



Northern Country Zone

MINUTES

24 June 2024

Hosted by the Shire of Irwin
Irwin Recreation Centre Ridley St Port Denison
Commenced at 10:02am



1.	OPENING, WELCOME AND ANNOUNCEMENTS	3
1.1	Opening.....	3
1.2	Acknowledgment of Country.....	3
1.3	Welcome.....	3
1.4	Announcements.....	3
2.	ATTENDANCE AND APOLOGIES	4
3.	DEPUTATIONS/PRESENTATIONS	6
3.1	North Midlands Regional Drought Resilience Plan.....	6
3.2	Western Power.....	6
3.3	Just Raptors.....	6
3.4	Shire of Irwin.....	6
4.	DECLARATION OF INTEREST	7
5.	ADJOURNED BUSINESS	7
6.	MINUTES	7
6.1	Confirmation of Minutes of Ordinary Meeting 22 April 2024.....	7
6.1.1	Business Arising from Minutes of Ordinary Meeting 22 April 2024.....	7
6.2	Confirmation of Flying Minute 240501 – City of Greater Geraldton’s Submission on LG Sustainability...7	7
6.2.1	Business Arising from Flying Minute 240501.....	8
7.	STATE COUNCIL AGENDA - MATTERS FOR DECISION	8
7.1	(SC 8.1) Caravan Park and Camping Grounds Regulations.....	8
7.2	(SC 8.2) 2024 Audit Experience Survey Results and Advocacy Position.....	9
8.	STATE COUNCIL AGENDA – MATTERS FOR NOTING	10
8.1	(SC 9.0) Policy Team and Committee Reports.....	10
8.2	(SC 10.0) Matters for Noting / Information.....	10
8.3	(SC 11.0) Organisation Reports for Noting.....	10
9.	REPORTS	10
9.1	Zone President’s Report.....	10
9.2	WALGA State Council Representative’s Report.....	11
9.3	WALGA President’s Report.....	11
9.4	Zone Status Report.....	11
9.5	Department of Local Government, Sport and Cultural Industries Update.....	11
9.6	WALGA RoadWise.....	11
10.	ZONE MATTERS FOR NOTING/DECISION	12
10.1	Correspondence.....	12
10.2	Detailed Income and Expenditure Statement and Bank Reconciliation at 31 May 2024.....	12
10.3	Budget 2024 -2025.....	13
10.4	Update on WALGA’s efforts to become an Employer Organisation.....	14
11.	GENERAL BUSINESS	17
11.1	Call to Guests to Address the Meeting.....	17
11.2	Regional Issues.....	17
11.3	Regional Tourism Initiatives.....	17
11.4	Other General Business.....	17
12.	DATE, TIME AND PLACE OF NEXT MEETING	18
13.	MEETING CLOSURE	18

ATTACHMENTS TO THE AGENDA

- Item 3.1: Update on the North Midlands Regional Drought Resilience Plan
- Item 3.2: Western Power Presentation - Standalone Power Systems
Western Power Presentation - Private Power Poles and Lines
Brochure – Private Power Poles and Lines - Owner Safety and Responsibilities
- Item 3.3: Sample Action Plan - Rodenticide Action Group
Sample Motion to Council
Poem - I Died Today
How to Become an Owl Friendly Shire
- Item 3.4: Shire of Irwin Presentation
- Item 6.1: Northern Country Zone of WALGA meeting Minutes 22 April 2024
- Item 6.2: Flying Minute 240501
CGG Minute Extract 30 April 2024 – Submission on LG Sustainability
Letter 2405 in support of CGG Submission
- Item 7 8: State Council Agenda 10 July 2024
- Item 9.2: WALGA State Council Representative's Report June 2024
- Item 9.3: WALGA President's Report July 2024
- Item 9.4: Zone Status Report June 2024
- Item 9.5: DLGSC Report June 2024
- Item 9.6: RoadWise Report June 2024
- Item 10.2: Bank Statements April and May 2024

Zone Delegates are requested to provide written notice on amendments to recommendations within the State Council agenda ASAP to the Zone President and Secretariat, to allow Zone Members time to consider the alternative recommendation.

1. OPENING, WELCOME AND ANNOUNCEMENTS

1.1 Opening

The Meeting was declared open at 10:02 am.

1.2 Acknowledgment of Country

The Northern Country Zone of WALGA acknowledges the Yamatji people, who are the Traditional Custodians of the land on which we meet today and pays its respects to their Elders past and present.

1.3 Welcome

The President welcomed members and guests.

1.4 Announcements

Attendees were asked to sign the Attendance Register as it was circulated.

2. ATTENDANCE AND APOLOGIES

MEMBERS	NB: One Voting Delegate from each Member Council
Shire of Carnamah	Cr Merle Isbister - President Mr Rob Paull - Chief Executive Officer (non-voting)
Shire of Chapman Valley	Cr Trevor Royce Mr Jamie Criddle - Chief Executive Officer (non-voting)
Shire of Coorow	Cr Guy Sims – President Cr Guilia Stangle Ms Mia Maxfield - Chief Executive Officer (non-voting)
City of Greater Geraldton	Mayor Jerry Clune Mr Ross McKim - Chief Executive Officer (non-voting)
Shire of Irwin	Cr Mark Leonard - President Mr Shane Ivers - Chief Executive Officer (non-voting)
Shire of Mingenew	Cr Gary Cosgrove - President Cr Hellene McTaggart Mr Matt Fanning - Chief Executive Officer (non-voting)
Shire of Morawa	Cr Karen Chappel - President (NCZ President) Cr Ken Stokes - Deputy President
Shire of Northampton	Cr Elizabeth (Liz) Sudlow - President (State Council Deputy Rep) Cr Robert Horstman - Deputy President Mr Andrew Campbell - Chief Executive Officer (non-voting)
Shire of Perenjori	Cr Jude Sutherland - President Mr Paul Anderson - Chief Executive Officer (non-voting))
Shire of Three Springs	Cr Nadine Eva - Deputy President
EXECUTIVE	Ms Dianne Daniels - Executive Officer Mr Ian Duncan - Executive Manager Infrastructure, WALGA
INVITED GUESTS	
Member for Moore	Mr Shane Love MLA
Department of Fire and Emergency Services	Mr Mark Bowen – Superintendent Midwest Gascoyne Region (accepted)
Mid West Development Commission	Mr Nils Hay - Chief Executive Officer (accepted) Mr Peter Spalding – Director Regional Development (accepted)
National Emergency Management Agency	Ms Candy Hudson - Recovery Support Officer Pilbara, Gascoyne, Murchison and Mid West WA
Regional Development Midwest Gascoyne	Mr Mark Holdsworth – Director Regional Development/EO

PRESENTERS

North Midlands RDRP	Ms Gillian Johnson - RDRP-North Midlands Project Officer
Western Power	Mr Will Wong - Principal Distribution Engineer, Operational Asset Performance Mr Clayton Bishop - Engineering Team Leader, Operational Asset Performance Ms Marisa Chapman - Major Capital Program Team Leader, Standalone Power Systems Mr Dean Frost - Network Operations Consulting Manager, Network Operations Ms Freya Barsby - Community Engagement Specialist, Community & Stakeholder R/Ships
Just Raptors	Ms Janelle Ende – Lead Volunteer

APOLOGIES

Shire of Chapman Valley	Cr Kirrilee Warr - President (NCZ Deputy President and State Council Rep)
City of Greater Geraldton	Cr Jen Critch
Shire of Irwin	Cr Isabelle Scott
Shire of Morawa	Mr Scott Wildgoose - Chief Executive Officer (non-voting)
Shire of Three Springs	Cr Chris Lane – President Mr Keith Woodward - CEO
Federal Member for Durack	Hon. Melissa Price MP Ms Jackie Perry (for Hon. Melissa Price MP) – Media Advisor
Member for Agricultural Region	Hon. Martin Aldridge MLC
Member for Agricultural Region	Hon. Sandra Carr MLC
Member for Agricultural Region	Hon. Shelley Payne MLC
Member for Agricultural Region	Hon. Steve Martin MLC
CBH	Ms Kellie Todman – Manager Govt & Industry Relations
DLGSC	Mr Craig Vinci – Acting Regional Manager Mid West Gascoyne
Main Roads WA	Mr Leon Wilson – Regional Manager Mid West-Gascoyne
Regional Development Midwest Gascoyne	Ms Yvonne Messina
WALGA RoadWise	Mr Ian McCabe – Road Safety Advisor

3. DEPUTATIONS/PRESENTATIONS

3.1 North Midlands Regional Drought Resilience Plan

Attachment: Update on the North Midlands Regional Drought Resilience Plan

Gillian Johnson North Midlands Project Officer

The Regional Drought Resilience Planning Program is one of eight foundational programs under the Future Drought Fund and was delivered in three pilot regions (Mid West, Wheat Belt and Great Southern) in partnership with the WA State Government.

Ms Johnson provided a 'work in progress' update of the North Midlands Regional Drought Resilience Plan.

3.2 Western Power

*Attachment: Presentation on Standalone Power Systems
Presentation on Private Power Poles and Lines
Brochure - Private Power Poles and Lines – Owner Safety and Responsibilities*

Ms Marisa Chapman Major Capital Program Team Leader, Standalone Power Systems
Mr Will Wong Principal Distribution Engineer, Operational Asset Performance

Mr Wong presented on the safe management of private power poles and lines and Ms Chapman presented on Standalone Power Systems.

3.3 Just Raptors

*Attachments: <https://www.actforbirds.org/what-to-buy-and-avoid>
<https://owlfriendly.org.au>
Sample Action Plan – Rodenticide Action Group
Sample Motion to Council
Poem – I Died Today
How to Become an Owl Friendly Shire*

Ms Janelle Ende Lead Volunteer

Ms Ende runs a volunteer rescue service for raptor birds and is working to raise awareness of the tragic impact on many rescue birds (raptors, barn owls, frogmouths etc), of second generation baits used to kill mice and rats. Her presentation was aimed at encouraging Shires to become 'Owl Friendly'.

3.4 Shire of Irwin

Attachment: Shire of Irwin Presentation

Cr Mark Leonard President

A presentation on projects recently completed, underway and planned and challenges being faced by the Shire.

4. DECLARATION OF INTEREST

Councillors must declare to the Zone President 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

5. ADJOURNED BUSINESS

Nil

6. MINUTES

6.1 Confirmation of Minutes of Ordinary Meeting 22 April 2024

Attachment: Minutes of the Meeting of the Northern Country Zone of WALGA 22 April 2024

Recommendation:

That the Minutes of the meeting of the Northern Country Zone of WALGA held on 22 April 2024 be confirmed as a true and accurate record of proceedings.

Northern Country Zone Resolution:

Moved: Cr Sutherland

Seconded: Cr Leonard

That the Minutes of the meeting of the Northern Country Zone of WALGA held on 22 April 2024 be confirmed as a true and accurate record of proceedings.

Carried

6.1.1 Business Arising from Minutes of Ordinary Meeting 22 April 2024

Nil

6.2 Confirmation of Flying Minute 240501 – City of Greater Geraldton’s Submission on LG Sustainability

Attachments: Flying Minute 240502

Letter from President Chappel 240509

CGGCEO118 Financial Sustainability of the Local Government Sector - Minute Extract - 30 April 2024

Recommendation:

That Flying Minute 240501 – City of Greater Geraldton’s Submission on LG Sustainability be confirmed as a true and accurate record.

Comment:

The Northern Country Zone of WALGA unanimously supported CGG’s submission on LG sustainability.

Subsequently, a letter from the NCZ President was prepared and forwarded along with Flying Minute 240501, to Mr Ross McKim, CEO City of Greater Geraldton, on 10 May 2024.

Northern Country Zone Resolution:

Moved: Cr Clune

Seconded: Cr Sudlow

That Flying Minute 240501 – City of Greater Geraldton’s Submission on LG Sustainability be confirmed as a true and accurate record.

Carried

6.2.1 Business Arising from Flying Minute 240501

Nil

7. STATE COUNCIL AGENDA - MATTERS FOR DECISION

The following items were taken directly from the WALGA State Council Agenda for 10 July 2024.

The Matters for Decision in the State Council agenda are numbered 8.1 and 8.2.

The WALGA Officer’s Recommendation and Executive Summary only have been included. Please refer to the attached PDF version of the State Council Agenda for more detail.

7.1 (SC 8.1) Caravan Park and Camping Grounds Regulations

Prepared by: Coralie Claudio, Senior Policy Advisor, Planning

WALGA Recommendation:

That State Council endorse a new Caravan Park and Camping Grounds Regulations Advocacy Position:

Part 2 of the *Caravan Parks and Camping Grounds Regulations 1997* should be amended to allow Local Governments to:

1. Consider camping on private property for a period of greater of three months.
2. Establish policy to guide approvals beyond 3 months to ensure that camping is locally appropriate and provide for circumstances where caravans, predominantly in the form of tiny homes on wheels, can be occupied on a more permanent basis.

Executive Summary:

- Tiny Homes on Wheels (THOWs) are an emerging form of housing that offers an alternative and affordable housing option that can assist in addressing the current housing shortage.
- THOWs are classified as caravans under the *Caravan Parks and Camping Grounds Act 1995* (the Act) and the *Caravan Parks and Camping Grounds Regulations 1997* (the Regulations).
- The Regulations restrict the length of occupation of THOWs.
- A new advocacy position proposes that the Regulations be amended to allow THOWs to be occupied for longer periods and for Local Governments to be able to establish policy to guide these longer approvals.
- The Environment Policy Team endorsed the draft advocacy position on 29 May 2024.

Northern Country Zone Resolution:

Moved: Cr Leonard

Seconded: Cr Clune

That the Northern Country Zone of WALGA supports the WALGA Officers' recommendation for Item 8.1 in the 10 July 2024 State Council Agenda.

Carried

7.2 (SC 8.2) 2024 Audit Experience Survey Results and Advocacy Position

Prepared by: Kathy Robertson, Manager Associate and Corporate Governance

WALGA Recommendation:

That State Council:

1. Note the Audit Experience Survey Results Summary; and
2. Amend Advocacy Position 2.2.2 *Local Government Audit Process* to remove point 7 as it has been achieved.

Executive Summary:

- WALGA, in partnership with Local Government Professionals WA (LG Professionals), has recently conducted a survey of the Local Government sector to seek feedback on the annual audit process.
- The 2024 survey was based on the inaugural audit experience survey conducted last year, allowing for direct comparison of results over time.
- Five key emerging issues were identified following the 2023 survey, and these areas demonstrated varying levels of improvement this year:
 - timeframe and delays;
 - additional workload on Local Government staff;
 - cost;
 - inconsistent advice from contract Auditors and the Office of the Auditor General (OAG); and
 - asset valuation requirements.
- An outcome of advocacy efforts last year was the achievement of a review of the application of Fair Value principles, particularly as applied in audit related asset valuation.
- It is recommended that the WALGA Advocacy Position on Local Government Audit Process (position 2.2.2) be updated to reflect this achievement.
- An initial meeting with the OAG has recently been held to discuss the outcomes from the survey.
- WALGA and LG Professionals will continue to work with the OAG to reform the audit process in line with sector feedback, with a particular focus on those areas of concern identified in the 2024 survey results.
- This item was considered at the Governance Policy Team held on 15 May 2024, where the recommendation was supported.

Northern Country Zone Resolution:

Moved: Cr Sudlow

Seconded: Cr Royce

That the Northern Country Zone of WALGA supports the WALGA Officers' recommendation for Item 8.2 in the 10 July 2024 State Council Agenda.

Carried

8. STATE COUNCIL AGENDA – MATTERS FOR NOTING

Please refer to Items 9.1 through to 11.3 of the 10 July 2024 State Council Agenda for details of the following Matters.

Recommendation:

That the Northern Country Zone of WALGA notes State Council Agenda Items 9.1 through to 11.3 as detailed in the 10 July 2024 State Council Agenda.

8.1 (SC 9.0) Policy Team and Committee Reports

- Item 9.1 SC Agenda - Environment Policy Team Report
- Item 9.2 SC Agenda - Governance Policy Team Report
- Item 9.3 SC Agenda - Infrastructure Policy Team Report
- Item 9.4 SC Agenda - People and Place Policy Team Report
- Item 9.5 SC Agenda - Municipal Waste Advisory Council (MWAC) Report

8.2 (SC 10.0) Matters for Noting / Information

- Item 10.1 SC Agenda - 2024-25 State and Federal Budget Update
- Item 10.2 SC Agenda - Submission to the Commissioner for Children and Young People WA Priority Area Discussion Papers
- Item 10.3 SC Agenda - Perth and Peel Urban Greening Strategy
- Item 10.4 SC Agenda - Polyphagous Shot-Hole Borer Update
- Item 10.5 SC Agenda - Flying Minute: Submission on Emergency Management Sector Adaptation Plan
- Item 10.6 SC Agenda - Flying Minute: State Wage Case Submission
- Item 10.7 SC Agenda - Flying Minute: Submission on the Inquiry into Local Government Sustainability
- Item 10.8 SC Agenda - Flying Minute: Standardised Meeting Procedures Submission

8.3 (SC 11.0) Organisation Reports for Noting

- Item 11.1 SC Agenda - Key Activity Reports
 - Item 11.1.1 - Advocacy Portfolio
 - Item 11.1.2 - Infrastructure Portfolio
 - Item 11.1.3 - Member Services Portfolio
 - Item 11.1.4 - Policy Portfolio
- Item 11.2 SC Agenda - President's Report
- Item 11.3 SC Agenda - CEO's Report

Northern Country Zone Resolution:

Moved: Cr Cosgrove

Seconded: Cr Sutherland

That the Northern Country Zone of WALGA notes State Council Agenda Items 9.1 through to 11.3 as detailed in the 10 July 2024 State Council Agenda.

Carried

9. REPORTS

9.1 Zone President's Report

Refer to the WALGA President's Report.

9.2 WALGA State Council Representative's Report

The WALGA State Council Representative's Report is attached.

Northern Country Zone Resolution:

Moved: Cr Leonard

Seconded: Cr Eva

That the Northern Country Zone of WALGA notes the WALGA State Council Representative's Report for June 2024.

Carried

9.3 WALGA President's Report

The WALGA President's Report is attached.

Northern Country Zone Resolution:

Moved: Cr Cosgrove

Seconded: Cr Sudlow

That the Northern Country Zone of WALGA notes the WALGA President's Report for July 2024.

Carried

9.4 Zone Status Report

A Status Report outlining the actions taken on the Zone's resolutions is attached.

Northern Country Zone Resolution:

Moved: Cr Leonard

Seconded: Cr Sims

The Northern Country Zone of WALGA notes the June 2024 Status Report outlining actions taken on the Zone's resolutions.

Carried

9.5 Department of Local Government, Sport and Cultural Industries Update

An update from the Department of Local Government, Sport and Cultural Industries is attached.

Northern Country Zone Resolution:

Moved: Cr Eva

Seconded: Cr Leonard

The Northern Country Zone of WALGA notes the June 2024 Update from the Department of Local Government, Sport and Cultural Industries

Carried

9.6 WALGA RoadWise

A RoadWise Report for June 2024 is attached.

Northern Country Zone Resolution:

Moved: Cr Eva

Seconded: Cr Leonard

The Northern Country Zone of WALGA notes the June 2024 RoadWise Report.

Carried

10. ZONE MATTERS FOR NOTING/DECISION**10.1 Correspondence**

Nil

10.2 Detailed Income and Expenditure Statement and Bank Reconciliation at 31 May 2024*Prepared by: Dianne Daniels, Executive Officer**Attachments: Bank Statements April and May 2024***Recommendation:**

That the Northern Country Zone of WALGA receives the Detailed Income Statement and Bank Reconciliation for the period ending 31 May 2024.

Comments:

The Detailed Income Statement shown below represents the cash position of NCZ at 31 May 2024, as reconciled to the Bank Statement.

NORTHERN COUNTRY ZONE OF WALGA				
INCOME AND EXPENDITURE STATEMENT				
<i>For the period ending</i>				
31-May-24				
	<i>Date</i>	<i>Ref</i>	<i>Amount</i>	<i>Description</i>
Statement Balance B/F	01-07-23		7,945.49	
Deposits			18,000.00	2023-24 Membership Subscriptions x 10
			1.07	Interest received
TOTAL RECEIPTS			18,001.07	
TOTAL FUNDS AVAILABLE			25,946.56	
Payments Made	14-07-23		-2,990.25	Internet Tsf - Dianne Daniels - Inv 232401 - EO Services 02/05/2023 - 05/07/2023; Travel; Stationery
	15-08-23		-275.00	Internet Tsf - North Midlands Accounting Service - Inv 2024-000123 - Audit Report 2022-23
	18-10-23		-340.00	Internet BPay - Shire of Chapman Valley - Inv 9444 - Catering for 28 August meeting
	18-10-23		-2,670.98	Internet Tsf - Dianne Daniels - Inv 232402 - EO Services 06/07/2023 - 08/09/2023; Travel
	29-11-23		-3,074.14	Internet Tsf - Dianne Daniels - Inv 232403 - EO Services 09/09/2023 - 29/11/2023; Travel; Microsoft Exchange
	27-02-24		-2,660.38	Internet Tsf - Dianne Daniels - Inv 232404 - EO Services 30/11/2023 - 27/02/2024; Stationery
	19-04-24		-795.45	Internet Tsf - Shire of Coorow - Inv 10887 - Catering for 25 November 2023 meeting
	26-04-24		-2,600.00	Internet Tsf - Dianne Daniels - In 232405 - EO Services 28/02/2024 - 24/04/2024
TOTAL PAYMENTS MADE			-15,406.20	
Closing Cash Balance	31-05-24		10,540.36	
NORTHERN COUNTRY ZONE OF WALGA				
BANK RECONCILIATION SUMMARY				
<i>For the period ending</i>				
31-May-24				
Statement Balance B/F	01-07-23		7,945.49	
Deposits and Credits			18,001.07	
Cheques and Payments			-15,406.20	
Total Cleared Transactions	31-05-24		10,540.36	
Add back o/s			0.00	
Reconciled Balance			10,540.36	
Bank Statement	31-05-24		10,540.36	
Difference I&E to Bank Statement			0.00	

Northern Country Zone Resolution:

Moved: Cr Sudlow

Seconded: Cr Sims

That the Northern Country Zone of WALGA receives the Detailed Income Statement and Bank Reconciliation for the period ending 31 May 2024.

Carried

10.3 Budget 2024 -2025

Prepared by: Dianne Daniels, Executive Officer

Recommendation:

That the Northern Country Zone of WALGA adopts the Budget 2024-2025, as presented, including membership fees of \$1,800 per member.

Background:

Item 13 of the Constitution calls for a Budget to be prepared annually and presented to the Zone for approval no later than 30 June prior to the financial year to which it relates.

NORTHERN COUNTRY ZONE OF WALGA			
BUDGET			
<i>For the period</i>			
1 July 2024 - 30 June 2025			
		<i>Date</i>	<i>Ref</i>
			<i>Amount</i>
Cash Balance	31 May 2024		10,540.36
Payments	Reimburse CGG for catering 22 April 2024		-727.27
	Reimburse Irwin for catering 24 June 2024 say		-875.00
Cash Balance B/F	1 July 2024		8,938.09
Deposits			
Membership Fees	10 x \$1,800		18,000.00
Bank Interest Received			2.50
TOTAL RECEIPTS			18,002.50
TOTAL FUNDS AVAILABLE			26,940.59
Payments			
Audit			-400.00
Executive Officer Services			-13,000.00
Executive Officer Travel	1250 km x .91c/km		-1,137.00
Office Supplies			-400.00
IT Support	Annual Fee Mail Box		-90.00
	Biennial Fee Domain Name		-75.00
Catering for Meetings	5 x \$1000		-5,000.00
TOTAL PAYMENTS			-20,102.00
Closing Cash Balance	30 June 2025		6,838.59

Northern Country Zone Resolution:**Moved:** Cr Isbister**Seconded:** Cr Clune

That the Northern Country Zone of WALGA adopts the Budget 2024-2025, as presented, including membership fees of \$1,800 per member.

Carried**LATE ITEM****Northern Country Zone Resolution:****Moved:** Cr Cosgrove**Seconded:** Cr Royce

That the Northern Country Zone of WALGA accepts Late Item 10.4.

Carried**10.4 Update on WALGA's efforts to become an Employer Organisation**

Prepared by: Tony Brown, Executive Director Member Services

Recommendation:

That the Northern Country Zone of WALGA notes the update on WALGA's efforts to become an Employer Organisation.

Executive Summary:

- As previously detailed in an item to all Zones in April, WALGA has been considering amending the Association Constitution to enable WALGA to become a registered employer organisation under section 54 of the *Industrial Relations Act 1979 (WA)* (IR Act).
- Despite advocacy efforts by WALGA since December 2022, the State Government has not agreed a pathway for WALGA to be provided with standing as an employer organisation by being named in the IR Act.
- Becoming an employer organisation would provide WALGA with more opportunity to modernise the Local Government State Awards, intervene in industrial matters concerning the Local Government sector, and generally better represent Members' views.
- Whilst the benefits of becoming an employer organisation are considerable, legal advice received by WALGA suggests that the constitutional amendments necessary for WALGA to comply with the requirements for registration are considerable and unachievable without wholesale changes to the governance structure of the Association.
- WALGA will continue to advocate to the State Government for WALGA to be named in the IR Act and given the status of an employer organisation, without needing to make constitutional amendments.

Policy Implications:

The existing [Advocacy Position](#) on WALGA's registration as an Employee Organisation is contained in position 2.8.3:

That WALGA advocate for amendments to the Industrial Relations Act 1979 (WA) (IR Act) for WALGA to be named in the IR Act like the Western Australian Branch of the Australian Medical Association Incorporated (AMA) at s.72B and given the status of an employer organisation, including to the Minister for Industrial Relations, the Minister for Local Government and the Department of Mines, Industry Regulation and Safety.

Background:

Currently, WALGA is a registered industrial agent under the [Industrial Relations Act 1979 \(WA\)](#) (IR Act). This status allows WALGA to:

- appear as an agent for a WA Local Government or Regional Council in the Western Australian Industrial Relations Commission (WAIRC) and Industrial Magistrate's Court or Industrial Appeal Court; and
- provide advice or other services to Local Governments in relation to 'industrial matters' as defined in section 7 of the IR Act.

Since the mandate for Local Governments¹ to operate in the State industrial relations system from 1 January 2023, unions have commenced various Local Government State awards variation claims in the WAIRC to amend industry employment conditions.

Currently, WALGA can intervene in award matters, but is unable to represent named employers and the broader Local Government sector in its own right.

WALGA has been advocating to the State Government since late 2022 to amend the IR Act and name WALGA as an employer organisation in the Act. These advocacy efforts have been unsuccessful to date.

Without being named in the IR Act, WALGA would need to comply with strict governance requirements to apply to become an employer organisation. This would require significant amendments to the Association Constitution, as well as endorsement by State Council and Members.

Even if these constitutional amendments were made and an application supported by State Council and the membership, the ultimate decision as to whether or not to register WALGA as an employer organisation rests with the WAIRC.

Comment:

As foreshadowed in an Agenda item to Zones in April, WALGA has been looking to amend the Association Constitution to enable WALGA to apply to become a registered employer organisation under the IR Act.

WALGA has recently engaged lawyers, Jackson McDonald, to provide legal advice as to what constitutional amendments must be made to ensure WALGA is best placed to make a successful application for registration.

The advice received indicates that the changes required would be substantial, costly and potentially unwieldy, involving significant changes to the current governance structure and election processes of WALGA.

In particular, the following three changes required under the IR Act are considered to be untenable with the current structure of WALGA, and would therefore prohibit the Association from making a successful application for registration:

1. Secret Postal Ballot

Section 56 of the IR Act requires that elections for the holder of each office within the organisation must be conducted by way of secret postal ballot. Due to the broad definition of "office" and "officer" in the IR Act, WALGA office holders include every State Council representative, as well as the President and Deputy President.

Whilst conducting the elections for President and Deputy President via a secret postal ballot would be achievable, a postal voting system for the election of State Council representatives by Zone Delegates across 17 Zones would be unmanageable. As well as timing issues (see below), there would be significant costs involved in conducting elections in this manner, with no benefit to Members.

To accommodate an election of State Council representatives by secret postal ballot, the election cycle of WALGA would need to be changed. Currently, the terms of State Councillors run from the day of the first Ordinary State Council meeting immediately following the biennial Local Government elections (being the first week of December), to the day before the first Ordinary State Council meeting immediately following the next Local Government elections (2 years later). To allow for sufficient time for an election by postal ballot (an unavoidably slow process), the terms for State Councillors would need to be amended to commence at the

¹ with the exception of the Shires of Christmas Island and Cocos (Keeling) Islands

next meeting (being March the year following the Local Government elections). In the meantime, the composition of State Council would be subject to the results of the Local Government elections (which may result in vacancies, with representatives needing to leave their State Council position due to no longer being on Council).

2. Independent Returning Officer

Section 56 of the IR Act requires that the rules of an employer organisation must provide for the conduct of every election to an office within the organisation by an independent returning officer, not being the holder of any other office in, and not being an employee of, the organisation. As described above, WALGA office holders include the President, Deputy President and State Councillors.

An independent returning officer could be engaged relatively easily for the election of President and Deputy President. However, engaging independent returning officers to conduct the election of State Council representatives at all 17 Zone meetings in the weeks following the biennial Local Government elections raises significant concerns in terms of cost, administrative burden and timing.

At present, the State Council elections are conducted in mid-November, about 4-5 weeks after the Local Government elections. In the interim, Councils are required to meet and elect or appoint their Zone Delegates. This leaves very little time for an independent returning officer to carry out a formal nomination and election process.

This difficulty would only be compounded if the postal voting requirement were also adopted for State Council elections.

The Commissioner must refuse an application for registration if they are not satisfied that the rules conform with the election requirements in section 56 (including secret postal ballot and independent returning officer).

3. Secretary

The IR Act requires the creation of a position of "Secretary". Under the current governance structure of WALGA, the functions of Secretary are held by the CEO. However, under the IR Act, the Secretary is considered an "office", meaning it is subject to the same election requirements as other offices. Therefore, on a strict view, the Secretary should be the President, Deputy President or a State Councillor, not the CEO.

Once again, this is a significant non-compliance risk that jeopardises the likelihood of WALGA's application for registration being successful.

Next Steps:

For the reasons described above, it is proposed that WALGA does not proceed with the original plan to amend the Association Constitution and apply for registration as an employer organisation under the IR Act.

Instead WALGA has the following options to seek standing to become a registered organisation of employers under the IR Act:

1. Option 1 – Advocate to the Minister for Industrial Relations to either:
 - a. name WALGA in the IR Act as an employer organisation similar to the Western Australian Branch of the Australian Medical Association Incorporated under s. 72B; or
 - b. amend the IR Act provision to permit WALGA to register as an employer organisation without making modifications to its Constitution or governance model. This might be achieved by amending the provisions to permit dual registration of organisations or making modifications to the election procedures of organisations.
2. Option 2 – Establish a new entity to apply for registration as an organisation of employers which will require separate management/committee, a motion approving an application for registration to the WAIRC under s. 54 of the IR Act and a Constitution which complies with all aspects of Part II, Division 4 of the IR Act.

3. Option 3 - In the event that neither Option 1 or 2 are achieved or considered appropriate, the final option will be for WALGA to establish protocols with Member Local Governments to notify WALGA when new union claims are made and to work with Members to bring award variations in the names of Local Governments.

WALGA met with the Minister for Industrial Relations, Hon Simone McGurk MLA, on 13 June to again advocate for WALGA to be named in the IR Act. The importance of WALGA becoming an employer organisation was discussed, alongside the complexities of amending the Association Constitution to adhere to IR Act registration requirements (as detailed above).

WALGA will keep the Zones updated on any progress on this item.

Northern Country Zone Resolution:

Moved: Cr Cosgrove

Seconded: Cr Eva

That the Northern Country Zone of WALGA notes the update on WALGA's efforts to become an Employer Organisation.

Carried

11. GENERAL BUSINESS

As per Item 35 of the Zone Standing Orders, a Delegate may under General Business introduce a motion relating to any item of interest to Local Government, but not otherwise.

11.1 Call to Guests to Address the Meeting

The President called on Guests to address the meeting.

Mr Shane Love MLA, Mr Nils Hay, Mr Mark Bowen and Mr Mark Holdsworth took the opportunity to update members on matters relevant to them.

11.2 Regional Issues

Background:

As per the resolution at Item 9.1 of the February 2018 meeting, Regional Issues were opened for discussion.

Nil

11.3 Regional Tourism Initiatives

Background:

As per the resolution at Item 10.1 of the April 2019 minutes, Regional Tourism Initiatives were opened for discussion.

Nil

11.4 Other General Business

The President called for Other General Business.

Nil

12. DATE, TIME AND PLACE OF NEXT MEETING

Recommendation:

That the next ordinary meeting of the Northern Country Zone of WALGA be held on Monday 26 August 2024, commencing at 10 am, at the Shire of Mingenew.

Northern Country Zone Resolution:**Moved:** Cr Leonard**Seconded:** Cr Eva

That the next ordinary meeting of the Northern Country Zone of WALGA be held on Monday 26 August 2024, commencing at 10:00 am, at the Shire of Mingenew.

Carried

13. MEETING CLOSURE

Meeting declared closed at 12:31pm