHIN THE AGENDA

1. LG Act Review Forum Report
2. Zone Status Report
3. President's Report
4. Draft Minutes of previous meeting

1. DEPUTATIONS

1.1 Presentation – Crisis Support Service - Peel Region

Ms Ellie Carr, Prevention Services Manager at Lifeline WA, was scheduled to present to the Zone. Unfortunately, due to unforeseen circumstances, this will now be deferred until a meeting in the future.

1.2 Biosecurity – Mark Batty, Executive Manager Environment & Waste

Mr Mark Batty WALGA Executive Manager Environment & Waste presented to the Zone on Biosecurity.

Provided a background to the Biosecurity legislation, the key principles of the Act and outlined the main issues that have occurred since the legislation was introduced in 2007. The presentation covered the primary responsibilities for DPIRD in the management of declared plants and animals in WA, the recent Auditor General's Report on the performance of the Department (2013), lack of enforcement of BAM regulations, poor roll out of the RBG model, and the proposed upcoming review of the BAM Act at the end of 2019. Members queried the lack of consultation with local government; the allocation, collection and use of the Levy; lack of response from the Minister on concerns from the Peel Zone; and how WALGA will undertake the consultation with members when the Act is out for review.

2. CONFIRMATION OF MINUTES

RESOLUTION

Moved Cr Steve Lee
Seconded Mayor Rhys Williams

That the Minutes of the meeting of the Peel Zone held on 30 August 2018 be confirmed as a true and accurate record of the proceedings.

CARRIED

3. DECLARATION OF INTEREST

Pursuant to our Code of Conduct, Councillors 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.

President Michael Walmsley advised the Zone that he operates vehicles that are discussed within Agenda Item 5.1 – Proposed Removal by Main Roads WA of the “Letter of Approval” restricted Access Vehicle Operating Condition.

4. BUSINESS ARISING

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

Noted

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION

<https://walga.asn.au/getattachment/About-WALGA/Structure/State-Council/Agendas-and-Minutes/Agenda-State-Council-5-December-2018.pdf.aspx>

RESOLUTION

Moved Cr Caroline Knight
Seconded President Michael Walmsley

That items 5.1, 5.2, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12 within the 2018 December State Council Agenda are supported ‘en bloc’.

CARRIED

Item 5.3 2019-20 State Budget Submission

RESOLUTION

That Item 5.3 is supported subject to additional consultation with the Peel Zone as to how a Metropolitan Regional Improvement Tax may be implemented through the Peel Region Scheme.

Moved President David Bolt
Seconded President Michael Walmsley

CARRIED

Discussion on Page 44, with the expansion of a similar MRIT to the Peel region, further consultation is needed with the zone as to the implementation and timing of the roll out of any proposed Tax, and how the tax would benefit the region.

Items for Noting 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11

RESOLUTION

Moved President David Bolt
Seconded Cr Caroline Knight

That Items 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11 within the 2018 December State Council Agenda are supported 'en bloc'

CARRIED

Items 7.1 & 7.2

RESOLUTION

Moved Cr Steve Lee
Seconded President Michael Walmsley

That Items 7.1 and 7.2 within the 2018 December State Council Agenda are supported.

CARRIED

6. REPORTS FROM MEMBER COUNCILS

Nil

7. GENERAL BUSINESS

7.1 Notice of Meetings 2019

By Chantelle O'Brien, Zone Executive Officer

A Schedule of the proposed meeting dates for the Peel Zone 2019 has been prepared and is set out below. The dates have been set to coincide with the WALGA State Council meetings.

The proposed meeting dates for the Peel Zone for 2019 require adoption by delegates. As with previous years, the venue for each meeting has been rotated amongst Members.

Please note the date for the April meeting will be Wednesday 24 April, as Thursday 25 April is a public holiday for ANZAC Day.

NOTICE OF MEETINGS
PEEL ZONE
2019

Zone Meeting Dates Thursday	Time	HOST COUNCIL	State Council Meeting Dates 2019
20 March	Wednesday 2pm	Shire of Serpentine Jarrahdale	Tuesday 26 March 2019
2 May	Thursday 2pm	Shire of Waroona	Wednesday 8 May 2019
27 June	Thursday 2pm	Shire of Boddington	Wednesday

			3 July 2019
29 August	Thursday 2pm	City of Mandurah	Regional Meeting 5-6 September 2019
28 November	Thursday 2pm	Shire of Murray	Wednesday 4 December 2019

RESOLUTION

Moved **President David Bolt**
Seconded **President Michael Walmsley**

That the 2019 proposed schedule of meetings for the Peel Zone be adopted.

CARRIED

7.2 Local Government Act Review Forum – Report Attached
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A report had been provided by the facilitator from the Local Government Act Review Forum held in Pinjarra on 5 November 2018. This report was attached to the Agenda for your information.

The WALGA process from here is as follows;

- 16 November 2018 – WALGA distributed an InfoPage requesting Local Governments (Council decision required) to provide a submission on the Act review process. A submission to WALGA is requested by 1 February 2019. This will enable Councils to consider an item at their December meetings.
- November Zone Meetings/December 2018 State Council Meeting – Item for noting will be prepared that will cover information on the LG Act review process and a summary of the forums held in October/November and general themes coming through.
- Late January/Early February 2019 – State-wide Forum on the future of Local Government – The forum will include a review of the information coming through from the Local Government Act forums and submissions, in addition there will be guest speakers presenting on the future of Local Government.
- February Zone Meetings/March 2019 State Council Meeting – Item for Decision on sector positions feedback following feedback from Local Government submissions.

RESOLUTION

Moved **Cr Steve Lee**
Seconded **President David Bolt**

That the Report from the Local Government Act Review Forum and process from here be noted.

CARRIED

President David Bolt queried the lack of information on the Tender thresholds that were discussed at the Peel Forum. WALGA will seek clarity from the facilitator and report back to the Zone.

7.3 Beached Cetacean Carcass Removal along the Western Australian Coastline to be funded by the State Government

By Mr Ian Curley, CEO Shire of Waroona

Introduction

The purpose of this item is to highlight the financial burden the disposal of beached cetaceans (whales, dolphins and porpoises) carcasses place on a local government and to obtain the Peel Zone's endorsement that the removal of beached carcasses be fully funded by the State Government.

Background

All cetaceans are protected under the federal [Environment Protection and Biodiversity Conservation Act 1999](#), as well as by various pieces of state conservation legislation. In Western Australia, the [Wildlife Conservation Act 1950](#), forbids the taking or possession of protected fauna, including migratory animals or their carcasses.

In Western Australia, if a whale is alive or washes up on a marine park, it is the responsibility of the Department of Biodiversity Conservation and Attraction (DBCA) formerly (Department of Parks and Wildlife). However, if it washes up on a beach which is under the control of a local government, then it is the local government's responsibility to remove the carcass.

The State Government has a clearly defined policy position on the responsibilities for the management of beached cetacean's carcasses whereby it is the land manager's / local governments' responsibility to have carcasses removed in consultation with the DBCA.

In the past it was common practice to dispose of carcasses onsite. However, this is no longer supported by the DBCA in populated areas. The DBCA have indicated that larger carcasses, if buried onsite, continued to cause public health risks due to the 'bubbling' to the surface or from the decaying material leaching through the sand back into the ocean. The DBCA advises that to mitigate risk to the public, carcasses should be disposed of (as far as is practicable) at an approved landfill site.

Financial Implications

Local governments with coastlines are at constant risk of beaching cetaceans, which, if the decision is made to euthanize (if not already dead) could have a serious financial implication on a local government.

Over the past couple of years there has been a number of cetacean beaches along the State coastline which has impacted a number of local governments. The cost of the removal of a carcass depends on the size and weight of the carcass and access to the location. Investigations into the cost of some carcass removals varies between \$5,000 (Shire of Waroona 2018 for a 6m whale), \$4000 (City of Wanneroo 2018 for 4m whale) and \$188,000 (City of Stirling 2014 for a 17m whale). Tamala Park waste disposal site has approximately 12 whale carcasses buried there. In March 2018 150 short-finned pilot whales beached themselves at Hamelin Bay. Most of them died and had to be removed.

Conclusion

The responsibility for the management of beached cetacean carcasses is not legislated and is an issue for all local governments with coast lines in the State. Currently the responsibility and practice of carcass removal is only a policy position of the State Government, a position which does not take into consideration the financial burden placed on the local government.

The removal of carcasses should not be responsibility of a local government and could be included in the State Government's Shark Mitigation Strategy where an increased threat to the public is posed as a result of the carcasses attracting sharks.

RESOLUTION

Moved **President David Bolt**
Seconded **President Michael Walmsley**

That the Zone:

- 1. Requests WALGA to endorse the position proposed by the report, being the State Government fully funds the removal of beached cetacean carcasses from all Western Australian beaches where an increased threat to the public is posed. CARRIED**

7.4 Biosecurity

RESOLUTION

Moved **President David Bolt**
Seconded **President Michael Walmsley**

That the Peel Zone of WALGA requests the Director General of D.P.I.R.D to attend the next meeting of the Peel Zone to provide the Zone a detailed explanation of the strategic role out of the Peel Biodiversity Rate and future planned works program within the Peel Local Government district and other associated areas that the Biodiversity Rate will service.

CARRIED

The Shire of Serpentine Jarrahdale reflected on the Biosecurity presentation and suggested that the Zone may need to advocate to the Minister on the issue, therefore, a presentation from the Director General of DPIRD would be appropriate as a first step.

8. EXECUTIVE REPORTS

8.1 WALGA President's Report

The State Council representative or WALGA representative presented the President's Report. Report is distributed with the Agenda.

Noted

8.2 State Councillor's report to the Zone

WALGA State Councillor to present on the previous State Council meeting which was in Dongara, similar issues were raised by these members which are similar to the Peel Zone. Advised that the WALGA CEO will be leaving on the 15 February and State Council has initiated the recruitment for a new CEO has commenced.

Noted

8.3 Department of Local Government and Communities Representative Update Report.

Department of Local Government and Communities representative, updated the Zone on DLGC issues.

A full update will be provided with the minutes which will cover the following issues: -

- New legislation for dismissal of individual councilors has been enacted
- LG Act forums (pg 234 of State Council agenda has a good overall summary)
- 30 January – State wide forum will be held on the LG review
- End of March the consultation on the LG Act will finish
- Today the State and Local Government Partnership Agreement meeting is being chaired by the Premier
- Phase One of the legislation is in Parliament for consideration.

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

That the next ordinary meeting of the Peel Zone will be held on Thursday, 20 March 2019 at the Shire of Serpentine-Jarrahdale, commencing at 2pm.

10. CLOSURE

There being no further business the Chair declared the meeting closed at 3.25pm.

WALGA Zone Update

November – December 2018 Edition

Hello, and welcome to the last edition of the Department of Local Government, Sport and Cultural Industries (DLGSC) Update for 2018.

It was a great opportunity to be part of the Local Government Professionals WA annual conference held earlier this month. The Department hosted a session on the review of the *Local Government Act 1995* and staff enjoyed being part of the DLGSC booth at the Trade Exhibition, discussing our programs and services with representatives from the local government sector. It was a terrific event and we look forward to being involved next year.

A significant milestone local government came to fruition this month with the passing of the *Suspension and Dismissal Bill*. The Bill amends the *Local Government Act 1995* to enable the Minister to suspend and/or order an individual council member to undertake remedial action.

The consultation continues across the State to inform the development of the new *Local Government Act*. We have partnered with WALGA to host a series of workshops and talked extensively with the community of WA. A Forum is being planned for early next year with WALGA and LG professional and will provide an update on the consultation and feedback on the *Local Government Act 1995* review and consider the future of the sector. The Department has received almost 500 submissions to date. It's a fantastic effort and I'm certain we will receive many more by 31 March 2019.

To assist, the department has prepared a series of discussion papers which I encourage you to read and [have your say on the matters that impact you](#). Your input is crucial to informing a new legislative framework and improving the ways that you conduct business.

With summer nearly upon us, it's a timely reminder of the resources available. A performing arts guide which aims to increase the use of local government arts centres, boost attendance and reduce reliance on rates funding was recently launched.

[Performing Spaces - Local government guide to growing community wellbeing through the performing arts](#) is an initiative of Circuitwest, funded by the Department of Local Government, Sport and Cultural Industries and Department of Primary industries and Regional Development through the Creative Regions program. governments are encouraged to use the guide to maximise the potential of existing arts centres and plan arts and culture needs of your communities.

The Aboriginal History unit have been hard at work on No Less Worthy. The publication that acknowledges the significant contribution of WA Aboriginal servicemen to the World War One effort, [No Less Worthy will be available for download from our website](#).

Wishing you a safe festive season. Until next time.

Duncan Ord, OAM

Director General

Department of Local Government, Sport and Cultural Industries



Review of the Local Government Act 1995

In 2017 the McGowan Government announced a review of the Local Government Act 1995. This is the first significant reform of local government conducted in more than two decades. The objective is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community. Our vision is for local governments to be agile, smart and inclusive.

Local governments and community were invited to have their say on the priority reforms earlier this year and the drafting of a Bill which includes universal training for candidates and council members, council member code of conduct, improvements to CEO recruitment and performance review and a simplified gift framework. [Read the policy positions on the priority reforms.](#)

Minister Templeman expects to introduce a Bill to Parliament in late 2018 giving effect to these reforms.

The next stage will result in a new *Local Government Act* and focuses on delivering for the community based on the themes Agile, Smart and Inclusive. Nine key topic areas are outlined below, and local governments and community members invited to have a say on some or all the reform areas. Click on one of the below topic areas to read more about the proposed reforms and complete the survey.

Surveys are open until **31 March 2019**. For more information please visit www.dlgc.wa.gov.au/lgareview or Email actreview@dlgsc.wa.gov.au

Agile

Agile includes topics that focus specifically on how local governments can best use their resources to adapt to changing conditions. It is important that they can strike a balance between community expectations, the practical limitations of revenue and expenditure and external pressures.

- [Beneficial enterprises](#)
- [Financial management](#)
- [Rates, fees and charges](#)

Smart

Smart includes topics that focus specifically on enabling local governments to better meet the needs and expectations of their communities through being transparent and accountable.

- [Administrative efficiencies — local laws](#)
- [Council meetings](#)
- [Interventions](#)

Inclusive

Inclusive focuses specifically on local governments representing and involving their communities in decision-making. As the tier of government closest to the community, there is an expectation that local governments represent the whole community, recognise diversity within their district and are responsive to community needs.

- [Community engagement — IPR](#)
 - [Complaints management](#)
 - [Elections](#)

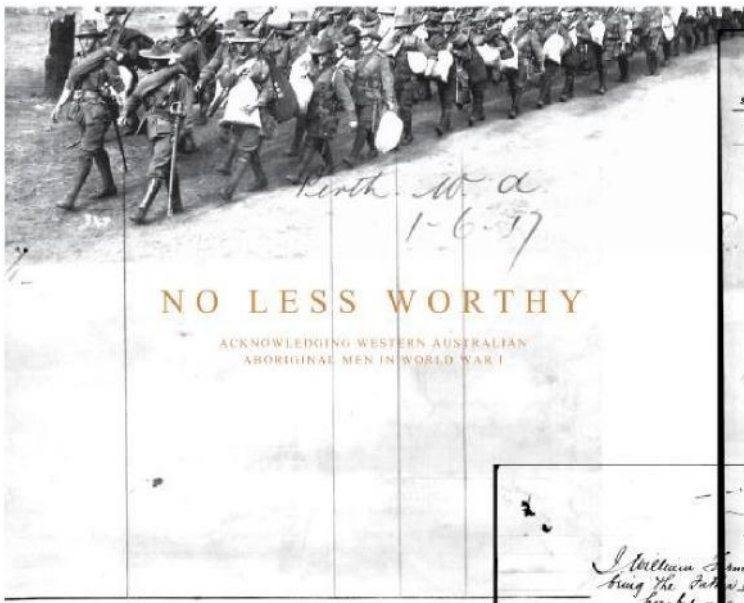
Suspension and Dismissal Bill 2018

The McGowan Government's Local Government Amendment (Suspension and Dismissal) Bill 2018 enables the Minister for Local Government to suspend or dismiss an individual council member, resulting in suspension of their pay. Previously, the Minister could only take action against an entire council, which has impeded the local government's ability to get on with the job of providing good governance to their community due to the actions of an individual.

The new laws will also enable a local government to recover any fees or allowances paid in advance to the member, for the period of suspension, ensuring they are held accountable for their actions.

Under the legislation, the Minister will also be able to provide an order for remedial action, with or without suspension, and suspend an individual councillor during a local government inquiry if it is likely the inquiry would be seriously prejudiced otherwise. More information is available in documents on the Parliament House website www.parliament.wa.gov.au.

No Less Worthy



Extensive genealogical and historical research undertaken by Aboriginal History WA has uncovered the stories of the Western Australian Aboriginal men who volunteered in World War One.

The research has been brought to life in the publication *No Less Worthy*, which will be unveiled on Friday at a commemorative ceremony at the Western Australian Maritime Museum. The release of the book coincides with Remembrance Day on Sunday 11 November, marking the centenary of the signing of the Armistice leading to the end of World War One.

State Local Government Partnership Agreement

The [State Local Government Agreement](#) seeks to strengthen the partnership between the State and local government sector for the benefit of local communities. The Agreement was signed at the 2017 WA Local Government Convention.

The Leadership Group will meet again on the 29^h of November 2018. A meeting communique will be available following the meeting. For more information about the Partnership Agreement [click here](#)

