

South Metropolitan Zone Minutes

22 April 2024

**Hosted by the City of Rockingham
Civic Boulevard, Rockingham**

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ANNOUNCEMENTS

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

Agenda Papers were emailed 7 days prior to the meeting date.

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

ATTACHMENTS

1. Draft Minutes of previous meeting
2. April 2024 Update – Department of Local Government, Sports and Cultural Industries
3. President's Report
4. Standing Orders

1 OPENING, ATTENDANCE AND APOLOGIES

1.1 OPENING

The WALGA Secretariat, Mr Nick Sloan assumed the Chair and opened the meeting at 5.34pm.

1.2 ATTENDANCE

MEMBERS

3 Voting Delegates from each Member Council

City of Cockburn

Mayor Logan Howlett JP (Deputy Chair)
Cr Tom Widenbar
Cr Tarun Dewan (Deputy)
Mr Daniel Simms, Chief Executive Officer - non-voting delegate

Town of East Fremantle

Cr Cliff Collinson
Cr Kerry Donovan

City of Fremantle

Cr Doug Thompson
Cr Geoff Graham
Cr Ingrid van Dorssen

City of Kwinana

Mayor Peter Feasey
Cr Barry Winmar
Cr David Acker
Mr Wayne Jack, Chief Executive Officer non-voting delegate

City of Melville

Cr Karen Wheatland
Cr Daniel Lim (Deputy)

City of Rockingham

Cr Craig Buchanan JP
Cr Dawn Jecks
Mr Michael Parker, Chief Executive Officer - non-voting delegate

WALGA Secretariat

Mr Nick Sloan, Chief Executive Officer

Ms Emma Heys, Governance Specialist

Guest Speaker

Nil

1.3 APOLOGIES

City of Melville	Mayor Katy Mair
City of Cockburn	Cr Chontelle Stone
Town of East Fremantle	Cr Tony Natale Mr Jonathan Throssell, Chief Executive Officer
City of Fremantle	Mr Glen Dougall, Chief Executive Officer
City of Melville	Cr Glynis Barbar Mr Gail Bowman, Chief Executive Officer
City of Rockingham	Cr Robert Schmidt

2 ZONE CHAIR ELECTION

2.1 ELECTION OF CHAIR OF THE SOUTH METROPOLITAN ZONE

The WALGA Secretariat, Mr Nick Sloan carried out the election process.

Notice of this election was emailed to delegates and CEOs of the South Metropolitan Zone on 19 March 2024.

The election for the Chair shall be conducted and will be for the remaining term expiring in November 2025, in line with the terms of State Council representatives and in sync with Local Government Elections.

Chair

At the time of Agenda distribution, the following written nomination was received for the position of Chair:

- Cr Karen Wheatland City of Melville

Further nominations will be accepted from the floor.

If more than one nomination is received, ballot papers will be distributed and a secret ballot conducted.

DECLARATION

That Cr Karen Wheatland is elected as Chair of the South Metropolitan Zone for the remaining two year term, expiring November 2025.

Cr Wheatland assumed the Chair.

3 ACKNOWLEDGEMENT OF COUNTRY

We, the Zone members acknowledge the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Noongar People, where this meeting is being held and we acknowledge and pay respect to Elders past and present.

4 DECLARATIONS OF INTEREST

Nil.

5 DEPUTATIONS

5.1 DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES REPRESENTATIVE UPDATE REPORT

The April 2024 report from the Department of Local Government, Sport and Cultural Industries (DLGSC) was provided as an attachment within the agenda.

Noted

6 CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Doug Thompson
Seconded: Mayor Logan Howlett

That the Minutes of the meeting of the South Metropolitan Zone held on 26 February 2024 be confirmed as a true and accurate record of the proceedings.

CARRIED

7 BUSINESS ARISING

7.1 STATUS REPORT

There were no outstanding items.

Noted

8 STATE COUNCIL AGENDA – MATTERS FOR DECISION AND NOTING

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 May 2024](#)

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

8.1 MATTERS FOR DECISION

7.1 Waste Levy Advocacy Position

By Rebecca Brown, Manager Waste and Environment

WALGA RECOMMENDATION

That State Council:

- 1. Replace the existing WALGA *Waste Levy Policy Statement and Advocacy Position 7.4 Waste Management Funding*:**

Local Government considers that:

- 1. Waste Avoidance and Resource Recovery Levy funds should be hypothecated to strategic waste management activities in line with the State Waste Strategy and strongly opposes the application of the Levy to non-waste management related activities, such as funding State Government core activities; and**
- 2. The Levy should not be applied to licensed landfills outside the metropolitan area.**

- 2. Endorse a new Waste Levy Advocacy Position as follows:**

The Waste Avoidance and Resource Recovery Levy (the Levy) was established in WA to fund programs relating to the management, reduction, reuse, recycling, monitoring or measurement of waste and administering the fund. The current Levy is applied to waste generated, or landfilled, in the Perth metropolitan area.

Currently, only 25% of the collected funds are retained for strategic waste management activities, 75% are allocated to the ongoing operations of the Department responsible for administration of the Levy.

Local Government considers that:

- 1. The Waste Avoidance and Resource Recovery Levy funds must be fully hypothecated to strategic waste management activities in line with the State Waste Strategy and not be used for non-waste management related activities, such as funding State Government core activities.**
- 2. Strategic waste management activities funded by the State Government should:**
 - a. Provide adequate funding and support for Regional Councils, non-metropolitan and metropolitan Local Governments;**
 - b. Reflect the targets and priorities within the Waste Strategy;**
 - c. Fully fund and acknowledge the life cycle costs of infrastructure and services; and**
 - d. Facilitate the development, implementation and ongoing operation of Product Stewardship Schemes.**
- 3. The Levy should not be applied to waste generated in the non-metropolitan area as it is not feasible, or appropriate, to implement the Levy in areas with a limited rate base, access to markets for recycled materials, economic growth and resources to manage such a change.**
- 4. The Levy should not be applied to waste received at premises undertaking licensed activities whose primary purpose is resource recovery.**

5. The Levy must be supported by a clear, evidence-based rationale to demonstrate the suitability of how charges are set, how and where funds are allocated, and the extent to which it is delivering on its objectives.

EXECUTIVE SUMMARY

- The Waste Levy and Strategic Waste Funding Policy Statement was first endorsed in 2008 and was amended in 2018.
- The Statement outlines the Local Government position on levies charged on the weight or volume of waste received at licensed premises and the application of those funds to waste management activities.
- In 2023, the WA Government published the findings of a Review of the Waste Avoidance and Resource Recovery (WARR) Levy. The consultation summary report and supporting consultant report can be accessed on the Department of Water and Environmental Regulation (DWER) [website](#).
- Key outcomes of the Levy Review included a five-year schedule of increases and a commitment to investigate extending the levy boundary to regional areas.
- The new Waste Levy Advocacy Position uses contemporary language emphasises:
 - Full hypothecation of the Levy;
 - The key areas of expenditure for the Levy;
 - Opposition to the expansion of the Levy's geographic application;
 - Opposition to the application of the Levy to resource recovery activities; and
 - The need for a clear evidence-based rationale for setting and expending the Levy.
- The Municipal Waste Advisory Council (MWAC) endorsed the new Advocacy Position in February 2024.

MOTION

Moved: Cr Doug Thompson
Seconded: Cr Tarun Dewan

That the South Metropolitan Zone supports Matter for Decision agenda item 7.1 as listed in the May State Council agenda.

AMENDMENT

Moved: Cr Doug Thompson
Seconded: Mayor Logan Howlett

To have an addition of new point 2(e) as follows:

2 e) Facilitate potential monitoring and compliance of Product Stewardship Schemes.

CARRIED

AMENDMENT

Moved: Cr Doug Thompson
Seconded: Mayor Logan Howlett

To remove dot point 3.

CARRIED

AMENDMENT

Moved: Cr Doug Thompson
Seconded: Cr Tarun Dewan

To amend dot point 4 to read as follows:

The Levy should be applied, where it is economical, geographical and logistically possible, to all residual waste received at premises undertaking licensed activities for waste disposal and/or resource recovery.

LOST 3/12

AMENDMENT

Moved: Cr Tom Widenbar
Seconded: Cr Doug Thompson

To amend dot point 4 to read as follows:

The Levy should be applied to all waste that is landfill, within the metropolitan area.

CARRIED

THE MOTION AS AMENDED NOW READS

That State Council:

1. Replace the existing WALGA *Waste Levy Policy Statement* and *Advocacy Position 7.4 Waste Management Funding*:

Local Government considers that:

1. Waste Avoidance and Resource Recovery Levy funds should be hypothecated to strategic waste management activities in line with the State Waste Strategy and strongly opposes the application of the Levy to non-waste management related activities, such as funding State Government core activities; and
 2. The Levy should not be applied to licensed landfills outside the metropolitan area.
2. Endorse a new Waste Levy Advocacy Position as follows:

The Waste Avoidance and Resource Recovery Levy (the Levy) was established in WA to fund programs relating to the management, reduction, reuse, recycling, monitoring or measurement of waste and administering the fund. The current Levy is applied to waste generated, or landfilled, in the Perth metropolitan area.

Currently, only 25% of the collected funds are retained for strategic waste management activities, 75% are allocated to the ongoing operations of the Department responsible for administration of the Levy.

Local Government considers that:

- 1. The Waste Avoidance and Resource Recovery Levy funds must be fully hypothecated to strategic waste management activities in line with the State Waste Strategy and not be used for non-waste management related activities, such as funding State Government core activities.**
- 2. Strategic waste management activities funded by the State Government should:**
 - a. Provide adequate funding and support for Regional Councils, non-metropolitan and metropolitan Local Governments;**
 - b. Reflect the targets and priorities within the Waste Strategy;**
 - c. Fully fund and acknowledge the life cycle costs of infrastructure and services;**
 - d. Facilitate the development, implementation and ongoing operation of Product Stewardship Schemes; and**
 - e. Facilitate potential monitoring and compliance of Product Stewardship Schemes.**
- 3. The Levy should be applied to all waste that is landfill within the metropolitan area.**
- 4. The Levy must be supported by a clear, evidence-based rationale to demonstrate the suitability of how charges are set, how and where funds are allocated, and the extent to which it is delivering on its objectives.**

The Motion as amended was put and

CARRIED

8.2 POLICY TEAM AND COMMITTEE REPORTS

- 8.1 Environment Policy Team Report
- 8.2 Governance Policy Team Report
- 8.3 Infrastructure Policy Team Report
- 8.4 People and Place Policy Team Report
- 8.5 Municipal Waste Advisory Council (MWAC) Report

8.3 MATTERS FOR NOTING/INFORMATION

- 9.1 WALGA 2023 Emergency Management Survey
- 9.2 Tree Retention Model Local Planning Policy
- 9.3 Local Emergency Management Arrangements (LEMA) Improvement Plan Implementation
- 9.4 Planning and Building Performance Monitoring Project
- 9.5 2024 WALGA Aboriginal Engagement Forum

RESOLUTION

Moved: Cr Craig Buchanan
Seconded: Cr Doug Thompson

For Item 9.2 to be pulled out for discussion.

CARRIED

RESOLUTION

Moved: Cr Doug Thompson
Seconded: Cr Tarun Dewan

That the South Metropolitan Zone:

- 1. Supports Matters for Decision item 71 as amended above in the May 2024 State Council Agenda, and**
- 2. Notes all Matters for Noting, other Policy Team and Committee Reports and Organisational Reports as listed in the May 2024 State Council Agenda.**

CARRIED

9 ZONE BUSINESS

9.1 ADOPTION OF POLICY AND ADVOCACY PRIORITISATION FRAMEWORK

By Kathy Robertson, Manager Association and Corporate Governance

BACKGROUND

State Council uses a Policy and Advocacy Prioritisation Framework to guide discussion and decision-making on policy and advocacy issues. The Framework was developed in 2020 on the request of State Council to assist State Councillors in determining the priority of a particular issue relative to existing (and competing) policy and advocacy priorities.

The Framework (included below) utilises 11 criteria to sharpen thinking (e.g. the impact on the Local Government sector, the number of Member Local Governments affected, the level of support amongst the public or other stakeholders, etc.), and encourage decision-makers to consider the wider context and impacts of the issue before settling on a pathway forward.

The Great Southern Country Zone also adopted the Prioritisation Framework not long after it was developed in 2020.

COMMENT

It is proposed that all Zones consider adopting the Policy and Advocacy Prioritisation Framework as included below.

If the Zone were to adopt the Prioritisation Framework, Zone Delegates could use it to guide their decision-making when determining whether or not to request action or advocacy from WALGA on a particular issue (that is, sector-wide issues). Issues that are not sufficiently prioritised (that is, regional issues) could instead be dealt with at the Zone level (e.g. through direct advocacy efforts on behalf of the Zone).

The Prioritisation Framework could also be used by Zone Delegates when drafting Agenda items and motions on policy or advocacy issues, using the criteria as prompts for what kind of information to include.

The Prioritisation Framework does not remove the need for judgements to be made and is intended to *guide*, not replace, decision-making.

How to use the Framework:

- If the majority of the factors are towards the left column, the issue is a high priority.

- If the majority of the factors are towards the middle, the issue requires action, but is not a high priority.
- If the majority of the factors are towards the right column, the issue is a low priority.

Following prioritisation, an appropriate and proportionate policy and advocacy approach can be determined.

Impact on Local Government Sector Impact on Local Government sector without intervention	High	Medium	Low
Reach Number of member Local Governments affected	Sector-wide	Significant (multiple regions, Zones, or bands)	Few
Influence Capacity to influence decision makers	High	Medium	Low
Principles Alignment to core principles such as autonomy, funding, general competence	Strong	Partial	Peripheral
Clarity Policy change needed is clear and well-defined	Clear	Partial	Unclear
Decision-maker support Level of support among decision-makers (political and administrative)	High	Medium	Low
Public support Level of support among the public or other stakeholders	High	Medium	Low
Positive consequences for WALGA Prospect of positive consequences for WALGA. E.g. enhanced standing among members or leverage for other issues.	High	Medium	Low
Negative consequences for WALGA Prospect of negative consequences for WALGA for not undertaking the advocacy effort. E.g. diminished standing among members or other stakeholders.	High	Medium	Low
Partnerships Potential for partnerships with other stakeholders	Yes (3+)	Possibly (1-2)	No (0)

RESOLUTION

Moved: Cr Tom Widenbar

Seconded: Cr Barry Winmar

That the South Metropolitan Zone adopt the Policy and Advocacy Prioritisation Framework to determine the priority of a particular policy or advocacy issue, and guide future decision-making.

CARRIED

9.2 IMPORTANCE OF WALGA BECOMING A REGISTERED EMPLOYER ORGANISATION

By Tony Brown, Executive Director, Member Services,

BACKGROUND

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

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

Since the mandate for Local Governments¹ to operate in the State industrial relations (**IR**) system from 1 January 2023, unions² have commenced various Local Government State awards³ (**LG State Awards**) variation claims in the WAIRC to amend industry employment conditions including to:

- increase minimum wages for outside workers;
- introduce Fair Work standards in the State system (increase casual loading from 20 to 25%; insert casual conversion; and insert flexible working arrangements) and other conditions (insert employment equity for Aboriginal and Torres Strait Islander persons; insert cultural and ceremonial leave; and amend severance pay for regional redundancies); and
- increase industry allowance for compensation for disabilities on construction and maintenance work.

In addition the WASU, LGRCEU and other unions (such as the **Construction, Forestry, and Maritime Employees Union (CFMEU)**) as 'employee organisations' can make industrial agreements with Local Government employers under the IR Act.

A [recent decision of the WAIRC](#) has outlined although WALGA may intervene in award matters we are unable to represent named LG State Award employers and the broader Local Government sector in our own right.

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

² The Western Australian Municipal, Administrative, Clerical and Services Union of Employees (**WASU**) and the Local Government, Racing and Cemeteries Employees Union (WA) (**LGRCEU**)

³ The [Local Government Officers' \(Western Australia\) Award 2021](#) and the [Municipal Employees \(Western Australia\) Award 2021](#). These awards have not been updated significantly since prior to the introduction of the *Fair Work Act 2009* (Cth). They were old 1999 Federal awards which were registered without amendment as interim awards in 2011 in the State system. They then became State awards in 2021. No significant amendments have been made to these awards over 23 years.

Despite WALGA's advocacy since December 2022, the State Government has not agreed a pathway for WALGA to be provided with standing as an employer organisation under the IR Act.

For WALGA to represent Local Governments' views and have the same standing as the unions under the IR Act it has become vital for WALGA to seek to amend its constitution to apply to become an employer organisation.

If WALGA was to become an employer organisation it would provide more opportunity for WALGA to modernise the LG State Awards and intervene in industrial matters concerning the Local Government sector. In addition, the WAIRC is more likely to notify WALGA of award applications or variations and industrial agreement changes reducing the risk of unions being able to change the terms and conditions of the sector, with limited to no input from Local Governments or WALGA.

COMMENT

WALGA will be looking to amend its constitution to enable WALGA to become a registered employer organisation at the 2024 AGM in October 2024.

An agenda item will be prepared for the June/July round of Zone/State Council meetings detailing the proposed amendments.

This item is for the Zones awareness of the need for WALGA to become an employer organisation and to note that constitutional amendments will be required.

For any questions about the constitutional amendment process, please contact Tony Brown, Executive Director Member Services, tbrown@walga.asn.au or (08) 9213 2051.

Noted

10 OTHER BUSINESS

Nil.

11 EXECUTIVE REPORTS

11.1 WALGA PRESIDENT'S REPORT

Nick Sloan presented the President's Report. The report was attached within the agenda.

Noted

11.2 STATE COUNCILLOR'S REPORT TO THE ZONE

WALGA State Councillor, Mayor, Logan Howlett presented on the previous State Council meeting.

Noted

12 NEXT MEETING

The next meeting of the South Metropolitan Zone will be held Monday, 24 June 2024 at the City of Cockburn commencing at 5:30pm.

13 CLOSURE

There being no further business the Chair declared the meeting closed at 6.40pm.