



Gascoyne Country Zone Minutes

10:00am

Friday, 19 November 2021

**Meeting hosted by
Shire of Carnarvon**

Gascoyne Country Zone

Meeting to be hosted by Shire of Carnarvon

5 Francis Street, Carnarvon – 9941 0000

Commenced at 10:00am, Friday, 19 November 2021

Minutes

ATTENDEES

Shire of Carnarvon	President Eddie Smith Andrea Selvey, Chief Executive Officer, non-voting delegate
Shire of Exmouth	Cr Anne McCarrol Ben Lewis, Chief Executive Officer, non-voting delegate
Shire of Upper Gascoyne	Cr Jim Caunt, Deputy President (Deputy delegate) John McCleary, Chief Executive Officer, non-voting delegate
Shire of Shark Bay	President Cr Cheryl Cowell Dale Chapman, Chief Executive Officer, non-voting delegate
WALGA	Cr Karen Chappel, Deputy President Mark Bondiotti, Policy Manager Transport and Roads Cassandra Mora, Policy Officer, Emergency Management

GUESTS

Department of Local Government, Sport and Cultural Industries	Benita Perkins, Regional Officer
Gascoyne Development Commission	Tym Duncanson, Chief Executive Officer Gavin Shearing, Principal Regional Development Officer
Regional Development Australia – Mid West Gascoyne	Mark Holdsworth, Executive Officer

GUEST SPEAKER

Tourism WA	Kelsie Johnston, Director Jim Sharp, Eclipse Chairman
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APOLOGIES

Roadwise	Samantha Adams, Road Safety Officer – Mid-West
Shire of Upper Gascoyne	President Cr Don Hammarquist OAM

Attachments

The following were provided as attachments to the agenda:

1. Previous Meeting Minutes – 20 August 2021 Meeting
2. President's Report

1. ELECTIONS

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

The Secretariat assumed the Chair for conducting the election of office bearers.

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

Zone Chair

The following written nomination was received for the position of Chairperson.

- Cr Cheryl Cowell Shire of Shark Bay

DECLARATION

That Cr Cheryl Cowell be elected as Chairperson of the Gascoyne Country Zone for the term of 2 years, November 2021 to November 2023.

Deputy Zone Chair

The following written nominations were received for the position of Deputy Chairperson.

- President Eddie Smith Shire of Carnarvon

DECLARATION

That President Eddie Smith be elected as Deputy Chairperson of the Gascoyne 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 Gascoyne Country Zone

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

State Councillor

The following written nomination was received for the position of State Council Representative:

- Cr Cheryl Cowell Shire of Shark Bay

DECLARATION

That Cr Cheryl Cowell be elected as State Council Representatives of the Gascoyne Country Zone to the State Council for the term of 2 years, December 2021 to December 2023.

Deputy State Councillor

The following written nomination was received for the position of Deputy State Council Representative:

- President Eddie Smith Shire of Carnarvon

DECLARATION

That President Eddie Smith be elected as Deputy State Council Representatives of the Gascoyne Country Zone to the State Council for the term of 2 years, December 2021 to December 2023.

2. DECLARATION OF INTEREST

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

Nil

3. ANNOUNCEMENTS

Welcome to guests:

Cr Karen Chappel, Deputy President of WALGA and
Cassandra Mora, Policy Officer, Emergency Management

4. DEPUTATIONS

4.1 Tourism Western Australia

Jim Sharp, Eclipse Chairman, provided an update to members regarding measures currently underway to support the region during the Eclipse in 2023. The team shared learnings and project milestones. Delegates are encouraged to look at the website <https://ningalooeclipse.com>

5. CONFIRMATION OF MINUTES

5.1 Minutes of the 20 August 2021 Meeting of the Gascoyne Country Zone

RESOLUTION

Moved: **President Eddie Smith**
Seconded: **Cr Jim Caunt**

That the Minutes of the meeting of the Gascoyne Country Zone held on 20 August 2021 be confirmed as a true and accurate record of the proceedings.

CARRIED

5.2 Business Arising

Nil

6. ZONE BUSINESS

6.1 Solar Eclipse 2023

Shire of Exmouth

Standing Item on the agenda relating to planning for the 2023 Solar Eclipse.

This item was dealt with under 4.1

Noted

6.2 Commodity Route Funding Project

Gavin Shearing and Tym Duncanson, from Gascoyne Development Commission provided a summarised update to the Zone.

Noted

6.3 Driving on Closed Roads

By Shire of Upper Gascoyne

BACKGROUND

I can advise that I have personally spoken to the CEO's of the below mentioned Local Governments and they all agree that 'Driving on Closed Roads' is a significant issue; these include:

- Shire of Murchison;
- Shire of Carnarvon;
- Shire of Meekatharra.

There would additional Local Governments that would experience the same level of frustration; WALGA could identify these Local Governments, if requested.

This conversation is couched within the following parameters:

- Driver Safety
- Economic Costs
- Existing Legislative frameworks
- Liability
- Practical Issues
- Possible solutions
- Recommendations

All the local governments mentioned above have significant networks of unsealed roads, in our case this equates to nearly 2,000 kilometres of unsealed roads which service the pastoral, mining and

tourist sectors (Mount Augustus and the Kennedy Ranges). The other Local Governments have similar types of road networks with their own particular areas of interest.

The issue of driving on closed roads has been around many decades, just the other week I found a newspaper article from 1998 detailing the same discussion as we are having now. The issue has got somewhat starker with the advent of COVID-19 as we have many more visitors in the area, in addition the vehicles have got better with the modern day 4x4 having a great capacity to tow a Caravan through muddy roads whereas once the old two wheeled drive sedans used to get bogged. Climate change is also playing its part with less overall rain but with high intensity rainfall when it does rain. In our case for this year alone the Shire has experienced at least five occasions where we have had to close roads due to unsafe road conditions and river flooding. It only takes about 15mm of rain to make the roads slippery and unsafe.

DRIVER SAFETY

This is quite obviously our first priority, once the unsealed roads have in excess of 15mm of rain they become very slippery and vehicles can leave the road, if fact they have. Depending on the amount of rain and the intensity of the rain the roads will also have washouts across the width of the road, again making them inherently unsafe. In more extreme events, but not uncommon, the rivers and creeks will flow, isolating drivers and again creating a very unsafe environment for both the novice driver and experienced driver. This year alone we have had an experienced pastoral property owner drive on closed roads and then attempt to swim a swollen river and he was taken away but only for the grace of god he managed to climb a tree and a helicopter had to rescue him the next day. I personally had to go out and bring back two tourist vehicles that were stuck at the Lyons River Crossing for four days and they had run out of food. The list of tales go on and on and they would fill a book.

ECONOMIC COSTS

As mentioned we have closed the roads on multiple occasions; each and every time we have had vehicles driving on these closed roads causing significant damage to the running surface of the roads. In order to repair these roads we have to wait for them to dry out otherwise the grader will do additional damage, we then need to cut out all the wheel tracks which can be 100mm to 200mm deep and then roll the roads to get the material to lay back into the road otherwise it will blow out when there is no moisture. Dependent on the amount of rain and moisture already in the roads the damage can be the hundreds of kilometres in length, it only takes one truck or vehicle to do significant damage.



Figure 1: Pimbee Road



Figure 2: Pimbee Road



Figure 3: Carnarvon / Mullewa Road



Figure 4: Road Closed sign run over and vehicle driving on works prepared for bitumen (\$1.3M)

So far in the 2021 calendar year the Shire have spent approximately \$250,000 on both contractors and our own workforce to repair the damage and make the roads safe.

The damage is not claimable under DRFAWA as it is argued the vehicles caused the damage to the road and not the event; as such any costs come directly out of the Shires, in many cases unbudgeted, municipal account.

EXISTING LEGISLATIVE FRAMEWORKS

The Road Traffic (Administration) Act 2008 (WA) (RTAA) and the Local Government Act 1995 (WA) (LGA) provides a local government with the power to close a road within its district for no more than

one month (without the Minister's written approval) where the local government considers the road unsafe for traffic.¹

When a local government has exercised that power, any person who drives, takes or uses any vehicle on that road commits an offence and is liable to a fine of \$2,500.²

Further, the RTAA renders every vehicle owner is jointly and severally liable to pay damages to, amongst other persons, a local government for any expense or loss incurred by that local government because of damage to road infrastructure caused by, or happening as a result of, the use of the vehicle on a road or the passage along a road of the vehicle or of anything carried, drawn, or propelled by the vehicle.³

Those damages may be recovered by proceedings in a court of competent jurisdiction.

Local Laws

Further to the above, a local government has a legislative power to make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under the LGA.⁴

Amongst other things, the local laws can provide that a contravention of a provision of the local law is an offence punishable on conviction by a penalty not exceeding a fine of \$5,000.⁵

The penalty imposed by a local government must, however, relate to the circumstances or extent of the offence and whether the offender has committed previous offences and, if so, how many.⁶

Road closures are not a matter excluded from being made by local laws.⁷

To that end, the Shire may make local laws in relation to closed roads and motorists ignoring those road closures. For example, the City of Stirling has a local law making it an offence to drive on a road closed under the LGA, punishable by a fine of \$350 (albeit we note that this relates to a closure under section 3.50 or 3.51 of the LGA).⁸

¹ s 141(2) *Road Traffic (Administration) Act 2008 (WA)*; s 3.50 *Local Government Act 1995 (WA)*.

² s 141(3) *Road Traffic (Administration) Act 2008 (WA)*.

³ s 131(1) *Road Traffic (Administration) Act 2008 (WA)*

⁴ s 3.5 *Local Government Act 1995 (WA)*.

⁵ s 3.10(1) *Local Government Act 1995 (WA)*.

⁶ s 3.10(4) *Local Government Act 1995 (WA)*.

⁷ r 2A *Local Government (Functions and General) Regulations 1996 (WA)*.

⁸ cl 2.18(2) *City of Stirling Thoroughfares and Public Places Local Law 2009*.

LIABILITY

It is my understanding that if a road is not properly closed, i.e. signs at both ends of the road, and a motorist drives on the road and either damages the vehicle or suffers personal injury or worse the Local Government is potential liable.

If the road is properly closed and the motorist drives on the road and has an accident, then I am led to believe that their insurance is void.

In either case there are no winners!!!!

PRACTICAL ISSUES

1.1 Closing Roads

From my understanding to close a road a road closure sign needs to be erected at each end of the road. This is very difficult if not impossible to undertake, in many instances the road may be hundreds of kilometres in length and the problem is how to get out and physically erect the sign for the following reasons:

1. Cause damage to the road surface by travelling on it; and
2. Put staff at risk as they will be effectively driving on an unsafe road which could impact on a Shires duty of care under OHS Legislation.

1.2 Informing the Public

In remote Western Australia the internet is non-existent apart from Townsites; as such, even if we post on our web-sites or social media accounts it is highly unlikely that drivers will be able to access this information and cease to drive on roads.

1.3 Enforcement of Breaches of the Legislation

Given the sheer size of our road networks, remoteness of the region and the very limited number of police officers it is not practical to assume that they will be in position to enforce any laws relating to motorists ignoring road closure signs. In fact I have been advised that it would be highly unlikely for police officers to prosecute and they would prefer to educate motorists. I am also led to believe that the offence under the RTAA is not even listed on the officers charge books.

It is also not practicable to think that the State Government will establish additional manned Police Stations just to police this aspect of Road Safety.

1.4 Litany of Excuses

Over the time we have questioned motorists why they have driven on closed roads:

- We didn't know the road was closed;
- There were no signs on the road;
- I have an appointment;
- Couldn't access your web-site;
- I thought locals could drive on closed roads;
- It was not raining when we left;
- Etc.

In the vast majority of cases motorists don't care and they have a notion that it is their god given right to drive on the roads regardless of the damage that they do, as for them, it is all about the destination.

1.5 Isolated Rain Events

In many cases both ends of the road are dry and trafficable but there may have been 100mm of rain 50 kilometres further up the road. We get advice from pastoralists and take the necessary precautions and close roads however motorists take it upon themselves to drive on under the false illusion that the road is dry. This is particularly evident in the summer months where we get sporadic storm cells generally not much bigger than 30-40 kilometres in size.

1.6 Unreliable Weather Forecasting

Although BOM attempt to provide ample warnings and predictions, in many cases they are not aware of the rainfall, the intensity of the rainfall and the amount of rainfall unless it is a big weather front. So in many cases we need are reactive in closing roads, rather than pro-active where we can stop vehicles before they do the damage.

RECOMMENDATION

In this section I hesitate to think that I am the fountain of all knowledge as we have the Police, Main Roads and Local Government as players in this space who have significantly more experience in this area; however, I will attempt to make recommendations principally based on the notion of practicable application.

7.1 Closure of Roads

Currently the Local Government Act and Road Traffic Act is silent on what is required from an on the ground perspective in order to close a road. It is assumed that a physical road barrier with the words 'Road Closed' needs to be placed on both ends of the road, or a section of the road.

The Legislation needs to be clear on what is expected from this aspect and it needs to reflect Local Roads or Shire owned and controlled roads.

If it is determined that signage needs to be provided at each end of the road then thought need to be given as to how this can be achieved from a practical point of view without putting any staff in harm's way or damage the road infrastructure ourselves.

In the more remote and isolated parts of the State we need an automated system that can be activated remotely. This would mean a solar powered / satellite type of system. I am currently working with Siemen's to develop a pilot project based on the more traditional railway boom gate model. I am however open to any suggestions given timeliness and safety.

7.2 Penalties for Driving on Closed Roads

As mentioned unless a Local Government has their own Local Law Local Governments have very limited capacity to penalise motorists and even then the maximum possible fine is \$500.

The RTAA does provide some remedy (\$2,500) that has a more realistic level of deterrence but is reliant on the Police pursuing the action and as demonstrated given the remoteness, the sheer size of the road network, the availability of police officers and ensuring that Police Officers also don't become part of the problem and damage the road infrastructure.

The RTAA does also provide a remedy where the cost of repairing the damage can be recovered by instigating legal proceedings. It is unclear what the level of evidence would be, how is the evidence collected and who needs to collect the evidence.

It is recommended that other State Jurisdictions are investigated to determine what they do about the same issue.

RESOLUTION

Moved: Cr Jim Caunt
Seconded: President Eddie Smith

That WALGA:

1. Investigate technologies available to physically close roads remotely and provide costings for such;
2. Investigate the current legislative frameworks and provide comment on the remedies practicality of enforcing such;
3. Investigate and make comment on what other State Jurisdictions legislative interventions are used and the remedies provided thereunder to discourage motorists driving on closed roads.

CARRIED

6.4 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.

RESOLUTION

Moved: Cr Jim Caunt
Seconded: President Cr Cheryl Cowell

1. Shires will provide individual responses to WALGA before 12 January 2022
2. CEOs will provide feedback to the CEO, Shire of Carnarvon before 17/12 who will prepare and submit a joint response to WALGA before 12 January 2022.

CARRIED

6.5 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 (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

6.5 Zone Status Report – November 2021

Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
2021 19 February Zone Agenda Item 5.4 Issues with the DRFAWA Claims and Approvals Process	That the Gascoyne Country Zone recommend WALGA request DFES to form a working group of participants from affected Shires to review the current process and report back on outcomes and solutions.	Data has been collected from a sample of Councils that have recently suffered declared disasters and is being analyzed to inform engagement with DFES.	November 2021	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
2019 March 22 Zone Agenda Item 5.2 Restricted Access Vehicle Operating Condition	That the Gascoyne Zone request WALGA to: 1. Advocate for thorough consultation with the Local Government sector regarding alternative approaches to the CA07 operating condition; and, 2. Establish a Working Group consisting of representatives from MRWA, WALGA, LGIS, DoT and the Local Government sector incorporating at least one member from each affected WALGA Zone to consider alternative approaches.	The RAV Access working group met by teleconference in early December. Based on the resolution of this meeting a letter detailing Local Government expectations was sent to Main Roads WA. The Association discussed this matter with Main Roads WA in November 2020. They are engaging with the State Solicitors Office prior to a proposed consultation with Local Government concerning a proposed approach. A further meeting with Main Roads WA Heavy Vehicle Services is scheduled for 29 October and a verbal update can be provided at the Zone meeting.	Ongoing	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
2021 20 August Zone Agenda Item 5.2 Regional Telecommunications Review	That the Gascoyne Country Zone; 1. Note the Regional Telecommunication Review 2021; and 2. Provides the following input to the WALGA submission: • Lack of communication between utility companies • Poor mobile phone coverage	The WALGA submission to the Regional Telecommunications Review 2021 included narrative on the issues identified by the Gascoyne Country Zone.	November 2021	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
2021 25 June Zone Agenda Item 8.1 Road Closures	That WALGA be tasked to compile a guidance note on the drafting of a local law to apply fines to drivers ignoring road closure signage and on the use of the Traffic Administration Act to recover compensation for road damage.	Updates on progress will be provided to the Zone.	November 2021	Tony Brown Executive Manager Governance and Organisational Services 9213 2051 tbrown@walga.asn.au

Noted

7. 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.

Matters for Noting

- 6.1 Local Government Support for Single Use Plastic Bans
- 6.2 Report Municipal Waste Advisory Council (MWAC)
- 6.3 WALGA submission on the National Climate Resilience and Adaptation Strategy
- 6.4 Closing the Gap Update
- 6.5 Submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians
- 6.6 Wooroloo Independent Review Letter of Support
- 6.7 State Budget Outcomes
- 6.8 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy
- 6.9 Regional Telecommunications Review 2021
- 6.10 WALGA submission on Guideline: Native Vegetation Referral, Part V Environmental Protection Act 1986
- 6.11 WALGA submission on Draft Native Vegetation Policy for Western Australia
- 6.12 Submission on Cost Recovery Part IV of the Environmental Protection Act 1986 – assessments by the Environmental Protection Authority
- 6.13 Student Transport Assistance Policy Framework Inquiry – WALGA Submission

RESOLUTION

Moved: President Eddie Smith
Seconded: Cr Jim Caunt

That

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

CARRIED

8. EXECUTIVE REPORTS

8.1 State Councillor's Report to the Zone

The State Councillor provided an update on the previous State Council meeting.

Noted

8.2 President's Report to the Zone

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

Noted

8.3 Gascoyne Development Commission

Chief Executive Officer, Tym Duncanson, provided an update to the Zone.

Noted

8.4 Department of Local Government, Sport and Cultural Industries

Benite Perkins will provided an update to the Zone on DLGSC matters.

Noted

8.5 Roadwise Report

Samantha Adams, Road Safety Officer, Mid-West was an apology for this meeting.

Noted

8.6 Regional Development Australia

Mark Holdsworth, Executive Officer provided an update on the proposed Gascoyne Infrastructure Strategy.

9. OTHER BUSINESS

Shire of Carnarvon

- WAEC Election Process
- Core service for Police, Health and Emergency Services along the Ningaloo Coast

Noted

9.1 Zone Meeting Dates – 2022

The following table lists State Council Meeting dates for 2022 and suggested Zone meeting dates:

2022 State Council Meeting Dates	Suggested Dates for Zone Meetings
Wednesday 2 March	Wednesday 16 February – Monday 21 February
Wednesday 4 May	Wednesday 20 April – Monday 26 April
Wednesday 6 July	Wednesday 22 June – Monday 27 June

Wednesday 8-9 September (Regional meeting)	Wednesday 24 August – Monday 29 August
Wednesday 7 December	Wednesday 23 November – Monday 28 November

Following the same format as previous years, two teleconference meetings and three in-person meetings have been included. Two in-person meetings per year are hosted by Carnarvon with the third rotating between Exmouth, Shark Bay and Upper Gascoyne.

The meetings have been rotated as follows:

- 2011 – Shark Bay
- 2012 – Exmouth
- 2013 – Upper Gascoyne
- 2014 – Shark Bay
- 2015 – Exmouth
- 2016 – Upper Gascoyne (Gascoyne Junction)
- 2017 – Shark Bay
- 2018 – Exmouth
- 2019 – Upper Gascoyne (Mt Augustus)
- 2019 – Regional State Council Meeting – Shark Bay
- 2020 – Exmouth
- 2021 – Upper Gascoyne (Gascoyne Junction)

RESOLUTION

Moved: Cr Jim Caunt
Seconded: President Eddie Smith

That Zone meetings for 2022 be held as follows:

Zone Meeting	Type	Location
10:00am, Friday 18 February	In-Person	Carnarvon
10:00am, Friday 22 April	<i>Teleconference</i>	
10:00am, Friday 24 June	In-Person	Shark Bay
10:00am, Friday 19 August	<i>Teleconference</i>	
10:00am, Friday 18 November	In-Person	Carnarvon

10. DATE, TIME AND PLACE OF NEXT MEETING

Next meeting: 10:00am, Friday 18 February 2022, hosted by the Shire of Carnarvon.

11. CLOSURE

There being no further business the Chair declared the meeting closed at 1226 pm.