

# **Gascoyne Country Zone Minutes**

**17 April 2025**

**Held via TEAMS**

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## PRIORITISATION FRAMEWORK

How to use the Framework:

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

<b>Impact on Local Government Sector</b> Impact on Local Government sector without intervention	High	Medium	Low
<b>Reach</b> Number of member Local Governments affected	Sector-wide	Significant (multiple regions, Zones, or bands)	Few
<b>Influence</b> Capacity to influence decision makers	High	Medium	Low
<b>Principles</b> Alignment to core principles such as autonomy, funding, general competence	Strong	Partial	Peripheral
<b>Clarity</b> Policy change needed is clear and well-defined	Clear	Partial	Unclear
<b>Decision-maker support</b> Level of support among decision-makers (political and administrative)	High	Medium	Low
<b>Public support</b> Level of support among the public or other stakeholders	High	Medium	Low
<b>Positive consequences for WALGA</b> Prospect of positive consequences for WALGA. E.g. enhanced standing among members or leverage for other issues.	High	Medium	Low
<b>Negative consequences for WALGA</b> Prospect of negative consequences for WALGA for not undertaking the advocacy effort. E.g. diminished standing among members or other stakeholders.	High	Medium	Low
<b>Partnerships</b> Potential for partnerships with other stakeholders	Yes (3+)	Possibly (1-2)	No (0)

## ANNOUNCEMENTS

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

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

Confirmation of Attendance Delegates attendance was confirmed at the commencement of the meeting.

## ATTACHMENTS

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

## 1 OPENING, ATTENDANCE AND APOLOGIES

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### 1.1 OPENING

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*Zone Chair, President Cr Cherly Cowell, opened the meeting at 10:05am.*

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### 1.2 ATTENDANCE

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#### MEMBERS

#### 1 Voting Delegates from each Member Council

Shire of Carnarvon

Cr Maslen Burke (Deputy)  
Ms Amanda Dexter, Chief Executive Officer, non-voting delegate

Shire of Exmouth

President Cr Matthew Niikkula  
Mr Ben Lewis, Chief Executive Officer, non-voting delegate

Shire of Upper Gascoyne

President Cr Jimmy Caunt  
John McCleary, Chief Executive Officer, non-voting delegate

Shire of Shark Bay

President Cr Cheryl Cowell - (**Deputy Chair**)  
Cr Greg Ridgley (Observer)  
Dale Chapman, Chief Executive Officer, non-voting delegate

WALGA Secretariat

Cr Paul Kelly, Deputy President  
Ms Hannah Godsave, Policy Manager Community  
Ms Millie Redden, Administration Assistant, Policy

#### GUESTS

Minister for Local Government;  
Disability Services; Volunteering;  
Youth; Gascoyne

Hon Hannah Beazley BA MLA

Department of Local Government Sport and Cultural Industries	Mr Ethan Redshaw, Executive Director Local Government – Legislation & Projects
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Gascoyne Development Commission	Ms Kate Boston, A/Chief Executive Officer
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Regional Development Australia – Mid West Gascoyne	Mr Mark Holdsworth, Executive Officer
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**GUEST SPEAKER**

Department of Training and Workforce Development

Ms Lise Williams, Manager Migration Initiatives

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## 1.3 APOLOGIES

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Shire of Carnarvon

President Cr Eddie Smith – **Chair**

Gascoyne Development Commission

Mr Timothy Bray, CEO

WALGA Secretariat

Cr Karen Chappel AM JP, WALGA President

## 2 ACKNOWLEDGEMENT OF COUNTRY

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

## 3 DECLARATIONS OF INTEREST

Nil.

## 4 DEPUTATIONS

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### 4.1 DEPARTMENT OF TRAINING AND WORKFORCE DEVELOPMENT

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Ms Lise Williams, Manager Migration initiatives provided an update to the Zone on the WA DAMA including for the Gascoyne Region.

**Noted**

## 5 AGENCY REPORTS

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### 5.1 GASCOYNE DEVELOPMENT COMMISSION

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Mr Timothy Bray, CEO of the Gascoyne Development Commission, was an apology for this meeting.

**Noted**

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## **5.2 DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES**

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The April 2025 report from the Department of Local Government, Sport and Cultural Industries (DLGSC) was not provided at the time of Agenda distribution.

**Noted**

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## **5.3 REGIONAL DEVELOPMENT AUSTRALIA**

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Executive Officer, RDA Mid-West Gascoyne, Mr Mark Holdsworth, provided an update to the Zone.

**Noted**

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## **5.4 MINISTER FOR LOCAL GOVERNMENT; DISABILITY SERVICES; VOLUNTEERING; YOUTH; GASCOYNE**

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Hon Minister Hannah Beazley BA MLA attended the Zone meeting and provided an opportunity for Local Governments to ask questions.

**Noted**

## **6 CONFIRMATION OF MINUTES**

### **RESOLUTION**

Moved: President Cr Matthew Niikkula  
Seconded: President Cr Jim Caunt

That the Minutes of the meeting of the Gascoyne Country Zone held on 21 February 2025 be confirmed as a true and accurate record of the proceedings.

**CARRIED**

## **7 BUSINESS ARISING**

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### **7.1 STATUS REPORT**

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

**Noted**

## 8 ZONE BUSINESS

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### 8.1 ILUA'S FOR TOWNS/CITIES

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*By Shire of Upper Gascoyne*

#### BACKGROUND

As it stands any unallocated crown land that is subject to native title whether it be in the town boundaries or elsewhere, any use of the land outside of cultural purposes will require an ILUA to be entered into with the appropriate native title group. This ultimately requires the majority vote of the Traditional Owners to be entered into.

In the Shire of Upper Gascoyne's case, we have attempted to enter into an ILUA with the Yinggarda Peoples for unallocated land within the Town site to be used for a small residential subdivision and extension to an existing waste disposal site. The Yinggarda board support the project and compensation of approximately \$140,000 by way of giving Yinggarda two fully serviced residential lots has been agreed. This was taken to a meeting of the Traditional Land Owners for their consent and this proposal was rejected. The reason given was that the Traditional Owners don't want to give up their claim of native title on any land. It is to be noted that the vast majority of the Traditional Owners live in Carnarvon or elsewhere, so the ramifications of their decisions do not impact them.

We now have a situation where we don't know what to do with the town's waste and we cannot grow our community.

Advice received is that the State negotiated for a \$6 Billion compensation payment for the extinguishment of native title for Perth and the South West.

#### RESOLUTION

**Moved:** President Cr Matthew Niikkula

**Seconded:** President Cr Jim Caunt

**That WALGA State Council request the State Government on behalf of all town's where there are Unallocated Crown Lands within townsites that are subject to Native Title negotiate an ILUA, at the States cost, for the extinguishment of Native Title.**

**CARRIED**

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## 8.2 VOTE OF NO CONFIDENCE IN GOVERNMENT HANDLING OF CHILDREN AT RISK

---

*By Shire of Carnarvon*

### BACKGROUND

At the Ordinary Meeting of Council held on 25th February 2025, the Carnarvon Shire Council representing its community and acknowledging the escalating crisis of children and youth at risk in our region and across Australia, unanimously adopted a motion of "No Confidence" in the State and Federal Governments for their systemic failure to address the worsening crisis affecting vulnerable children and youth, leading to increased crime, social breakdown, and harm to our communities. The report is **attached** with this Agenda.

The Motion reads –

### **COUNCIL RESOLUTION OCM 20/02/25**

*The Council of the Shire of Carnarvon, representing its community and acknowledging the escalating crisis of children and youth at risk in our region and across Australia:*

- 1. Approves a Vote of No Confidence in the State and Federal Governments for their systemic failure to address the worsening crisis affecting vulnerable children and youth, leading to increased crime, social breakdown, and harm to our communities.*
- 2. Condemns the Government's ongoing neglect and failure to act on well-documented inquiries, expert recommendations, and community-led solutions that could have prevented the crisis from reaching its current state.*
- 3. Demands urgent and immediate intervention, including:*
  - A full-scale overhaul of the current youth intervention strategies in WA, including the failed Target 120 program, and an urgent redirection of funding to community-led initiatives that actually work.*
  - The immediate restoration and expansion of essential youth services that have been cut from regional WA, including mental health, diversion programs, crisis housing, and family support services.*
  - An increase in frontline service resources in regional areas, including Carnarvon, to address the youth crisis with a combination of enforcement and prevention, rather than reactive policing alone.*
  - The establishment of a dedicated Regional Youth Crisis Response Taskforce, in consultation with local governments, Aboriginal community organisations, and law enforcement, to implement a real and measurable strategy to tackle this crisis.*
  - The State and Federal Governments to formally report on the progress of previous inquiries, royal commissions, and policy commitments, ensuring transparency and accountability on their failures to act.*
- 4. Urges the State and Federal Governments to recognise that their current approach is failing, and that without decisive action, they will continue to abandon the most vulnerable children in our communities, further fuelling crime, social collapse, and intergenerational harm.*

**CARRIED BY SIMPLE MAJORITY F7/A0**



## RESOLUTION

Moved: President Cr Jim Caunt

Seconded: President Cr Matthew Niikkula

That the Gascoyne Country Zone:

1. Approves a Vote of No Confidence in the State and Federal Governments for their systemic failure to address the worsening crisis affecting vulnerable children and youth, leading to increased crime, social breakdown, and harm to our communities.
2. Condemns the Government's ongoing neglect and failure to act on well-documented inquiries, expert recommendations, and community-led solutions that could have prevented the crisis from reaching its current state.
3. Demands urgent and immediate intervention, including:
  - A full-scale overhaul of the current youth intervention strategies in WA, including the failed Target 120 program, and an urgent redirection of funding to community-led initiatives that actually work.
  - The immediate restoration and expansion of essential youth services that have been cut from regional WA, including mental health, diversion programs, crisis housing, and family support services.
  - An increase in frontline service resources in regional areas, including Carnarvon, to address the youth crisis with a combination of enforcement and prevention, rather than reactive policing alone.
  - The establishment of a dedicated Regional Youth Crisis Response Taskforce, in consultation with local governments, Aboriginal community organisations, and law enforcement, to implement a real and measurable strategy to tackle this crisis.
  - The State and Federal Governments to formally report on the progress of previous inquiries, royal commissions, and policy commitments, ensuring transparency and accountability on their failures to act.
4. Urges the State and Federal Governments to recognise that their current approach is failing, and that without decisive action, they will continue to abandon the most vulnerable children in our communities, further fuelling crime, social collapse, and intergenerational harm.
5. Request the State Council to consider this at the next available State Council meeting.

CARRIED

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### **8.3 ZONE PRIORITIES FOR MINISTERIAL BRIEFINGS**

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*By Dana Mason, External Affairs Manager, WALGA*

#### **BACKGROUND**

Following the March election, the Cook Government has unveiled its new Cabinet, emphasizing regional representation by appointing a dedicated Minister for each region.

The new Cabinet structure shows that the Government intends to have a greater focus on regional WA during this term.

WALGA has written to all Ministers responsible for specific regions, inviting them to participate in upcoming meetings of their respective WALGA Zones.

WALGA will also provide each Minister with a written briefing on the key issues facing their region.

To ensure these briefings are comprehensive, WALGA is seeking input from the Zones to identify the top three to five priorities they would like highlighted.

The Zones provide an important opportunity for the Government to have a direct line of communication and engagement with regional WA and ensure that local issues are considered in the broader policy agenda.

WALGA will report on engagements with Ministers responsible for specific regions through the President's report at a future Zone meeting.

#### **RESOLUTION**

**Moved:** President Cr Matthew Niikkula

**Seconded:** President Cr Jim Caunt

**That the Gascoyne Country Zone provides the below top three to WALGA as the Zone's priorities:**

- 1. Housing**
- 2. Indigenous Land Use Agreements (ILUA)**
- 3. Medical Services**

**CARRIED**

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## **8.4 BAND 4 LOCAL GOVERNMENTS MEETING - UPDATE**

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*By Tony Brown, Executive Director Member Services*

### **BACKGROUND**

Following the Band 4 roundtable meeting hosted by the Minister for Local Government, Hon Hannah Beasley, on 3 September 2024, WALGA was pleased to host a further meeting of Band 4 Local Governments to continue the discussion.

The meeting was held on 11 October at the Perth Convention and Exhibition Centre. All 60 Band 4 Local Governments in the State were invited to attend. Overall, 72 representatives from 48 Local Governments attended the meeting.

The aim of the meeting was to identify and agree on the top issues facing Band 4 WA Local Governments, to enable the group to consider and develop potential solutions to these issues, before presenting to the Minister.

Caroline Robinson, Director of 150 Square facilitated the discussion.

### **ATTACHMENT**

- Band 4 Local Governments meeting update report

### **COMMENT**

As the main outcome of the meeting, the group identified the top four strategic and operational issues facing Band 4 Local Governments (from most pressing to least pressing):

1. Housing;
2. Audit;
3. Provision of medical services; and
4. Financial Assistance Grants (timing).

WALGA has since undertaken considerable work on the above issues.

An update report on the work done to date was recently circulated to all Band 4 CEOs and Presidents and is provided as an attachment to this item.

**Noted**

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## 8.5 LOCAL GOVERNMENT (DEVELOPMENT ASSESSMENT PANELS) REGULATIONS 2025

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*By Chris Hossen, Policy Manager, Planning and Building and Felicity Morris, Manager Governance and Procurement*

### BACKGROUND

The State Government's 2021 updates to the *Action Plan for Planning Reform* included measures to improve consistency and transparency for DAP applications, including clarifying the respective role of Elected Members and officers to remove Elected Members from what were deemed to be administrative DAP functions.

These changes were not included in amendments to the *Planning and Development Act 2005*, but were included as part of the 2024 reforms to the *Local Government Act 1995* through the insertion of a new section (s. 9.69 B) to allow for the creation of regulations that specify DAP functions that must be performed on behalf of the Local Government by the CEO or authorised officer.

On Tuesday 1 April 2025, new *Local Government (Development Assessment Panels) Regulations 2025* (the Regulations) were gazetted. The Regulations come into full effect from 1 May 2025, and will apply to all Development Assessment Panel (DAP) applications lodged from that date. The Department of Local Government, Sport and Cultural Industries (DLGSC) sent an LG Alert to the sector on 2 April advising of the new regulations.

The Regulations:

- require Responsible Authority Reports (RARs) to be prepared and submitted by the CEO of a Local Government, or an employee authorised by the CEO
  - CEOs of Class 1 and 2 Local Governments must authorise at least one employee
  - Local Governments will still be able to engage external consultants to assist in preparing RARs
- prohibit the Council from directing the CEO, an authorised employee or a consultant in preparing the RAR or directing the CEO to engage a particular consultant
- require the CEO and authorised employees to disclose conflicts of interests in accordance with the requirements of the *Local Government Act 1995*, and not undertake any DAP functions in which they have a conflict of interest.

The Regulations are available on the [WA Legislation website](#).

### POLICY IMPLICATIONS

WALGA [Advocacy Positions](#) 6.1 Planning Principles and Reform and 6.4 Development Assessment Panels.

#### **6.1 Planning Principles and Reform**

1. *The Local Government sector supports an efficient and effective planning system guided by legislation, policy, and processes that:*
  - a. *facilitates the creation of sustainable and liveable communities and places*
  - b. *has a focus on strategic planning that delivers on long-term objectives and outcomes that balance social, environmental, cultural, and economic interests*
  - c. *is easy to understand, accessible and transparent*

- d. *recognises the diversity of Western Australia and ensures that local environment, context, communities and character are appropriately reflected in planning frameworks and decision making*
  - e. *ensures decisions are made by the level of government closest to and most impacted by a planning proposal*
  - f. *establishes consistent planning frameworks and streamlines planning processes where there is a demonstrated benefit in doing so.*
2. *Reforms to the planning system should:*
- a. *be guided by the above principles*
  - b. *deliver community benefit*
  - c. *promote system efficiency, including through the use of technology*
  - d. *be evidence-based and informed by robust, transparent data*
  - e. *proceed at an appropriate pace to enable effective implementation*
  - f. *be informed by engagement with the community*
  - g. *be amended only with WALGA involvement and consultation/involvement with Local Government.*

*September 2024 – 069.4/2024*

#### **6.4 Development Assessment Panels (currently under review)**

*The Association does not support Development Assessment Panels (DAPs) in their current structure. Necessary changes to the structure of the DAPs system include:*

- 1. *the abolishment of the current 'mandatory' mechanism where a proposal has a value of \$10 million or greater, and its replacement with an 'opt in' mechanism for all proposals*
- 2. *raising the DAP threshold from the current \$2 million to \$5 million,*
- 3. *the composition DAPs should be modified to provide equal representation of Specialist Members and Local Government Members,*
- 4. *the creation of a distinct Special Matters DAP (SMDAP) is not supported, given there are already multiple avenues for determination on the basis of zoning and monetary value of applications. Should the State Government progress with the implementation of a SMDAP, the following changes are proposed to the model released in March 2022:*
  - *allow proponents with proposals that meet the threshold or criteria being able to opt-out of the SMDAP pathway and allow assessment and determination by Local Government,*
  - *mandate consultation with the relevant Local Governments prior to the issuing of a Ministerial Order in relation to SMDAP Precinct Criteria, and*
  - *ensure SMDAP Precincts be identified through Regulations, rather than by the Minister,*
  - *include greater professional planning expertise, and knowledge of local context through the Local Government members of the District DAP, by including majority professional town planner panel members, with two Local Government representatives,*
  - *expand the role of Local Governments in SMDAP processes and appropriate remuneration for involvement of Local Governments be included to support the SMDAP decision-making process*
- 5. *in principle, the further reduction in the number of panels from five to three is supported, to the extent that this reduces the administrative burden on local governments and enhances consistency of decision making,*
- 6. *in principle, the permanent appointment of panel members where this results in consistent decision making is supported as this reduces the potential for conflicts of interest and ensures sound knowledge of DAP processes and procedures,*

7. *WALGA supports greater transparency around DAP processes and decisions, as community distrust of DAP decision-making is a key area of concern for many local governments.*

#### **COMMENT**

Local Governments have one month to consider and implement the appropriate authorisations, and any resulting changes to systems and processes. WALGA will produce template authorisations and will host an officer information session with the relevant departments to assist Local Governments.

While Councils will be prevented from directing staff in the preparation of RARs, the administration can continue to brief Council on the content and progress of any DAP applications. There are no changes to the composition of DAPs.

WALGA will continue to oppose changes that erode Local Government autonomy and influence in the WA planning system and will continue to advocate for reforms that recognise the benefits of local decision making in planning.

WALGA is commencing a review of its Development Assessment Panel advocacy position and will consult with the sector and zones as part of that process.

Questions regarding the Regulations can be directed to the Local Government reform team at [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au) or the DAP secretariat at [daps@dplh.wa.gov.au](mailto:daps@dplh.wa.gov.au).

**Noted**

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## 8.6 2025 DETERMINATION OF THE SALARIES AND ALLOWANCES TRIBUNAL FOR LOCAL GOVERNMENT CHIEF EXECUTIVE OFFICERS AND ELECTED MEMBERS

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*By Kathy Robertson, Manager Association and Corporate Governance*

### BACKGROUND

The Salaries and Allowances Tribunal (SAT) has issued its 2025 determination in relation to Local Government Chief Executive Officer remuneration and Elected Member fees and allowances.

WALGA made a submission to SAT on behalf of the sector late last year. The submission was considered by Zones and State Council in November/December last year. WALGA's submission recommended:

1. A 4% increase to Elected Member fees and allowances and CEO remuneration bands.
2. An increase to the Regional/Isolation Allowance, and publication of clear guidance to the sector outlining how the Allowance is applied in terms of methodology, criteria and weightings.
3. The creation of a new fee category for independent audit, risk and improvement committee members without bands, with the fee set at a level which recognizes the skills and knowledge required for such a role, and that the new category provide a fee for the independent chair position as well as independent member positions.

### ATTACHMENT

[2025 Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Council Members](#)

### COMMENT

On 4 April, SAT released its latest Local Government Chief Executive Officers and Elected Members Determination.

In summary, the 2025 Determination provides for the following:

- A 3.5% increase to CEO remuneration band ranges (plus the 0.5% additional Superannuation Guarantee).
- A 3.5% increase to the fee band ranges and some allowances for Elected Members (exclusive of superannuation where relevant).
- A reduction of the four band ranges for independent committee members to one band, with the range to be from \$0 to \$450.
- Provision for reimbursement of expenses for independent committee members has also been determined for the first time.
- A determination as to the rates for the independent chair of the audit, risk and improvement committee will be determined at a future date, to coincide with the commencement of the legislative changes.

The Tribunal have also committed to conducting a comprehensive survey of Local Governments in the latter half of 2025 to assess the:

- placement of CEOs within their band and the adequacy of the current remuneration ranges;

- placement of Elected Members within their band and the adequacy of the current fee ranges and suitability of allowances;
- effectiveness of the Regional/Isolation Allowance, Housing Allowance and motor vehicle provisions; and
- attraction and retention issues for CEOs and executives, particularly in the regions.

The Tribunal will then review the eligibility criteria to receive the Regional/Isolation Allowance, as well as the quantum and effectiveness of the Allowance.

The Determination comes into effect from 1 July 2025.

**Noted**



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

*Zone Delegates are invited to read and consider the WALGA State Council Agenda, which has been provided as an attachment with this Agenda and can be found via the link [here](#).*

*The Zone can provide comment or submit an alternative recommendation on any of the items, including the items for noting. The Zone comment will then be presented to the State Council for consideration at their meeting.*

*The State Council Agenda items requiring a decision of State Council are extracted for Zone consideration below.*

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### 9.1 REGULATIONS FOR CEO KPIS AND ONLINE REGISTERS – WALGA SUBMISSION (STATE COUNCIL AGENDA ITEM 8.1)

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*By Tony Brown, Executive Director Member Services and Felicity Morris, Manager Governance and Procurement*

#### EXECUTIVE SUMMARY

- Consultation is open on the draft Local Government Regulations Amendment Regulations 2024 (the Draft Regulations), which give effect to reforms relating to the publication of online registers, publication of CEO performance criteria and performance reviews, and other CEO matters.
- The Local Government legislation reform platform from the State Government indicated that one of the reform outcomes was "Reducing red tape, increasing consistency and simplicity".
- The overwhelming sector feedback is that these reforms will not achieve this aim and will instead increase red tape without any clear public benefit.
- Sector feedback has been collated and identifies overarching concerns listed in this report.
- The attached submission, informed by this feedback, is recommended for endorsement.

#### ATTACHMENT

- [Regulations for CEO KPIs and public registers Draft WALGA submission](#)

#### POLICY IMPLICATIONS

WALGA's existing advocacy positions are based on the high-level reform proposals provided for public consultation in 2022.

The current [Advocacy Positions](#) are:

##### **2.2.4 CEO Recruitment Panel**

*The Local Government sector supports the Department of Local Government, Sport and Cultural Industries establishing a panel of approved panel members to perform the role of the independent person on CEO recruitment panels.*

##### **2.5.27 Online Registers**

*The Local Government sector supports requiring Local Governments to report specific information in online registers on the Local Government's website, including registers for leases, community grants, interests disclosures, applicant contributions and contracts (excluding contracts of employment).*

### **2.5.28 Publishing CEO Key Performance Indicators**

1. *The Local Government sector conditionally supports the reporting of CEO Key Performance Indicators (KPIs) that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPIs of a confidential nature.*
2. *The Local Government sector does not support results of CEO performance reviews being published.*

### **BACKGROUND**

The *Local Government Amendment Act 2023* (2023 Amendment Act) contained the Tranche 1 reforms to the *Local Government Act 1995* (the Act). This included the following changes which are yet to commence:

- Requirements for Local Government CEO's performance criteria and performance reviews to be published.
- Establishment of a panel of independent persons for CEO performance reviews.
- A requirement for Local Governments to publish and maintain registers on their website.

The draft Local Government Regulations Amendment Regulations 2024 (the Draft Regulations), which will give effect to these reforms, have been released for public consultation. The Department of Local Government, Sport and Cultural Industries (DLGSC) have requested comment by 8 May. Information is available on the [DLGSC website](#), including a copy of the [Draft Regulations](#) and a [DLGSC Consultation Paper](#).

WALGA circulated a discussion paper and request for comment to all Local Governments on 30 January.

### **COMMENT**

Responses received from Local Governments indicate serious concerns with the detail of the Draft Regulations. Overarching concerns include:

- The creation of red tape and excessive administrative burden, in conflict with a stated aim of the reform, and without clear public benefit.
- Continued proliferation of compliance requirements for Local Governments, including overlapping but inconsistent reporting obligations.
- Unreasonable implementation timeframes given existing Local Government workload, cumulative burden of ongoing program of reform and upcoming elections.
- Confusion and lack of clarity (plain English drafting) in the Draft Regulations.

Specific concerns are discussed in relation to each proposal.

### **CEO matters: Publishing performance criteria and reports on performance review**

Of the submissions that provided comment on this aspect of the Draft Regulations, over half expressed strong opposition to publication of CEO KPIs and performance reviews. Opposition was based on factors including the inconsistency with public sector practice, risks to CEOs, mechanisms for reporting on organisational rather than individual performance and the erosion of Local Government autonomy. A small number of Local Governments broadly supported the regulations or their intent. In addressing the content of Draft Regulations 18AA and 18FAA, submissions raised concerns with the proposed reporting of target achievement and the mechanisms for exclusion of performance criteria from publication.

**CEO matters: Independent persons panel (CEO recruitment)**

Key concerns included a lack of clarity about the selection criteria and processes to be followed by the Departmental CEO in establishing the panel, the capacity for Councils to appoint independent members from within their own districts, and the management of conflicts of interest.

**CEO matters: Certification, recruitment and termination**

There were divided views on the requirement for separate certification, but support for the retention of a requirement to conduct a selection process before contract expiry, the option to include additional information in a performance criterion and the proposed modification of the CEO Standards in relation to termination during probation.

**Registers: General considerations**

Local Governments articulated a range of concerns that are applicable to all registers, including the administrative burden, unreasonable commencement and retrospectivity, lack of clarity and difficulty in applying the requirements, and the implications of the *Privacy and Responsible Information Sharing Act 2024* (the PRIS Act).

**Lease register**

Submissions raised considerable concerns with this proposed register. Issues include the breadth of the lease definition, safety and confidentiality for residents and community groups, commercial in confidence information and the ability of Local Governments to generate best value from assets, whether through commercial returns or community benefits.

**Grants and sponsorships register**

Some Local Governments provided general support for the register, subject to the exclusion of retrospectivity. However, the majority of submissions identified concerns regarding the value threshold, privacy and confidentiality, and a lack of clarity in the calculation of value.

**Development contributions register**

The majority of submissions expressed concerns regarding the administrative burden with limited improvements in transparency and oversight of Developer Contribution Plans (DCPs) than is currently provided for under the state planning framework. This burden is exacerbated by the retrospectivity and short implementation timeframe. Those Local Governments with a high number of DCPs advise that this is likely to lead to delays and increased costs in the administration of DCPs. Privacy considerations and practical issues with the calculation of interest for individual contributions, and the list of items and percentage of expenditure were also identified.

**Contracts for goods and services register**

All submissions that commented on the contract register highlighted concerns including the administrative burden associated with the unreasonably low threshold value and duplication of existing reporting requirements. Members raised heightened fraud risks, and issues relating to commercial in confidence information. There is also a lack of clarity regarding the definition of contract and contract value.

This sector feedback and detailed analysis of the Draft Regulations has informed the preparation of the attached draft WALGA submission.

## WALGA RECOMMENDATION

That WALGA endorse the recommendations contained in the attached '*Regulations for CEO KPIs and public registers submission*'.

## 9.2 DOG AND CAT MANAGEMENT ADVOCACY POSITION (STATE COUNCIL AGENDA ITEM 8.2)

*By Felicity Morris, Manager Governance and Procurement and Marnie Herrington, Governance Specialist*

### EXECUTIVE SUMMARY

- Motions from Zones regarding the PetsWA Centralised Registration Database provide an opportunity to review the existing *Puppy Farming* advocacy position and replace it with a new *Dog and Cat Management* advocacy position.
- The purpose of the new position is to reflect the progression of the *Dog Amendment (Stop Puppy Farming) Act 2021* and the emerging concerns of the Local Government sector regarding the PetsWA centralised registration system.
- The Governance Policy Team endorsed the new advocacy position at its meeting on 24 March.

### ATTACHMENT

- [Comparison table between current Advocacy Position 2.12 Puppy Farming, and proposed advocacy position Dog and Cat Management.](#)

### POLICY IMPLICATIONS

This item is to replace existing Advocacy Position 2.12 *Puppy Farming* with a new *Dog and Cat Management* position.

The current Advocacy Position is as follows:

#### **2.12 Puppy Farming**

##### **1. The WA Local Government sector:**

- a) Welcomes a cost modelling review of the financial impact on Local Governments to ensure that Local Government is able to fully recover costs and not be disadvantaged in ensuring compliance of any new legislation to Stop Puppy Farming.*
- b) Acknowledges the benefit of de-sexing of dogs not used for approved breeding purposes, and request further information on the complexities associated with de-sexing of dogs prior to considering supporting the proposal.*
- c) Supports a centralised dog registration system that is developed, operated and maintained by State Government.*
- d) Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements.*
- e) Does not support the transition of pet shops to adoption centres.*
- f) Requests there be a Local Government-specific consultation process in relation to the proposed amendments to the Animal Welfare Act to introduce Standards and Guidelines for the Health and Welfare of Animals including dogs.*

- g) *Supports a State Government-led education initiative whereby the community is encouraged to purchase puppies from professional registered breeders.*
- h) *Requests the State Government discontinue the use of the term 'Farming' due to the negative connotation that may be associated with other regulated industries, and consider re-naming the initiative 'Stop Puppy Mills'.*
- 2. *The Local Government sector advocates that:*
  - a) *any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and*
  - b) *the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index.*

The recommended new Advocacy Position is as follows:

### ***Dog and Cat Management***

*In regard to the Dog Amendment (Stop Puppy Farming) Act 2021 and the PetsWA Centralised Database, the WA Local Government sector advocates:*

- a) *that fees reflect completed cost modelling to ensure that Local Governments achieve full cost recovery in ensuring compliance with the Dog Act 1976 or Cat Act 2011.*
- b) *that Fees and Charges set in Regulations are reviewed bi-annually and, at minimum, adjusted by the Local Government Cost Index.*
- c) *that the PetsWA centralised registration database is developed, operated and maintained by State Government, with no loss to Local Government registration fee revenue.*
- d) *that the function of PetsWA be restricted to the registration of dogs and cats, exclude ancillary functions such as animal related complaints and infringement notices, and integrate with existing Local Government corporate systems.*
- e) *for the continued legislative exemptions for livestock working dogs in recognition of their special breeding requirements.*
- f) *for a State Government-led education initiative whereby the community is encouraged to purchase puppies from approved breeders.*

A table comparing the current and proposed advocacy position can be seen in Attachment A.

## **BACKGROUND**

### **Stop Puppy Farming Legislation**

- At its September 2018 meeting, State Council adopted a detailed position in relation to the Stop Puppy Farming Initiative (*Resolution 103.6/2018*).
- At its March 2020 meeting, State Council resolved that "WALGA write to the Minister and request that he withdraw the Stop Puppy Farming Bill and more appropriately consult with the sector, traditional custodians and the wider community, or failing that, that he remove any reference to Local Government in the bill as the sector does not endorse it in its current form" (*Resolution 13.1/2020*).
- At its September 2021, State Council adopted additional points to the advocacy position, supporting WALGA continuing to advocate that:
  - a. any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and

- b. the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index.  
(*Resolution 275.5/2021*)
- In December 2021, the *Dog Amendment (Stop Puppy Farming) Act 2021* (the Act) was passed by Parliament. The Act amended both the *Dog Act 1976* and the *Cat Act 2011* in several ways.
- The implementation of the legislation is occurring in phases, with existing pet shops needing to transition to adoption centres by obtaining a 'pet shop approval' through their Local Governments by 26 May.
- It is anticipated that dog breeding approval provisions and mandatory sterilisation of dogs (unless an exemption is in place) will take effect later in 2025. In August 2024, the State Government awarded a contract to Seisma Group to establish PetsWA (the new centralised registration system for dogs and cats), which is anticipated to be operational later in 2025.

### **Fees and cost recovery**

In a letter to WALGA dated 1 November 2021, Minister John Carey confirmed that “the State Government has committed to covering the costs associated with the establishment of the Centralised Registration System, to centrally record the registration of all domestic cats and dogs within Western Australia”. However, the State Government position relating to ongoing costs associated with the system and the particulars about revenue generated from registrations has not been made clear.

In early 2024, the Department of Local Government, Sport and Cultural Industries (DLGSC) released a Consultation Paper prepared by consultants Marsden Jacob Associates on the new and existing fees and charges under the *Dog Act 1976* and *Cat Act 2011*. WALGA provided a submission in line with State Councils advocacy position as follows.

*That WALGA:*

1. *Welcomes a cost modelling review of the financial impact on Local Governments to ensure that Local Government is able to fully recover costs and not be disadvantaged in ensuring compliance of any new legislation to Stop Puppy Farming;*
2. *Supports a centralised dog registration system that is developed, operated and maintained by State Government;*
3. *Any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and*
4. *The Fees and Charges set in Regulations are reviewed biennially and at minimum, be adjusted by the Local Government Cost Index.*

### **Zone resolutions**

#### *Central Country Zone*

At the Central Country Zone Meeting of 15 November 2024, the Zone considered an item which raised concerns that the administrative costs of the PetsWA central registration system would be withheld by the State Government from registration fees collected by Local Governments. As already noted, registration fees are already insufficient to cover the costs of Local Government cat and dog management responsibilities.

The Zone resolved:

*That the Central Country Zone request WALGA to:*

- a) *advocate to the Government of Western Australia that 100% of the revenue derived from pet registrations (both dogs and cats) continue to be returned*

*directly to Local Governments to effectively administer the Dog Act 1976 and Cat Act 2011.*

- b) *recommend that the new centralized PetsWA Pet Registry Scheme, administered by the State Government, should not retain any commission or portion of the registration fees for its operations, as the current fee structure does not adequately cover the costs associated with pet management at the Local Government level.*

#### *North Metropolitan Zone*

At the North Metropolitan Zone Meeting of 20 November 2024, the Zone considered an item which raised concerns that the community would be able to lodge complaints through the PetsWA centralised registration system and that infringements would be issued through the system. As no integration with Local Government systems has been advised, this would create a duplicate workload for officers.

The Zone resolved:

*That WALGA advocate to the State Government for the PetsWA Centralised Registration Database scope to be restricted to a centralised registration system (excluding complaints and infringements) that integrates with Local Government's existing corporate systems.*

#### **COMMENT**

As the Act has progressed, the existing advocacy position should be reviewed to reflect the current state.

A comparison between the current and proposed advocacy position is provided in Attachment A, with key themes addressed below.

#### **Cost Recovery**

Under the *Dog Amendment (Stop Puppy Farming) Act 2021*, Local Governments will have increased responsibilities, including approvals to breed and pet shop approvals, as well as associated investigation and enforcement functions. WALGA has continued to advocate to the State Government for fees and charges to be set at a level that achieves full cost recovery and that any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government. The proposed advocacy position retains these key positions.

The fees from registrations and animal related infringements do not currently cover all costs associated with Local Government responsibilities. There is a risk that the State Government could administer the PetsWA system in a way which reduces Local Government income from registrations.

WALGA's existing advocacy position supports PetsWA to be managed by the State (Advocacy Position 2.12.b). The proposed *Dog and Cat Management Advocacy Position* expands on the existing position to make it absolutely clear that there should be no loss of registration fee revenue to the Local Governments in administering the database.

#### **Scope of PetsWA**

The Act provides for a centralised registration system, known as PetsWA, to be managed by the State Government. DLGSC has been tasked with the implementation of the system. The contract to develop PetsWA was awarded on 2 August 2024 and is expected to launch in the second half of 2025. PetsWA is intended to replace the dog and cat registers

managed by individual Local Governments with a single online system, used state-wide. PetsWA will allow dog and cat owners to register their pets and make payments online.

In addition to uncertainty about revenue from fees and charges under PetsWA, there is ambiguity about the scope of information recorded within PetsWA. DLGSC has noted that PetsWA could be used to manage public complaints, request ranger visits, manage dangerous dog notices, and issue infringements. This could increase administrative burden on Local Government staff by duplicating data entry with existing record management systems, as there is no clarity on the extent of the integration with Local Government's existing systems.

To avoid this, PetsWA should be integrated with Local Government's existing systems and the scope should be restricted to its original function as a centralised registration system.

#### WALGA RECOMMENDATION

That WALGA replace Advocacy Position 2.12 *Puppy Farming* with a revised *Dog and Cat Management* advocacy position, as follows:

*In regard to the Dog Amendment (Stop Puppy Farming) Act 2021 and the PetsWA Centralised Database, the WA Local Government sector advocates:*

- a) that fees reflect completed cost modelling to ensure that Local Governments achieve full cost recovery in ensuring compliance with the Dog Act 1976 or Cat Act 2011.*
- b) that Fees and Charges set in Regulations are reviewed bi-annually and, at minimum, adjusted by the Local Government Cost Index.*
- c) that the PetsWA centralised registration database is developed, operated and maintained by State Government, with no loss to Local Government registration fee revenue.*
- d) that the function of PetsWA be restricted to the registration of dogs and cats, exclude ancillary functions such as animal related complaints and infringement notices, and integrate with existing Local Government corporate systems.*
- e) for the continued legislative exemptions for livestock working dogs in recognition of their special breeding requirements.*
- f) for a State Government-led education initiative whereby the community is encouraged to purchase puppies from approved breeders.*

### 9.3 NATIVE VEGETATION CLEARING REGULATIONS ADVOCACY POSITION (STATE COUNCIL AGENDA ITEM 8.3)

*By Nicole Matthews, Executive Manager Policy and Ian Duncan, Executive Manager Infrastructure*

#### EXECUTIVE SUMMARY

- The effectiveness, cost and complexity of the regulatory system for native vegetation clearing has been a longstanding concern for Local Governments, particularly in relation to its impacts on the delivery of road and other infrastructure projects.
- WALGA has made numerous representations and submissions to the State Government on this issue.



- WALGA's current [advocacy positions](#) relating to the regulation of clearing of native vegetation were endorsed by State Council in 2004 (5.2.1) and 2006 (5.2.2).
- Numerous reviews and significant legislative and policy changes aimed at streamlining regulatory requirements have occurred since that time which has resulted in some improvement, however, problems persist.
- The updated Advocacy Position, seeks to respond to feedback and issues raised by the sector, calls the State Government to:
  - implement **legislative, policy and process changes**, including the imposition of statutory timeframes for assessments and appeals; increasing the duration of clearing permits; providing a permanent exemption to enable clearing in previously legally cleared transport corridors; and strengthening environmental data sharing requirements.
  - allocate **adequate resources** to implement an expedited process for road safety and state and federally funded or co-funded projects; a dedicated Local Government unit to process applications and support the sector; timely compliance and enforcement action; and implement a state-funded collection and provision of data.
  - undertake **bioregional planning** and implement **strategic solutions for environmental offsets** for Local Government.
  - **reduce duplication** between the State and Australian government regulatory systems.
- At their joint meeting on 24 March, the Environment and Infrastructure Policy Teams recommended that State Council endorse the Native Vegetation Clearing Regulations advocacy position.

## ATTACHMENT

- [WALGA Native Vegetation Clearing Regulations Issues Paper](#)
- [Road Safety Briefing Note](#)

## POLICY IMPLICATIONS

This item is to replace existing Advocacy Positions 5.2.1 Environmental Protection Act and 5.2.2 Land Clearing in Road Reserves with a new *Native Vegetation Clearing Regulations* position.

The current [Advocacy Positions](#) are as follows:

### **5.2.1 Environmental Protection Act**

*Impact on Road Reserves Position Statement. The Local Government sector supports continued advocacy to minimise the impact on road reserves and in regards to Regulations, processing times, access to vegetation data and a Code of Practice on maintenance activities.*

### **5.2.2 Land Clearing in Road Reserves**

*The Local Government sector supports Schedule 2 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 as a permanent exemption for the maintenance of existing transport corridors and supports the continued advocacy for improvements to processing and timelines of the current clearing legislation.*

The proposed Advocacy Position is as follows:

### **Native Vegetation Clearing Regulations**

*WALGA calls on the Western Australian Government, in consultation with Local Government, to undertake legislative and policy reform to improve the effectiveness, efficiency and transparency of the regulatory system for clearing native vegetation in Western Australia, including:*

- 1. Amending the Environmental Protection Act 1986 and associated regulations to remove unnecessary process, complexity and improve timeframes, including:*
  - a. introducing statutory timeframes for the determination of referrals, permit applications and appeals*
  - b. increasing the default duration of Area and Purpose Permits to 10 years*
  - c. provide a permanent exemption for clearing of previously legally cleared transport corridors*
  - d. strengthening environmental data sharing requirements to ensure proponents cannot opt-out of sharing data collected for environmental assessment and monitoring purposes.*
- 2. Ensuring the regulatory system is adequately resourced to:*
  - a. implement an expedited process for clearing permits for projects that prevent death and serious injury (road safety), and state and federally funded or co-funded projects*
  - b. establish a dedicated Local Government unit within the Department of Water and Environmental Regulation to:*
    - i. case manage Local Government referrals and clearing permit applications*
    - ii. provide guidance and training for Local Governments, particularly in relation to roadside vegetation management*
    - iii. support partnerships with Local Governments in strategic environmental offsets*
  - c. enable timely investigation and enforcement action for illegal clearing*
  - d. increase investment in the collection and provision of statewide biodiversity data, including:*
    - i. funding and coordinating a state-wide biodiversity survey program to standardise habitat and vegetation mapping*
    - ii. making biodiversity data more discoverable, accessible and useable.*
- 3. Undertaking bioregional planning for native vegetation management, with a focus on highly cleared areas and implementing strategic solutions for environmental offsets that can be utilised by Local Government.*
- 4. Working with the Australian Government to reduce duplication between the Environmental Protection Act 1986 and the Environment Protection and Biodiversity Conservation Act 1999.*

## **BACKGROUND**

Western Australia is one of the most biodiverse places on Earth and has significant regional endemism, meaning it has plants and animals that only live in a particular location (Western Australian Biodiversity Science Institute). Eight of Australia's 15 declared biodiversity hotspots are in WA and the South West Ecoregion, (running from Shark Bay in the northwest to Esperance in south east with a narrow strip along the southeastern coast to the border between WA and SA) is one of only 34 internationally recognised Global Biodiversity Hotspots (and the only in Australia). A Global Biodiversity Hotspot is defined as a geographical region that has at least 1,500 vascular plant species and has lost at least 70 per cent of its original supporting habitat.

In Western Australia the clearing of native vegetation is primarily regulated under Part V Division 2 of the [Environmental Protection Act 1986](#) (EP Act) and [Environmental Protection \(Clearing of Native Vegetation\) Regulations 2004](#) (Regulations). Under section 51C of the EP Act clearing of native vegetation is an offence unless a permit has been granted, or an exemption applies.

The Regulations provide exemptions for routine land management practices, including for clearing done for maintenance in existing, previously legally cleared transport (road and rail) corridors, provided that the previous clearing occurred within the preceding 10 years (Regulation 5, Item 22). Schedule 2, cl. 2 of the Regulations specify the extent of maintenance clearing for an area or purpose:

Area or purpose	Extent of clearing
Crossover area	Clearing to the extent previously cleared for the area.
Lateral clearance area	Complete clearing to the width and height previously cleared for that stretch of road or railway.
Maintenance and protection of transport corridor infrastructure	Clearing to the extent necessary to – a) Maintain the efficacy and safety of the infrastructure; b) Protect the infrastructure (for example from fire); and c) Provide access to the infrastructure to maintain it.
An area that is a public roadside facility	Clearing to the extent necessary to maintain (but not extend) the intended use of the area.
Sight line area	Clearing to the extent previously cleared for that area.

Schedule 2, cl. 1 of the Regulations provides the following definitions:

- *crossover area* means the area occupied by a crossover from a road to a property adjacent to the road and any associated sight line areas;
- *lateral clearance area*, in relation to a stretch of road or railway, means the area (if any) parallel to and immediately adjacent to the stretch of road or railway that is ordinarily cleared;
- *public roadside facility* includes a camping area, rest area, information bay, road train assembly area or parking area or a footpath or cycle track in the road reserve;
- *transport corridor infrastructure*, in relation to a stretch of road or railway, includes barriers, signs, guideposts, drains, levies, embankments, gutters, bridges, overpasses and other similar structures or works.

While this exemption does not apply in an environmentally sensitive area, an area that would otherwise be an environmentally sensitive area is not an environmentally sensitive area to the extent it is in a maintenance area of transport corridor.

The Australian Government regulates clearing that is likely to impact a matter of National Environment Significance through the application of Parts 7 - 9 of the *Environmental Protection and Biodiversity Conservation Act 1999* (the EPBC Act) and *Environment Protection and Biodiversity Conservation Regulations 2000*.

The effectiveness, cost, complexity and timeframes associated with the regulatory system for native vegetation clearing have been a longstanding concern for Local Governments, particularly in relation to impacts on the delivery of road projects, which make up approximately 60 per cent of Local Government clearing permit applications and 30 per cent of referrals (Dec 2021 – Oct 2024). WALGA has made numerous representations and submissions to the State Government on this issue.

WALGA has three [advocacy positions](#) related to native vegetation clearing regulation dating (2004, 2006, 2018). Numerous reviews and significant legislative and policy changes have occurred since that time, aimed at streamlining regulatory requirements, including the Western Australian Offset Policy (2011) and Guideline (2014), the Review of the Western Australian Offsets Framework (2019), the implementation of cost recovery for clearing permit applications (2019), the release of the [Native Vegetation Policy for Western Australia](#) in 2022, the [Independent \(Vogel-McFerran\) Review of WA Environmental Approvals Processes and Procedures](#) (2023) and amendments to the *Environmental Protection Act 1986* in 2020 and 2024.

As a result of these changes, the exemption for clearing in previously cleared transport corridors increased from 5 to 10 years, a referral process was introduced for low impact clearing and minor scheme amendments no longer require referral to the Environmental Protection Authority.

While these changes have resulted in some improvements, problems persist. This was recognised by the Vogel-McFerran Review, which found that “approvals processes have become overly complex, time-consuming, and costly – holding back economic development without any benefit to the environment”.

In 2024, to inform the development of an updated advocacy position on native vegetation clearing regulation, WALGA undertook research and analysis of the Department of Water and Environmental Regulation (DWER) and the Office of the Appeals Convenor data, previous submissions and Zone resolutions/feedback and held a sector webinar to inform the development of an [Issues Paper](#). The Paper was considered by the Environment Policy Team and included in the November 2024 Zone meeting Agendas for feedback.

The main themes from the consultations, Zones and issues paper feedback were:

- key challenges faced by the sector related to the complexity of the regulatory system, costs associated with the process and the time taken for assessment and appeals; and
- these challenges can delay critical road and infrastructure projects and impact Local Government’s ability to attract and retain grant funding.

## COMMENT

A consolidated, updated advocacy position will enable WALGA to comprehensively advocate for members to address the challenges of operating in a complex and costly regulatory environment, whilst balancing the protection of the environment.

The updated Advocacy Position calls on the State Government to:

- Implement **legislative, policy and process changes** including:
  - the imposition of statutory timeframes for assessments and appeals;
  - a permanent exemption for clearing in previously legally cleared transport corridors;
  - increasing the duration of clearing permits; and

- strengthening environmental data sharing requirements.
- Allocate **adequate resources** to implement an expedited process for road safety and state and federally funded or co-funded projects; a dedicated Local Government unit to process applications and support the sector; timely compliance and enforcement action; and implement a state-funded collection and provision of data.
- Undertake **bioregional planning** and implement **strategic solutions for environmental offsets** for Local Government.
- **Reduce duplication** between the State and Australian government regulatory systems.

#### WALGA RECOMMENDATION

That WALGA replace the following Advocacy Positions:

5.2.1 Environmental Protection Act

5.2.2 Land Clearing in Road Reserves

with an updated Native Vegetation Clearing Regulations Advocacy Position as follows:

*WALGA calls on the Western Australian Government, in consultation with Local Government, to undertake legislative and policy reform to improve the effectiveness, efficiency and transparency of the regulatory system for clearing native vegetation in Western Australia, including:*

1. *Amending the Environmental Protection Act 1986 and associated regulations to remove unnecessary process, complexity and improve timeframes, including:*
  - a. *introducing statutory timeframes for the determination of referrals, permit applications and appeals*
  - b. *increasing the default duration of Area and Purpose Permits to 10 years*
  - c. *provide a permanent exemption for clearing of previously legally cleared transport corridors*
  - d. *strengthening environmental data sharing requirements to ensure proponents cannot opt-out of sharing data collected for environmental assessment and monitoring purposes.*
2. *Ensuring the regulatory system is adequately resourced to:*
  - a. *implement an expedited process for clearing permits for projects that prevent death and serious injury (road safety), and state and federally funded or co-funded projects*
  - b. *establish a dedicated Local Government unit within the Department of Water and Environmental Regulation to:*
    - i. *case manage Local Government referrals and clearing permit applications*
    - ii. *provide guidance and training for Local Governments, particularly in relation to roadside vegetation management*
    - iii. *support partnerships with Local Governments in strategic environmental offsets*
  - c. *enable timely investigation and enforcement action for illegal clearing*
  - d. *increase investment in the collection and provision of statewide biodiversity data, including:*

- i. *funding and coordinating a state-wide biodiversity survey program to standardise habitat and vegetation mapping*
  - ii. *making biodiversity data more discoverable, accessible and useable.*
3. *Undertaking bioregional planning for native vegetation management, with a focus on highly cleared areas and implementing strategic solutions for environmental offsets that can be utilised by Local Government.*
4. *Working with the Australian Government to reduce duplication between the Environmental Protection Act 1986 and the Environment Protection and Biodiversity Conservation Act 1999.*

## 9.4 SUBMISSION ON THE STATE RECOVERY ARRANGEMENTS (STATE COUNCIL AGENDA ITEM 8.4)

*By Rachel Armstrong, Policy Manager Emergency Management*

### EXECUTIVE SUMMARY

- The Department of Fire and Emergency Services (DFES) is consulting on revised State Recovery Arrangements via [Engage WA Emergency Management](#). Formal consultation closes Friday, 2 May.
- WALGA was granted an extension to enable the draft submission to be included as an Item for Decision in the 7 May State Council Agenda.
- The revised arrangements integrate lessons from past recoveries, current best practices, and clarify roles and responsibilities.
- There are no significant changes to Local Government roles and responsibilities under the *Emergency Management Act 2005* and State Emergency Management Framework.
- The Commonwealth - State Disaster Recovery Funding Arrangements - Western Australia (DRFA-WA) are not part of the State Emergency Management Framework and are outside the scope of the review.
- WALGA's draft submission was shared with Local Governments and the draft final version incorporates feedback.
- WALGA's submission is generally supportive of the revised State Recovery Arrangements, which provide improved clarity on roles and responsibilities in recovery, particularly for State Government, and clearer arrangements for transitioning from response to recovery and from recovery to business as usual.
- WALGA's submission highlights the need for State Government investment in streamlined, appropriate and effective funding mechanisms for recovery and resilience building, and the need to ensure adequate support to Local Governments.
- The People and Place Policy Team noted the draft submission at its 18 March meeting.

### ATTACHMENT

- [Draft State Recovery Arrangements – WALGA submission](#)

### POLICY IMPLICATIONS

WALGA's submission on the State Recovery Arrangements is aligned to the following [Advocacy Positions](#) :

#### ***8.1 Emergency Management Principles***

1. *The State Government bears fundamental responsibility for emergency management and has the role of providing strategic guidance, support and services for emergency management activities in Western Australia.*
2. *The State Government should provide financial and resourcing support as necessary to enable Local Governments to adequately deliver their extensive emergency management roles and responsibilities under the State Emergency Management Framework.*
3. *The Local Government Sector should be engaged as a partner in policy and legislative reviews that impact Local Government emergency management roles and responsibilities.*

### **8.2 State Emergency Management Framework**

*Local Governments are supported to undertake their emergency management responsibilities by a simple and streamlined State Emergency Management Framework with the primary objectives of:*

1. *Protecting people, the economy, and the natural environment from disasters;*
2. *Supporting communities in preventing, preparing for, responding to and recovering from emergencies;*
3. *Clearly outlining roles, responsibilities and accountabilities for Local Government and other emergency management stakeholders;*
4. *Scalability and adaptability that supports Local Governments of varied capacity and capability; and*
5. *Supporting agency interoperability through common systems and approaches to key activities including data management, communications, and hazard management.*

### **8.3 Sustainable Grant Funding Model for Emergency Management**

*Local Government should be empowered to discharge its emergency management responsibilities through sustainable grant funding models that support a shared responsibility and all hazards approach to prevention, preparedness, response and recovery from natural disasters. A sustainable grant funding model for Local Government emergency management:*

1. *Empowers Local Governments to undertake proactive approaches to preparedness, prevention, response and recovery;*
2. *Supports the resilience of local communities through capacity-building activities and programs;*
3. *Is responsive to the variations in Local Government resourcing and context; and*
4. *Develops the skills, capacity and capability of the emergency management workforce; and*
5. *Is consistent, flexible, timely, accessible, scalable, strategic and the guidance provided is comprehensive.*

### **8.11 Local Emergency Management Arrangements (LEMA)**

1. *The State Government should fund the implementation of the Local Emergency Management Arrangements (LEMA) Improvement Plan endorsed by the State Emergency Management Committee (SEMC).*
2. *A reformed LEMA system should:*
  - a. *Clearly articulate the roles and responsibilities of Local Governments in emergency management;*
  - b. *Simplify the reporting processes and reduce the administrative burden of maintaining compliance;*

- c. *Provide a suite of scalable tools and guidance materials that are accessible through an online knowledge hub;*
- d. *Build the emergency management capacity and capability of Local Governments through the provision of targeted training, exercising support, human resources and sustainable funding;*
- e. *Assist Local Governments to continue to deliver their core business activities and provide public information during an emergency event;*
- f. *Improve the connectivity of Local Governments' various risk management and hazard planning processes through an integrated approach; and*
- g. *Enable resource sharing and collaboration across the Local Government sector.*

#### **5.4.3 Betterment (resilience)**

*The Local Government sector supports increased funding for the replacement or restoration of damaged assets to a more resilient standard following an event.*

### **BACKGROUND**

Since 2020, Western Australia has faced complex recovery challenges from events like Cyclone Seroja, Wooroloo bushfires, and Kimberley floods, necessitating greater State involvement. The review of State Recovery Arrangements aims to integrate lessons from past recoveries, update best practices, and clarify roles.

There are no changes to Local Government's responsibility to manage recovery following an emergency affecting the community in its district as set out in the *Emergency Management Act 2005* (s36b). There are no substantive changes to Local Government roles and responsibilities for recovery under the State Emergency Management Framework.

The proposed changes to the State Recovery Arrangements include:

- introducing four State Strategic Recovery Priorities which are informed by the National Principles for Disaster Recovery in the [Australian Disaster Recovery Framework](#).
- implementing a new four-tiered Model for State Involvement in Recovery where the State's involvement increases with the complexity of the recovery.
- clarifying roles and responsibilities for Local Government, Hazard Management Agencies, State agencies, and support organisations. The improved clarity in State roles in recovery should make it easier for Local Governments to access the support they need to coordinate community-led recovery.
- emphasising greater community engagement in recovery.
- reduced emphasis on an Impact Statement as a trigger for transitioning recovery coordination from the Hazard Management Agency (HMA) to Local or State Government and a new requirement for transition arrangements to be planned/agreed with Local Governments.
- clarifying the requirement for a planned transition from recovery arrangements to 'business-as-usual' service delivery for Local and State Government.

WALGA and Local Governments have been involved in preliminary consultations to support the development of the revised State Recovery Arrangements, including through the State Emergency Management Committee (SEMC), WALGA's Local Government Emergency Management Advisory Group (LGEMAG) and Local Government Focus Groups.



## COMMENT

WALGA requested and was granted an extension to enable the draft submission to be included as an Item for Decision in the 7 May State Council Agenda.

WALGA's draft submission incorporates feedback from preliminary consultation, WALGA's advocacy positions, and input from the sector via the Local Emergency Management Arrangements (LEMA) Review and the 2023 Local Government Emergency Management Survey. This feedback has consistently demonstrated support within the sector for shared responsibility for recovery, with the level and type of support required varying with the size, scale and complexity of the event and Local Government capacity.

Overall, the amended State Recovery Arrangements provide much improved clarity on how responsibility for recovery is to be shared and therefore a better foundation for recovery coordination.

The submission recommends:

1. The State Government should develop streamlined, appropriate and effective funding mechanisms to invest in Local Government recovery and resilience building.
2. Investment in recovery should not be limited by the eligibility requirements of the DRFA-WA and should meet the recovery requirements of Local Governments and Communities.
3. The DRFA-WA must be urgently reviewed to streamline administration, approvals and evidentiary requirements, address the cash-flow impacts of the reimbursement model and enable resilient reconstruction / betterment following a disaster.
4. The State Government should invest in effective risk assessment and risk reduction, in addition to ensuring to providing effective and fit for purpose State Recovery Arrangements.

### State Strategic Recovery Priorities

5. WALGA supports the proposed four State Strategic Recovery Priorities: 1. Assist people to meet their recovery needs; 2. Enable community-centred recovery; 3. Restore community function and wellbeing; 4. Foster community disaster resilience.

### Model for State Involvement in Recovery

6. WALGA supports the proposed 4-tier Model for State involvement in Recovery.
7. WALGA supports the roles assigned to Local Government under each recovery level (R1-4). The roles and responsibilities are aligned to current roles and responsibilities.
8. WALGA supports the roles assigned to State Government under each recovery level (R1-4), which provide improved clarity.

### Roles and responsibilities

9. WALGA supports the roles and responsibilities allocated to Local Governments in the revised State Recovery arrangements, including section 6.3 of the revised State EM Policy, with minor amendments as outlined in Appendix 1. The roles and responsibilities in the revised arrangements are aligned to current roles and responsibilities.
10. WALGA recommends that the revised State Recovery Arrangements clearly reinforce the role of the State Recovery Coordinator to confirm individual Local Government's capacity to undertake their allocated roles and responsibilities during recovery and ensures additional support is provided as required.

11. WALGA supports the roles and responsibilities allocated to Hazard Management Agencies and Controlling Agencies in section 6.6 of the revised State EM Policy, which provide improved clarity.
12. WALGA supports the roles and responsibilities allocated to State agencies in section 6.7 and Appendix F of the revised State EM Policy, which provide improved clarity.
13. The revised State Recovery Arrangements should formalise coordination protocols between Local Governments and State agencies to enable rapid mobilisation of essential workers in disaster impacted communities.
14. The revised State Recovery Arrangements should consider inclusion of roles, responsibilities and coordination protocols for essential services, as coordinated restoration of essential services is fundamental to early recovery.
15. The revised State Recovery Arrangements should reinforce compliance with data sharing arrangements under 6.1.72 of the EM Act to ensure that State Agencies are sharing information effectively in recovery and include this as a specific function of the State Recovery Coordinator / Controller.

#### Greater emphasis on engaging community

16. WALGA supports the greater emphasis on engaging communities in planning recovery, and the flexibility in approach so that this can be adapted to meet Local Government and community needs and capacities.

#### Phases of Recovery

17. WALGA supports amendments to the State EM Plan to introduce three phases of recovery: 1) Recovery Planning. 2) Response and Early Recovery. 3) Recovery Operations.
18. Considering Phase 3) Recovery Operations:
  - a. The requirements for Local Governments to review and evaluate the Local Operational Recovery Plan should be scalable to the Local Government's capacity, and the recovery level and context and supported by simple and effective guidance.
  - b. All monitoring and evaluation requirements for DRFA-WA programs, if applicable, should be coordinated by the State Government.
19. Recovery Operations should be supported by pre-prepared State-level Urgent Recovery Programs and surge capacity for implementation.
20. Streamlined guidance should be provided for needs assessment, review and evaluation. The approach should be scalable to the Local Government's capacity, and the recovery level and context.

#### Public Information and Communication

21. WALGA supports nomination of DFES, instead of the State Emergency Public Information Coordinator to coordinate State-level recovery public information and communications. DFES should consult and coordinate with Local Governments on recovery communications.

#### Transition between response and recovery

22. WALGA supports the proposed requirements for a planned transition of recovery coordination by agreement between the Hazard Management Agency and Local Government for R1 and R2 recoveries.
23. WALGA supports the proposed requirements for a planned transition of recovery coordination between the Hazard Management Agency and State Government for R3 and R4 recoveries with a written transition plan.

Transition from recovery to 'business-as-usual' service arrangements

24. WALGA supports the proposed requirements for the State to plan the de-escalation of State recovery involvement and transition to 'business as usual' service arrangements. The requirements for a transition plan are clearly described and sufficient, however should be outlined in a written plan.

Requirement for an Impact Statement

25. WALGA supports the requirement that the HMA prepares an Impact Statement in all Level 2 and 3 incidents.

Local Operational Recovery Plans

26. WALGA supports the general requirement for a Local Operational Recovery Plan to be prepared for R2, R3 and R4 events.
27. The Local Recovery Guideline should be revised to provide better guidance to Local Governments on how to prepare a Local Operational Recovery Plan.
28. State Recovery support should be provided to prepare a Local Operational Recovery Plan, if requested by the Local Government.
29. WALGA Recommends renaming the Local Operational Recovery Plan to [Event] Recovery Action Plan.

Executive Government Forum

30. WALGA supports provisions to enable strategic oversight and direction for complex recovery issues via referral to an existing cross-government executive forum or a Director General/Chief Executive Officer-level forum.

The People and Place Policy Team noted the draft submission at their 18 March meeting.

#### WALGA RECOMMENDATION

That State Council endorse the submission to the Department of Fire and Emergency Services on proposed revisions to the State Recovery Arrangements.

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## 9.5 HEALTH (PUBLIC BUILDINGS) REGULATIONS CONSULTATION (STATE COUNCIL AGENDA ITEM 8.5)

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*By Coralie Claudio, Senior Policy Advisor, Planning*

### EXECUTIVE SUMMARY

- The Department of Health (DoH) is seeking feedback on the [Consultation Paper 2025 Health \(Public Buildings\) Regulations 1992](#) (Consultation Paper), which examines whether the Regulations should be repealed without replacement.
- Repealing the Regulations is not supported by the sector, as it would impede Local Governments' ability to proactively manage and mitigate public health risks.
- Revised Regulations are supported to provide a contemporary, risk-based approach to public building management, eliminating unnecessary building construction requirements and incorporating modern compliance and enforcement tools.
- WALGA received an extension of time from DoH to allow the submission to be considered by State Council as part of the May Agenda.

## ATTACHMENT

- [WALGA's submission on the Health \(Public Buildings\) Regulations Consultation](#)

## POLICY IMPLICATIONS

WALGA's submission is consistent with the following [WALGA Advocacy Position](#)

### **6.6 Building Act and Regulations**

*Assessments of the effectiveness of building control systems across Australia have recognised that there is diminishing public confidence in the building and construction industry, and that change is required to ensure buildings are safe and perform to expected standards. Now more than ever, the focus is on Local Government building departments to deliver good governance, local leadership and sustainable services that meet the needs of their communities whilst supporting local jobs and economic growth. The Association has the following endorsed positions:*

- 1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the Building Act 2011.*
- 2. Supports mandatory inspections for all classes of buildings; however, Local Government should not be solely responsible for all mandatory inspections.*
- 3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:*
  - a. Quality buildings that are cost efficient.*
  - b. Functional, safe and environmentally friendly buildings.*
  - c. Good decision making in all aspects of building.*
  - d. Efficiency and effectiveness in building management, administration and regulation.*
  - e. Openness and accountability with respect to all building matters.*
  - f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.*
- 4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.*
- 5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.*
- 6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.*

## BACKGROUND

The *Health (Public Buildings) Regulations 1992* (the Regulations) were established to ensure the safety, health, and welfare of people using public buildings in Western Australia. The current definition of a public building is broad, and captures most public areas where people gather for a pre-determined purpose, including for entertainment, sports and recreation, worship and educational purposes.

These Regulations set standards for the construction, maintenance, and operation of public buildings, covering aspects such as occupancy limits, emergency exits, evacuation plans, ventilation, lighting and sanitary facilities. Local Governments play a crucial role in enforcing

the Regulations, specifically by conducting routine inspections to ensure ongoing compliance with health and safety standards.

In 2018, the DoH released a Discussion Paper *Managing public health risks in public buildings in Western Australia*, that sought feedback on two options: repealing the Regulations without replacement or providing new, updated Regulations under the *Public Health Act 2016*.

WALGA's submission at the time supported the latter option as Regulations would continue to allow for the assessment and maintenance of the operational safety of public buildings that would maintain patron safety and provide adequate control and enforcement tools for Local Government officers.

This was the position of DoH when the Consultation Summary Report was published in 2019. The report also noted that the Regulations shouldn't duplicate the construction requirements in building legislation and instead focus on the ongoing management of public health risks associated with the building. No updated Regulations were released.

In February, DoH released the Consultation Paper that re-examined if the Regulations should be repealed without replacement. The paper outlines relevant legislative and regulatory changes since 2019 and further examines the need for Regulations in addition to the WA building legislation and the National Construction Codes (NCC) that set safety standards and protocols for building construction.

#### **COMMENT**

WALGA does not support the repealing of the Regulations, as it would impede Local Governments' ability to undertake routine inspections, proactively managing and mitigating public health risks related to public buildings.

WALGA's submission acknowledges that the Regulations are outdated, and they should be reviewed and updated to ensure they are contemporary, fit for purpose and focus on the ongoing management of public buildings, rather than building construction requirements.

Health provisions, specifically the ongoing management of public buildings, are not appropriately placed within building legislation, and the building sector is not adequately trained or resourced to effectively manage ongoing public health risks.

Additionally, the general public health duty under the updated *Public Health Act 2016*, along with other legislation and inspections undertaken by government agencies, does not provide effective management and compliance mechanisms to address public building safety.

#### **WALGA RECOMMENDATION**

That WALGA endorse the submission on Health (Public Buildings) Regulations Consultation to the Department of Health.

## RESOLUTION

Moved: President Cr Matthew Niikkula  
Seconded: President Cr Jim Caunt

That the Gascoyne Country Zone support en bloc all WALGA recommendations contained in the May 2025 State Council Agenda.

CARRIED

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## 9.6 OTHER STATE COUNCIL AGENDA ITEMS

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*Zone Delegates are invited to raise for discussion, questions or decision any of the items in the State Council Agenda, including the items for noting, Policy Team and Committee Reports or the Key Activity Reports.*

## 10 EXECUTIVE REPORTS

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### 10.1 WALGA PRESIDENT'S REPORT

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The President's Report was provided as an attachment within the Agenda.

Noted

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

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State Councillor President Cr Eddie Smith was an apology for this meeting.

Noted

## 11 OTHER BUSINESS

## 12 NEXT MEETING

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### 12.1 REMAINING ZONE MEETING DATES - 2025

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Zone Meeting	Type	Location
10:00am, Friday 20 June	In person	Shark Bay
10:00am, Friday 22 August	<i>Teleconference</i>	
10:00am, Friday 21 November	In person	Carnarvon

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## 12.2 NEXT MEETING

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The next meeting of the Gascoyne Country Zone will be held on Friday, 20 June 2025 at the Shire of Shark Bay commencing at 10:00am.

## 13 CLOSURE

*There being no further business, the Chair declared the meeting closed at 11:45am.*