



# Gascoyne Country Zone

## Minutes

10:00am

Friday 24 August 2018

# Gascoyne Country Zone

Meeting held via teleconference

Commenced at 10:05am, Friday, 24 August 2018

## Minutes

### ATTENDEES

Shire of Carnarvon	President Karl Brandenburg (Deputy Chair) Deborah Wilkes, Acting Executive Manager Corporate and Community
Shire of Exmouth	Cameron Woods – Chief Executive Officer
Shire of Shark Bay	Cr Keith Capewell Paul Anderson – Chief Executive Officer
WALGA	James McGovern, Manager Governance Engel Prendergast, Senior Road Safety Consultant

### GUESTS

Department of Local Government, Sport and Cultural Industries	Richard Malicari
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### APOLOGIES

Shire of Upper Gascoyne	President Cr Don Hammarquist John McCleary – Chief Executive Officer
Shire of Exmouth	Cr Ben Dixon
Shire of Shark Bay	President Cr Cheryl Cowell
WALGA	Tim Lane, Manager Strategy and Association Governance

### Attachments

The following are provided as attachments to the agenda:

1. Minutes June 2018 Meeting
2. State Council Agenda – via link <https://walga.asn.au/getattachment/About-WALGA/Structure/State-Council/Agendas-and-Minutes/Agenda-State-Council-7-September-2018-with-attachments.pdf.aspx>
3. President's Report – to be distributed prior to the meeting

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## 1. DEPUTATIONS

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Nil.

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## 2. DECLARATION OF INTEREST

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Nil

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## 3. CONFIRMATION OF MINUTES

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### 3.1 Minutes of the 22 June 2018 Meeting of the Gascoyne Country Zone

#### RESOLUTION

Moved Cameron Woods  
Seconded Paul Anderson

That the Minutes of the meeting of the Gascoyne Country Zone held on 22 June 2018 be confirmed as a true and accurate record of the proceedings.

CARRIED

### 3.2 Business Arising

Nil

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## 4. 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)*

### 4.1 MATTERS FOR DECISION

Items 5.1 and 5.4 were extracted for discussion.

### 5.1 Local Government Act Review

#### WALGA Recommendation

That WALGA:

1. Support the policy positions announced by the Minister for Local Government relating to phase 1 of the Local Government Act review process in relation to:
  - a. Acceptance and declaration of gifts;
  - b. Universal training;
  - c. Standards of behaviour;
  - d. CEO Recruitment and Performance;
  - e. Public notices and access to information; and,
  - f. Administrative efficiencies.

2. Seek a formal commitment from the Minister for Local Government that WALGA and Local Government Professionals WA now actively participate in the legislative drafting process to develop the Local Government Amendment Bill relating to Phase 1 of the Review;
3. Note the process for phase 2 of the Act review process and encourage Local Governments and Zones to provide input; and,
4. Acknowledge the timely progress of the Local Government Act Review and the Minister for Local Government's ongoing prioritisation of the Review within his portfolio of responsibilities.

## **5.2 Stop Puppy Farming – Local Government Consultation**

### WALGA Recommendation

That WALGA:

1. Welcomes a cost modelling review of the financial impact on Local Governments of any new legislation to Stop Puppy Farming;
2. Acknowledges the benefit of mandatory de-sexing of dogs not used for approved breeding purposes;
3. Supports a centralised dog registration system that is developed, operated and maintained by State Government;
4. Supports the introduction of compulsory registration of dog breeders;
5. Supports appropriate legislative exemptions for livestock working dogs in recognition of their special breeding requirements; and
6. Supports the transition of pet shops to adoption centres.

## **5.3 Interim Submission on Green Paper – Modernising WA's Planning System: Concepts for a Strategically Led System**

### WALGA Recommendation

That the interim submission to the Independent Planning Reform Team's Green Paper -*Modernising WA's Planning System: Concepts for a strategically-led system*, be endorsed.

## **5.4 Regional Health Services in Western Australia – Survey of Local Governments**

### WALGA Recommendation

That the recommendations of the WALGA *Regional Health Services in Western Australian Survey of Local Governments* be endorsed.

## **5.5 WA Foodborne Illness Reduction Strategy**

### WALGA Recommendation

That the WA Food-borne Illness Reduction Strategy be endorsed.

## **5.6 Developing a National Plan on Elder Abuse – Interim Submission**

### WALGA Recommendation

That the recommendations of the WALGA *Developing a National Plan on Elder Abuse – Interim Submission* be endorsed.

## **5.7 Vehicle Emissions**

### WALGA Recommendation

That WALGA:

1. Supports the consideration, where possible, of vehicle emissions during planning, designing and construction of large scale infrastructure projects.
2. Supports the consideration of vehicle emissions during the process of purchasing new fleet, in addition to fleet policies.
3. Supports the consideration of policies that facilitate the adoption of electric vehicles and electric vehicle charging infrastructure.
4. Advocates to the proposed Infrastructure Western Australia body, when it is established by the State Government, to consider vehicle emissions as part of the assessment process and cost-benefit analysis for projects.
5. Advocates to Infrastructure Australia to consider vehicle emissions such as particulate matter, other than greenhouse gas emissions, during the assessment of projects.
6. Advocates to State Government for the broader implementation of the Department of Water and Environmental Regulation 'CleanRun' roadside emissions monitoring program, as a behaviour change initiative which has the potential to reduce fuel consumption.

## **5.8 Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions**

### WALGA Recommendation

That the interim submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions be endorsed.

## **5.9 Interim Submission on Proposed new Biodiversity Conservation Regulations and Ministerial Guidelines**

### WALGA Recommendation

That WALGA's interim submission to the Department of Biodiversity, Conservation and Attractions supporting the new Biodiversity Conservation Regulations and Ministerial Guidelines be endorsed.

## **5.10 2018 WALGA Annual General Meeting**

### WALGA Recommendation

That:

1. The Motions passed by the 2018 Annual General Meeting be noted; and,
2. Items 4.2, 4.3 and 4.4 be forwarded to the relevant State Council Policy Teams for action.

## RESOLUTION

Moved Cameron Woods  
Seconded President Karl Brandenburg

That State Council Agenda Items 5.2, 5.3, 5.5, 5.6, 5.7, 5.8, 5.9 and 5.10 be supported en bloc.

CARRIED

## RESOLUTION

Moved Cameron Woods  
Seconded Paul Anderson

That WALGA seek clarification on any proposal under Item 5.1 d. to publicly disclose specific details of the Chief Executive Officer's remuneration and contractual entitlements.

CARRIED

## RESOLUTION

Moved Cameron Woods  
Seconded Cr Keith Capewell

That Point 1 of the survey report recommendation contained in State Council Agenda Item 5.4 be amended to read:

- '1. WALGA to continue to work with affected Local Governments and key stakeholders to address short to medium term solutions including investigating how other states/countries have addressed recruiting and retaining staff, including but not limited to the place of Nurse Practitioners, across diverse landscapes and report back to State Council as progress is made;'

CARRIED

## RESOLUTION

Moved Cameron Woods  
Seconded Paul Anderson

That State Council Agenda Items 5.1 and 5.4 be supported as amended.

CARRIED

## 4.2 MATTERS FOR NOTING AND ORGANISATIONAL REPORTS

- 6.1 State and Local Government Partnership Agreement Update
- 6.2 Strata Titles Amendment Bill 2018 and the Community Titles Bill 2018
- 6.3 Bicycle Share Schemes
- 6.4 Report Municipal Waste Advisory Council (MWAC)
  
- 7.1.1 Report on Key Activities, Environment and Waste Unit
- 7.1.2 Report on Key Activities, Governance and Organisational Services
- 7.1.3 Report on Key Activities, Infrastructure
- 7.1.4 Report on Key Activities, People and Place
  
- 7.2.1 Mayors/Presidents Policy Forum
- 7.2.2 Mining Community Policy Forum

7.2.3 Container Deposit Legislation Policy Forum

7.2.4 Freight Policy Forum

## RESOLUTION

**Moved: Cameron Woods**

**Seconded: Cr Keith Capewell**

**That the Gascoyne Country Zone Note the Matters for Noting and Organisational Reports contained in the State Council agenda**

**CARRIED**

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## 5. ZONE BUSINESS

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### 5.1 Local Government Act Review – Phase 2

As per the WALGA State Council agenda (Item 5.1), the consultation process for Phase 2 of the *Local Government Act 1995* review has been announced by the Minister for Local Government.

The following key topics have been identified by the Government for consideration:

1. Role of Local Government
2. Community Engagement
3. Integrated Planning and Reporting
4. Elections
5. Financial Management (including procurement)
6. Rating
7. Beneficial Enterprises (Council Controlled Organisations)
8. Council Meetings
9. Complaints Management
10. Local Laws
11. Administrative Efficiencies

WALGA is seeking to finalise Local Government sector positions relating to Phase 2 (including any other issues) at the December 2019 State Council meeting.

The State Government is aiming to finalise consultation on Phase 2 of the Act this year to enable an Exposure Bill to be released in mid-2019.

State Council endorse a range of policy positions relating to items addressed in both Phase 1 and Phase 2 of the *Local Government Act 1995* Review at the December 2017 State Council meeting. Those policy positions are available here: <https://www.walga.asn.au/getattachment/Documents/Item-5-1-attachment-2-WALGA-response-to-DLGSC-consultation-paper-on-th.pdf.aspx?lang=en-AU>.

Some additional topics have been raised by Zone members for consideration by the Zone.

### Rating of State Government Agencies

Issue of Government agencies, Government trading entities not paying rates to Local Government, which can significantly erode the rate base of Local Governments.

*WALGA's Policy Position:*

#### *Rating Exemptions – Rate Equivalency Payments*

*Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.*

WALGA's current policy position extends to seeking rate equivalency payments made by LandCorp and other Government Trading Entities, such as the Water Corporation and Horizon Power being made to the relevant Local Government instead of the State, however WALGA's policy position does not include rating of Government Departments such as DPAW.

#### Section 3.50 – Thoroughfares

Issues associated with penalties for driving on closed roads. The maximum penalty is defined under local laws, not by the Act.

WALGA does not have a policy position on this issue.

#### Section 3.27 and Schedule 3.2 – Taking Material to Repair a Thoroughfare

Issues associated with Local Government access to material.

WALGA does not have a policy position on this issue.

#### Beneficial Enterprises (Council Controlled Organisations)

Support for the introduction of Council Controlled Organisations (beneficial enterprises) that are not onerous to establish and administer given the fact that regulations already exists to manage corporations in this space.

Rates and grants cannot be the predominate source of revenue if LG are to be sustainable and in the case of market failure LG should be able to be proactive and respond to the needs of its community so that it remains viable and prosperous.

#### *WALGA's Policy Position*

*The Local Government Act 1995 should be amended to enable Local Governments to establish Council Controlled Organisations (CCO).*

#### Financial Management and Integrated Planning and Reporting Requirements

Financial Management and Reporting requirements and Integrated Planning and Reporting requirements be reviewed taking into consideration the cost and complexity for Band 3 and 4 Councils.

Resources are scarce and the cost of compliance is prohibitive especially for rural and remote communities and the system should link to banding to reduce the cost and complexity.

#### *WALGA's Policy Position*

*WALGA has endorsed a general principle that the compliance regime should be tailored to Local Governments based on size and scale.*



In December 2017 State Council resolved as follows:

*That State Council endorse the following general principles as being fundamental to its response to the review of the Local Government Act:*

- a) Uphold the General Competence Principle currently embodied in the Local Government Act;
- b) Provide for a flexible, principles-based legislative framework; and
- c) Promote a size and scale compliance regime

## RESOLUTION

**Moved: Cameron Woods**  
**Seconded: Paul Anderson**

**That the Gascoyne Country Zone submit to WALGA their Local Government Act Review Phase 2 amendment proposals as outlines in Item 5.1.**

**CARRIED**

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## 6. EXECUTIVE REPORTS

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### 6.1 State Councillor's Report to the Zone

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### 6.2 President's Report to the Zone

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James McGovern outlined the President's Report on behalf of WALGA President Cr Lynne Craigie.

**Noted**

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### 6.3 Road Safety Report

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Engel Prendergast provided an update on road safety.

**Noted**

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### 6.4 DLGC's Report to the Zone

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Richard Malicari presented to the Zone.

**Noted**

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## 7. OTHER BUSINESS

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The Shire of Exmouth informed the Zone they were interested in hosting a Local Government Act Review Phase 2 workshop and invited Zone members and WALGA to attend.

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

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The next ordinary meeting of the Gascoyne Country Zone will be held at 10:00am on Friday 23 November 2018 at the Shire of Exmouth.

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**10. CLOSURE**

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There being no further business the Deputy Chair declared the meeting closed at 11.25am.