

01-005-03-0003



# South East Metropolitan Zone

## Minutes

17 November 2021

# South East Metropolitan Zone

Hosted by the Town of Victoria Park

99 Shepperton Road, Victoria Park, 9311 8111

Wednesday 17 November 2021, commenced at 6:00 pm

## Minutes

### MEMBERS

### 2 Voting Delegates from each Member Council

City of Armadale

Cr John Keogh (Deputy)  
Cr Melissa Northcott  
Ms Joanne Abbiss, Chief Executive Officer – non-voting delegate

City of Canning

Mayor Patrick Hall  
Cr Jesse Jacobs  
Mr Stephen Cain, Interim Chief Executive Officer – non-voting delegate

City of Gosnells

Cr David Goode JP  
Mr Ian Cowie, Chief Executive Officer (Deputy)

City of South Perth

Cr Carl Celedin  
Cr Mary Choy (Deputy)  
Mr Mike Bradford, Chief Executive Officer – non-voting delegate

Town of Victoria Park

Cr Bronwyn Ife  
Cr Peter Devereux  
Mr Anthony Vuleta, Chief Executive Officer – non-voting delegate

WALGA Secretariat

Cr Karen Chappel, Deputy President  
Kelly McManus, Principal, Policy Advocacy  
Davina Hunter, Employee Relations Service Manager

Guest Speakers

Michelle Magdy, Head of Tennis – South, Tennis West

### APOLOGIES

City of Armadale

Mayor Ruth Butterfield

City of Gosnells

Cr Sarah Patterson

DLGSC Representative

## **ANNOUNCEMENTS**

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

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.

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 the previous meeting
2. Zone Status Report
3. President's Report
4. Standing Orders

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## **1. ELECTIONS**

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### **1.1 Elections of Chair and Deputy Chair of the South East Metropolitan Zone**

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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 letter 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 two nominations were received for the position of Chair for 2 years, November 2021 to November 2023.

- Mayor Patrick Hall                      City of Canning (Nomination withdrawn)
- Cr Bronwyn Ife                              Town of Victoria Park

## **DECLARATION**

**That Cr Bronwyn Ife be elected as Chairperson of the South East Metropolitan Zone for the term of 2 years, November 2021 to November 2023.**

## Deputy Zone Chair

The following nomination was received for the positions of Deputy Chair for 2 years, November 2021 to November 2023.

- Mayor Patrick Hall City of Canning (Nomination withdrawn)
- Cr Jesse Jacobs City of Canning

## **DECLARATION**

**That Cr Jesse Jacobs, City of Canning, be elected as Deputy Chairperson of the South East Metropolitan Zone for the term of 2 years, November 2021 to November 2023.**

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## **1.2 Elections of State Council Representatives and Deputy State Council Representatives to the South East Metropolitan Zone**

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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 South East Metropolitan Zone, there are two (2) representative positions on State Council and two (2) 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

The following six written nominations were received for the position of State Council Representative:

- Cr Carl Celedin City of South Perth
- Mayor Patrick Hall City of Canning
- Cr David Goode City of Gosnells
- Cr Jesse Jacobs City of Canning
- Mayor Ruth Butterfield City of Armadale
- Cr Melissa Northcott City of Armadale

In accordance with the guidelines endorsed by State Council, candidates were afforded the opportunity to make a 2 minute election bid prior to the secret ballot being taken.

As more than 2 nominations were received, ballot papers were distributed and a secret ballot conducted.

## DECLARATION

That:

- Cr Carl Celedin                      City of South Perth
- Mayor Ruth Butterfield              City of Armadale

be elected as State Council Representatives of the South East Metropolitan Zone to the State Council for the term of 2 years, December 2021 to December 2023.

### Deputy State Councillor

One written nomination was received for the position of Deputy State Councillor.

- Cr Melissa Northcott                  City of Armadale

As there are two vacancies for Deputy State Councillor, further nominations were called from the floor to fill the second vacancy.

## DECLARATION

That:

- Cr Melissa Northcott                  City of Armadale
- Cr Jesse Jacobs                        City of Canning

be elected as Deputy State Council Representatives of the South East Metropolitan Zone to the State Council for the term of 2 years, December 2021 to December 2023.

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## 2. DECLARATION OF INTEREST

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Elected Members must declare to the Chairperson 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.

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## 3. DEPUTATIONS

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### 3.1 Tennis West

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Michelle Magdy from tennis West presented to the Zone on Thriving Tennis Communities.

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#### 4. CONFIRMATION OF MINUTES

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##### RESOLUTION

Moved: Cr David Goode  
Seconded: Cr Bronwyn Ife

That the Minutes of the meeting of the South East Metropolitan Zone held on 18 August 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED

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#### 5. BUSINESS ARISING

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

Noted

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#### 6. STATE COUNCIL AGENDA - MATTERS FOR DECISION

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*(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

##### RESOLUTION

Moved: Cr Bronwyn Ife  
Seconded: Cr David Goode

That the South East Metropolitan Zone Supports Item 5.1

CARRIED

##### 5.2 Payment to Independent Committee Members

##### RESOLUTION

Moved: Cr Carl Celedin  
Seconded: Cr Melissa Northcott

That the South East Metropolitan Zone Supports Item 5.2

CARRIED

*Cr John Keogh left the meeting at 6.44pm and did not return to the meeting.*

### **5.3 2021 Annual General Meeting**

#### **RESOLUTION**

**Moved: Cr Melissa Northcott**  
**Seconded: Cr David Goode**

**That the South East Metropolitan Zone Supports Item 5.3**

**CARRIED**

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

#### **RESOLUTION**

**Moved: Cr Carl Celedin**  
**Seconded: Cr Peter Devereux**

**That the South East Metropolitan Zone Supports Item 5.4**

**CARRIED**

### **5.5 Draft WA Building Surveyors Code of Conduct**

#### **RESOLUTION**

**Moved: Cr David Goode**  
**Seconded: Cr Bronwyn Ife**

**That the South East Metropolitan Zone Supports Item 5.5**

**CARRIED**

#### **RESOLUTION**

**Moved: Cr Bronwyn Ife**  
**Seconded: Cr Jesse Jacobs**

**That the South East Metropolitan 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**

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## **7. BUSINESS**

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### **7.1 Lobby the State Government for Funding to Provide Secondary Vehicle Access to Existing Developments in Bushfire Prone Areas**

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*By City of Armadale*

#### **BACKGROUND**

The West Australian Planning Commission (WAPC) State Planning Policy (SPP 3.7) Planning for Bushfire Prone Areas and Guidelines provides the foundation for land use planning to address bushfire risk management in Western Australia. SPP 3.7 is to be used to inform and guide decision-makers, referral agencies and applicants/proponents to help achieve acceptable bushfire protection outcomes. SPP 3.7 only applies to “higher order strategic planning documents, strategic planning proposals, subdivisions and development applications”.

SPP 3.7 and the bushfire policy framework do not retrospectively apply to existing developments, however many local governments are now facing the emerging issue of requests to provide additional access to existing subdivisions that are in high risk bushfire prone areas.

#### **COMMENT**

Many Local Governments do not have sufficient funding to construct these secondary accesses and to date the State Government has not provided any opportunities for substantial grants or funding to assist Local Government in retrofitting subdivisions to a ‘fit for purpose’ standard of access as defined by the WAPC’s current bushfire policy standards.

The Federal and State Governments have numerous grant programs for Local Government to apply for funding to construct roads and resolve risks and safety issues e.g. Blackspot funding, however there is no specific funding application process for the construction of secondary access for bushfire prone areas.

It is therefore recommended that the South East Metro Zone requests WALGA to lobby the State Government to provide funding for construction of secondary road access to developments created in bush fire prone areas prior to the gazettal of SPP 3.7. That funding could be operated on a similar basis to the Federal Government’s Blackspot program which prioritises road projects in known high-risk locations.

#### **RESOLUTION**

**Moved:** Cr Melissa Northcott  
**Seconded:** Cr Bronwyn Ife

**That the South East Metro Zone requests WALGA to lobby the State Government to provide funding for construction of secondary road access to developments created in bush fire prone areas prior to the gazettal of State Planning Policy (SPP 3.7) Planning for Bushfire Prone Areas and Guidelines.**

**CARRIED**



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## 7.2 2022 Proposed Schedule of Meetings

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By Chantelle O'Brien, Zone Executive Officer

### BACKGROUND

A schedule of the proposed meeting dates for the South East Metropolitan 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 South East Metropolitan Zone for 2022 require adoption by delegates.

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

#### NOTICE OF MEETINGS SOUTH EAST METROPOLITAN ZONE 2022

<b>Zone Meeting Dates Wednesday</b>	<b>Time</b>	<b>HOST COUNCIL</b>	<b>State Council Meeting Dates 2022</b>
<b>16 February</b>	Wednesday 6.00 pm	City of Armadale	Wednesday 2 March 2022
<b>20 April</b>	Wednesday 6.00 pm	City of Canning	Regional Metro Wednesday 4 May 2022
<b>22 June</b>	Wednesday 6.00 pm	City of Gosnells	Wednesday 6 July 2022
<b>24 August</b>	Wednesday 6.00 pm	City of South Perth	Regional Meeting 8-9 September 2022
<b>23 November</b>	Wednesday 6.00 pm	Town of Victoria Park	Wednesday 7 December 2022

### RESOLUTION

**Moved:** Cr Bronwyn Ife  
**Seconded:** Cr Melissa Northcott

**That the 2022 proposed schedule of meetings for the South East Metropolitan Zone be adopted.**

**CARRIED**

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## 7.3 Request to Present – Local Jobs Program

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By Chantelle O'Brien, Zone Executive Officer

The Local Jobs Program supports tailored approaches to accelerate reskilling, upskilling and employment pathways in 51 Employment Regions, supporting Australia's economic recovery from the COVID-19 pandemic.

COVID-19 has had an unprecedented impact on the Australian labour market. Together with longer term economic trends that are changing skill requirements in many jobs and occupations, there is urgency in assisting job seekers to navigate this change. Through the Local Jobs Program, Employment Facilitators work with employers and other key local stakeholders to develop employment solutions at a local level, and support Australians back into work across 51 regions in Australia.

Representatives from Australian Government Department of Education, Skills and Employment would like to attend a future Zone meeting to provide further information on this Program.

## RESOLUTION

**Moved:** Cr Bronwyn Ife  
**Seconded** Cr David Goode

**That the South East Metropolitan Zone ACCEPTS the invitation from Australian Government Department of Education, Skills and Employment, to provide a deputation on the Local Jobs Program at a future Zone meeting.**

**CARRIED**

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## 7.4 Local Government Legislative Reform

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*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.

## RESOLUTION

**Moved:** Mayor Patrick Hall

**Seconded:** Cr Carl Celedin

**That the South East Metropolitan Zone requests WALGA to approach the State Government for an extension for submission on the reform proposal until 25 February 2022.**

**CARRIED**

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

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*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 (PCBU). 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.

### Noted

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**8. OTHER BUSINESS**

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Nil

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**9. EXECUTIVE REPORTS**

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**9.1 WALGA President's Report**

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The WALGA Deputy President, Cr Karen Chappel presented the President's Report.

**Noted**

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**9.2 State Councillor's report to the Zone**

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WALGA Deputy President, Cr Karen Chappel presented on the previous State Council meeting.

**Noted**

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

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The Department of Local Government, Sport and Cultural Industries Representative was an apology for this meeting.

**Noted**

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**10. DATE, TIME AND PLACE OF NEXT MEETING**

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**RESOLUTION**

**Moved:** Cr Melissa Northcott  
**Seconded:** Cr Peter Devereux

**That the next ordinary meeting of the South East Metropolitan Zone be held on Wednesday 16 February 2022 at the City of Armadale commencing at 6:00 pm.**

**CARRIED**

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**11. CLOSURE**

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There being no further business the Chair declared the meeting closed at 7.28pm.