

MINUTES OF THE ZONE MEETING

held at the Shire of Gingin Council Chambers, 7 Brockman Street, Gingin
Friday 19 November 2021 commencing at 10:03 am

1 OPENING & WELCOME

The Zone President and Chair of the meeting, Cr Ken Seymour, welcomed delegates and observers and introduced Cr Kim Rule, Deputy President, Shire of Gingin. Cr Rule welcomed delegates to Gingin, gave a welcome to country and commented –

- Shire President, Cr Wayne Fewster, sends his apologies.
- The Gingin town celebrated its 150th anniversary on 9 October 2021. The Gingin Post Office, built in 1886, is the oldest surviving purpose-built Post Office in WA.
- The Shire has a great working relationship with the Yued people.
- The anniversary celebrations included the official opening of the Gingin Outdoor Activity Space. This \$1.2m project was community driven.

Mr Aaron Cook, CEO Shire of Gingin, commented on –

- Lancelin Off Road Area and the inherent dangers to users. Unfortunately, a number of accidents occurred over the recent weekend including a death. The area is unfenced and the Shire has installed warning signs. Off road vehicle area are a major issue for the Shire. Cr Jan Court sits on the State Governments Off-Road Vehicle Advisory Committee
- Lancelin is subject to coastal erosion, but a bigger issue for the town is inundation.
- Building and planning application within the Shire have doubled in the past two years. As a result, Council Agendas frequently contain 900-1,000 pages. This puts a significant load on elected members having to go through the information before each meeting.
- A \$2.8m emergency services incident control centre is being built in Gingin.
- High intensity agriculture is booming in the district.
- 350 rural residential lot subdivision being developed.
- 120 unit life style village coming shortly.
- The district has significant water issues.
- Shire experiencing staffing and recruiting issues. The Shire Depot is 30% down on staff.
- The Shire has leased the Guilderton Caravan Park. Lessees having difficulties getting builders to undertake needed renovations.
- A micro-brewery is being established.
- Gingin Gin established in the town.
- Gravity Centre is currently undergoing renovations. The Centre is looking to make the Shire of Gingin a dark sky reserve.

2 ATTENDANCE & APOLOGIES

2.1 Attendance

Delegates -

Cr Mary Angus	Shire of Chittering
Cr Peter Scharf	Shire of Dandaragan
Cr Jan Court	Shire of Gingin
Cr Barry Haywood	Shire of Goomalling
Cr Ken Seymour	Shire of Moora
Cr Chris Antonio	Shire of Northam
Cr Rosemary Madacsi	Shire of Toodyay
Cr Pauline Bantock	Shire of Victoria Plains
Cr Denese Smythe	Shire of York (by Video)

Observers –

Mr Matthew Gilfellow	Shire of Chittering
Mr Aaron Cook	Shire of Gingin
Mr Peter Bentley	Shire of Goomalling
Cr Charmaine Duri	Shire of Toodyay
Ms Suzie Haslehurst	Shire of Toodyay

Mr Yogesh Shinde	A/Network Manager Wheatbelt, Main Roads WA
Mr Suvrat Patel	Asset Management Officer Wheatbelt, Main Roads WA
Mr Garry Middle	Acting Environment Policy Manager, WALGA
Mr Willem Bouwer	Governance Specialist, WALGA
Ms Mandy Walker	Director Regional Development, RDA Wheatbelt
Ms Jenifer Collins	Regional Manager Wheatbelt, Department of Local Government, Sport & Cultural Industries
Mr Richard Burnell	Department of Fire & Emergency Services
Mr Warren Pearce	Association of Mining & Exploration Companies (from 12:10 pm)
Hon Martin Aldridge MLC	Member for Agricultural Region
Hon Sandra Carr MLC	Member for Agricultural Region
Robert Dew	Zone Executive Officer

2.2 **Apologies**

Cr Aaron King	Shire of Chittering
Cr Keith Carter	Shire of Dalwallinu
Ms Jean Knight	Shire of Dalwallinu
Mr Jason Whiteaker	Shir of Northam
Cr Beth Ruthven	Shire of Toodyay
Ms Glenda Teede	Shire of Victoria Plains
Cr Stuart Boekeman	Shire of Wongan-Ballidu
Mr Cliff Simpson	Road Safety Advisor (Wheatbelt North), WALGA
Ms Kelly Faulkner	Department of Water & Environmental Regulation
Mr Richard Newman	Department of Water & Environmental Regulation
Ms Danya O'Leary	Association of Mining & Exploration Companies
Hon Mia Davies MLA	Member for Central Wheatbelt
Hon Colin de Grussa MLC	Member for Agricultural Region
Hon Steve Martin MLC	Member for Agricultural Region
Hon Darren West MLA	Member for Agricultural Region
Mr Shane Love MLA	Member for Moore

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4 **ANNOUNCEMENTS**

The President welcomed Hon Martin Aldridge MLC, Hon Sandra Carr MLC and the WALGA representatives.

5 **ZONE ELECTIONS**

Nominations for the positions of Zone President, Deputy Zone President, Zone Representative to State Council and Zone Deputy Representative to State Council closed 12 November 2021. All member Councils and Delegates to the Zone were advised of the call for nominations. The term of office for each position is for two years –

- Zone President and Deputy Zone President expiring in November 2023; and
- Zone Representative to State Council and Zone Deputy Representative to State Council from the Ordinary Meeting of State Council in December 2021 and concluding at the Ordinary Meeting of State Council in December 2023.

At the close of nominations, the following nominations were received –

- President –
 - Cr Ken Seymour, Shire of Moora
- Deputy President –
 - Cr Denese Smythe, Shire of York
 - Cr Rosemary Madacsi, Shire of Toodyay
- Zone Representative to State Council –
 - Cr Ken Seymour, Shire of Moora
- Zone Deputy Representative to State Council –
 - Cr Denese Smythe, Shire of York
 - Cr Rosemary Madacsi, Shire of Toodyay

Where more nominations are received than there are vacancies for a position, an election will be held for those positions.

Where an election is held voting is by secret ballot and only each member Council's delegate or their deputy delegate acting in the absence of the delegate is entitled to vote (1 vote per member Council). The candidate with the greater or greatest number of votes is elected to the office.

In the event of a tied vote, election will be determined by drawing names from a box. The Returning Officer will put the names of the candidates concerned in a box and the first name drawn is the Elected Member.

The Executive Officer represents WALGA as the Returning Officer for the election.

Prior to the ballot, nominees for each position will be extended the opportunity to provide a 2 minute election bid to delegates.

RECOMMENDATION

That the Returning Officer be authorised to destroy all ballot papers used in the election process.

Cr K Seymour vacated that Chair and the Executive Officer conducted the elections.

President

As there was only one nomination for Zone President, the Executive Officer declared Cr Ken Seymour elected for a term of 2 years (2021-2023).

Deputy President

Cr Rosemary Madacsi and Cr Denese Smythe addressed the meeting.

The Executive Officer distributed, collected and counted the ballot papers.

The Executive Officer announced that a majority of votes had been cast in favour of Cr Smythe. The Executive Officer declared Cr Smythe elected as the Zone Deputy President for a term of 2 years (2021-2023).

Zone Representative to State Council

As there was only one nomination for Zone Representative to State Council, the Executive Officer declared Cr Ken Seymour elected for a term of 2 years (2021-2023).

Deputy Zone Representative to State Council

Cr Rosemary Madacsi and Cr Denese Smythe indicated that they did not wish to further address the meeting.

The Executive Officer distributed, collected and counted the ballot papers.

The Executive Officer announced that a majority of votes had been cast in favour of Cr Madacsi. The Executive Officer declared Cr Madacsi elected as the Deputy Zone Representative to State Council for a term of 2 years (2021-2023).

Cr Ken Seymour assumed he chair. He thanked Cr Court for her work as the Zone Deputy President.

RESOLUTION

Cr C Antonio moved and Cr B Haywood seconded –

That the Returning Officer be authorised to destroy all ballot papers used in the election process.
CARRIED

6 APPOINTMENT OF ZONE REPRESENTATIVES
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6.1 Local Government Agricultural Freight Group

The Zone is represented on the Local Government Agricultural Freight Group by a delegate and a deputy delegate.

The Group's Terms of Reference provide –

- That a Zone's delegate and deputy delegate shall both be elected members.
- That the Chair of the Group is appointed from one of the constituent Zones. The Constituent Zone from whom the Chair is appointed is entitled to appoint a further delegate to the Group. The position of Chair is a non-voting one.

The Zone's representatives have been Cr Barry Haywood (Delegate) and Cr Chris Antonio (Deputy Delegate).

RESOLUTION

Cr J Court moved and Cr P Scharf seconded –

That Cr Barry Haywood be appointed as the Zone's delegate to the Local Government Agricultural Freight Group.
CARRIED

RESOLUTION

Cr J Court moved and Cr P Scharf seconded –

That Cr Chris Antonio be appointed as the Zone's deputy delegate to the Local Government Agricultural Freight Group.
CARRIED

6.2 Wheatbelt District Emergency Management

The Zone representatives to the Wheatbelt District Emergency Management Committee have been Cr Chris Antonio (Delegate) and Cr Jan Court (Deputy Delegate).

RESOLUTION

Cr C Antonio moved and Cr B Haywood seconded –

That Cr Chris Antonio be appointed as the Zone's delegate to the Wheatbelt District Emergency Management Committee.
CARRIED

RESOLUTION

Cr C Antonio moved and Cr B Haywood seconded –

That Cr Jan Court be appointed as the Zone's deputy delegate to the Wheatbelt District Emergency Management Committee.
CARRIED

Cr D Smythe left the meeting at 10:29 am.

As there were a number of new delegates and observers in attendance, the Chair invited those present to introduce themselves.

7 MINUTES

7.1 Confirmation of Minutes

Minutes of the Zone Meeting held 23 August 2021 at Toodyay. Copies of these Minutes have been circulated to all member Councils.

RECOMMENDATION

That the Minutes of the Zone Meeting held on 23 August 2021, as printed and circulated, be confirmed.

RESOLUTION

Cr C Antonio moved and Cr P Bantock seconded –

That the Minutes of the Zone Meeting held on 23 August 2021, as printed and circulated, be confirmed. CARRIED

7.2 Business Arising from the Minutes

(a) Zone Meeting Format (Item 5.2(a))

Discussions have been held with a suitable supplier, Ctrl Alt Lylie, regarding audio/visual equipment which will meet the Zone's requirements for hybrid meetings. The brief given to the supplier was for a system that was easy to setup (plug and play), portable and capable of being set up in various venues, allow for up to 25 delegates in the face-to face meeting plus presentations and able to utilise the Zone's existing PA amplifier system and lapel microphone. Detailed quote is attached to the Agenda.

Quote summary –

Mini PC with Control Panel	2,999.00
Camera	1,999.00
Wireless Microphones (desktop) (3)	1,197.00
360° pickup, 3 m radius	
Mixer	
(to allow existing audio equipment to be used)	249.00
Setup and Support Sessions	990.00
Total	\$7,404.00

The Zone's 2021/2022 budget included a nominal allocation of \$4,500 for purchase of equipment for video conferencing. The Zone has sufficient cash reserves to allow for the additional costs.

RECOMMENDATION

That the quote for supply of audio/visual equipment from Ctrl Alt Lyle be accepted and that the expenditure of additional funds over the budget allocation be approved.

RESOLUTION

Cr J Court moved and Cr R Madacsi seconded –

That the quote for supply of audio/visual equipment from Ctrl Alt Lyle be accepted and that the expenditure of additional funds over the budget allocation be approved. CARRIED

(b) Wheatbelt Conference (Item 5.2 (b))

Last meeting noted that the Central Country Zone had advised that it does not support the conducting of a further Wheatbelt Conference and that the Great Eastern Country Zone Executive had recommended that the meeting to discuss a future Wheatbelt Conference be deferred until after the October 2021 local government elections.

This matter has not progressed further. Does the Zone wish to meet with the Great Eastern Country Zone to discuss a future Wheatbelt Conference?

RECOMMENDATION

For discussion

The meeting requested that this item remain on the agenda until further notice. It was noted that any consideration of a future Wheatbelt Conference will need to take into account the prevailing COVID-19 situation and any restrictions that may be in place on gatherings.

(c) Local Government Audits (Item 10.5)

Last meeting resolved that the Office of the Auditor General be invited to give a presentation to the Zone at this meeting and arrangements were made. However, a subsequent request was received from the Department of Water and Environmental Regulation to attend this meeting and give a talk about the changes to the Environmental Protection Act and new Native Vegetation Clearing Referral Process. Following discussions with the Zone President and the Office of the Auditor General the request from the Department of Water and Environmental Regulation was accepted and the presentation from the Office of the Auditor General rescheduled for the Zone's February 2022 meeting.

RECOMMENDATION

For Noting

NOTED

Cr P Bantock requested that the Office of the Auditor General be asked to comment on auditors not attending a local government's office in person when undertaking an audit. She commented that in these circumstances Shire staff spent a significant amount of time scanning and forwarding documents required for the audit. Cr Bantock also pointed out that since the Office of the Auditor General had taken over local government audits the cost to the local government has doubled.

(d) Other

No other matters were brought forward.

8 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION BUSINESS

8.1 WALGA State Council Agenda

Review of the Agenda for the State Council meeting to be held Wednesday 1 December 2021. The Zone is able to provide comment or submit alternate recommendations to State Council for consideration.

Matters for Decision

5.1 Paid Family and Domestic Violence Leave Entitlements (Page 6)

WALGA Recommendation

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).*

WALGA Executive Summary

- There is currently no legislative or award entitlement to *paid* FDVL in the federal industrial relations system.
- The National Employment Standards (NES) in the *Fair Work Act 2009* (Cth) (FW Act) provide employees with an entitlement to five days' unpaid FDVL per year.
- The FWC commenced a review of FDVL in April 2021 to determine appropriate FDVL provisions in modern awards, including whether an entitlement to ten days' paid FDVL should be included in modern awards as requested by the ACTU.
- WALGA Employee Relations has surveyed the sector to determine whether WALGA should prepare a submission for the FWC on FDVL and whether Local Governments believe employees should be provided with an entitlement to paid FDVL.
- 50% of the sector responded to the survey and 69% of respondents believe employees should be provided with paid FDVL.
- The majority of respondents take the view that employees should be provided with five days' FDVL per year.

- Many Local Governments already provide employees with paid FDVL either through their enterprise agreement or by policy.

The meeting recommended that the Zone support the recommendation to State Council.

Cr C Antonio advised that a community forum was being held in Northam on 24 November 2021 as part of the Wheatbelt Family and Domestic Violence Offenders Project. He advised that he would provide details to the Executive Officer for circulation to delegates.

Cr J Court indicated interest in attending.

Secretarial Note: Following the meeting Cr Court advised that she was unable to attend the forum.

5.2 Payment to Independent Committee Members (Page 24)

WALGA Recommendation

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.

WALGA Executive Summary

- Local Governments have raised the issue that clarification is needed to allow Local Governments to pay meeting attendance fees to independent members of Committees in respect of their preparing for, attending and/or participating in Committee meetings, in accordance with s5.100 of the *Local Government Act 1995*.
- There has been differing advice provided to the sector over the years and conjecture as to the method by which a professional person, appointed as the independent member to an Audit Committee, may claim reimbursement for their commitment of time and professional expertise.
- This item recommends advocating for the *Local Government Act 1995* to be amended 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*.

The meeting recommended that the Zone support the recommendation to State Council.

5.3 2021 Annual General Meeting (Page 26)

WALGA Recommendation

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.*
2. *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.*

WALGA Executive Summary

- WALGA's 2021 Annual General Meeting was held on Monday, 20 September 2021.
- The meeting resolved for WALGA to act in relation to four member motions:
 1. Cost of Regional Development
 2. CSRFF Funding Pool and Contribution Ratios
 3. Regional Telecommunications Project
 4. Review of the Environmental Regulations for Mining
- The meeting also resolved by special majority to make suggested amendments to the Association's Constitution as per an executive motion.
- The action taken or proposed to be taken in relation to each of the resolutions since the Annual General Meeting has been summarized for State Council's information.

Cr R Madacsi referred to an issue with the rehabilitation of extractive industries sites where a site was not being actively used but the license was being renewed on the basis that the resource was not exhausted to avoid the need for closure and rehabilitation of the site. **Mr G Middle advised that he would follow this matter up.**

The meeting recommended that the Zone support the recommendation to State Council.

5.4 Review of advocacy positions relating to the *Building Act 2011* and *Building Regulations 2012* (Page 30)

WALGA Recommendation

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.*
6. *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.*

WALGA Executive Summary

- At its meeting on 16 August 2021 the People and Place Policy Team considered and endorsed a review of WALGA's Planning and Building Related advocacy positions.
- The Policy Team determined the Building Act and Fees policy positions as a section to be retained and reviewed, and that the policy area would have a high priority as part of the broader review.

- A review of the Building Act and Fees policy section has been undertaken, with several recommended changes proposed, and
- The People and Place Policy Team considered the matter at its meeting on 25 October and resolved to support the review and progress the matter to State Council for endorsement.

The meeting recommended that the Zone support the recommendation to State Council.

5.5 Draft WA Building Surveyors Code of Conduct (Page 33)

WALGA Recommendation

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.*
2. *Endorse the attached consultation response summary on the draft Code.*

WALGA Executive Summary

- The Department of Mines, Industry Regulation and Safety is undertaking consultation on the WA Building Surveyors Code of Conduct (draft Code), which is based on a National Code.
- Building on previous consultation regarding the National Code, WALGA has engaged with Local Government building surveyors regarding the implications of the draft Code.
- Key concerns from the sector include:
 - Potential to limit Local Government building surveyor ability to provide advice on how to meet the requirements of building standards
 - Significant liability concerns for individual building surveyors
 - Inability to meet provisions regarding conflict of interest, particularly in non-metropolitan area
 - Lack of integration of the draft Code with the other building reform measure in progress.

The meeting recommended that the Zone support the recommendation to State Council.

RECOMMENDATION

That the above recommendations and comments be endorsed.

RESOLUTION

Cr C Antonio moved and Cr R Madacsi seconded –

That the above recommendations and comments be endorsed.

CARRIED

Matters for Noting/information

6.1 Local Government Support for Single Use Plastic Bans (Page 45)

WALGA Recommendation

That WALGA note the introduction of the Single Use Plastics Bans.

WALGA Executive Summary

- The State Government have committed to banning a number of single-use plastic items by the end of 2021, including plates, bowls, cutlery, stirrers, straws, cups and lids, thick plastic bags, polystyrene food containers and helium balloon releases. Then from 2022, a range of other single use plastic items.

- Local Government has an opportunity to support the implementation of the bans, which will assist in reducing litter and encourage the transition to reusable or compostable alternatives which will reduce contamination in the kerbside recycling and Food Organic and Garden Organic (FOGO) bins.
- Local Government has previously been supportive of state-wide regulation for these products as the approach is more consistent and streamlined than each Local Government regulating.

6.2 Report Municipal Waste Advisory Council (MWAC) (Page 47)

WALGA Recommendation

That WALGA note the resolutions of the Municipal Waste Advisory Council at its 25 August and 13 October 2021 meetings.

WALGA Executive Summary

- This item summaries the outcomes of the MWAC meetings held on 25 August and 13 October 2021.

6.3 WALGA submission on the National Climate Resilience and Adaptation Strategy (Page 50)

WALGA Recommendation

That WALGA's submission to the Commonwealth Government National Climate Resilience and Adaptation Strategy (NCRAS) be noted.

WALGA Executive Summary

- The Commonwealth Government is seeking to update the National Climate Resilience and Adaptation Strategy, accepting public consultation for a short period of only 4 weeks.
- WALGA prepared a draft submission on behalf of the sector, aligned with WALGA's existing Climate Change Policy Statement and other previous submissions endorsed by State Council.
- The submission argues that the implementation of the overarching strategic framework for climate adaptation requires strong leadership and adequate resourcing from the Commonwealth Government.
- The draft submission was considered by the Environment Policy Team out of session and was signed by WALGA State Council President, Mayor Tracey Roberts.
- State Council is to note the final WALGA submission as submitted to the Commonwealth Government as the consolidated position of the sector on the proposed NCRAS update.

6.4 Closing the Gap Update (Page 52)

WALGA Recommendation

That the recent updates on Closing the Gap are noted.

WALGA Executive Summary

- The National Agreement on Closing the Gap (the National Agreement) came into effect on 27 July 2020. The objective of the National Agreement is to enable Aboriginal and Torres Strait Islander people and governments to work together to overcome the inequality faced by Aboriginal and Torres Strait Islander people so that their life outcomes are equal to all Australians. The National Agreement requires all government parties to develop Implementation Plans that set out how they will meet their commitments.
- In September 2021, the State Government released its Implementation Plan, which sets out their approach to meeting the Closing the Gap outcomes included in the National Agreement.
- The Partners in Government Agreement signed in September 2021 between the State Government, WALGA and LG Professionals includes Closing the Gap as a focus area.
- The Australian Local Government Association (ALGA) is a co-signatory to the Agreement on behalf of the Local Government sector and released its Closing the Gap Implementation Plan on 9 September 2021.
- Being the level of Government closest to the community Local Governments play a key role in delivering outcomes that address Closing the Gap priority areas, with many already delivering initiatives through Reconciliation Action Plans.

6.5 Submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians (Page 54)

WALGA Recommendation

That the WALGA submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians, be noted.

WALGA Executive Summary

- The Standing Committee on Community Affairs of the Commonwealth Parliament commenced an inquiry into the above matter on 4 August 2021 with submissions due by 30 September 2021.
- 18 Local Governments provided input into WALGA's submission.
- Regional and rural Local Governments have consistently identified shortages in the provision of GP and related health services as a serious long-standing issue in their communities.
- Local Governments, as the 'provider of last resort', are compelled to enter costly medical services contracts to support housing, medical centre operations and other benefits to attract and retain GPs and related health professionals to regional areas.
- Submissions are due by 30 September 2021 and will be published on the Committee's website on 8 October 2021.

6.6 Wooroloo Independent Review Letter of Support (Page 56)

WALGA Recommendation

That the Letter of Support to the Wooroloo Bushfire Independent Inquiry be noted.

WALGA Executive Summary

- The Australasian Fire and Emergency Services Authorities Council (AFAC) commenced an Independent Review (Independent Review) into the Wooroloo Bushfire on Friday, 20 August with submissions open to the public and closing Friday, 8 October 2021.
- WALGA obtained an extension of the submission deadline to Friday, 15 October 2021 to enable the City of Swan and Shire of Mundaring to explore opportunities for a joint submission and enable the endorsement of their submission/s at their respective Ordinary Council meetings.
- WALGA provided a letter of support to the Independent Review highlighting key issues identified in WALGA Policy Positions and in submissions to recent emergency reviews and inquiries.

6.7 State Budget Outcomes (Page 58)

WALGA Recommendation

That the update on the 2021 State Budget be noted.

WALGA Executive Summary

- The 2021-22 State Budget, handed down on 9 September 2021, contained little direct funding for Local Governments, with most of the spending focussed on the delivery of election commitments and big-ticket programs.
- A larger than expected surplus of \$5.6 billion in 2020-21 - mainly due to record high iron ore prices and forecast surpluses over the forward estimates - has provided the capacity for the Government to embark on major new spending programs, focussed on health and mental health, COVID-19 response and social housing.
- While these are important priorities, only one of the nine initiatives identified in WALGA's "Immediate Priorities for the State Government" received (partial) funding. Advocacy efforts will continue throughout this term of Government.
- The Budget also demonstrated Western Australia's strong economic recovery from the impact of the COVID-19 pandemic.
- Treasury estimates Gross State Product (GSP) grew 3.25% in 2020-21 and is forecasting further growth of 3.5% in 2021-22, in contrast with a national recession in 2020 and the global economic slowdown.
- After losing more than 100,000 jobs at the start of the pandemic, the WA economy recovered to regain these jobs and more as the unemployment rate fell from 6.1% pre-COVID to 4.9% in the June quarter. With job vacancies at levels comparable to that experienced during the mining boom, employment growth is expected to see another 34,000 jobs created in 2021-22. This tightening in the labour market along with subdued population growth is leading to skills shortages in some sectors.

- Further detail about the State Budget can be found in the Budget summary documents and WALGA Economic Briefing.

6.8 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy (Page 60)

WALGA Recommendation

That the WALGA submission to Infrastructure WA in response to the draft State Infrastructure Strategy, Foundations for a Stronger Tomorrow, be noted.

WALGA Executive Summary

- Infrastructure WA was established in 2019 and following extensive stakeholder engagement, research and analysis has released a draft 20 year State Infrastructure Strategy titled Foundations for a Stronger Tomorrow for consultation.
- The draft Strategy makes 88 recommendations across:
 1. seven themes: Digital connectivity and technology; Aboriginal cultural heritage, wellbeing and enterprise; Climate change and sustainability; Regional development; Planning and coordination; Infrastructure delivery; Asset management; and
 2. nine sectors: Energy; Water; Waste; Transport; Social and Affordable Housing; Health; Education; Arts, culture, sport and recreation; Justice and public safety.

6.9 Regional Telecommunications Review 2021 (Page 64)

WALGA Recommendation

That the endorsed submission to the Regional Telecommunications Review 2021 Committee be noted.

WALGA Executive Summary

- A Regional Telecommunications Independent Review Committee, established under the Telecommunications (Consumer Protection and Service Standards) Act 1999, sought submissions from stakeholders to inform a review into telecommunications services in regional, rural and remote parts of Australia.
- A submission was developed based on:
 1. unresolved issues identified in a 2019 consultation with Local Governments regarding risks to emergency management capability that arise due to failure of telecommunications services during emergency conditions;
 2. strategic and specific issues identified by Local Governments; and
 3. matters raised during consultation at WALGA Zone meetings.
- Local Governments identified weaknesses in the telecommunications service:
 1. coverage (Black Spots);
 2. capacity (to meet growing and seasonal demands);
 3. resilience (specifically during power outages); and
 4. cost (lack of price competitive options).
- These issues were found in peri-urban and some metropolitan areas as well as regional and remote parts of the State.
- The submission to the Regional Telecommunications Independent Review Committee identified 15 recommended solutions that if effectively delivered will provide improved equity in the level of telecommunications services delivered across Australia.
- The draft submission was endorsed by State Council by Flying Minute on 29 October 2021.

Cr R Madacsi pointed out the difficulties with mobile communications in hilly terrain and that it was important to take this into account when considering telecommunication services. She commented that she understood that there were two types of signals; either straight line or terrain following. Mr P Bentley commented that the terrain following signals had a shorter effective distance and as a consequence more towers were required. Mr R Burnell advised that the Federal Government had funding available for multiple carriers to operate from single towers.

Hon M Aldridge commented –

- Using Gidgegannup as an example, Telstra had advised that due to the terrain it would require 13 towers to provide full coverage in the area.
- He could not see any improvement until there is a shift in technology.

- The State Budget did not provide any new money for new towers.
- Recent events had highlighted the reliance of emergency services on mobile phone coverage.

Hon S Carr commented that the continual evolution of technology was an issue, that the Starlink satellite internet service appears to be giving good results and that we need to invest in smarter technology not more.

Cr C Antonio pointed out that Cyclone Seroja had highlighted the situation that we were not prepared for emergencies.

ADJOURNMENT: The meeting adjourned at 11:19 am.

RESUMPTION: The meeting resumed at 11:38 am. With the exception of Cr C Antonio, all those present at the time of adjournment were present on resumption.

6.10 WALGA submission on Guideline: Native Vegetation Referral, Part V Environmental Protection Act 1986 (Page 67)

WALGA Recommendation

That the endorsed WALGA submission on the draft Guideline: Native Vegetation Referral be noted.

WALGA Executive Summary

- On 5 July 2021 the Department of Water and Environment Regulation (DWER) released the draft Guideline: Native Vegetation Referrals (the Guideline) for consultation by 30 July. WALGA was granted an extension to 6 August 2021.
- The Guidelines relate to a new clearing referral process introduced as part of the *Environmental Protection Act Amendment Act 2020* passed in November 2020 which removes the requirement for a clearing permit for low impact proposals. Referrals considered low impact are not subject to public consultation and no fees are payable by proponents to DWER for the assessment of referrals.
- The Guideline provides information on this new referral process for approval of low impact native vegetation clearing. This new process could, in some circumstances, assist some Local Governments with more timely delivery of minor infrastructure projects and reduce costs associated with clearing permits.
- WALGA's submission reiterates its support for this referral process for which an exemption does not apply, on the proviso that environmental outcomes are not negatively affected. It also recommends that Guidelines need to provide greater clarity regarding the type of clearing that would be considered low impact to avoid confusion and delays to projects.
- The final submission was endorsed by State Council via Flying Minute (resolution 207.FM/2021).

(See Zone Business Item 12.4)

6.11 WALGA submission on Draft Native Vegetation Policy for Western Australia (Page 69)

WALGA Recommendation

That the endorsed submission to the Department of Water and Environment Regulation on the Draft Native Vegetation Policy for Western Australia be noted.

WALGA Executive Summary

- The State Government has released for public comment a Draft Native Vegetation Policy for Western Australia (Draft Policy) on 30 August 2021.
- Whilst it is primarily aimed at State Government agencies and developing a whole of government approach to native vegetation management, many aspects are of interest to, or have implications for, Local Governments.
- A draft submission was prepared and sent out to the sector for comment, with some changes made to the draft.
- Comments on the revised draft submission were sought from members of the Environment Policy Team by Thursday, 14 October 2021.
- The submission was endorsed by State Council via Flying Minute (resolution 211.FM/2021).

6.12 Submission on Cost Recovery Part IV of the Environmental Protection Act 1986 – assessments by the Environmental Protection Authority (Page 71)

WALGA Recommendation

That the endorsed WALGA submission to the Department of Water and Environmental Regulation on Cost Recovery under Part IV of the Environmental Protection Act 1986 – assessments by the Environmental Protection Authority be noted.

WALGA Executive Summary

- Changes made to the Environmental Protection Act 1986 (EP Act) earlier this year included a Head of Power for the Department of Water and Environmental Regulation (DWER) to establish a cost recovery mechanism for proposals subject to assessment by the Environmental Protection Authority (EPA).
- DWER has released a discussion paper and draft Regulations setting out the proposed cost recovery model for comment by 22 October 2021.
- WALGA's submission provides two case studies that demonstrate that the proposed cost recovery fees would have a significant financial impact on Local Government projects requiring EPA assessment.
- It is also argued that most Local Government proposals requiring environmental assessment are for the community and broader public benefit, are consistent with State Government Planning, Strategies and Policies, and are not for profit.
- On this basis the submission recommends that cost recovery fees for these Local Government projects should be waived.
- The final submission was endorsed by State Council via Flying Minute (resolution 209.FM/2021).

6.13 Student Transport Assistance Policy Framework Inquiry – WALGA Submission (Page 73)

WALGA Recommendation

That the endorsed submission to the Parliamentary Public Accounts Committee Inquiry into the Student Transport Assistance Policy Framework be noted.

WALGA Executive Summary

- The Parliamentary Public Accounts Committee is leading an inquiry into the current Student Transport Assistance Policy (STAP) framework.
- This submission examines the relationship of the STAP to Local Government, with a focus on:
 - Restricted Access Vehicles;
 - Local Road Maintenance;
 - Turnaround Facilities;
 - Use of Local Government Property;
 - Students with Physical Mobility Issues; and
 - Population Decline and Economic Development.
- Policy recommendations are developed as part of this submission.
- The draft submission has been reviewed and supported by the Infrastructure Policy Team and endorsed by State Council via Flying Minute.

Late Matters for Noting/Information

6.14 Local Government Legislative Reform

WALGA 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 are attached.

The State Government have advised of a 3 month consultation period ending on 4 February 2022.

WALGA 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.

Mr W Bower commented –

- The Minister has advised that no extension will be given to the consultation period.
- WALGA timetable for response to the Minister –
 - 22 November 2021 – InfoPage to all local governments requesting feedback to advise WALGA's current position on the recommendations. Currently WALGA has positions on 27 of the 43 recommendations.
 - 12 January 2022 – Closing date for feedback from local governments.
 - Last week January 2022 – Recommend Zones hold a special meeting to consider draft WALGA response to the recommendations.
 - 2 February 2022 – State Council to consider formal position on the recommendations.
 - 4 February 2022 – WALGA submission to the Minister.

RESOLUTION

Cr P Bantock moved and Cr B Haywood seconded –

That Friday 21 January 2022 be scheduled as a provisional date for a meeting of the Zone to consider WALGA's response to the Minister for Local Government on the local government legislative reform initiatives. CARRIED.

Secretarial Note - On 8 December 2021, the WA Local Government Association advised that the Minister for Local Government had agreed to an extension of time to 25 February 2022 for feedback on the local government legislative reforms. Updated timeline for response to the Minister -

- *Friday 28 January 2022 - Local Governments requested to provide feedback to WALGA by 5 pm.*
- *February 2022 – Zone Meetings to consider a draft sector submission.*

- *Wednesday 23 February at 4 pm – WALGA Special Meeting of State Council via video conference to endorse submission.*
- *Friday 25 February - WALGA to present submission to the State Government.*

As such there is no need for a January meeting of the Zone.

6.15 Work Health and Safety (WHS) Legislation Update

WALGA Recommendation

That the update on the Work Health and Safety (WHS) legislation be noted.

WALGA 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 (PBCU). 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.

Ms J Collins advised that the Department of Local Government, Sport and Cultural Industries will be holding on-line information sessions for the sport and recreation industry on –

Friday 26 November 2021 – 9:00 am – 10:00 am

Monday 29 November – 12:00 pm – 1:00 pm

Tuesday 30 November 7:00 pm – 8:00 pm.

Consideration of this item was deferred to Item 12.3.

RECOMMENDATION

That the above matters for noting/information be noted.

RESOLUTION

**Cr R Madacsi moved and Cr P Scharf seconded –
That the above matters for noting/information be noted.**

CARRIED

Organisational Reports

7.1 Key Activity Reports

7.1.1 Report on Key Activities, Commercial and Communications (Page 74)

7.1.2 Report on Key Activities, Governance and Organisational Services (Page 78)

7.1.3 Report on Key Activities, Infrastructure (Page 81)

7.1.4 Report on Key Activities, Strategy, Policy and Planning (Page 83)

7.2 Policy Forum Reports (Page 86)

RECOMMENDATION

That the above organisational reports be noted.

RESOLUTION

**Cr B Haywood moved and Cr P Bantock seconded –
That the above organisational reports be noted.**

CARRIED

8.2 WALGA President's Report

Presentation of the WALGA President's Report (attached to Agenda).

RECOMMENDATION

That the WALGA President's Report be received.

Mr W Bouwer presented the WALGA President's report and advised that an induction for State Councillors and Deputy State Councillors was to be held on 24 November 2021.

RESOLUTION

**Cr P Bantock moved and Cr B Haywood seconded –
That the WALGA President's Report be received.**

CARRIED

8.3 State Councillor's Report

Report by Cr Ken Seymour.

Cr K Seymour reported –

WALGA President, Mayor Tracey Roberts has informed State Councillors that it is her intention to stand down from the position after the next State Council meeting on the 1st of December. Mayor Roberts intends to stand for election at the next Federal election.

With the dominance the WA State Government has in both Houses of Parliament currently, representative groups such as WALGA will come under increasing pressure to advocate for the Cities and Councils it represents. Hopefully WALGA and its lead team can maintain strong and proactive advocacy to the State Government in the future as good Governments needs good opposition.

Congratulations to all Councillors who were re-elected and welcome to new councillors who were elected recently. Representing your local community on Council is a great way to contribute to the safe and stable society we currently enjoy.

Unfortunately, Councillors will be forced to comply with more rules and regulations in the future to comply with today's governance standards.

I look forward to working collaboratively with the Avon Midland Zone in the future to make our zone a better place to live and work.

RECOMMENDATION

That the State Councillor's Reports be received.

RESOLUTION

**Cr B Haywood moved and Cr M Angus seconded –
That the State Councillor's Report be received.**

CARRIED

8.4 Zone Status Report

Report by WA Local Government Association on status of Zone resolutions for action by the Association – November 2021 (attached to Agenda).

RECOMMENDATION

That the November 2021 Status Report be received.

RESOLUTION

**Cr P Bantock moved and Cr J Court seconded –
That the November 2021 Status Report be received.**

CARRIED

At this time the RDA Wheatbelt report (Item 10.2) was brought forward for consideration. For ease of recording the item has been retained in its order on the Agenda.

Mr Warren Pearce entered the meeting at 12:10 pm.

9 ZONE REPORTS

9.1 Local Government Agricultural Freight Group

No meeting of the Local Government Agricultural Freight Group has been held since the last Zone meeting. The next meeting of the Group is Scheduled for Friday 26 November 2021.

Cr B Haywood commented that he believed that the Local Government Agricultural Freight Group has a role, in particular with regards to rail servicing the southern Wheatbelt.

RESOLUTION

Cr R Madacsi moved and Cr P Bantock seconded –

That the Avon-Midland Zone recommends that the Local Government Agricultural Freight Group continue. CARRIED

9.2 Wheatbelt District Emergency Management Committee

Report by Zone Delegate Cr C Antonio on activities of the Wheatbelt District Emergency Management Committee.

Information provided by Cr Antonio from the Operational Area Support Group on COVID-19 vaccination was circulated to all Zone members and delegates on 9 November 2021 with a request that it be shared with as many people as possible to assist in promoting vaccination within Wheatbelt communities.

RECOMMENDATION

That the Report on the Wheatbelt District Emergency Management be received.

Before leaving the meeting, Cr Antonio had asked that the need for people to use the SafeWA app be stressed.

RESOLUTION

By Consensus –

That the Report on the Wheatbelt District Emergency Management be received. CARRIED

9.3 Wheatbelt Health MOU

Report by Cr Jan Court on discussions on the proposed Wheatbelt Health MOU.

Cr J Court commented –

- The Working Group is struggling to gain momentum.
- A Zoom meeting is scheduled for next week.
- WALGA staff assisting the Group are helpful, but they keep changing.
- Met with Cr Phil Blight and WALGA staff at the Local Government Conference.
- Spoke with WA Council Health Service CEO, Mr Jeff Moffat, at the Local Government Conference. He advised that WACHS had taken over the Silver Chain Rural Health facilities.
- Getting information is frustrating.
- The majority of country hospitals are actually aged care facilities. Costs are high if they are funded as a hospital. A better service could be achieved if these hospitals were funded as aged care facilities with a medical centre.

RESOLUTION

By Consensus –

That the Report on the Wheatbelt Health MOU be received. CARRIED

10 AGENCY REPORTS

10.1 Department of Local Government, Sport and Cultural Industries

- (a) Presentation of the Department of Local Government, Sport and Cultural Industries report.
- (b) Consideration of any topics or presentations the Zone would like the Department to give to the next Zone meeting.

RECOMMENDATION

That the Department of Local Government, Sport and Cultural Industries Report be received.

Ms J Collins presented the Department's report and commented that the KidSport program is 10 years old and since inception the program has provided more than 245,000 vouchers to support over 100,000 children help pay club fees.

RESOLUTION

Cr J Court moved and Cr M Angus seconded –

That the Department of Local Government, Sport and Cultural Industries Report be received.

CARRIED

10.2 RDA Wheatbelt

This item was dealt with earlier (following Item 8.4). For ease of recording the item has been retained in its order on the Agenda.

Presentation of report from RDA Wheatbelt (attached to Agenda).

Ms M Walker has advised that she will need to leave the meeting by 12:30 pm.

RECOMMENDATION

That the RDA Wheatbelt Report be received.

Ms M Walker presented her report and commented on –

- Regional Aviation Alliance
- Regional workforce accommodation
- GrantGuru
- Preparing Australian Program funding
- Building Better Regions Fund Rounds 5 and 6 – Highlighted the need to think about cross regional projects for a greater impact and to make projects more appealing. Enquired if there was any appetite for a collaborative Wheatbelt trials guide

RESOLUTION

Cr B Haywood moved and Cr M Angus seconded –

That the RDA Wheatbelt Report be received.

CARRIED

10.3 Transport Portfolio (Main Roads, Department of Transport, Public Transport Authority)

Presentation of the Transport Portfolio report.

RECOMMENDATION

That the Transport Portfolio report be received.

Mr Y Sinde tabled a written report (circulated to delegates at the meeting) and commented on –

- Complaints that culverts were not extended as part of the shoulder sealing works. Additional funding is being sought.
- 2021/2022 works
 - Northam-Pithara Road –
 - Shoulder sealing Northam to Goomalling, Goomalling to Ballidu 2022/2023.
 - Bridge works in Shires of Goomalling and Wongan-Ballidu.

- Bindoon-Moora Road.
- Issues with the shoulder sealing works on the Wongan Hills-Calingiri Road referred to the contractor. Reseal scheduled for 2022/2023.
- Calingiri Road – Reseal.

RESOLUTION

**Cr B Haywood moved and Cr J Court seconded –
That the Transport Portfolio report be received.**

CARRIED

Item 14 Comments by Members of Parliament was brought forward.

Hon M Aldridge MLC commented on –

- Electoral reform amendments have been passed by Parliament.
 - Legislative Council regions have been abolished.
 - Regional delineation removed. Peri urban local governments may find that they will move into metropolitan electorates.
- The Industrial Relations Bill is in the Legislative Council but has not been prioritised for passage.
- The state of emergency declared under the Emergency Management Act has been extended.
- Although the Department of Mines, Industry Regulation and Safety has provided some information there is still a lack of clarity around the new requirements under the Work, Health and Safety Act. Hope to engage with Local Governments with regard to their specific concerns.
- Mandatory COVID-19 vaccinations have been extended to volunteer firefighters. Have raised concerns in the Parliament with regards to the changing arrangements and shortness of time. Anyone working in emergency management could be caught up.

Hon M Aldridge MLC, Mr Y Shinde and Mr S Patel left the meeting at 11:37 am.

10.4 RoadWise (Wheatbelt North)

Presentation of report from RoadWise (Wheatbelt North) (attached to Agenda).

RECOMMENDATION

That the RoadWise (Wheatbelt North) Report be received.

RESOLUTION

**Cr P Scharf moved and Cr J Court seconded –
That the RoadWise (Wheatbelt North) Report be received.**

CARRIED

10.5 Other

There were no other reports.

11 FINANCE

11.1 Financial Reports

Balance Sheet and Profit and Loss Report for the period ending 31 October 2021 are attached to the agenda.

RECOMMENDATION

That the financial reports for the period ending 31 October 2021, as attached, be received.

RESOLUTION

**Cr R Madacsi moved and Cr M Angus seconded –
That the financial reports for the period ending 31 October 2021, as attached, be received.**

CARRIED

11.2 Accounts for Payment

The following accounts are submitted for payment -

<u>Payee</u>	<u>For</u>	<u>Amount</u>
R W & S Dew	Secretarial Services to Zone – December 2021 Quarter	3,721.00
	TOTAL (no GST)	<u><u>\$3,721.00</u></u>

RECOMMENDATION

That the accounts as listed totalling \$3,721.00 be approved for payment.

RESOLUTION

Cr P Bantock moved and Cr B Haywood seconded –

That the accounts as listed totalling \$3,721.00 be approved for payment.

CARRIED

12 ZONE BUSINESS

12.1 Delegates and Deputy Delegates to Zone

BACKGROUND

Following the 2021 local government elections member Councils are to appoint a delegate and deputy delegate to the Zone.

COMMENT

Member Councils have advised their delegates and deputy delegates to the Zone as follows –

Council	Delegate	Deputy Delegate
Shire of Chittering	Cr Aaron King	Cr Mary Angus
Shire of Dalwallinu	Cr Keith Carter	Cr Steven Carter
Shire of Dandaragan	Cr Leslee Holmes	Cr Peter Scharf
Shire of Gingin	Cr Jan Court	Cr Linda Balcombe
Shire of Goomalling	Cr Barry Haywood	Cr Julie Chester
Shire of Moora	Cr Ken Seymour	Cr Tracy Lefroy
Shire of Northam	Cr Chris Antonio	Cr Michael Ryan
Shire of Toodyay	Cr Rosemary Madacsi	Cr Beth Ruthven
Shire of Victoria Plains	Cr Pauline Bantock	Cr Neville Clarke
Shire of Wongan-Ballidu	Cr Stuart Boekeman	Cr Dwight Coad
Shire of York	Cr Denese Smythe	Cr Denis Warnick

RECOMMENDATION

For noting

NOTED

12.2 Bank Signatures

BACKGROUND

The persons authorised to operate the Zone's Bank Accounts are any two of the President, Deputy President and Executive Officer.

COMMENT

With the change in Zone's officer holders following the Zone elections, the Zone's bank will require a resolution to authorise the change of signatures at the bank.

RECOMMENDATION

That the persons authorised to operate the Zone's Bank Accounts be changed to any two of Cr Ken Seymour (President), Cr _____ (Deputy President) and Robert Dew (Executive Officer) – Cr _____ to replace Cr Jan Court.

RESOLUTION

Cr B Haywood moved and Cr P Bantock seconded –

That the persons authorised to operate the Zone's Bank Accounts be changed to any two of Cr Ken Seymour (President), Cr Denise Smythe (Deputy President) and Robert Dew (Executive Officer) – Cr Denise Smythe to replace Cr Jan Court.

CARRIED

12.3 Work Health and Safety Act

From Shire of Moora

BACKGROUND

On 3 November 2020 State Parliament passed the Work Health and Safety Act 2020 and it was assented to on 10 November 2020. The Act and accompanying Regulations will commence in January 2022.

Key features of the Act –

- 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 primary duty of care requiring PCBUs to, so far as is reasonably practicable, ensure the health and safety of workers and others who may be affected by the carrying out of work.
- Duties of care for persons who influence the way work is carried out, as well as the integrity of products used for work, including the providers of WHS services
- A requirement that 'officers' exercise 'due diligence' to ensure compliance.
- The new offence of industrial manslaughter, which provides substantial penalties for PCBUs where a failure to comply with a WHS duty causes the death of an individual, in circumstances where the PCBU knew the conduct could cause death or serious harm.
- The voiding of insurance coverage for WHS penalties, and imposition of penalties for providing or purchasing this insurance.
- The introduction of WHS undertakings, which are enforceable, as an alternative to prosecution.
- Reporting requirements for 'notifiable incidents' such as the serious illness, injury or death of persons and dangerous incidents arising out of the conduct of a business or undertaking.
- A framework to establish a general scheme for authorisations such as licences, permits and registrations (for example, for persons engaged in high risk work or users of certain plant or substances), including provisions for automated authorisations.
- Provision for consultation on WHS matters, participation and representation.
- Provision for the resolution of WHS issues.
- Protection against discrimination for those who exercise or perform or seek to exercise or perform powers, functions or rights under the Act.
- Provision for enforcement and compliance, including a compliance role for WHS inspectors.
- Establishment of Western Australia's peak tripartite consultative bodies:
 - Work Health and Safety Commission (WHSC), replacing the Commission for Occupational Safety and Health (COSH)
 - Mining and Petroleum Advisory Committee (MAPAC), replacing the Mining Industry Advisory Committee (MIAC), which covered mining only

COMMENT

The Shire of Moora has expressed concerns with the provisions of the Act which provide for the new offence of industrial manslaughter and the failure by government and agencies to provide adequate advice and direction to regional communities and volunteer services, particularly firefighters. The Shire has requested that the letter from the Shire President to the Premier by listed for discussion -

I refer to the amendment of the Work Health and Safety Act 2020 to provide for the offence of industrial manslaughter in the Criminal Code, as amended.

I am compelled to write regarding the failure of Worksafe and the Department of Fire and Emergency Services to provide adequate advice and direction to regional communities and volunteer services, particularly firefighters, in respect of the legislative reforms due to come

into effect on 1 January 2022. A date which, coincidentally, is at the height of the fire season.

Fire grounds, fast water flooding and search and rescue operations are dynamic dangerous environments; they are not comparable to commonplace typically static work sites or environments where a high degree of predictability and control can be achieved. Emergency events commonly occur, and have greatest impact in the regions where responses predominantly rely on "spontaneous volunteers" - those volunteer organisations and community members typically on site in the first 30 minutes of an event occurring.

The failure of government to clearly understand and communicate the full impact of this legislative reform on volunteer firefighters is highlighted by the irrelevant and nonsensical recent use of a fire response case study in Mandurah. This presentation had little to no informative value for the Moora Shire volunteer firefighters and farmer audience, on whom the fact that Mandurah is served by a formal paid DFES Fire Brigade unit was not lost. As you will be aware, no Wheatbelt community has the benefit of a funded DFES fire brigade unit. Our emergency responses are by volunteers, many of whom provide their own equipment, plant and machinery at no cost to government or the community.

Critically, regional volunteer firefighters and farmers have not received adequate considered responses to their questions regarding the responsibility of persons conducting a business or undertaking, fire ground control, transition of incident authority, accredited training, accredited assessors, approved equipment, approved equipment maintainers and suppliers, insurance and record keeping. These are in addition to the issues of determining fault, cause, intent and defences in a codified system giving rise to investigations for alleged industrial manslaughter.

From a Shire of Moora perspective, as you are aware, the Bush Fire Act 1954, makes Shires responsible for the control and management of bushfires until such time as DFES may take control. The uncertainty and ambiguity now harboured by volunteers and farmers is shared by local government authorities, particularly in respect of our direct responsibilities and how we protect our workers who find themselves operating machinery on fire grounds and in other emergency responses, and our communities which fund our fire and emergency responses.

The legacy of failed agency communication and planning in the Wheatbelt is a sense of disrespect and increasing ambiguity and uncertainty. This week, the Shire of Moora Council meeting was advised by volunteer firefighters that they were withdrawing from volunteerism due to the degree of uncertainty and "inadequate and uninformed" assurances from Government agencies. Similarly regional farmers have advised they will be hesitant to respond to fires on adjacent properties they formerly would have protected as their own. There is a significant issue of trust in government among these parties.

Given the imminence of the fire season, I urge you to defer the commencement of the legislation until 1 July 2022 to enable a more planned, coordinated and informed transition by your responsible agencies. Secondly, I urge you to make available officers with the authority and presence to give precise responses to volunteer fire and emergency response groups and farmers at coordinated meetings. Our communities rely on the bravery and generosity of these volunteers and farmers who provide the backbone of effort, equipment and time to respond to emergencies in our region.

I would be pleased to attend a meeting with you and your Ministers to discuss this deepening regional crisis.

With the concurrence of the Shire of Moora a copy of this letter has been provided to Mr Richard Burnell, Department of Fire and Emergency Services.

WorkSafe WA held a webinar on 12 November 2021 on how volunteers and volunteer organisations may or may not be affected by Western Australia's new Work Health and Safety laws. Over 300 people participated. The presenters were Mr David Eyre and Mr Bill Mitchell. Following the presentation, a significant number of questions were asked around firefighters and responsibilities of local government. A copy of the webinar is available from the WorkSafe website.

RECOMMENDATION

For Discussion

State Council Agenda Item 6.15 - Late Item for Noting/Information was resubmitted.

The President advised that a forum was being held in Moora on Friday 26 November at 8:00 am at the Moora Recreation Centre to discuss the potential impact on volunteers in regional areas, particularly volunteer firefighters, of the requirements under the Work, Health and Safety Act. Representatives from the Department of Mines, Industrial Regulations and Safety, LGIS, Department of Fire and Emergency Services and the WA Local Government Association will be in attendance. An invitation to attend has been extended to neighbouring Shire Presidents, CEOs and Chief Bush Fire Control Officers.

Further consideration of this item was deferred to the presentation by Mr Richard Burnell (Item 16.2).

12.4 WALGA Submission on Guidelines: Native Vegetation Referrals under Part V of the Environmental Protection Act 1986

From Shire of Toodyay

COMMENT

Currently, obtaining a clearing permit is a protracted process and resource demanding. The introduction of the referral process while welcome, may potentially exchange one level of bureaucracy for another and does not recognise the wide variation in local government resource capacity.

Local government liaison with DWER to guide applications, is dependent on information against which the rate of change and impact can be evaluated, which many local governments do not readily possess.

A solution is a fast-track process for referrals and permit applications based on a mechanism of identification and assessment of local native vegetation developed by the local government.

The responsibility rests with the local government wishing to utilise the process, to develop the mechanism that identifies and records local native vegetation and key parameters of its sustainability, such as water sources, fragmentation and wildlife corridors.

Such a system can be as simple as a excel database with accompanying maps, or as complex as aerial surveying and GIS applications. The relevance lays in being able to assess the percent of land to be cleared, against the known extent of similar vegetation or ecosystems in the jurisdiction, to validate the application.

State imposed directives are frequently too coarse to capture key local drivers of native vegetation sustainability, such declining understorey and hydrological variation, or apply onerous processes to do so. Impact must be determined in the context of local mechanisms due to the importance of regional variation in the overall health of the environment and to simplify the application process.

Advantages for local government is reduced cost, expediency and information to support strategic direction and management of resources. State advantage is obtained by an economic imperative for development of local repositories of environmental knowledge to support state and federal strategies.

RECOMMENDATION

That WALGA State Council be requested to amend WALGA's submission for the Guidelines: Native Vegetation Referrals under Part V of the Environmental Protection Act 1986 to strongly recommend:

1. Provision of clearly defined benchmarks that will need to be met for successful exemption.
2. Availability of a fast-tracked assessment process for exemptions provided to local governments that can demonstrate within their jurisdictions:
 - a) assessment of native vegetation using a method that meets DWER and DMIRS approval;
 - b) identification of ecosystems and native vegetation associations, spatial extent and temporal change in the jurisdiction; and
 - c) identification of impact and that this does not negatively impact environmental outcomes.
3. Makes allowance for variation in local government resources used in the methodology, provided that purpose is demonstrated.

Mr G Middle advised that he would take this matter to the Local Government Roadside Regulation Working Group and report back to the next Zone meeting. He commented that local government and the Wildflower Society of WA were far apart on this issue.

Consideration of this item was deferred to the next meeting.

13 URGENT BUSINESS (as permitted by the Presiding Member)

No matters were brought forward.

14 MEMBERS OF PARLIAMENT

Dealt with earlier.

15 DATE, TIME AND PLACE OF NEXT MEETING

Future meetings of the Zone are scheduled for –

18 February 2022	Shire of Northam
22 April 2022 (Good Friday 15 April 2022)	Shire of Dalwallinu
24 June 2022 (National General Assembly 19-22 June 2022?)	Shire of Dandaragan
26 August 2022	Shire of Victoria Plains
25 November 2022	Shire of York

RECOMMENDATION

That the next ordinary meeting of the Zone be held Friday 18 February 2022 and be hosted by the Shire of Northam.

RESOLUTION

Cr R Madacsi moved and Cr B Haywood seconded –

That the next ordinary meeting of the Zone be held Friday 18 February 2022 and be hosted by the Shire of Northam.

CARRIED

16 GUEST SPEAKERS

16.1 Department of Water and Environmental Regulation

Ms Kelly Faulkner, Executive Director Regulatory Services and Mr Richard Newman, Director Native Vegetation Protection speaking about the changes to the Environmental Protection Act and new Native Vegetation Clearing Referral Process.

The meeting noted that Ms Faulkner and Mr Newman were unable to attend today’s meeting and that their presentation has been deferred to the Zone’s next meeting.

16.3 Association of Mining and Exploration Companies

Mr Warren Pearce, Chief Executive Officer, Association of Mining and Exploration Companies, gave a presentation on mineral exploration in the Wheatbelt.

Ms J Collins left the meeting at 1:39 pm.

16.2 Department of Fire and Emergency Services

Mr Richard Burnell, Executive Director Corporate Services gave a briefing on –

- Telecommunications Resilience Improvement (including STAND).
He commented that Penny Griffin was the Project Manager for Regional Telecommunications at the Department of Primary Industries and Regional Development.
- Workplace Health & Safety transition – Support for farmers and LGs.
He commented on farmers awareness training, LGIS checklists and that the implementation of fines and penalties under the Act would not take effect until mid-2022.
- COVID-19 Public Health Direction – Fire and Emergency Services Worker (Restrictions on Access) Directions.
He referred to information on the DFES Volunteer hub and the requirement for volunteers to provide vaccination certificates.

No further consideration was given to Item 12.3.

17 CLOSURE

There being no further business the President thanked attendees and the Shire of Gingin for hosting the meeting and declared the meeting closed at 1:52 pm.

CERTIFICATION

These Minutes were confirmed by the meeting held on

Signed:
(Chairman of meeting at which the Minutes were confirmed)