



RR26B CEO077 - Report - WALGA State Council Agenda - July 2021

State Council Agenda

7 July 2021

NOTICE OF MEETING

Meeting No. 4 of 2021 of the Western Australian Local Government Association (WALGA) State Council to be held at City of Cockburn, 9 Coleville Crescent, Spearwood on Wednesday, **7 July 2021** beginning at 12:30pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Members	President of WALGA - Chair	Mayor Tracey Roberts JP
	Deputy President of WALGA, Northern Country Zone	President Cr Karen Chappel JP
	Avon-Midland Country Zone	President Cr Ken Seymour
	Central Country Zone	President Cr Phillip Blight
	Central Metropolitan Zone	Cr Paul Kelly
	Central Metropolitan Zone	Cr Jenna Ledgerwood
	East Metropolitan Zone	Cr Catherine Ehrhardt
	East Metropolitan Zone	Cr Cate McCullough
	Goldfields Esperance Country Zone	President Cr Malcolm Cullen
	Gascoyne Country Zone	President Cr Cheryl Cowell
	Great Eastern Country Zone	President Cr Stephen Strange
	Great Southern Country Zone	Cr Ronnie Fleay
	Kimberley Country Zone	Cr Chris Mitchell JP
	Murchison Country Zone	Cr Les Price
	North Metropolitan Zone	Cr Frank Cvitan JP
	North Metropolitan Zone	Cr David Lagan – Deputy
	North Metropolitan Zone	Cr Russ Fishwick JP
	Peel Country Zone	President Cr Michelle Rich
	Pilbara Country Zone	Deputy to be advised
	South East Metropolitan Zone	Cr Julie Brown
	South East Metropolitan Zone	Mayor Ruth Butterfield
	South Metropolitan Zone	Cr Doug Thompson
	South Metropolitan Zone	Mayor Carol Adams OAM
	South Metropolitan Zone	Mayor Logan Howlett JP
	South West Country Zone	President Cr Tony Dean
Ex Officio	Lord Mayor – City of Perth	Lord Mayor Basil Zempilas
	Local Government Professionals WA	Mr Jamie Parry
Secretariat	Chief Executive Officer	Mr Nick Sloan
	EM Commercial & Communications	Mr Zac Donovan
	EM Governance & Organisational Services	Mr Tony Brown
	EM Infrastructure	Mr Ian Duncan
	Acting EM Strategy, Policy & Planning	Ms Nicole Matthews
	Manager Strategy & Association Governance	Mr Tim Lane
	Chief Financial Officer	Mr Rick Murray
	Manager Governance	Mr James McGovern
	Executive Officer Governance	Ms Katherine Robertson
	Governance Support Officer	Ms Chantelle O'Brien
1.2 Apologies	North Metropolitan Zone	Mayor Mark Irwin
	Pilbara Country Zone	Mayor Peter Long
	Intergovernmental Relations & Risk	Ms Joanne Burges

1.3 Announcements

- 1.3.1 WALGA acknowledges the Whadjuk Nyoongar people who are the Traditional Custodians of this land we meet on today and pays respects to their Elders past and present.

2. MINUTES

2.1 Minutes of Meeting Held 2 June 2021

Recommendation

That the Minutes of the WALGA State Council Special Meeting held on [Wednesday, 2 June 2021](#) be confirmed as a true and correct record of proceedings.

2.2 Flying Minute – 2021-22 Budget Submission Approach

Recommendation

That the [Flying Minute – 2021-22 Budget Submission Approach](#), be confirmed as a true and correct record of proceedings.

2.3 Flying Minute – Managing Public Health Risks from Wastewater Conveyance Treatment and Disposal in WA

Recommendation

That the [Flying Minute – Managing Public Health Risks from Wastewater Conveyance Treatment and Disposal in WA](#), be confirmed as a true and correct record of proceedings.

2.4 Flying Minute – Draft Submission to Ministerial Expert Committee on Electoral Reform

Recommendation

That the [Flying Minute – Draft Submission to Ministerial Expert Committee on Electoral Reform](#), be confirmed as a true and correct record of proceedings.

3. DECLARATIONS OF INTEREST

Pursuant to our Code of Conduct, State Councillors must declare to the Chair any potential conflict of interest they have in a matter before State Council as soon as they become aware of it.

- *Cr Paul Kelly declared an interest in Item 6.8 as his work position is responsible for licensing and regulating the 19 Local Governments referred to in the paper.*

4. EMERGING ISSUES

Notification of emerging issues must be provided to the Chair no later than 24 hours prior to the meeting.

5. MATTERS FOR DECISION

- As per matters listed
- Items Under Separate Cover to State Council only

6. MATTERS FOR NOTING / INFORMATION

- As per matters listed.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Report

- 7.1.1 Commercial and Communications Unit
- 7.1.2 Governance and Organisational Services
- 7.1.3 Infrastructure
- 7.1.4 Strategy, Policy and Planning

7.2 President's Report

Recommendation

That the President's Report for July 2021 be received.

7.3 CEO's Report

Recommendation

That the CEO's Report for July 2021 be received.

7.4 Ex Officio Reports

- 7.4.1 LG Professionals President, Jamie Parry, to provide LG Professionals Report to the meeting.
- 7.4.2 Lord Mayor Basil Zempilas to provide City of Perth Report to the meeting.

8. ADDITIONAL ZONE RESOLUTIONS

To be advised following Zone meetings.

9. DATE OF NEXT MEETING

The next ordinary meeting of the WALGA State Council be hosted by the Shire of Broome at The Continental Hotel, Broome on Friday, 3 September 2021 commencing at 10:00am.

10. CLOSURE

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STATUS REPORT ON STATE COUNCIL RESOLUTIONS

5. MATTERS FOR DECISION

5.1 Reviews of the *Cat Act 2011* and *Dog Act 1976* (05-034-01-0001 JM)

By James McGovern, Manager Governance and Procurement

Recommendation

That WALGA seek a commitment from the State Government:

1. for the conduct of comprehensive reviews of the *Cat Act 2011* and *Dog Act 1976*; and
2. that the reviews incorporate Local Government-specific consultation processes, coordinated in discussion with WALGA and Local Government stakeholders.

Executive Summary

- The Department of Local Government, Sport and Cultural Industries released the *Statutory Review of the Cat Act 2011 and Dog Amendment Act 2013 Report* in December 2019;
- A number of Local Governments, Zones and VROCs have requested that this statutory review progress to a full review of both Acts, with a particular emphasis on the *Cat Act*;
- In February 2021, WALGA's Governance Policy Team endorsed a recommendation that State Council seek this commitment from the State Government.

Attachment

- The *Statutory Review of the Cat Act 2011 and Dog Amendment Act 2013 Report* can be found [here](#).

Background

The Department of Local Government, Sport and Cultural Industries released the *Statutory Review of the Cat Act 2011 and Dog Amendment Act 2013 Report* in December 2019. A statutory review of legislation is required when a provision is included in the statute, which appears in Section 86 of the *Cat Act* and Section 60 of the *Dog Amendment Act*.

The Report summarises the consultation process that led to the summary of findings. The feedback and information gathered as part of the Review were intended to inform any future review or amendments of the Acts.

Consultation

The review commenced in May 2019 for a 12 week period with the release of the 'Pause for Paws' Paper. The Department received approximately 7,000 written and online submissions in total, substantially from members of the public and dog and cat representative associations and bodies.

Consultation with the Local Government sector was planned in discussion with WALGA, Local Government Professionals WA and WA Rangers Association, resulting in the following key themes arising:

1. *A centralised registration database – to include microchip details and if a dog has been declared dangerous.*
2. *The need for rangers to have the power to enter premises, seize animals and obtain owners details in some situations. It was noted that this would be particularly useful in circumstances of repeated non-compliance of pet owners.*
3. *Sterilisation*
 - a. *Mandatory sterilisation should be introduced for dogs (unless an approval to breed or other exemption is approved)*
 - b. *Sterilisation age for cats should be reduced as they reach sexual maturity before six months (the current sterilisation age)*
4. *Penalties should be incurred when cats wander/trespass on property without consent. A cat curfew should be introduced, or cats should be confined to their property.*

The Summary of Findings in Appendix 1 of the Report contains the range of proposals arising from the entire consultation process.

In communicating the outcome of the Statutory Review, the Department informed WALGA that *‘the Government is considering the feedback from the review and...if specific changes to the Cat Act or Dog Act are to be considered/proposed (as a result of the review), further detailed consultation would be undertaken’*¹. There is yet to be an announcement by the State Government of an intention to conduct a full review and *Cat Act* and/or *Dog Act*.

Comment

Commentary from Local Governments and Zones since the Review is that Item 4 of the above key themes is of particular importance to the sector, with Local Governments currently frustrated with the lack of enforcement capability for cats wandering, causing a nuisance or impacting on sensitive environments.

The local law-making head of power under Section 79 of the *Cat Act 2011* does not permit Local Governments to require that cats be contained within their owner’s property, as is the case with the *Dog Act* requiring dogs to be ‘effectively confined’ within the owner’s property, and creates an offence for a ‘person liable for the control of a dog’ if it is not kept under effective control in a public place (except a dog exercise area).

The Annual Report 2014² of the Joint Standing Committee on Delegated Legislation identifies a number of occasions when attempts to make local laws that require containment of cats to properties were frustrated by the lack of the relevant head of power under the *Cat Act*.

¹ Email from DLGSC to WALGA, 3 December 2019.

² [Report 74](#), January 2015, Pages 10-13

5.2 Amendments to WALGA's Constitution (01-001-01-0001 TL)

By Tim Lane, Manager Strategy and Association Governance

Recommendation

That the WALGA Constitution be amended as follows:

1. INSERT Definition – “*Present*” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer.
2. Clause 5 (10) – DELETE “and Associate Members”.
3. Clause 5 (11) – DELETE “Ordinary Member or”, REPLACE “State Council” with “Chief Executive Officer” in the first sentence, INSERT “or its delegate” after State Council in the second sentence.
4. Clause 6 (3) – REPLACE “31 May” with “30 June”.
5. Clause 7 (2) – REPLACE “30 June” with “31 July”.
6. Clause 11 (1) – after Chief Executive Officer, INSERT “in accordance with the Corporate Governance Charter”.
7. Clause 11 (2) – after Chief Executive Officer INSERT “by providing notice to State Councillors of the date, time, place and purpose of the meeting”
8. DELETE Clause 11 (3)
9. Clause 12 (1) – DELETE “as, being entitled to do so, vote in person”
10. DELETE Clause 12 (2)
11. Clause 12 (3) – DELETE “as, being entitled to do so, vote in person”
12. Clause 12 (4) – DELETE “as, being entitled to do so, vote in person”
13. Clause 16 (1) & (2) – After Any election INSERT “other than to elect the President or Deputy President”, REPLACE “generally in accordance with the provisions of the *Local Government Act 1995* as amended (2) For the purposes of the election referred to in sub-section (1)” with “as follows”.
14. Clause 16 (2) (f) – REPLACE two instances of “2” with “1”.
15. INSERT Clause 16A – Election Procedure – President and Deputy President
 - (1) An election to elect the President or Deputy President shall be conducted as follows:
 - (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
 - (b) representatives are to vote on the matter by secret ballot;
 - (c) votes are to be counted on the basis of “first-past-the-post”;
 - (d) the candidate who receives the greatest number of votes is elected;
 - (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
 - (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
 - (g) when the meeting resumes, an election will be held in accordance with subsections 1(a), 1(b), 1(c) and 1 (d);
 - (h) if two or more candidates receive the same number of votes so that subsection 1(d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.
16. Clause 21 (4) – REPLACE “Chairman” with “Chair”.
17. Clause 22 (1) – REPLACE “in August or September of” with “prior to 31 October”.
18. Clause 22 (3) – DELETE “in person”
19. DELETE Clause 22 (4) (b).
20. Clause 23 (3) – DELETE “in person”
21. Clause 24 (2) – DELETE “and of which vote is to be exercised in person”
22. Clause 24 (4) – DELETE “as, being entitled to do so, vote in person”
23. Clause 28 (1) – DELETE “The common seal shall be held in the custody of the Chief Executive Officer at all times.”
24. Clause 29 (1) – DELETE “as, being entitled to do so, vote in person”

25. **Clause 29 (2) – DELETE “as, being entitled to do so, vote in person”**
26. **Clause 31 (4) (c) – DELETE “and Regional Development”.**

Voting Requirement: SPECIAL MAJORITY

Executive Summary

- A number of amendments are proposed to the WALGA Constitution;
- Amendments are necessary:
 - To remove requirements for delegates to attend annual and special general meetings in person; and,
 - As a result of WALGA's change of financial year end to 30 June, from the previous 31 May year end.
- Other amendments are proposed to:
 - Allow a second vote to be conducted if two candidates tie in an election for President or Deputy President;
 - Clarify the application process for Ordinary and Associate Members;
 - Simplify the process for providing notice of State Council meetings;
 - Allow motions at Special State Council meetings to be passed with a simple, as opposed to absolute, majority, except as required elsewhere in the Constitution, such as the absolute majority requirement to adopt the budget; and,
 - Tidy up outdated wording.
- Amendments to the Constitution require a Special Majority of State Council and a Special Majority at a General Meeting;
- Consequently, these Constitutional Amendments will also be put to the 20 September 2021 Annual General Meeting.

Attachment

- WALGA Constitution – Proposed Amendments Mark-Up

Background

Amendments to the Constitution are required to allow delegates to attend and vote virtually through a videoconference, webinar or other platform at Annual or Special General Meetings of the Association if required.

In addition, WALGA has this year changed its financial year end from 31 May to 30 June. The 30 June year end means that WALGA's financial year now aligns with Local Governments' year end. Amendments to clauses relating to the budget, termination of membership and the timeframe for holding the AGM are required as a result of this change.

The requirement to amend the Constitution has provided an opportunity to amend the election procedure for WALGA President and Deputy President. The proposed change would enable a second ballot to be held if two or more candidates are tied for the position. This aligns with the procedure in the *Local Government Act 1995* for the election by Council of Mayors, Presidents, Deputy Mayors and Deputy Presidents.

Other minor changes to remove outdated and tidy up wording are proposed, as per the mark-up version of the Constitution attached.

Comment

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority at an Annual General Meeting or Special General Meeting.

Consequently, if the proposed amendments are endorsed by State Council, they will be put to the 20 September 2021 WALGA Annual General Meeting.



Item 5.2 Attachment
WALGA Constitution – Proposed Amendments Mark-Up

Association Constitution

Adopted: 7 August 2001
Amended: 8 August 2004
6 August 2006
5 August 2007
6 August 2011
7 August 2013
3 August 2016
1 August 2018

Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association (dissolved in August 2003), the Country Urban Councils' Association (dissolved in August 2002) and the Local Government Association (dissolved in August 2003).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.

1. NAME

The name of the Association is “**Western Australian Local Government Association**”.

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

“**Absolute Majority**” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of voting positions of representatives or delegates (whether present and voting or not);

“**Annual General Meeting**” means the meeting convened under clause 22 of this Constitution;

“**Association**” means Western Australian Local Government Association (WALGA);

“**Associate Member**” means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(6) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(9); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(9);

“**Chief Executive Officer**” means the Chief Executive Officer of the Association;

“**Code of Conduct**” means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all State Council members.

“**Commissioner**” means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the *Local Government Act 1995*;

“**Constituency**” means such country and metropolitan groupings of Ordinary Members as the Association for the time being, may determine;

“**Councillor**” has the same meaning as under the *Local Government Act 1995* except that it includes a mayor or president elected by electors and includes a Commissioner appointed under section 2.6(4) or section 2.36A(3) of the *Local Government Act 1995*;

“**Country Constituency**” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia not included within the boundaries of the Metropolitan Region Planning Scheme;

“**Country Shire Councils’ Association**” means the Country Shire Councils’ Association constituted under section 9.58 of the *Local Government Act 1995*;

“**Country Urban Councils’ Association**” means the Country Urban Councils’ Association of Western Australia constituted under section 9.58 of the *Local Government Act 1995*;

“**Delegate**” means a councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or on a Zone pursuant to clause 14 of this Constitution;

“**Deputy President**” means the Deputy President for the time being of the Association;

“Ex-officio” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“Governance Charter” means the written policy document that clearly defines the respective roles, responsibilities and authorities of the President, State Council members (individually and collectively) and the Chief Executive Officer in setting the direction, management and control of the Association.

“In Writing” means notice provided by posting or transmission in electronic form;

“Life Members” means those members of the Association referred to in sub-clause 5(1) and those persons admitted as Life Members of the Association in accordance with sub-clause 5(8) of this Constitution;

“Local Government” means an entity constituted under Part 2 of the Western Australian *Local Government Act 1995*;

“Local Government Act” means the Western Australian *Local Government Act 1995*;

“Local Government Association” means the Local Government Association of Western Australia constituted under section 9.58 of the *Local Government Act 1995*;

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia;

“Member” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone by State Council in accordance with sub-clause 14 (2); or
- a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.

“Metropolitan Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia within the Metropolitan Region Planning Scheme;

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer

“Representative” means a member on the State Council elected or appointed by the country and metropolitan constituencies in accordance with the provisions of sub-clause 9(1) and 9(3);

“Secretariat” means the staff of the Association appointed from time to time by the State Council and includes the Chief Executive Officer;

“Special General Meeting” means the meeting convened under clause 23 of this Constitution.

“Special Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be at least 75% of the number of representatives or delegates (whether present and voting or not);

“Simple Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of representatives or delegates that are present;

“State Council” means the governing board of the Association established pursuant to clause 9; and

“Zone” means a geographically based subdivision containing Ordinary Members and incorporated within a country and metropolitan constituency. The country and metropolitan zones are set out in the Register of Zone Membership referred to in sub-clause 14(8).

(2) In this Constitution:

- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
- (b) words meaning persons include natural persons, corporations and associations; and
- (c) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;
- (c) to speak on behalf of Local Government in Western Australia;
- (d) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (e) to provide services to Local Government in Western Australia;
- (f) to promote Local Government issues of importance by involvement with national bodies;
- (g) to do all and any such other things as in the opinion of the State Council may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and
- (h) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may

be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clause 12(3).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the *Local Government Act 1995* including, but without limitation, power to:
 - (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;
 - (c) sue and be sued; and
 - (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
 - (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all Western Australian Local Governments.
- (3) Ordinary membership shall be immediately conferred upon any new Council created by the merger of existing Councils that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Councils of that new Council have been paid.
- (4) An Ordinary Member shall belong to either the metropolitan constituency or the country constituency, but not both.
- (5) Subject to subclause (5), if an Ordinary Member has land both within and outside the Metropolitan Region Planning Scheme (MRPS), if the greater land area is in the MRPS, it will be deemed to be in the metropolitan constituency, otherwise it will be deemed to belong to the country constituency; or

- (6) State Council, on application from an Ordinary Member, may resolve to set aside the general rule prescribed in subclause (4) and permit an Ordinary Member to be a member of an alternate constituency. In considering any application made pursuant to this subclause, State Council shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two constituencies. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The State Council from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members ~~and Associate Members~~ may be admitted from time to time on a simple majority resolution of the State Council.
- (11) Any person or organisation seeking admission as an ~~Ordinary Member or~~ Associate Member shall make written application to the ~~State Council~~ Chief Executive Officer. The State Council ~~or its delegate~~ shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.
- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon -
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or
 - (b) non-payment by a Member of the required subscription within three months of the date fixed by the State Council for subscriptions to be paid, unless the State Council decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.
- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including ~~31 May~~ 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the State Council, including such other Committees as the State Council may deem expedient pursuant to clause 21.
- (2) The Budget shall be submitted to the State Council for approval not later than ~~30 June~~31 July prior to the financial year to which it relates.

8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the State Council.
- (2) Subscription levels shall be submitted for approval by the State Council together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the State Council may decide having regard to all relevant circumstances.

9. STATE COUNCIL

- (1) The State Council is to be the governing board of the Association, responsible for the management and affairs of the Association. Members of the State Council shall include:
 - (a) 12 Councillors elected as representatives from amongst the delegates to the Zones of the metropolitan constituency;
 - (b) 12 Councillors elected as representatives from amongst the delegates to the Zones of the country constituency;
 - (c) The President (ex-officio); and
 - (d) The President of Local Government Professionals Australia WA (ex-officio).
- (2) The metropolitan constituency and country constituency shall determine the allocation of representational positions on State Council between the Zones within each respective constituency.
- (3) Representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies from amongst the delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (4) The State Council shall be the body responsible for establishment and review of the processes which are to be applied by the Zones of the metropolitan and country constituencies to determine the election of their representatives and deputy representatives to the State Council.
- (5) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the metropolitan and country constituencies elect their representatives and deputy representatives to the State Council.

- (6) A deputy representative elected from amongst the delegates to that Zone to act in the capacity of a representative unable to attend a meeting of the State Council shall exercise all rights of that representative.
- (7) If for any reason, a representative or deputy representative is unable to hold office for the full period for which the representative or deputy representative was appointed, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a representative or deputy representative. The representative or deputy representative so appointed shall hold office for the balance of the term of the representative or deputy representative originally elected.

10. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than four times in each year.
- (2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
- (3) At any meeting of the State Council, thirteen (13) representatives present and entitled to vote shall form a quorum.
- (4) The President shall preside at all meetings of the State Council.
- (5) In the absence of the President, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (6) In the absence of the President and Deputy President, the State Council shall choose a representative of the State Council to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.
- (7) The State Council shall establish a Corporate Governance Charter as the instrument to be used by State Council in implementing good governance policies, procedures and practices.
- (8) The State Council shall establish a Code of Conduct to which all State Council members must comply.
- (9) State Council shall adopt Standing Orders that will apply to all meetings.

11. NOTICE OF STATE COUNCIL MEETINGS

- (1) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer [in accordance with the Corporate Governance Charter](#).

- (2) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Councillors of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of the representatives to the State Council.
- ~~(3) The Chief Executive Officer must give all members to the State Council at least 7 days' notice of a meeting unless all of the members have agreed in writing to shorter notice. Notice shall be at the destinations for members appearing in the records of the Association for the time being. Such notice shall specify the nature of the business to be transacted at the meeting and shall be deemed to have been delivered immediately if transmitted electronically or, on the second date after posting.~~

12. RESOLUTIONS OF STATE COUNCIL

- (1) Except as provided in this clause, all motions concerning the affairs of the Association shall be passed by a simple majority of the representatives of the State Council ~~as, being entitled to do so, vote in person~~ or by their deputy representatives.
- ~~(2) Any matter considered by the State Council at a Special Meeting convened pursuant to sub-clause 11 (2) of this Constitution, shall not be passed unless having received an absolute majority of representatives of the State Council as, being entitled to do so, vote in person or by their deputy representatives.~~
- ~~(3)~~(2) The following resolutions shall not be passed unless they receive a special majority of not less than 75% of representatives of the State Council ~~as, being entitled to do so, vote in person~~ or by their deputy representatives:
- (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the membership of Ordinary Members to Zones.
- ~~(4)~~(3) The annual budget, including annual subscriptions, shall not be adopted unless passed by an absolute majority of representatives of the State Council ~~as, being entitled to do so, vote in person~~ or by their deputy representatives.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The State Council may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The State Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the State Council determines and the scope of which are set out in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the State Council.
- (3) Subject to the control of the State Council, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.

- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the metropolitan and country constituencies.
- (2) The membership of Ordinary Members to Zones shall be determined from time to time by State Council.
- (3) The number of Zones shall be determined from time to time by the Ordinary Members of the Association at a Special or Annual General Meeting.
- (4) Each member of a Zone shall be entitled to be represented by a delegate or delegates elected or appointed by the member to represent its interests. Zones shall determine the number of delegates to which each member is entitled to be represented by on the Zone.
- (4a) The term of a person who is a delegate of a member of a Zone expires when the person:
- (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the *Local Government Act 1995*.
- (5) The management and affairs of the Zone shall be vested in the delegates that are elected or appointed to the Zone by each member of the Zone.
- (6) The functions of each Zone shall be:
- (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (7) An application for change in membership between Zones may only be made by the member seeking to change its membership and with the approval of the receiving Zone.
- (8) Applications for changes in membership between Zones shall be determined by the State Council. In considering such applications, State Council shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected by the application. State Council may approve or refuse any application, advising accordingly and including any reason therefore.

- (9) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by State Council. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (10) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.
- (11) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (12) An Associate Member of a Zone may not:
 - a) nominate a delegate for election to any office of the Zone;
 - b) participate in an election held for any office bearer of the Zone; or
 - c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

- (1) Any election other than to elect the President or Deputy President held by the Association shall be conducted as follows: generally in accordance with the provisions of the Local Government Act 1995 as amended.

~~(2) For the purposes of the election referred to in sub-section (1)–~~

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the post";
- (d) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are -
 - (i) the candidate who receives the greatest number of votes; and
 - (ii) the candidate who receives the next highest number of votes; and
 - (iii) the candidate who receives the next highest number of votes,and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section 21(d) or 21(e) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

16A. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

- (1) An election to elect the President or Deputy President shall be conducted as follows:
- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
 - (b) representatives are to vote on the matter by secret ballot;
 - (c) votes are to be counted on the basis of “first-past-the-post”;
 - (d) the candidate who receives the greatest number of votes is elected;
 - (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
 - (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
 - (g) when the meeting resumes, an election will be held in accordance with sub-sections 1(a), 1(b), 1(c) and 1 (d);
 - (h) if two or more candidates receive the same number of votes so that sub-section 1(d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

17. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect a President from amongst those of its members that are representatives from the Zones of the metropolitan and country constituencies or were originally elected to State Council in that capacity.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The President’s term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected by the metropolitan or country constituencies as a representative on the State Council.
- (4) The metropolitan or country constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same zone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

17A. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.

18. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The Deputy President's term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

19. VACANCY – PRESIDENT AND DEPUTY PRESIDENT

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19 (5) will be conducted for the office of Deputy President from amongst representatives of the alternative constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate constituency to that of the President.
- (6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.

20. VACATION OF OFFICE

A person shall cease or be disqualified from being a representative or deputy representative on the State Council or from being President or Deputy President of the Association, or from attending State Council in an ex-officio capacity, if that person:

- (a) dies;
- (b) ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the *Local Government Act 1995*;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive State Council meetings;
- (h) is a member of a Local Government that ceases to be a member of the Association;
- (i) is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuance of sub-clause 17(4); or,
- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the *Local Government Act 1995*.

21. COMMITTEES AND SUB-COMMITTEES

- (1) The State Council may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
 - (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a resolution of the State Council pursuant to sub-clauses 12(2) or 12(3) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the State Council.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the State Council.
- (4) Each Committee shall elect a Chair~~man~~ from the members of the Committee.

22. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the State Council, provided that such date occurs ~~in August or September of~~prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be

deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.

- (3) At an Annual General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present ~~in person~~ constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - ~~(b)~~ ~~adoption of standing orders;~~
 - ~~(e)~~(b) confirmation of minutes from last Annual General Meeting;
 - ~~(d)~~(c) adoption of President's annual report;
 - ~~(e)~~(d) consideration of annual financial statements; and
 - ~~(f)~~(e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the State Council or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.
- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the State Council is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

23. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the State Council or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify the nature of the business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.
- (3) At a Special General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present ~~in person~~ constitute a quorum.
- (4) Where the State Council considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have

materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.

- (5) Notwithstanding the provisions of sub-clause (4), the State Council is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

24. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) delegates.
- (2) A delegate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association ~~and of which vote is to be exercised in person.~~
- (3) A delegate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the general meeting at which the proxy is to be exercised and shall be signed by the delegate or by the Chief Executive Officer of the Ordinary Member that nominated the delegate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a simple majority of the Ordinary Members' delegates ~~as, being entitled to do so, vote in person~~ or by a duly authorised proxy vote exercised on their behalf.
- (5) At any Annual General Meeting or Special General Meeting of the Association, greater than one half of the delegates who are eligible to vote must be present to form a quorum.

25. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all proceedings of all general meetings and State Council meetings to be taken and then to be entered within 30 days after the holding of each general meeting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- (2) The President must ensure that the minutes taken of a general meeting or State Council meeting under sub-clause (1) are checked and signed as correct by the person who presided at the general meeting or State Council meeting to which those minutes relate or by the person who presides at the next succeeding general meeting or State Council meeting, as the case requires.
- (3) When minutes have been entered and signed as correct under this clause, they are, until the contrary is proved, evidence that-
 - (a) the general meeting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and

- (c) all appointments or elections purporting to have been made at the meeting have been validly made.

26. AUDIT

- (1) At least once a year the State Council shall cause the Association's accounts to be audited by a person or persons appointed by the State Council or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

27. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the State Council, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the State Council may deem appropriate.
- (3) (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a resolution of the State Council.
- (b) The State Council on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

28. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters. ~~The common seal shall be held in the custody of the Chief Executive Officer at all times.~~
- (2) The common seal of the Association must not be used without the approval of the State Council and every use of that common seal must be recorded in the minutes of the State Council meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer, the President and the Deputy President.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the State Council from time to time decides.

29. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) A resolution at any meeting of the State Council on the receipt of a special majority of not less than 75% of representatives ~~as, being entitled to do so, vote in person~~ or by their deputy representatives; and

- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a majority of not less than 75% of delegates ~~as, being entitled to do so, vote in person~~ or duly authorise a proxy vote to be exercised on their behalf, provided that:
- (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
 - (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

30. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the State Council on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the State Council meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by resolution of State Council.

31. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
- (a) a member and another member; or
 - (b) a member and the Association; or
 - (c) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the State Council having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the State Council may decide, being not less than three (3), who shall be drawn from amongst the following:
- (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government ~~and Regional Development~~; or
 - (d) such other persons as the State Council considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (6) The panel, in conducting the mediation, must:
- (a) give the parties to the mediation process every opportunity to be heard;

- (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985 (WA)* and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.
- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.
- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.

32. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The State Council shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.

6. MATTERS FOR NOTING / INFORMATION

6.1 Submission to Ministerial Expert Committee on Electoral Reform (01-006-02-0010 TL)

By Tim Lane, Manager Strategy and Association Governance

Recommendation

That the Submission to the Ministerial Expert Committee on Electoral Reform be noted.

Executive Summary

- The Minister for Electoral Affairs, Hon John Quigley MLA, has announced the formation of a Ministerial Expert Committee to take submissions and make recommendations to Government to reform the Legislative Council electoral system.
- To facilitate the development of a WALGA submission to the Ministerial Expert Committee, the WALGA President established a Policy Forum of State Councillors that met twice during May 2021.
- The Policy Forum:
 1. Considered a [background paper](#) and the Expert Committee's [discussion paper](#),
 2. Discussed key issues with ABC Election Analyst, Antony Green,
 3. Considered a range of models, ultimately recommending a preferred model, and
 4. Shaped the arguments put forward in the submission.
- Following the Policy Forum's deliberative process, a submission was put forward for State Council consideration at the 2 June 2021 special meeting of State Council.
- Following a number of amendments, the final submission was endorsed via Flying Minute on Friday, 4 June.

Attachment

- [Flying Minute – Draft Submission to the Ministerial Expert Committee on Electoral Reform](#)

Background

Hon. John Quigley MLA, Attorney General; Minister for Electoral Affairs, announced on Friday, 30 April 2021 the [establishment of a Ministerial Expert Committee](#) to advise the Government on electoral reform.

The Committee's Terms of Reference are as follows:

The Government now asks the Committee to review the electoral system for the Legislative Council and provide:

1. *Recommendations as to how electoral equality might be achieved for all citizens entitled to vote for the Legislative Council, and*
2. *Recommendations for the distribution of preferences in the Legislative Council's proportional representation system.*

The Ministerial Panel comprises the following members:

- Hon. Malcolm McCusker QC AO (Chair)
- Professor John Phillimore
- Professor Martin Drum
- Dr Sarah Murray

The Ministerial Panel's website is available here: <https://www.wa.gov.au/government/wa-electoral-reform>.

To consider and develop a submission on the issues to be addressed by the Ministerial Panel's Terms of Reference, the WALGA President, Mayor Tracey Roberts, convened a Policy Forum, comprised of the following State Councillors:

- Mayor Tracey Roberts (Chair)
- President Cr Karen Chappel
- Mayor Carol Adams
- President Cr Phil Blight
- Cr Ronnie Fleay
- Mayor Albert Jacob
- Cr Les Price
- President Cr Michelle Rich
- President Cr Stephen Strange

The Policy Forum held two meetings to deliberate on the issues associated with Legislative Council electoral reform and to shape a draft submission for State Council consideration.

At the first meeting, the Policy Forum considered the [Background Paper](#) and the [discussion paper prepared by the Ministerial Expert Committee](#).

Antony Green, ABC Elections Analyst, presented to the first meeting of the Policy Forum and discussed key issues. Antony Green's brief was to:

- Outline key issues, including the issues identified by the Government such as malapportionment and group ticket voting, and
- Discuss options for reform.

Following Antony Green's presentation, discussions focused on the need for maintenance of political representation for rural and remote Western Australia, and arguments in support of this position, which are enunciated in the submission.

At this meeting, the Policy Forum also agreed to the first two recommendations put forward in the draft submission, being:

1. That Group Ticket Voting be removed from the Legislative Council electoral system, and reforms be adopted modelled on the Senate reforms of 2016; and,
2. That a regional system be retained, and the whole state electorate option be rejected.

The second meeting of the Policy Forum focused on strengthening the arguments in the submission and agreeing on a region-based model to put forward for State Council to consider submitting to the Ministerial Expert Committee. To facilitate the Policy Forums' discussions, a paper with eight options for consideration was prepared.

The Policy Forum reiterated the need for political representation of rural and remote Western Australia. Following deliberations, the Policy Forum agreed to recommend a model for State Council consideration.

State Council considered the draft submission at the 2 June Special Meeting and resolved not to include a preferred model as part of the submission, as follows:

That:

1. **the draft submission to the Ministerial Expert Committee on Electoral Reform be amended as follows:**
 - a. **remove pages 11 and 12**
 - b. **amend recommendation 3 to the following:**

That the Ministerial Expert Committee on Electoral Reform be required to consider the importance of political representation for rural and regional Western Australia.
 - c. **provide information regarding the importance of representation for Aboriginal communities.**
2. **the amended submission be considered by State Council by way of Flying Agenda/Minutes.**
3. **Local Governments be encouraged to put forward a submission to the Ministerial Expert Committee on Electoral Reform.**

The final submission was endorsed by State Council on Friday, 4 June by Flying Minute.

Comment

The final submission contains the following sections:

- **Background** – including establishment of the panel and the State Council Policy Forum.
- **Group Ticket Voting** – recommending that group ticket voting be removed from the electoral system.
- **Whole State Electorate** – rejecting the option of electing the Legislative Council from an electorate comprising the whole state of WA.
- **Regional, Rural and Remote Representation** – arguing the importance of political representation for rural, remote and Aboriginal communities, highlighting the increased role for Local Government if Parliamentary representation is reduced, pointing out the economic contribution of regional Western Australia, and noting lower levels of government services relative to more populous regions. Also noting that Aboriginal communities remain significantly disadvantaged in Regional Western Australia and removing or limiting access to Members of Parliament will have significant repercussions and does not achieve electoral equality.
- **Conclusion** – emphasising the importance of rural and remote political representation, and restating the recommendations put forward in the submission.

The deadline for submissions to be received by the Ministerial Expert Committee was 5:00pm, Tuesday, 8 June 2021.

6.2 Legal Response to the Coastal Hazard Planning Issues Paper (05-036-03-0065 AR)

By Ashley Robb, Senior Policy Advisor, Planning

Recommendation

That the update on the *Legal Response to the Local Government Coastal Hazard Planning Issues Paper (2021)* be noted.

Executive Summary

- The *Legal Response to the Coastal Hazard Planning Issues Paper (2021)* is a certified legal response to questions outlined in the *Coastal Hazard Planning Issues Paper (2019)*.
- The legal response will be useful for Local Governments preparing and revising Coastal Hazard Risk Management and Adaptation Plans (CHRMAPs), which Local Governments are required to prepare under *State Planning Policy 2.6: State Coastal Planning Policy*.
- The legal response is a confidential document owned by the organisations who contributed funding and resources to seek the advice; 28 Local Governments, WALGA and LGIS.
- The project is estimated to have saved the sector approximately \$1.3 million in legal fees, had each participating Local Government sought independent legal advice.

Relevance to Strategic Plan

Key Strategies

Sustainable Local Government

- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia.

Background

The *Legal Response to the Coastal Hazard Planning Issues Paper (2021)* is a certified legal response to questions raised in the *Coastal Hazard Planning Issues Paper (2019)*.

The issues paper was noted by State Council in September 2019. It was prepared by WALGA and LGIS in partnership with the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum and considers nine coastal adaptation scenarios common to Local Governments in Western Australia (WA). Each scenario raises a number of questions, mostly of a legal nature. The CHRMAP forum determined that a qualified legal response to these questions was needed, to clarify Local Government responsibilities and potential legal liabilities in each scenario, and help Local Governments prepare and revise CHRMAPs, which Local Governments are required to prepare under *State Planning Policy 2.6: State Coastal Planning Policy*.

In 2020, WALGA, on behalf of the forum, released an expression of interest to all Local Governments in WA with coastal or estuarine lands to co-fund the legal response through an equal contribution model. 28 Local Governments (listed below) responded and formed a collaborative funding partnership with WALGA and LGIS to engage a qualified legal firm from WALGA's preferred supplier list. McLeods Barristers and Solicitors was selected by a governing subcommittee of collaboration representatives. The report was completed and distributed to participants in April 2021.

Comment

The legal response is a confidential document owned by the organisations who contributed funding and resources to seek the legal advice, which include the participating Local Governments, WALGA and LGIS. The report's findings are general in nature and owners should consider seeking specific legal advice and assistance to ensure appropriate adaptation of the general advice to specific local circumstances.

A selection of the report's key findings include:

- a) In a coastal context, the primary role of a Local Government is to manage risks and impacts to public assets which they own and manage. The preparation of CHRMAPs is an important aspect of the Local Government's role.
- b) Determinations on applications for development approval in coastal zones must consider coastal risks, and SPP2.6 will be an important factor in assessing the planning merits. Provided the Local Government's decision has due regard to relevant considerations and has a reasonable basis, the risk of the decision attracting liability is minimised.
- c) Local Governments should consider amending local planning schemes to create special control areas that apply to coastal hazard zones. Doing so will allow greater control to be exercised over development which is likely to be affected by coastal hazards, and for suitable guidelines and development standards to be applied to permissible development.
- d) Where land falls within a mapped coastal hazard area, the Local Government should take steps to ensure that the information is linked to the Local Government's property file and online mapping for the affected land, to ensure that the existence of the coastal hazard is made known (or is at least available) to those who make an enquiry about the property.
- e) Unlike in other Australian states, in WA, private land that becomes permanently inundated by coastal waters is likely to remain in private ownership under the current legislative framework. This means that in order to maintain public coastal access and recreational use in areas where the shoreline is projected to recede beyond private property boundaries, the options are, in no particular order, (1) stabilise the existing shoreline using engineering techniques to prevent shoreline recession; (2) advocate for change to the current legislative framework to preserve long-established public uses in areas where private land may be permanently inundated, or (3) acquire affected private land to extend the public foreshore reserve.

The report is the first of its kind in any state or territory in Australia and is estimated to have saved the sector approximately \$1.3 million in legal fees had each participant sought independent legal advice. It puts participating Local Governments on the front foot in supporting their communities to prepare for the changes posed by increasing storm intensities and rising sea levels due to climate change.

The project was administered within budget and a small credit note was issued to contributors upon project completion. Local Governments who did not participate in the funding collaboration will be able to seek access by way of making a funding contribution to support the future activities of the LG CHRMAP Forum, to be determined but likely in line with the <\$1500 contributions made by participating Local Governments. The LG CHRMAP Forum, WALGA and LGIS will now consider the findings of the report to identify matters beyond the powers or resources of Local Governments to address and that require collaboration with State or Commonwealth Agencies.

Participating Local Governments: City of Albany, Shire of Ashburton, Shire of Augusta-Margaret River, City of Belmont, Shire of Broome, City of Bunbury, City of Busselton, Town of Cambridge, Shire of Carnamah, City of Cockburn, Town of Cottesloe, Shire of Dandaragan, Shire of Dardanup, Town of East Fremantle, City of Fremantle, Shire of Gingin, City of Greater Geraldton, City of Joondalup, Town of Kwinana, City of Mandurah, City of Melville, Town of Mosman Park, Shire of Murray, City of Perth, Town of Port Hedland, City of Rockingham, City of Stirling, City of Wanneroo.

6.3 WALGA Submission: Child Safety Officer (05-065-03-006 BW)

By Bec Waddington, Policy Officer, Resilient Communities

Recommendation

That the submission to the Department of Local Government, Sport and Cultural Industries and the Department of Communities in response to the *Discussion Paper On The Implementation Of Child Safety Officers In Local Governments* be noted.

Executive Summary

- The State Government is consulting on the proposed implementation of child safety officers within Local Government, which is a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse (Recommendation 6.12).
- WALGA hosted a series of online discussions to gather feedback from Local Governments and encouraged Local Governments to make individual submissions.
- WALGA has made a number of recommendations, including the establishment of a State and Local Government working group to guide future consultation and policy development.
- The submission was endorsed by State Council via flying minute on 31 March 2021 and was provided to DLGSC on 1 April 2021. It is anticipated the State will release a findings paper in June and following this, invite WALGA to participate in a focus group to assist in the policy development.

Attachment

- [Flying Minute – WALGA Submission: Child Safety Officer](#)

Background

In December 2020, DLGSC and Department of Communities released the “*Discussion paper on the implementation of child safety officers in local governments*” to guide the consultation on recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse.

In order to provide feedback on the discussion paper, WALGA hosted a series of online discussions for Local Governments with LG Professionals, DLGSC and Department of Communities in attendance. 111 people from 56 Local Governments participated in these with participants ranging from CEOs to staff in Community Development, Governance, Human Resources, Recreation Services, and Libraries. Diverse Local Governments in terms of size, capacity and perspective participated. The majority of Local Government participants in the consultation process acknowledge that Local Governments have a role to play in child safety.

Comment

WALGA acknowledges that this is the State Government’s first phase in consultation on Recommendation 6.12 with a focus on identifying opportunities and requirements for the Child Safety Officer role; therefore Local Governments are not required to make a decision about resourcing implications at this stage. WALGA welcomes this early consultation with the sector, however a lack of clarity around the staged approach to the consultation and the timeline has caused some concern and confusion in the sector.

The submission makes the following recommendations:

1. It is recommended that the State Government, in consultation with Local Government, develop a clear framework for the implementation of Recommendation 6.12 and in that framework approach child safety as a function (similar to disability access and inclusion) within a Local Government, rather than an officer. This approach will provide a clear delineation between State and Local Government roles and responsibilities; limit risk to individual staff members; and enable Local Government to consider ways to strengthen child safety across all areas of the organisation, rather than focusing on one team or area of the organisation.

2. It is recommended that the scope of the Child Safety Officer function be clearly articulated, including minimum requirements and reporting requirements, and ensure that it does not cross over into child protection work. Prioritising the development of a clear framework within which the child safety function sits will address this issue.
3. The State Government should provide capacity building support to Local Governments, through the provision of resources including the following:
 - a. supporting materials such as template policies, procedures and guidelines ;
 - b. consistent key messaging and resources to promote and share in venues and facilities and online;
 - c. examples of best practice, including case studies;
 - d. self-assessment tools to assist Local Government ; and
 - e. ongoing training and skills development for Local Government staff to ensure that they can adequately fulfil the child safety function, including online training options.
4. It is recommended that the State's independent oversight body is resourced to provide expert officers within each region to provide support and guidance to Local Government on child safety. This is similar to the approach in NSW where a Local Government child safety advisor is provided by the NSW Children's Guardian.
5. It will be necessary for the State or Commonwealth to provide funding for the delivery of the child safety function within smaller, less well resourced (Tier 3 and Tier 4) Local Governments, as they do not have the current capacity to fulfil the child safety function. Consideration should be given to an alternative model for delivery of the child safety function in regional and remote areas, utilising existing State Government agencies such as DLGSC/Department of Communities outreach officers attached to the independent oversight body.
6. It is recommended that State Government and Local Government form a Working Group to guide further consultation and policy development on child safety.

6.4 State Planning Policy 3.1 Residential Design Codes Volume 1 – Medium Density Code (05-015-02-002 CH)

By Chris Hossen, Policy Manager, Planning and Building

Recommendation

That the endorsed submission on the interim review of State Planning Policy 3.1 Residential Design Codes Volume 1 Medium Density Code be noted.

Executive Summary

- On 27 November 2020, the WA Planning Commission (WAPC) released the draft State Planning Policy 3.1 Volume 1: Medium Density Code (Medium Density Code) for public comment. The comment period closed on 16 April 2021.
- The submission was presented to the People and Place Policy Team on 1 April 2021 and subsequently endorsed by State Council via Flying Minute.

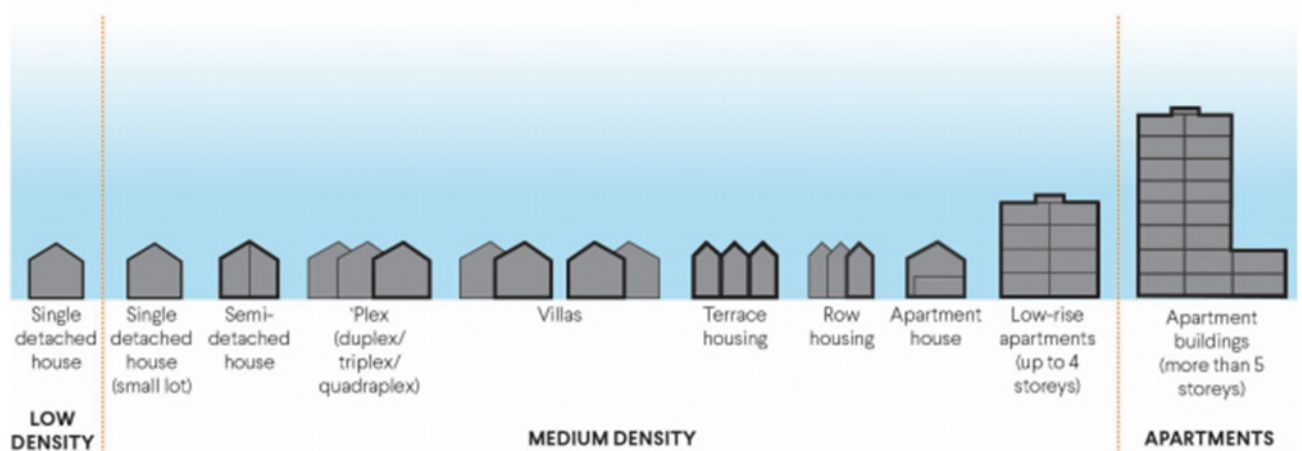
Attachment

- [Flying Minute – State Planning Policy 3.1 Residential Design Codes Volume 1 – Medium Density Code](#)

Background

The State Government through its Action Plan for Planning Reform has identified three main goals for reform of the WA planning system, being: that planning creates great places for people; that planning is easier to understand and navigate; and that planning systems are consistent and efficient. Beneath each goal sits a range of initiatives, including Design WA, a project that seeks to elevate the importance of design quality across the whole built environment. As part of Design WA is the review and reorganisation of the suite of State Planning Policies that relate to built form, the most important of these being the R-Codes.

As part of these reforms the R-Codes is being split into two distinct volumes: Volume 1 medium density (townhouses and low-level apartments), and low density (single houses); and Volume 2 higher density (apartments). The figure below provides a visual explanation of the parts of the R-Codes.



Unlike other states, the delivery of medium density housing products is not a new phenomenon in Western Australia, these housing types form most infill development in the metropolitan region. This trend has settled on a common type of infill development, being 3 to 4 units placed on a traditional suburban block. The form of development has come under growing criticism in recent years both in terms of how the style of development has changed neighbourhoods (altered streetscapes, loss of trees), and how the internal design of homes has led to energy inefficiencies and reduced quality of

life for residents. The intent of the Medium Density Code is to improve the quality and consistency of housing in WA and promote a wider range of building types that are more in keeping with their site, the streetscape and neighbourhood around them. The policy emphasises:

- More trees and gardens;
- Better solar access and ventilation
- Flexible, functional living spaces
- Safe, attractive streetscapes
- More space for people and less cars

Comment

The Association welcomes the release of the Medium Density Code for public consultation. The R-Codes control the design of most residential development in WA, and thus are fundamental in ensuring that both homes and communities across WA remain sustainable and liveable through the maintenance of high qualities of urban amenity. Continued improvements to the R-Codes to ensure that its policy measures meet both the expectations of the community and contemporary practice are therefore necessary to ensure that relevancy is maintained.

Local Government as the level of government that administers and applies the R-Codes is a key stakeholder in any review. The WAPC directly engaged with Local Government officers to assist in the framing and testing of the proposed modifications and this early engagement is supported. The WAPC has also actively engaged with the sector during the community consultation period.

The Association has been supportive of the Design WA initiative as good design and positive built form outcomes have always been at the forefront of Local Government intentions and the land use planning outcomes that the sector seeks to achieve. To this end, while the Association broadly supports the intent and approach that has been taken by the Medium Density Code, there remains a number of matters that require modification and clarification to ensure that optimal land-use and design outcomes can be achieved. These matters are addressed in the specific comments and recommendations of the submission.

During the public consultation period, the Association sought feedback from the Local Government sector to inform a representative submission to the WAPC. Feedback from officers at the Town of Bassendean, and Cities of Fremantle and Stirling was received.

The public comment period closed on the 16 April 2021. The submission was presented to the People and Place Policy Team on 1 April 2021 and subsequently determined (200.FM/2021) by State Council via flying minute. The endorsed submission was provided to DPLH before the submission deadline.

6.5 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

By Rebecca Brown, Manager, Waste & Recycling

Recommendation

That State Council note the resolutions of the Municipal Waste Advisory Council at its 28 April 2021 meeting.

Executive Summary

- This item summaries the outcomes of the MWAC meeting held on 28 April 2021.

Background

- The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **28 April** meeting, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.
- Copies of Agendas and Minutes are available from WALGA staff, on request.

Comment

The key issues considered at the meeting held on **28 April 2021** included:

Submission on the National TV and Computer Product Stewardship Scheme Rules

The TV and Computer Product Stewardship Scheme (the Scheme) is a Program, funded by importers of TVs and Computers which was intended to cover the costs associated with recycling these materials. The Scheme was initially put in place through the *Product Stewardship Act 2011*. The Rules are the new Regulations required to implement the Scheme because the legislation which was the head of power for the Scheme has changed. In 2018, the Scheme was reviewed and the updated Rules contain some improvements.

However, as highlighted in the Draft Submission some of the major concerns that were raised in the Review of the Scheme have not been addressed, in particular the need to make recycling targets applicable at a State/Territory level, rather than national. WALGA will continue to advocate, along with the other State and Territory Local Government Associations, to improve the Scheme and expand it to cover all electronic waste and the costs associated with recycling these products.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

Moved: Cr Abetz

Seconded: Mayor Butterfield

That the Municipal Waste Advisory Council endorse the draft Submission on the National TV and Computer Product Stewardship Scheme Rules.

CARRIED

Submission on the Inquiry into the Hazardous Waste (Regulation of Exports and Imports) Amendment Bills 2021

The Australian Government, with other signatories, agreed to various changes to the Basel Convention in May 2019. These changes will be enacted through the Hazardous Waste (Regulation of Export and Imports) Amendment Bill 2021.

The main focus of the Associations short Submission was to ensure there was no duplication of effort or inconsistency with the Waste Plastic Rules, which will be implemented under the *Recycling and Waste Reduction Act 2020*.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

Moved: Cr Abetz

Seconded: Mayor Butterfield

That the Municipal Waste Advisory Council endorse the draft Submission to the Inquiry into the Hazardous Waste (Regulation of Export and Imports) Amendment Bill 2021.

CARRIED

Submission on the Waste Plastic Export Ban Rules

MWAC provided [comment](#) on the Discussion Paper on the Waste Plastic Export Ban, which preceded the development of the Rules (the regulations required to implement the ban).

In the draft Submission on the Rules, the key issues highlighted include:

- Waste Plastic Specifications – further clarification is required to determine what materials will be accepted for export and the standards that the material will need to meet
- Contingency planning – will ensure that if processing facilities are impacted by natural disasters or other events it is important that options are available, such as export, if the alternative is that the material would be landfilled.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

Moved: Cr Abetz

Seconded: Mayor Butterfield

That the Municipal Waste Advisory Council endorse the draft Submission on the Waste Plastic Export Ban Rules.

CARRIED

Submission on the Review of the NEPM for Used Packaging

The National Environmental Protection (Used Packaging Materials) Measure (Packaging NEPM) is the legislative framework which currently underpins the Australian Packaging Covenant Organisation (APCO).

The review of the Packaging NEPM offers an opportunity for significant change to how packaging is managed in Australia, including making it easy for the community to recycle, for the materials collected to be recycled and ensuring that the packaging industry take financial and/or physical responsibility for their products at end of life.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

Moved: Cr Abetz

Seconded: Mayor Butterfield

That the Municipal Waste Advisory Council endorse the draft Submission on the Review of the co-regulatory arrangement under the National Environmental Protection (Used Packaging Materials) Measure 2011.

CARRIED

6.6 Local Government Performance Monitoring Project (05-047-01-0011 CH)

By Chris Hossen, Policy Manager, Planning and Building

Recommendation

That the results of the *Local Government Performance Monitoring Report (2019/2020)* be noted.

Executive Summary

- In 2018, WALGA initiated the Local Government Performance Monitoring Project and through this project prepared the *Local Government Performance Monitoring Report (2018)*. This report demonstrates the planning and building performance of 11 Local Governments during the 2016/17 financial year. WALGA has continued and expanded the Project producing subsequent reports in 2019, 2020.
- This new report: *Local Government Performance Monitoring Report (2021)* demonstrates the planning and building performance of 29 Local Governments from across Western Australia during the 2019/20 financial year.
- The report indicates that Local Governments continue to provide efficient and effective management of their planning and building regulatory functions.

Attachment

- [Local Government Performance Monitoring Report \(2021\)](#)

Background

In September 2016 the Property Council released the report *Benchmarking Greater Perth Local Governments*, which purported to measure the planning performance of 29 Local Governments in the Greater Perth area. The media stated at the time that the report had “*shone a light on the poor performance of local planning by most Local Governments in Greater Perth*” and highlighted “*a worrying lack of strategic and statutory planning amongst councils.*”

The release of the Property Council's report, which contained a number of inaccuracies and selective use of data, was not well received by Local Governments.

In response to the Property Council report, the Chief Executive Officers of WALGA's Growth Alliance Perth and Peel (GAPP) policy forum initiated the *Local Government Performance Monitoring Project*, to accurately report the planning and building performance of GAPP Local Governments during the 2016/17 financial year. 11 Local Governments participated in this report.

Due to the positive reception to the 2016/2017 report, WALGA has continued to encourage other Local Governments to participate in the project. This advocacy resulted in additional Local Governments participating in the project in each subsequent year. This new report: *Local Government Performance Monitoring Report (2021)*, demonstrates the planning and building performance of 29 Local Governments from across Western Australia during the 2019/20 financial year.

Comments

29 Local Governments participated in the 2019/2020 report: the Cities of Armadale, Bayswater, Belmont, Bunbury, Busselton, Canning, Cockburn, Fremantle, Gosnells, Greater Geraldton, Joondalup, Kalamunda, Kwinana, Mandurah, Melville, Mundaring, Rockingham, South Perth, Stirling, Subiaco, Swan, Vincent, Wanneroo; the Towns of Bassendean, Port Hedland and Victoria Park; and, the Shires of Augusta-Margaret River, Broome and Nannup.

These Local Governments are home to approximately 79% of Western Australia's population and between 2009 and 2019 accounted for 86% of the state's total population growth. As such they provide a strong indication of how the Local Government sector in Western Australia is performing in the areas of strategic and statutory planning.

Key findings from the *Local Government Performance Monitoring Report (2021)*:

- 94% of all applications assessed by Local Governments (planning development applications, subdivision referrals and clearances, and building permits) were approved or responded to within statutory timeframe requirements.
- 10 Local Governments have a current Local Planning Strategy (LPS), 17 Local Governments are currently reviewing their LPS, and two Local Governments neither have a current LPS nor are they developing or reviewing their strategy.
- On average, 27% of the total time taken to review an LPS can be attributed to waiting for the State Government to give consent to advertise or endorsement.
- On average, Local Governments have six other strategic planning documents which support Local Government strategic planning functions. These documents generally cover the following topics: strategic community planning, activity centres, community infrastructure, commerce, environment, economic, heritage, housing, transport and open space.
- 45% of Local Governments have reviewed, consolidated or undertaken an audit of their LPS within the past five years. 58% of Local Governments are in the process of reviewing their scheme.
- For scheme amendments, on average:
 - Local Governments finalised two scheme amendments in 2019/2020, with each taking an average of 20 months to complete.
 - 51% of the time taken to complete scheme amendments could be attributed to State Government processes, including time with the Environmental Protection Authority, Western Australian Planning Commission and the Minister for Planning. This compares to 31% in 2018/19.
- For development applications, on average:
 - 98% of all applications received were approved.
 - 82% of decisions on development applications were determined within the required statutory timeframes (noting there were two Local Governments that did not perform particularly well on this indicator).
 - 97% of all decisions were determined by planning officers under delegated authority.
- On average 99% of building permits are approved within statutory timeframes (10 or 25 days).

The 2019/2020 report provides a collated view of 29 Local Governments who participated. The relatively low variance collectively and within most of the individual performance indicators suggests that the performance of these Local Governments may be reflective of the Local Government sector as a whole, although there are exceptions.

Importantly, while the report is not intended to be a comparison of individual Local Government performance it does allow individual Local Governments to draw comparisons themselves with other Local Governments, which may be useful for those who may have similar development pressures and resourcing.

WALGA has, and will continue to, encourage relevant State Government agencies to consider and use this performance information in any legislation, policy or regulations prepared by the State which affects Local Government.

Finally, WALGA has been discussing this project with other Local Government members, with a view to continue to increase member participation in the 2020/2021 financial year reporting period.

6.7 Review of Fire Weather Districts (05-024-03-0004 SM)

By Susie Moir, Policy Manager Resilient Communities

Recommendation

That State Council note information regarding the consultation on the review of the Western Australian Fire Weather Districts (FWD) being conducted by the Department of Fire and Emergency Services (DFES) and the Bureau of Meteorology (BoM).

In Brief

- Issues have been identified with the current West Australian Fire Weather Districts.
- DFES and BOM through the Interagency Bushfire Operations Committee Australian Fire Danger Rating System Subcommittee has determined that the new ADFRS presents an appropriate opportunity to review and update the current Fire Weather Districts.
- A working group comprising DFES and BoM representatives are managing the consultation and review process.

Attachments

- [Fire Weather Districts Review – Feedback Form](#)

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments.

Enhanced Reputation and Relationships

- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government
- Develop simple and consistent messages that are effectively articulated.

Background

Fire danger ratings (FDR) are issued for Fire Weather Districts on a scale of low to catastrophic. The FDR for each Fire Weather District is calculated as the highest FDR value that covers at least 10% of the Fire Weather District. Therefore if only 15% of a Fire Weather District is forecast to have a severe FDR, the severe rating is applied across the remaining 85% of the Fire Weather Districts. This results in a FDR that may not be representative of the whole Fire Weather District.

This can create over warning and result in confusion for the public, significantly impact industries and agencies subject to regulations that are linked to FDR thresholds, such as Total Fire Bans and the automatic cancelling of Permits to Burn. For example, when a catastrophic FDR has been forecast for a Fire Weather District the usual Total Fire Ban exemptions do not apply.

Furthermore, the current Fire Weather Districts do not necessarily take into account boundaries of fuel types, terrain or weather influence which can significantly impact fire behaviour. In addition, the Fire Weather District boundaries do not necessarily align with Local Government boundaries, which can result in confusion for the community, agricultural sector and industry.

DFES and BOM through the Interagency Bushfire Operations Committee Australian Fire Danger Rating System Subcommittee determined that the new Australian Fire Danger Rating System presents an appropriate opportunity to review and update the current Fire Weather Districts and has undertaken consultation with key stakeholders including Local Government. The consultation closes on 4 June 2021.

The following principles have guided the review:

- Where possible, to avoid confusion align Fire Weather Districts and Public Forecast Boundaries
- Combine areas of similar climate
- Combine areas of similar land use and vegetation;
- Reduce area of the largest Fire Weather Districts
- Use Local Government boundaries where possible
- Use climate, vegetation, land use and infrastructure (such as major roads) as boundaries where possible
- Consider activity restrictions impacting industry and agriculture
- Limit the number of Fire Weather Districts (i.e. BOM have suggested a maximum of 40, due to practicality of issuing daily forecasts).

Comment

DFES and BOM's primary method for consulting with Local Government on the Fire Weather District review was intended to be through presentations at bushfire District Operational Advisory (DOAC) and Regional Operational Advisory (ROAC) meetings, however due to a delay in the preparation of the consultation materials this was not achieved in all instances.

WALGA assisted to ensure that Local Government were adequately consulted by disseminating the consultation materials to Local Government via Infopage and through the Local Government Emergency Management Network and WALGA Emergency Management newsletter; facilitating a webinar for Local Government on 21 May attended by representatives from 15 Local Governments; and scheduling for DFES to present on the review to the Local Government Emergency Management Advisory Group meeting on 28 May 2021.

The Interagency Bushfire Operations Committee Australian Fire Danger Rating System Subcommittee plans to finalise the changes to the Fire Weather Districts prior to September to allow for BOM Australian Fire Danger Rating System testing.

6.8 2021-22 State Budget Submission Approach (05-001-03-0006 DM)

By Dana Mason, Principal, Economics and Strategic Projects

Recommendation

That the approach for the 2021-22 State Budget Submission, which was endorsed via flying minute be noted.

Executive Summary

- Each year, WALGA prepares a submission to the State Government outlining the sector's priorities for the upcoming budget.
- The attached presentation outlines WALGA's proposed approach to this submission, based on the current economic and political environment.
- It is proposed that WALGA has the best chance of achieving funding by putting forward a targeted list of initiatives that are aligned with Government priorities, and deliver a demonstrated return for the State and Community.
- The Association's approach to the State Budget Submission was endorsed by State Council on 21 May 2021 via Flying Minute.
- The final submission will be provided to State Council for endorsement in mid-June.

Attachment

- [Flying Minute – 2021-22 State Budget Submission Approach](#)

Background

Each year, WALGA prepares a submission to the State Government outlining the sector's priorities for the upcoming budget. Given the recent State Election and delays to the 2020-21 Budget, this year's budget will now be handed down in September.

The stronger than expected recovery in the WA economy and the record iron ore price has meant that there will be a substantial budget surplus (expected to be in the order of \$4 billion) in 2020-21, with further surpluses expected across the forward estimates. However, net debt is also at record levels. WALGA has received feedback that focus of the Budget will be to deliver on existing election commitments.

There is significant competition for funding from the State Budget. WALGA's submission will be one of many put forward by industry associations, advocacy groups, Government agencies and individuals.

WALGA has identified 10 initiatives that it is proposed will form the basis of the 2021-22 State Budget Submission. These include:

- Funding to fill existing gaps in **FOGO processing infrastructure** needed to turn the collected FOGO into high quality compost.
- Evolution of the **State Underground Power Program**, with State Government funding prioritized to project areas where the benefits to the households are less (lower property values) and the financial capacity to contribute is less.
- Investment in **climate change adaptation**, including funding for managing urgent **coastal erosion** hotspots, and enhancing the **urban tree canopy**.
- Funding to repurpose, upgrade and build new **cultural and social infrastructure** at a local level and as part of joint initiatives between the State and Local Governments and community organisations.

- Additional investment in **telecommunications infrastructure**, to unlock further opportunities to work in partnership with the Commonwealth and other key players to reduce communications gaps in regional areas.
- Extending the election commitment for funding for **homelessness outreach services** for an additional financial year.
- Extending funding for the **Small Business Friendly Approvals Program** to allow a greater number of Local Governments to participate.
- **Support for the Local Government sector to transition to the State Industrial Relations System.**
- Funding to WALGA for a service level agreement with the Department of Local Government, Sport and Cultural Industries to provide **capacity building support to assist Local Governments with good governance, financial management and process.**

Comment

The State Budget Submission is an important opportunity to put forward priority issues for Local Governments, and to demonstrate the sector's willingness to work collaboratively with the State Government.

There is significant competition for funding from the State Budget. WALGA's submission will be one of many put forward by industry associations, advocacy groups, Government agencies and individuals.

To provide the best chance of receiving funding, the submission will be:

- Targeted and succinct – An extended list of priorities is not likely to be considered by Government given they already have a full agenda of election commitments and other emerging priorities.
- Aligned to Government priorities – The Government is more likely to fund requests that align with their agenda or that address a pressing or emerging issue.
- Infrastructure-focussed – The windfall nature of the surplus means that there is a better chance of receiving funding for capital, rather than recurrent programs.
- Deliver a return for the State and the Community – A strong evidence base is needed to demonstrate the value that the initiatives will deliver for the community. Those which already have a demonstrated track record, or where there is a co-funding arrangement are likely to have a greater chance of success.

The final submission is being developed in the coming month and will be provided to State Council for endorsement in mid to late June.

Once the State Budget Submission has been provided to the State Government, WALGA will engage with Government officials and Members of Parliament to discuss the issues set out in the Submission.

6.9 Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA (05-031-01-0001 MM)

By Marissa MacDonald, Senior Policy Advisor, Community

Recommendation

That the submission to the Department of Health in response to the Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA consultation be noted.

Executive Summary

- On Thursday, 18 February the Department of Health released the “Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in Western Australia” discussion paper for public comment.
- There are 19 Local Governments which manage wastewater schemes that are currently exempt from licensing under the *Water Services Act 2012* (‘19 Local Government wastewater managers’).
- The discussion paper presents three options for the *future regulation of wastewater conveyance, treatment and disposal*. The majority of Local Government responses received by WALGA support Option 3 - the development of new regulations largely based on the existing regulations with minor amendments, including training requirements and accreditation of Site and Soil Evaluators.
- Feedback indicated that Local Governments do not support the full adoption of the Australian Standards AS/NZS1547 in the new regulations as there is limited evidence in the discussion paper to support its adoption.
- The discussion paper presents three options for the *future management of wastewater systems*. WALGA received limited feedback from the 19 Local Government wastewater managers, and as such does not have a definitive position on the three options presented in the discussion paper.
- WALGA recommends that the Department of Health engage further with Local Government when developing any new regulations.
- The submission was endorsed by State Council via Flying Minute on 2 June 2021.

Attachment

- [Flying Minute - Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in WA: WALGA Submission](#)

Background

The Department of Health released the “Managing Public Health Risks from Wastewater Conveyance, Treatment and Disposal in Western Australia” discussion paper for public comment in February 2021. The purpose of the consultation is to determine the best way to manage the public health risks from wastewater conveyance, treatment and disposal. The consultation forms part of the implementation of the *Public Health Act 2016* which requires the review the *Health (Miscellaneous Provisions) Act 1911* and associated regulations. The regulations being reviewed are the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 (Wastewater Regulations)*.

Local Government is an enforcement agency under the *Public Health Act 2016*, with Local Government Environmental Health Officers (EHO’s) playing a key role in administering the regulations relating to wastewater. There are also a number of Local Governments that own and manage wastewater systems, with 19 Local Governments having Class Exemptions from licensing under the *Water Services Act 2012* as they service less than 1,000 customers (19 Local Government

wastewater managers). These 19 regional Local Governments are the Shires of Brookton, Coolgardie, Dalwallinu, Denmark, Dowerin, East Pilbara, Goomalling, Jerramungup, Kent, Koorda, Moora, Morawa, Northam, Ravensthorpe, Victoria Plains, Wickepin, West Arthur, Yilgarn and the City of Karratha (Karratha Airport).

The discussion paper presents three options for the future regulation of wastewater conveyance, treatment and disposal:

- Option 1 - Retain the status quo by replicating the existing regulations as far as practicable.
- Option 2 - Deregulate the wastewater industry and repeal the current legislation associated with wastewater management. That is, to repeal without replacement the relevant provisions of the Health (MP) Act and its subsidiary legislation and adopted codes associated with wastewater management without replacement.
- Option 3 - Develop new public health regulations for wastewater management under the Public Health Act, which align with its principles and establish the necessary compliance requirements and processes. Option 3 is the Department of Health's preferred option.

The discussion paper also presents three options for the future management of wastewater systems of relevance to the 19 Local Government wastewater managers.

Comment

The discussion paper is complex with 150 primarily technical questions. Feedback from some Local Governments was that the discussion paper did not make a compelling case for the recommended proposals or include potential implications for Local Governments of the proposed options.

In developing its submission WALGA consulted with Local Governments through various methods including co-hosting a webinar with the Department of Health on Thursday, 15 April, emails and phone conversations with EHO's. In the submission, WALGA has not provided a response to all 150 questions, but rather commented on issues of most significance to Local Government.

With respect to the *regulating of wastewater conveyance, treatment and disposal*, the majority of Local Government feedback supports Option 3 - to develop new regulations, which are largely based on the existing regulations and with the inclusion of minor amendments including training requirements and accreditation of Site and Soil Evaluators.

Feedback received by WALGA indicated that Local Government does not generally support the full adoption of the Australian Standards AS/NZS1547 in the new regulations. Limited evidence has been provided in the discussion paper to support the adoption of this standard. Adoption of this standard will likely increase the size requirement for wastewater systems, resulting in increased expenses for home builders.

With respect to the *three options for managing wastewater systems*, WALGA received limited feedback from the 19 Local Government wastewater managers, and as such does not have a definitive position on the three options presented in the discussion paper. WALGA recommends that the Department of Health engage further with Local Government when developing any new regulations.

As recommended by the *Select Committee into Local Government Final Report*, the regulatory impact statement for the development of any new regulations should outline the estimated costs and the resources that the State Government will provide to Local Government to meet the costs of any regulatory change.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

7.1.1 Report on Key Activities, Commercial and Communications Unit (01-006-03-0017 ZD)

By Zac Donovan, Executive Manager Commercial and Communications

Recommendation

That the Key Activity Report from the Commercial and Communications unit to the July 2021 State Council meeting be noted.

Commercial and Communications comprises of the following WALGA work units:

- Commercial Development
- Commercial Management
- LGIS Contract Management
- Communications (Marketing and Events)

Commercial Development

Energy Project Update

WALGA has now commenced the first phase of the Energy Sustainability and Renewals Project that intends to contract an aggregate energy purchasing agreement for applicable Local Governments.

A Memorandum of Understanding has now been issued to the relevant Local Governments so as to enable WALGA to undertake the request for quote process with suppliers. In correspondence and communications to the sector, WALGA has repeatedly confirmed that the MOU does not compel or contract Local Governments to continue with the project if they are able to secure a more favourable arrangement to that which will be presented.

The aggregated energy component of the project aims to support Members in achieving renewable energy policy targets and reduce energy costs to the sector. The project is being implemented with the contribution of a Renewable Energy Project Steering Group comprising of Local Government CEOs and senior officers.

To facilitate Member insight to the project, the WALGA Commercial Management Team is also presenting to various Local Government workshops and forums. Currently sscheduled this period are:

- June 15: City of Mandurah (Elected Member forum)
- June 23: City of Canning (Executive team presentation)
- July 22: City of Cockburn (Elected Member forum)
- July (TBC): City of Perth (Elected Member forum)

Commercial Management

Member Engagement

The Commercial Management Team has continued to prioritise visits to Member Local Governments. During the past period, representatives from the team have visited 35 Local Governments, which brings the total to 68 visited since the start of the year. Local Governments visited in the past period were:

- 4-5 May: Shires of Chittering, Gingin, Dandaragan, Moora, Dallwallinu, Wogan-Ballidu, Victoria Plains and Goomalling.
- 18-20 May: Shires of Coorow, Carnamah, Three Springs, Perenjori, Morawa, Mingenew, Irwin, Northampton and Chapman Valley

- 15-17 June: Shires of Wandering, Williams, West Arthur, Kojonup, Katanning, Kent, Woodanilling and Waroona
- 22-24 June: Shires of Dowerin, Wyalkatchem, Koorda, Mount Marshall, Mukinbudin, Yilgarn, Westonia, Merredin, Nungarin and Trayning

LGIS Contract Management

Heads of Agreement

WALGA and JLT are currently finalising a Heads of Agreement document that will establish the future contract model and terms for the provision of the LGIS mutual services, to be encompassed in the new service agreement to be presented to State Council.

As an interim document, the Heads of Agreement will enable the adoption of the new remuneration schedule, as endorsed by State Council (meeting of 5 May) for the 2021/22 budget; inclusion of the motor vehicle cover into the Scheme; revised Scheme Management and Indemnity Broking fees; annulment of the previous broking agreement and payments to WALGA; and a timeline to facilitate the proposed new schedule of agreements to be refined with the assistance of HSF legal advisers.

It has been necessary to implement the Heads of Agreement to enable continuity for the operations of the Scheme while providing JLT adequate opportunity to consider the components of the proposed new agreement contracts.

Marketing and Communications

West Australian Rates Competition

WALGA and the West Australian newspaper have partnered on a competition to help better educate the community as to how Local Government rates are calculated. Run over the past two weeks, the competition has been promoted by the newspaper in print, online and in conjunction with 7 News, with WALGA sponsoring the prize pool of free rates for 10 winners up to the value of \$3500. Entrants are required to nominate the correct method of calculating rates from a choice of three and if incorrect are shown an instructional video to re-enter.

Increasing community understanding of how rates are calculated has been an ongoing challenge for the sector. Independent research demonstrates a strong correlation between community satisfaction with their Councils and the extent to which they understand how rates are calculated. The research, commissioned by WALGA, found only one in five (22%) people could accurately nominate the correct method when presented with three definitions.

WALGA Events

Procurement Forum and Preferred Supplier Forum – 9 June

The parallel program for procurement officers and WALGA preferred suppliers attracted a total of more than 350 participants. The full-day Procurement Forum, initiated at the request of Members during regional visits, had 77 attendees. While the half day Preferred Supplier Forum had 281 attendees. Both forums culminated in a launch event for the new PSP.

Meet the Minister Breakfast – 20 May

The first breakfast event by Local Government Minister, the Hon John Carey was attended by 135 Elected Members and officers from across the State. As a consequence there is interest from the Minister's office for WALGA to coordinate similar breakfast events in the regions if sufficient sector support.

7.1.2 Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)

By Tony Brown, Executive Manager Governance and Organisational Services

Recommendation

That the Key Activity Report from the Governance and Organisational Services Unit to the July 2021 State Council meeting be noted.

Governance and Organisational Services comprises of the following WALGA work units:

- Governance and Procurement
- Employee Relations
- Training
- Regional Capacity Building
- Strategy & Association Governance

The following provides an outline of the key activities of Governance and Organisational Services since the last State Council meeting.

Governance and Procurement

Governance Resources

Local Government Regulation Amendment 2021

The *Local Government Regulation Amendment 2021* became effective on 3 February 2021 introducing; Council Member Model Code of Conduct Regulations; CEO Standards for Recruitment, Performance Review and Termination; and Employee Code of Conduct requirements. As a consequence, WALGA's Governance and Procurement Team developed a range of new resources to assist Local Governments implement the requirements. The new resources prepared and made freely available to all Member Local Governments on the WALGA website include:

- Local Government Regulation Amendments Guidance Note, together with:
 - Template Code of Conduct for Council Members, Committee Members and Candidates
 - Template Standards for CEO Recruitment, Employment and Termination
- Policy Development Framework – Code of Conduct Behaviour Complaints Management Policy, together with:
 - Template Code of Conduct Behaviour Complaint Form
 - Template Behaviour Complaints Committee Terms of Reference
 - Template Behaviour Complaints Committee Delegation
 - Template Behaviour Complaint Statutory Declaration

In addition, a new Template Employee Code of Conduct was made freely available on 4 June 2021 and a WALGA Webinar on the Council Member Code of Conduct is scheduled for Thursday 8 July 2021 – webinar registration is available on the [WALGA Training page](#). To date, the Governance and Procurement team has managed a considerable volume of enquiries on the above topics, summarised below:

- Council Member Code of Conduct – 90 enquiries
- CEO Standards – 33 enquiries
- Employee Code of Conduct – 24 enquiries

The Governance team are continuing to receive a high volume of enquiries regarding the impact of the new Regulations and Members are encouraged to continue to contact us for assistance – governance@walga.asn.au or 9213 2514.

Local Government Legislation Amendment Act 2019

Other recently developed resources arising from the *Local Government Legislation Amendment Act 2019* include the following templates that relate to compulsory policy obligations:

- Template Policy – Temporary Employment or Appointment of CEO [s.5.39C]
- Template Policy – Council Member Continuing Professional Development [s.5.128]

Local Government Elections 2021

The Governance and Procurement Team also presented a WALGA Webinar on 15 April 2021 on the topic of 'Local Government Elections – Owner and Occupier Legibility Claims' to explain how best to use the associated resource available in the online Governance resources. A recording of this webinar together with responses to questions raised on the day can be found [here](#).

Training

WALGA Training has been busy in both Elected Member and Officer training. Newly developed specialised training programs have commenced and have received positive feedback from participants in particular for Town Planning, Emergency Management and Procurement Course offerings. There has been an increased uptake with full classes for Face-to-Face training at WALGA and also a number of courses held on-site at Local Government premises.

On 1 July the first Introduction to Waste Management Course will be delivered at WALGA and we are hoping that the accredited Certificate III in Waste Management will be fully developed by August this year.

WALGA Training has invited industry specialists, Elected Members and Officers from diverse backgrounds to form specialist Industry Advisory Groups helping to develop our new Training Programs for the new nationally accredited Diploma of Local Government (Elected Members) and all specialist programs.

Employee Relations

Potential Transition to the State Industrial Relations (IR) System

Survey on proposed transition costs

The WALGA ER unit surveyed the sector to seek the view of Local Governments on the cost of the implementation of the proposed transition from the Federal to State IR system. 60 Local Governments responded to the survey and this will provide important guidance for WALGA in formulating its State Budget Submission regarding funding for the proposed transition.

State Government engagement

Following the State Council Resolution carried on 5 May 2021 regarding the review of the State IR System, President Tracey Roberts wrote to the Hon. Stephen Dawson MLC, Minister for Mental Health, Aboriginal Affairs; Industrial Relations advising of the State Council Resolution regarding the potential *Industrial Relations Legislation Amendment Bill 2020*, that is likely to be re-introduced into WA Parliament this year. WALGA will be seeking a meeting with the Minister to discuss the potential re-introduction of the Bill, and the support required by the sector to enable a smooth transition, if the transition proceeds.

Sector Reference Group

At the end of the Metro HR Forum on 24 June, WALGA ER will host a Sector Reference Group meeting specifically regarding the proposed transition to the State IR system. This Group will become an important mechanism for Local Governments to provide feedback and information to WALGA about the proposed transition and for Local Governments to network and share information on this issue.

Webinars and Training

The WALGA ER unit developed and delivered a live and interactive webinar on the topic, Misconceptions about Employment Conditions, on 23 April. The Webinar had 54 attendees and was recorded so the webinar can be accessed by subscribers to the WALGA ER service at any time.

The WALGA ER unit revised its training course, Understanding and Applying the Local Government Industry Award 2020 to account for significant changes to the Award and the *Fair Work Act 2009*. This training course was delivered in house on 29 April 2021 to WA Local Government Officers.

7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)

By Ian Duncan, Executive Manager Infrastructure

Recommendation

That the Key Activity Report from the Infrastructure Unit to the July 2021 State Council meeting be noted.

Roads

Road Asset Preservation Model

Feedback from WALGA Zones regarding strategic options for review of the Road Asset Preservation Model was considered by State Council in May. In accordance with the State Council resolution, the WALGA President has written to the Chair of the Local Government Grants Commission, requesting that Commission officers be made available to brief Zones or Regional Road Groups, as requested. Discussions with Commission officers regarding model access and labelling are on-going.

Condition Assessment of Roads of Regional Significance

Following review of quotations, Talis Consultants were appointed to undertake the second phase of a project to provide a condition assessment of all Roads of Regional Significance. This phase will cover the Great Southern and Goldfields – Esperance regions. In addition to the condition assessment and video data capture of sealed roads, the survey will include video of significant unsealed roads and condition reporting on access roads to remote Aboriginal communities. Funding has been provided through the State Road Funds to Local Government Agreement to perform visual condition surveys of Significant sealed roads over a five year cycle. The first phase of this project, a survey of the roads in the Mid-West region, was recently completed.

ROADS 2040: Development Strategies for Regionally Significant Local Roads

Guidelines setting out the criteria for the selection of Significant Local Roads have been developed after consultation with Local Governments. Outside the metropolitan area, only these roads are eligible for Road Project Grant funding through the State Road Funds to Local Government Agreement. There was concern that the Guidelines did not adequately reflect the significant differences in scenarios across the State. The final document addresses these concerns and provides autonomy to the RRGs to make appropriate decisions. The proposed Guideline has been submitted to the State Road Funds to Local Government Advisory Committee (SAC) for approval.

Road Safety Management System

WALGA, Main Roads WA and the South West Regional Road Group have worked on and are close to finalising modifications to the project prioritisation guidelines and multi-criteria assessment model to provide a greater focus on road safety when setting the annual roads program for the region. This is an important pilot in delivering the commitment agreed in the State Road Funds to Local Government Agreement 2018/19 to 2022/23 to work towards establishing a road safety management system. If the approach is successful, work will commence with other Regional Road Groups regarding the road safety focus of their project prioritisation guidelines.

Road – Rail Interface Agreements

WALGA, Main Roads WA and the Public Transport Authority (PTA) are working to develop a new Road - Rail Interface Agreement. The draft Agreement, which identifies the responsibilities of the parties to manage risks associated with a road/rail crossing on the PTA network, will be provided to Local Governments for consideration and feedback.

Road Assets and Expenditure 2019/20

The 2019/20 Road Assets and Expenditure Report was published in May and distributed to all Local Governments, key decision-makers in Federal and State Government as well as industry stakeholders. The report is readily accessible on the WALGA website [here](#).

Sealed Road Condition Indices

Sealed road condition data from the 119 Local Governments that use the RAMM road asset management system is being analysed to provide information about the condition of the Local Government managed road network. This will be an update on a similar analysis completed in 2018. Indices describing the condition of the road surface, road pavement and drainage have been derived. Trends in the condition of the network in different parts of the State are important to understand. This information is a critical part of the evidence base to underpin advocacy for on-going State and Federal Government investment in Local Government roads.

Transport and Roads Forum 2021

The Transport and Roads Forum was postponed, due to restrictions on gatherings and mask-wearing requirements implemented following the COVID-19 community transmission cases recorded in early May. The Forum is scheduled for Thursday, 1 July 2021 at Crown Perth.

Funding

Regional Road Safety Program

A proposed \$35 million program of work to provide sealed shoulders and audible edge lines on about 1000km of Local Government roads in 2021/22 has been developed in conjunction with Local Governments and Main Roads WA. Main Roads has informed all Local Governments with proposed projects of those that have been submitted. The proposed program of work is being considered for funding by the Commonwealth Government.

Urban and Regional Transport

Regional Roadworks Signage Review

Engagement with Local Governments, the traffic management industry, road contractors, transport industry and the general public concerning their experience with roadworks signage in regional WA has continued, led by Department of Transport and ARRB. WALGA is contributing to this review, by encouraging local participation and reviewing the analytical reports that have been drafted from a Local Government perspective. Recommendations will be delivered to the Minister for Transport in August.

Road Safety

Road Safety Council Update

The Road Safety Council continues to focus on the implementation of the new road safety strategy 2020-2030. The findings of an enquiry into the increase in Victoria's road toll have been considered in terms of implications for WA and a draft Driving Change Action Plan, to cover the first two years, has been developed in consultation with State Government agencies. WALGA is seeking to input as a means of gaining recognition for the important role of Local Governments.

7.1.4 Report on Key Activities, Strategy, Policy and Planning Unit (01-006-03-0017 NM)

By Nicole Matthews, Acting Executive Manager Strategy, Policy and Planning

Recommendation

That the Key Activity Report from the Strategy, Policy and Planning Unit to the July 2021 State Council meeting be noted.

The following provides an outline of the key activities of Strategy, Policy and Planning since the last State Council meeting.

Economics and Strategic Projects

Local Government Economic Development

With the WA economy moving into the recovery phase following COVID-19, WALGA is reviewing and updating its agenda to support Local Governments in their economic development activities.

WALGA has met with a number of Local Governments to understand their economic development priorities and challenges, and will be using this information to inform its work in this area going forward. WALGA is also engaging with the Small Business Development Corporation to identify opportunities for collaboration, particular in relation to the Local Government Small Business Friendly Approvals Program.

Local Government Cost Index

WALGA recently engaged an external consultant to review and update the Local Government Cost Index (LGCI), to ensure it remains an accurate gauge of cost pressures facing the sector.

The review recommended some minor amendments to the index, and now uses a basket of 10 cost components instead of the previous six. The revised index makes better distinction between operating and capital costs and uses price indices that align more closely to the nature of goods and services used by Local Governments.

COVID-19 has created some challenges in relation to updating the LGCI, as it has delayed or caused anomalies in data used to construct the index. WALGA is currently working on a revised set of forecasts for the Index.

Environment

Urban Forest Grants

WALGA is administering Water Corporation's Urban Canopy Grant Program, which provides \$750,000 for Perth and Peel Local Governments to support additional planting or bring forward future tree planting in their urban forest plans.

14 WA Local Governments have been awarded \$615,000 funding to plant 2400 trees by 2022 under Round 1 of the Program: Armadale, Bassendean, Bayswater, Canning, Cockburn, Cottesloe, East Fremantle, Fremantle, Kalamunda, Kwinana, Perth, Serpentine Jarrahdale, South Perth and Vincent. It is estimated that these trees will provide 11 hectares of urban tree canopy cover over 10 years. Applications for Round 2, which has a total of \$135,000 available, close Monday 28 June 2021. Further details can be found on the WALGA website [here](#).

Herbicide Use and Integrated Weed Management

The first meeting of the Herbicide Use and Integrated Weed Management Working Group was held on 14 April 2021. WALGA convened the working group following requests from Local Governments from across WA for information and guidance to support decisions on the most suitable weed

management approaches for their local context. The Working Group comprises representatives from the Australian Local Government Association, LGIS, 16 Local Governments: Albany, Bassendean, Bridgetown, Cockburn, Denmark, Fremantle, Joondalup, Karratha, Mandurah, Melville, Mosman Park, Perth, Rockingham, South Perth, Swan, Wanneroo and the Eastern Metropolitan Regional Council (EMRC). The next meeting will be held in July.

Regional Climate Change Alliance Program

More than 40 Regional Local Governments have shown interest in the Regional Climate Change Alliances Program, which will fund the establishment of ‘alliances’ of regional local governments to work collaboratively to drive action on climate change and emissions reduction. Two alliances will have access to \$210,000 each financial year between 2021-23 to employ Regional Climate Alliance Coordinators and deliver climate change adaptation and mitigation projects. The Program is being administered by WALGA on behalf of the Department of Water and Environmental Regulation and is an initiative under the State Government’s Western Australian Climate Policy. Expressions of interest for the Alliance Program close on 21 June 2021.

CoastWA

Earlier this year, the State Government announced that funding for its three coastal grants programs would nearly double this year to over \$4 million, with Local Governments eligible to apply for most of these funds. The assessment of these applications has recently been completed, with WALGA participating on all three grant assessment panels. The announcement of the successful grant recipients is expected in the third quarter of 2021.

As a result of strong advocacy by WALGA, the Department of Planning, Lands and Heritage (DPLH) has agreed to fund a coastal facilitator to assist Local Governments to apply for coastal grants, provide advice on project management and guidance in resolving technical issues and conflicts arising during a project. This will be of particular benefit for regional and smaller Local Governments with limited resources and expertise in coastal planning and management. It is expected that the process to appoint a facilitator will commence shortly.

Bushfire Preparedness Field Tour

WALGA and the City of Cockburn hosted a field tour on Bushfire Preparedness for Local Governments on 13 May 2021 with participation from the Department of Fire and Emergency Services (DFES), Native ARC, The Forever Project and the Jandakot Volunteer Bushfire Brigade. 44 attendees from 16 Local Governments attended, including staff from bushfire mitigation, emergency management, ranger services, statutory planning and natural areas management teams. The Field Tour was aimed at assisting Local Governments in the development and implementation of their Bushfire Risk Management Plans by providing information and demonstrations on treatment strategies to manage vegetation fuel loads and protect the community and environmental assets.

Planning and Building

R-Codes Session

The Planning team held an online information session on 3 May 2021 with the DPLH on the recent changes to the Residential Design Codes. The webinar had a great level of interest from officers across the state with participants tuning in from as far afield as Albany and Wyndham. A total of 135 participants from 55 Local Governments joined in the session. The changes that form part of this most recent review commence on 2 July 2021.

Planning Reform Phase 2

The Minister for Planning and Minister for Local Government recently announced a 3-month engagement process to inform Phase 2 of Planning Reform and are seeking suggestions and feedback from industry, community and stakeholders. The Association has begun an engagement process with members to guide the development of a submission to this process. WALGA’s Planning Improvement Portal has produced a range of best practice guides, manuals and template policies, and it has a strong focus on accountability and transparency through performance monitoring of Local Government planning and building functions and data collection and reporting on DAP decisions. We look forward to presenting these initiatives and the innovative local approaches of our members to

the State through the Local Government red tape working group to guide and inform the next stage of planning reform. Details on the reforms can be found [here](#).

Environmentally Sustainable Buildings Workshop

WALGA's Planning and Building and Environment teams recently held a workshop on Environmentally Sustainable Buildings (ESD), with over 40 with Local Government officers in attendance. Following presentations, a workshop session asked attendees to provide guidance on how they would like WALGA to progress its advocacy in this area. A second workshop is scheduled for 10 August 2021. Documents and links from the session are on WALGA's PIP Portal [here](#).

Meeting with Government Architect and Chief Planning Advisor

Nick Sloan and WALGA's Policy Manager, Planning and Building recently met with the Government Architect, Rebecca Moore and the Chief Planning Advisor, Kathy Bonus to discuss Local Design Review Panels (DRPs) and their implementation at the local level. Discussion turned to how WALGA and DPLH can work together to support the Local Government sector in the establishment of DRPs and how future changes can be made to the system in collaboration with the sector to support good governance and positive design outcomes.

Resilient Communities

Supporting Cyclone Seroja Impacted Local Governments

WALGA is continuing to support Local Governments impacted by Cyclone Seroja including:

- Facilitating resource sharing between Local Governments. WALGA continues to seek expressions of interest from Local Government staff who are available to assist impacted Local Governments. Currently the Shire of Perenjori is seeking: Project Manager; Qualified Child care Educator; experienced administration/ customer service officer, and Caravan Park/ Village Manager.
- Providing governance advice in relation to procurement during emergencies and support with procurement of mulching and road clearing services.
- Attending regular District Recovery Coordination meetings to stay up to date with developing issues, provide support and collate lessons learned to share with the State Emergency Management Committee.
- Preparing summaries of financial support available for communities and Local Government.

Local Government Community Safety Network: Family and Domestic Violence Focus Event & Webinar

On 18 May 2021 WALGA hosted a Family and Domestic Violence Focus event on behalf of the Local Government Community Safety Network, attended by 25 in person attendees and 20 webinar attendees. WALGA sits on the Steering Committee of the Network, which also includes representatives from WA Police, Injury Matters, the Town of Victoria Park, and the Cities of Joondalup, Wanneroo, Mandurah and Stirling. Presenters from the Department of Communities, Centre for Women's Safety and Wellbeing, City of Mandurah and Stopping Family Violence shared updates and information on the ways that Local Government can be involved.

Public Library Strategy Consultation Showcase

WALGA is the Chair of the Public Libraries Working Group which includes representatives from the State Library of Western Australia, Public Libraries WA, and the Office of Digital Government (a regional Local Government position is currently vacant and WALGA will be running an expression of interest process shortly). On 17 May 2021 WALGA hosted the third Public Library Strategy Consultation Showcase which was focused on Library Led Learning and attended by 40 Local Government staff in person and online. Presenters from Yarra Libraries, Curtin University, City of Melville, City of Belmont, Wyndham City, City of Cockburn and Seattle Public Libraries shared innovative approaches to learning through library settings. Three Showcase events and a Workshop for public libraries staff, as well as discussions on the 'iThink' online platform, have been used to gather initial feedback on the development of a new State Library Strategy for WA.

STATUS REPORT ON STATE COUNCIL RESOLUTIONS

To the July 2021 State Council Meeting

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
5 May 2021 Item 5.1 Local Government Financial Ratios	That WALGA: <ol style="list-style-type: none"> 1. Advocate to the Minister for Local Government to amend the <i>Local Government (Financial Management) Regulations 1996</i> to prescribe the following ratios: <ol style="list-style-type: none"> a. Operating Surplus Ratio, b. Net Financial Liabilities Ratio, c. Debt Service Coverage Ratio, and d. Current Ratio. 2. Recommend that Local Governments consider including Asset Management ratios in their Annual Report. 3. Request the Department of Local Government, Sport and Cultural Industries to review the Asset Management ratios in consultation with the Local Government sector. 4. Continue the Local Government Financial Ratios Working Group as a reference group for the development of a Model set of Financial Statements and Budget Statements, and to establish new financial indicators. RESOLUTION 204.2/2021	Correspondence has been sent to the Minister for Local Government advising of this resolution. The letter was also cc'd to the Director General of the Department of Local Government Sport & Cultural Industries.		Tony Brown Executive Manager Governance & Organisational Services
5 May 2021 Item 5.2 Roads Asset Preservation Model Review	That WALGA: <ol style="list-style-type: none"> 1. Seek support from the WA Local Government Grants Commission to provide presentations on the inputs, operation of and outputs of the Road Asset Preservation Model at Zone or Regional Road Group meetings where requested. 2. Advocate to the WA Local Government Grants Commission to improve the formatting and labelling of the model and make it available via the Commission's website. RESOLUTION 205.2/2021	The Association President has written to the Chair of the Local Government Grants Commission seeking that staff be made available to provide presentations and answer questions about the Road Asset Preservation Model at Zone and Regional Road Group meetings when requested. Discussion with officers of the Commission have occurred regarding more effective access to the model.	Complete	Ian Duncan Executive Manager Infrastructure

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5 May 2021 Item 5.3 Western Australian Development Index	That the development and implementation of the Western Australian Development Index, led by the Department of Local Government, Sport and Cultural Industries, be supported, subject to: <ol style="list-style-type: none"> 1. WALGA and the Local Government sector being represented on the governance group providing oversight to the project, and 2. The Department of Local Government, Sport and Cultural Industries committing to provide further consultation opportunities to the Local Government sector as the project progresses. RESOLUTION 206.2/2021	Correspondence has been sent to the Department of Local Government Sport and Cultural Industries advising of State Councils resolution.		Tony Brown Executive Manager Governance & Organisational Services
5 May 2021 Item 5.4 Review of the State Industrial Relations System	That WALGA: <ol style="list-style-type: none"> 1. Seek confirmation from the State Government on whether it intends to re-introduce legislation for Local Governments to operate solely in the State Industrial Relations System. 2. If the State Government reintroduces legislation to require all Local Governments to operate within the State Industrial Relations System, continue to advocate for the State Government to: <ol style="list-style-type: none"> a. Amend the <i>Industrial Relations Act 1979</i> (WA) to include additional provisions to modernise the State IR system; and b. Provide adequate funding and resourcing to ensure Local Governments are equipped with the appropriate tools and training to enable a smooth transition. RESOLUTION 207.2/2021	Correspondence has been sent to the Minister for Industrial Relations advising of this resolution. In addition a request to Minister to discuss WALGA's position has been requested.		Tony Brown Executive Manager Governance and Organisational Services
3 March 2021 Item 5.3 Eligibility of Slip On Fire Fighting Units for Local Government Grants Scheme Funding	That WALGA: <ol style="list-style-type: none"> 1. Supports the inclusion of capital costs of Trailer Fire Fighting Units and Slip On Fire Fighting Units including for Farmer Response Brigades (for use on private motor vehicles) on the Eligible List of the Local Governments Grants Scheme (LGGS). 2. Requests the Local Government Grants Scheme Working Group to include this matter on the Agenda of their next Meeting (expected March 2021). 	A letter was sent to DFES Commissioner Klemm on 16 March 2021 advising of State Council's decision on 3 March. The Local Government Grants Scheme Working Group met on 20 March 2021 however did not discuss eligible items in the Manual. An EOI process for the Officer position was successful but a second round process will be run for the Elected member position.	May 2021	Narelle Cant Executive Manager Strategy, Policy and Planning

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	<p>3. Requests WALGA to work with the Local Government Grants Scheme Working Group to develop appropriate operational guidelines and procedures for the safe use of Slip On Fire Fighting Units funded in accordance with the LGGGS.</p> <p>4. Supports the update of the WALGA membership of the Local Government Grants Scheme Working Group to include one Local Government Elected Member and one Local Government Officer, with these appointments determined through the WALGA Selection Committee process.</p> <p>RESOLUTION 180.1/2021</p>			
<p>2 December 2020 Item 5.3 Family and Domestic Violence and the Role of LGs</p>	<p>That:</p> <ol style="list-style-type: none"> 1. WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community. 2. WALGA advocates to the State Government: <ol style="list-style-type: none"> a. to work with Local Government in defining the role and responsibilities and expectations of Local Governments in family and domestic violence. b. for adequate funding for family and domestic violence programs and services, particularly in regional areas. c. for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy. d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government. e. to continue advocacy to the Commonwealth Government for additional funding and support. 3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars. 	<p>In February 2021 WALGA wrote a letter to the Director General Communities, Michelle Andrews, to advise of WALGA State Council's newly adopted policy position on family and domestic violence.</p> <p>WALGA met with the Department of Communities on Thursday, 25 February 2021 to discuss WALGA State Council's endorsed policy position and key advocacy statements. The key message provided was that the Department of Communities needs to engage more thoroughly with Local Governments, and in particular more engagement and communication is required regarding the State Strategy which was adopted in July 2020.</p> <p>Since 18 January 2021 WALGA has been meeting with the Australian Local Government Association and other Local Government Associations, together with Our Watch (the National prevention agency established by the Commonwealth Government) to share information and combine advocacy efforts for Local Governments across Australia. Our Watch is working on a strategy to engage more thoroughly with Local Governments across Australia through this group.</p> <p>WALGA in collaboration with the Local Government Community Safety Network Steering Committee delivered an event on 18 May focusing on family and domestic violence.</p>	<p>Ongoing</p>	<p>Narelle Cant Executive Manger Strategy, Policy and Planning</p>

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	RESOLUTION 144.6/2020			
<p>1 July 2020 Item 4.3 Teacher Housing Availability</p>	<p>That WALGA contact the Director General of the Department of Housing to:</p> <ol style="list-style-type: none"> 1. Seek action and acknowledge the extra challenges in attracting and retaining public sector staff in remote and rural areas of the state; 2. Immediately review and address the issue of insufficient GROH housing (and the high cost of subsidised rental) for public sector staff and actively seek and enter into Joint Venture arrangements with Councils to address the shortfall in accommodation; 3. Request that the agencies be requested to engage with WALGA to seek a solution to the current short supply of GROH housing within all regions. <p>RESOLUTION 91.3/2020</p>	<p>In July 2020 a letter was sent to the Director General Department of Communities as the responsible agency for Government Regional Officer Housing (GROH) seeking a response to the Resolution. In August 2020, WALGA received a response from the Director General, Communities, which stated that the Department of Communities has diverted much of its resources towards the social and economic recovery of the State from the impact of COVID-19.</p> <p>It was acknowledged that GROH plays an important role in attracting and retaining staff in regional and remote communities. On 21 August 2020 WALGA met with relevant staff from the Department of Communities to further discuss the issue.</p> <p>WALGA staff met with the Department of Communities to receive an update on GROH on 18 February 2021. WALGA and the Department of Communities hosted a webinar on 30 March 2021 to update Local Governments on GROH.</p> <p>On 31 May 2021 the Department of Communities advised that an interim structure has been put in place for the GROH housing portfolio, including streams with an asset and operations focus. Minister Carey has endorsed a Senior Officers Working Group for GROH which is focused on demand forecasting over the coming years and the GROH program is developing a 4 year supply and demand plan. The tenant rent setting framework is also under review. WALGA and the GROH team will continue to meet on a quarterly basis.</p>	Complete	Narelle Cant Executive Manger Strategy, Policy and Planning
<p>1 July 2020 Item 5.4 WALGA JLT Scheme Management Agreement Extension</p>	<p>State Council require that:</p> <ol style="list-style-type: none"> a) The terms of existing WALGA JLT/Marsh Scheme Management Agreement be maintained for a further 12 months or until the review actions are completed. b) A contingency planning project be undertaken to ensure the WALGA LGIS insurance service is competitive, 	<ol style="list-style-type: none"> a) Action implemented. Completed b) Contingency planning project in scoping stage. To be aligned with previous review actions with a June 2022 completion target. 	July 2021	Zac Donovan Executive Manager Commercial and Communications

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	<p>resilient and appropriate to serve the needs of Member Councils.</p> <p>c) All other details as to the State Council LGIS review to remain confidential.</p> <p>RESOLUTION 95.3/2020</p>			
<p>6 May 2020 Item 4.1 COVID-19 Pandemic – WALGA Response</p>	<p>That the information contained in this report relating to WALGA's response to the COVID-19 pandemic and WALGA's advocacy on requesting no additional State Government cost impositions on Local Governments be noted.</p> <p>RESOLUTION 57.2/2020</p>	<p>On 5 June, 2020 the Western Australian Planning Commission (WAPC) approved a new Position Statement – Expenditure of Cash-in-Lieu of Public Open Space. This Position Statement was issued following advocacy from the Association and member Councils to revise the requirements for expenditure of funds held in trust for public open space, to enable the bringing forward of projects for COVID-19 recovery. The new Position Statement provides:</p> <ul style="list-style-type: none"> a) Additional guidance on where and on what cash-in-lieu funds may be spent; b) New provision for Local Government to request approval of a grouped program of works across multiple areas rather than just a single location; c) Updated references to align with the Planning and Development Act 2005; and d) General updates to align with current cash-in-lieu process, formatting and terminology. <p>A more comprehensive review of the planning framework relating to public open space will be undertaken, which will include a review of <i>Development Control Policy 2.3 Public Open Space in Residential Areas</i> and will include consultation with Local Government.</p>	<p>Complete</p>	<p>Narelle Cant Executive Manager Strategy, Policy and Planning</p>
<p>5 December 2018 Item 5.1 Proposed Removal by Main Roads WA of the “Letter of Approval” Restricted Access Vehicle Operating Condition</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> 1. Opposes withdrawal of the “Letter of Approval” Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed; 2. Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network; 3. Supports the development of standard administrative procedures including fees and letter formats; and 	<p>On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and</p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>

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	<p>4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage as determined by the Local Government.</p> <p>5. Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance.</p> <p>RESOLUTION 132.7/2018</p>	<p>that the position adopted by Sate Council in December 2018 has not changed.</p>		
<p>5 December 2018 Item 4.1 State / Local Government Partnership Agreement on Waste Management and Resource Recovery</p>	<p>1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery.</p> <p>2. That the item be referred to MWAC for is development and negotiation with the State Government.</p> <p>3. A report regarding a proposed “State / Local Government Partnership Agreement on Waste Management and Resource Recovery” be brought back to the next meeting of State Council.</p> <p>RESOLUTION 131.7/2018</p>	<p>This matter will be progressed with the new Minister for Environment, Hon Amber-Jade Sanderson, MLA.</p>	<p>Ongoing</p>	<p>Narelle Cant Executive Manager Strategy, Policy and Planning</p>