

01-005-03-0016



Peel Zone

Minutes

18 November 2021

Peel Zone

Hosted by the Shire of Murray

1915 Pinjarra Road, Pinjarra – 9531 7777

Thursday 18 November 2021, commenced at 2:00 pm

Minutes

MEMBERS

2 Voting Delegates from each Member Council

Shire of Boddington	Cr Eugene Smallberger Mr Julie Burton, Chief Executive Officer non-voting delegate
City of Mandurah	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 Lauren Strange Mr Paul Martin, Chief Executive Officer non-voting delegate
Shire of Waroona	President Michael Walmsley Cr Naomi Purcell Mr Mark Goodlet, Chief Executive Officer non-voting delegate
WALGA Representatives	Mayor Tracey Roberts, President (via Zoom) Cr Karen Chappel, Deputy President Mr Chris Hossen, Policy Manager Planning and Building Ms Bec Waddington, Policy Officer Community
Guest Speakers	Nil

APOLOGIES

Shire of Boddington	Cr Garry Ventris
City of Mandurah	Mayor Rhys Williams
Shire of Murray	Cr Douglas McLarty Mr Dean Unsworth, Chief Executive Officer non-voting delegate

DLGSC Representative

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ANNOUNCEMENTS

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

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

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

Acknowledgement of Country All attendees acknowledged the traditional owners of the land that the meeting is held on and paying respects to Elders past, present and future.

ATTACHMENTS WITHIN THE AGENDA

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

1. ELECTIONS

1.1 Elections of Chair and Deputy Chair of the Peel Country Zone

Pursuant to the WALGA Constitution, the Secretariat shall assume the Chair for conducting the election of office bearers.

Guidelines for elections were distributed to Member Councils via email dated 12 October 2021.

The election for the Chairperson and Deputy Chairperson shall be conducted and the term set at two years expiring in November 2023, in line with the terms of State Council representatives and in sync with Local Government Elections.

Zone Chair

The following nomination was received for the position of Chairperson.

- Cr Michelle Rich Shire of Serpentine Jarrahdale

DECLARATION

That President Michelle Rich be elected as Chairperson of the Peel Zone for the term of 2 years, December 2021 to December 2023.

Deputy Zone Chair

No nominations were received for the position of Deputy Chair for 2 years, November 2021 to November 2023.

Nominations for Deputy Zone Chair were called from the floor. One nomination was received, Mayor Rhys Williams City of Mandurah (in absentee).

DECLARATION

That Mayor Rhys Williams, be elected as Deputy Chairperson of the Peel Country Zone for the term of 2 year, November 2021 to November 2023.

1.2 Elections of State Council Representatives and Deputy State Council Representatives to the Peel Country Zone

Pursuant to the WALGA Constitution, the Secretariat shall assume the Chair for conducting the election of representatives and deputy representatives to the State Council.

Guidelines for elections were distributed to Member Councils via email dated 12 October 2021.

WALGA is governed by a 24 member State Council with its members elected from Metropolitan and Country Zones. The State Council is chaired by the Association President.

In accordance with sub-clause 9(3) of the WALGA Constitution representatives and deputy representatives to the State Council shall be elected by Zones of the Metropolitan and Country constituencies for two (2) year terms, commencing from the Ordinary Meeting of State Council in December 2021 and concluding at the Ordinary Meeting of State Council two years later.

For the Peel Country Zone, there is one (1) representative position on State Council and one (1) deputy representative positions. The term is from the Ordinary Meeting of State Council in December 2021 and concluding the day before the Ordinary Meeting of State Council in December 2023.

State Councillor

One written nomination was received for the position of State Council Representative.

- Cr Michelle Rich Shire of Serpentine Jarrahdale

DECLARATION

That Cr Michelle Rich be elected as State Council Representatives of the Peel Country Zone to the State Council for the term of 2 years, December 2021 to December 2023.

Deputy State Councillor

No nominations were received for the position of Deputy State Council Representative. Nominations for the Deputy State Council Representative were called from the floor.

One nomination was received from Cr Lauren Strange, Shire of Serpentine Jarrahdale.

DECLARATION

That Cr Lauren Strange, be elected as Deputy State Council Representative of the Peel Country Zone to the State Council for the term of 2 years, December 2021 to December 2023.

2. DECLARATION OF INTEREST

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

Nil

WALGA President's Report

President, Mayor Tracey Roberts present her President's Report.

Tracey advised the zone that she has tendered her resignation at the next State Council due to her running as a candidate for Pearce at the next Federal election. Tracey thanked the zone members for their contribution to their local communities and acknowledged everyone's hard work.

Noted

President Cr Michelle Rich thanked Mayor Tracey Roberts for her contribution to State Council and as WALGA President.

Cr Bolt, on behalf of the zone, thanked her for her hard work for her role as WALGA President and wished her well in the future.

3. DEPUTATIONS

Nil.

4. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr David Bolt
Seconded: President Michael Walmsley

That the Minutes of the meeting of the Peel Zone held on 19 August 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED

5. BUSINESS ARISING

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

The zone discussed Agenda Item 6.2 Bauxite Mining Expansion and State Agreements. The Mining Communities Policy Forum has been reformed and had representatives from across the State. The next meeting will be in February 2022, which will focus on issue identification. Mr Paul Martin is on the Forum and members will provide information for him out of session to share at the next meeting.

Noted

6. STATE COUNCIL AGENDA - MATTERS FOR DECISION

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

The full State Council Agenda can be found via link: [State Council Agenda 1 December 2021](#)

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

Matters for Decision

5.1 Paid Family and Domestic Violence Leave Entitlements

That WALGA:

Endorse the submission to the Fair Work Commission (FWC) regarding paid family and domestic violence leave (FDVL) which:

1. highlights that FDVL for employees is an important issue for the sector;
2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year;
3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and
4. opposes the introduction of a new entitlement in modern awards for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU).

5.2 Payment to Independent Committee Members

That WALGA request the Minister for Local Government to amend the *Local Government Act 1995* to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the *Local Government Act 1995*.

5.3 2021 Annual General Meeting

That:

1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:

Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

1. *Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
2. *Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

2. The following resolution passed at the 2021 WALGA Annual General Meeting be referred to the Mining Communities Policy Forum and the People and Place Policy Team for advocacy work to be undertaken:

Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. *To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*

That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.

5.4 Review of advocacy positions relating to the Building Act 2011 and Building Regulations 2012

That State Council endorses the replacement of Section 6.7: Building Act and Fees of WALGA's advocacy positions document relating to the *Building Act 2011* and Building Regulations 2012 with the following:

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.

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.

5.5 Draft WA Building Surveyors Code of Conduct

That WALGA:

1. Recommend to the Department of Mines, Industry Regulation and Safety (DMIRS) that the Draft WA Building Surveyors Code of Conduct be reviewed to ensure it addresses the following matters:
 - a) The impact of the obligations recommended in the draft Code be considered in relation to the current Western Australian building control model to ensure Local Government are able to maintain their statutory functions in line with community expectations.
 - b) That other building reform that will greatly impact the role of Local Government in the current Western Australian building control model, such as mandatory inspections and minimum documentation, be formalised prior to the Code of Conduct being introduced to ensure Local Government in Western Australia are able to maintain their statutory functions in line with community expectations.

- c) Ensure that communities in remote and regional areas are considered when developing policy to restrict building surveyors being involved in design consultation work.
Endorse the attached consultation response summary on the draft Code.

RESOLUTION

Moved: Cr David Bolt
Seconded: Cr Caroline Knight

That the Peel Country Zone

1. Supports all Matters for Decision as listed above in the December 2021 State Council Agenda; and
2. Notes all Matters for Noting and Organisational Reports as listed in the December 2021 State Council Agenda.

CARRIED

7. ZONE BUSINESS

7.1 2022 Proposed Schedule of Meetings

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

A schedule of the proposed meeting dates for the Peel Country Zone 2022 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 Country Zone for 2022 require adoption by delegates.

As with previous years, the venue for each meeting has been rotated amongst Members.

NOTICE OF MEETINGS PEEL ZONE 2022

Zone Meeting Dates	Time	HOST COUNCIL	State Council Meeting Dates 2022
17 February	Thursday 2pm	Shire of Serpentine Jarrahdale	Wednesday 2 March 2022
21 April	Thursday 2pm	City of Waroona	Regional Metro Wednesday 4 May 2022
23 June	Thursday 2pm	Shire of Boddington	Wednesday 6 July 2022
25 August	Thursday 2pm	City of Mandurah	Regional Meeting 8-9 September 2022
24 November	Thursday 2pm	Shire of Murray	Wednesday 7 December 2022

Shire of Murray will not be able to attend 17 February meeting, so zone would like to move this to 10 February upon confirmation from WALGA administration.

RESOLUTION

Moved: Cr Caroline Knight
Seconded: Cr Mike Walmsley

To tentatively move the February meeting to 10 February. All other 2022 proposed dates for the Peel Country Zone be adopted, as follows:

PEEL ZONE 2022

Zone Meeting Dates	Time	HOST COUNCIL	State Council Meeting Dates 2022
10 February	Thursday 2pm	Shire of Serpentine Jarrahdale	Wednesday 2 March 2022
21 April	Thursday 2pm	City of Waroona	Regional Metro Wednesday 4 May 2022
23 June	Thursday 2pm	Shire of Boddington	Wednesday 6 July 2022
25 August	Thursday 2pm	City of Mandurah	Regional Meeting 8-9 September 2022
24 November	Thursday 2pm	Shire of Murray	Wednesday 7 December 2022

CARRIED

7.2 Local Government Legislative Reform

By Tony Brown, Executive Manager, Governance and Organisational Services

Background

The Minister for Local Government, the Hon John Carey, MLA announced Local Government legislative reform initiatives on Wednesday 10 November 2021.

The reform proposals are based on the following six major themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

The reform proposals are based on consultation undertaken over the last five years, and have been developed considering:

- The Local Government Review Panel Final Report (mid 2020)
- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The Victorian Local Government Act 2020 and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions
- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

The information on the reform initiatives can be found [here](#) and are attached.
The State Government have advised of a 3 month consultation period ending on 4 February 2022.

Comment

Many of the initiatives outlined as a part of this package have been informed by engagement between our Members and the Minister for Local Government. The Local Government sector will welcome the tiered approach to many requirements according to the differing size and scale of Local Governments.

The Local Government sector has been advocating for the following reform initiatives including:

- introduction of a contemporary intervention framework
- greater clarity of roles and responsibilities of Elected Members and Chief Executive Officers
- tiered compliance approach to financial reporting requirements according to size and scale of Local Governments
- model financial statements and fit for purpose financial ratios
- improved processes relating to regional subsidiaries to facilitate collaborative service delivery
- reducing unnecessary red-tape and a more flexible approach to enable resource sharing
- retention of current election cycle for Elected Members, and
- simplification of strategic planning processes and community engagement models.

WALGA will prepare information to the sector analysing the proposals against current sector positions and recommending positions on proposals that currently do not have a formal position. Sector feedback will be requested with a view to providing a sector response to all of the proposals.

Noted

The zone discussed whether to do a zone submission, noting that the timeframes will make this challenging. Members will wait for each Local Government to draft submissions and then will work electronically to form a zone submission. Shire of Serpentine Jarrahdale will collate this information and have asked members to send them through by mid-January.

The Peel zone has requested that WALGA send all 22 current policy positions out, including the dates when they were endorsed.

7.3 Item for Noting – Work Health and Safety (WHS) Legislation Update

By Susie Moir, Policy Manager, Resilient Communities

Recommendation

That the update on the Work Health and Safety (WHS) legislation be noted.

Executive Summary

- The *Work Health and Safety Act 2020* (WHS legislation) was passed by the West Australian Parliament in November 2020 and is expected to come into effect in January 2022 with the Regulations and transition period still to be finalised.
- The new WHS legislation introduces a number of new legal terms and concepts, including the term Person Conducting a Business or Undertaking (PBCU). Further, volunteers are now included in the definition of Workers.
- The Local Government sector has expressed concern with the new WHS legislation, particularly around the implications for the management of volunteer bushfire brigades (BFBs).
- A Duty of Care may be shared with others, and if more than one person has a duty in relation to the same matter, they must consult, cooperate and coordinate their activities, which adds additional complexity in the case of BFBs.

- WALGA and LGIS are working to provide support and resources to the sector to assist with the transition to the new WHS legislation.

Background

The *Work Health and Safety Act 2020* was passed by the West Australian Parliament in November 2020, and is expected to come into effect in January 2022 with the Regulations and transition period still to be finalised.

The main changes in the new legislation are:

- The primary duty holder is the 'person conducting a business or undertaking' (PCBU) which is intended to capture a broader range of contemporary workplace relationships;
- A broader definition of 'worker' which specifically includes volunteers, including BFB volunteers;
- Broader and overlapping duties of care attach to those who have the capacity to exercise influence and control over health and safety matters and a duty to consult with other duty holders;
- A positive duty of due diligence for officers of a PCBU; and
- Increased penalties for offences under the WHS legislation and the introduction of industrial manslaughter provisions;

On 31 August WALGA and LGIS delivered a webinar on the new WHS legislation which was attended by more than 140 people from 80 Local Governments. A panel of presenters from LGIS, Department of Fire and Emergency Services (DFES), McLeods Barristers and Solicitors, and the City of Mandurah shared their knowledge and experience in relation to the new legislation, WHS obligations, and BFB volunteer training and management. The webinar is available on the WALGA [website](#) and a FAQ document is being developed jointly by LGIS and DFES. LGIS has also prepared a Volunteer Handbook and CEO Briefing Note on the WHS legislation available on their website.

Comment

WALGA and LGIS are continuing to liaise with DFES and DMIRS on these issues, recognising the need for further information and clarification regarding the implications and requirements of the WHS legislation for the sector's management of bushfire brigade volunteers. Other activities that WALGA is undertaking include:

- Meetings with the Workplace Commissioner Darren Kavanagh and other groups responsible for Volunteer organisations and DFES to discuss the concerns being raised by volunteers and relevant organisations.
 - This was a positive meeting with all wanting to put in place reasonable and practical measures to assist Local Governments and Volunteers. The Workplace Commissioners' department DMIRS has released [a Guide to Work health and safety for volunteer organisations](#) which WALGA provided feedback on.
 - On 12 November DMIRS delivered a webinar for volunteers and volunteer organisations;
- LGIS is obtaining legal advice about which Local Government officers are considered 'officers' for the purposes of the WHS legislation which will be provided to the sector;
- WALGA is developing a scope of works for a WHS consultant to develop additional tools and resources to support the sector; and
- WALGA will advocate to the Minister for the commencement of the WHS legislation for Local Governments to be delayed until June 2022 to allow additional time to ensure that safe work practices are implemented for volunteers.

To inform its advocacy on this and sector emergency management issues more generally, WALGA is also undertaking an Emergency Management Survey of Local Governments to ascertain the sentiment of the sector to their emergency management obligations, and to understand how they are undertaking their management of BFBs. The survey includes questions about the types of additional support that Local Governments require in order to comply with the WHS legislation. Preliminary survey feedback indicates:

- Local Governments need more information on Work Health and Safety and Guidelines and templates to support compliance with the legislation;
- Further work is needed to ensure that Local Governments are well prepared to meet WHS requirements in relation to:
 - Providing up to date Standard Operating Procedures and directives for incident response;
 - Training for use of vehicles and equipment use;
 - Ensuring Bush Fire brigade stations do not present a risk to health and safety; and
 - Providing for volunteer fatigue management and access to welfare services; and
- Local Governments generally feel well prepared in relation to WHS regarding provision of personal protective equipment for volunteers.

RESOLUTION

Moved: Cr David Bolt
Seconded: President Michael Walmsley

That the Peel Zone Notes the Work Health and Safety (WHS) Legislation Update.

8. EXECUTIVE REPORTS

8.1 State Councillor's report to the Zone

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

Cr Michelle Rich also commented on the WALGA convention, noting she had provided feedback that the many of the trade show stalls were not relevant for Elected Members. Instead, it would be beneficial to have more State Government Departments represented to learn more about their work and how to work more effectively with them.

Also noted was the special State Council meeting which was called in relation to President Roberts running for the seat of Pearce. It was concerning that information about this was leaked to the media. This situation highlighted the need to update the Constitution and this is planned to go to the Annual General Meeting in 2022.

Cr Michelle Rich thanked the zone members for their support to allow her to represent the zone at State Council for the past two years.

Noted

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

Department of Local Government, Sport and Cultural Industries representative, were an apology for this meeting.

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

That the next ordinary meeting of the Peel Zone will be held on 10 February 2022 at the Shire of Serpentine Jarrahdale, commencing at 2pm.

10. CLOSURE

There being no further business the Chair declared the meeting closed at 3.05pm.