



State Council Agenda

1 December 2021

NOTICE OF MEETING

Meeting of the Western Australian Local Government Association (WALGA) State Council to be held at WALGA, ONE70, LV1, 170 Railway Parade, West Leederville on Wednesday, 1 December commencing at 4:00pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1. Attendance

Members	President of WALGA - Chair Deputy President of WALGA Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone (2 representatives) East Metropolitan Zone (2 representatives) Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone (3 representatives) Northern Country Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone (2 representatives) South Metropolitan Zone (3 representatives) South West Country Zone	Mayor Tracey Roberts JP
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This will be the first meeting of the new State Council, with Zones appointing their State Councillors and Deputy State Councillors during the November round of Zone meetings.

Ex Officio	Lord Mayor – City of Perth Local Government Professionals WA	Lord Mayor Basil Zempilas Ms Annie Riordan
Secretariat	Chief Executive Officer EM Commercial & Communications EM Governance & Organisational Services EM Infrastructure Acting EM Strategy, Policy & Planning Chief Financial Officer Manager Strategy & Association Governance Manager Governance Contract Manager, Commercial Management Executive Officer Governance	Mr Nick Sloan Mr Zac Donovan Mr Tony Brown Mr Ian Duncan Ms Nicole Matthews Mr Rick Murray Mr Tim Lane Mr James McGovern Mr Toby Costanzo Ms Katherine Robertson

1.2. Apologies

1.3. Announcements

- 1.3.1. WALGA acknowledges the Whadjuk Nyoongar people who are the Traditional Custodians of the land on which we meet today and pays respect to their Elders past and present.
- 1.3.2. Welcome to all new and returning State Councillors.

2. MINUTES

2.1. Minutes of the Meeting held 3 September 2021

RECOMMENDATION

That the Minutes of the WALGA State Council Meeting held on [Friday, 3 September 2021](#) be confirmed as a true and correct record of proceedings.

2.2. Minutes of the Special Meeting held 13 October 2021

RECOMMENDATION

That the Minutes of the WALGA State Council Special Meeting held on Wednesday, 13 October 2021 be confirmed as a true and correct record of proceedings.

2.3. Flying Minute – WALGA submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986*

RECOMMENDATION

That the [Flying Minute - WALGA submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986*](#) be confirmed as a true and correct record of proceedings.

2.4. Flying Minute – Regional Telecommunications Review 2021

RECOMMENDATION

That the [Flying Minute – Regional Telecommunications Review 2021](#) be confirmed as a true and correct record of proceedings.

2.5. Flying Minute – Submission on Cost Recovery Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority

RECOMMENDATION

That the [Flying Minute – Submission on Cost Recovery Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority](#) be confirmed as a true and correct record of proceedings.

2.6. Flying Minute – Student Transport Assistance Policy Framework Inquiry – WALGA Submission

RECOMMENDATION

That the [Flying Minute – Student Transport Assistance Policy Framework Inquiry – WALGA Submission](#) be confirmed as a true and correct record of proceedings.

2.7. Flying Minute – WALGA submission on Draft Native Vegetation Policy for WA

RECOMMENDATION

That the [Flying Minute – WALGA submission on Draft Native Vegetation Policy for WA](#) 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.

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 Unit
- 7.1.3 Infrastructure Unit
- 7.1.4 Strategy, Policy and Planning Unit

7.2 Policy Forum Report

7.3 President's Report

RECOMMENDATION

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

7.4 CEO's Report

RECOMMENDATION

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

7.5 Ex Officio Reports

- 7.5.1 LG Professionals President, Ms Annie Riordan, to provide the LG Professionals report to the meeting.
- 7.5.2 The Rt. Hon. 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 meeting of the WALGA State Council will be held at WALGA, ONE70, LV1, 170 Railway Parade, West Leederville on **Wednesday, 2 March 2022** commencing at 4:00pm.

The State Council meeting schedule for 2022 is as follows:

Date	Venue
Wednesday, 2 March 2022	WALGA
Wednesday, 4 May 2022	South Metropolitan Zone
Wednesday, 6 July 2022 (includes WALGA budget adoption)	WALGA
Thursday, 8 – Friday, 9 September 2022	Peel Country Zone (TBC)
Wednesday, 7 December 2022	WALGA

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5. MATTERS FOR DECISION

5.1 Paid Family and Domestic Violence Leave Entitlements

By Davina Hunter, Employee Relations Service Manager

RECOMMENDATION

That WALGA:

Endorse the submission to the Fair Work Commission (FWC) regarding paid family and domestic violence leave (FDVL) which:

- 1. highlights that FDVL for employees is an important issue for the sector;**
- 2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year;**
- 3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and**
- 4. opposes the introduction of a new entitlement in modern awards for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU).**

Attachments

1. Attachment 1 contains the draft submission to the FWC.
2. Attachment 2 contains a summary of the submissions received by the FWC advocating for 10 days' paid FDVL.
3. Attachment 3 contains a summary of the survey questions and results.

Executive summary

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

Policy implications

The recommendation aligns with WALGA's Advocacy Position 3.10.1 – Family and Domestic Violence, which states:

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.

Background to the FDVL Review 2021

- The FWC is currently reviewing the FDVL terms in federal modern awards.
- On 26 March 2018, a decision was made by the FWC as part of the four yearly review of modern awards to include an entitlement to five days' unpaid FDVL in most modern awards. 123 modern

awards were varied, including the Local Government Industry Award 2010 which was varied from 1 August 2018.

- Federal Parliament later introduced an entitlement to five days' unpaid FDVL in the NES in the FW Act so that all national system employees (and not just those covered by modern awards) could have access to this entitlement.
- On 13 December 2018, the *Fair Work Amendment (Family and Domestic Violence Leave) Act 2018* amended the FW Act to provide all employees with a new entitlement to five days' unpaid FDVL as a NES entitlement.
- When the Local Government Industry Award 2020 commenced operation, the model FDVL term was removed and a note was inserted which referred to the NES entitlement to five days' unpaid FDVL.
- During the four yearly review of modern awards, the ACTU made a claim for 10 days' paid FDVL.
- The ACTU claim for 10 days' paid FDVL was rejected by the Commission at that time, but the majority of the Full Bench expressed the preliminary view that all employees should have access to unpaid FDVL and that employees should be able to access personal/carer's leave for the purposes of taking FDVL. The Full Bench issued a decision on 26 March 2018 confirming the preliminary view regarding access to unpaid FDVL.
- In April 2021 the FWC commenced a review of the FDVL term in modern awards, which will impact on the Local Government Industry Award 2020, to consider:
 - whether employees should be able to access paid personal/carer's leave for the purpose of taking FDVL;
 - the adequacy of the unpaid FDVL entitlement, and
 - whether provisions should be made for paid FDVL.
- WALGA has an opportunity to file a submission in the FWC regarding the proposed changes to the modern awards sought by the ACTU, which includes a new entitlement to 10 days' paid FDVL.

FDVL in the state industrial relations (IR) system

The FWC's FDVL Review 2021 will not impact those Local Governments which operate in the state IR system. Currently there is no legislative or award entitlement to paid or unpaid FDVL in the state IR system however, some industrial agreements registered with the WA Industrial Relations Commission may contain an entitlement to FDVL.

The *Industrial Relations Legislation Amendment Bill 2021* which was introduced into WA Parliament on 20 October 2021 contains a new entitlement to five days' unpaid FDVL per year. If this Bill is passed, Local Governments who are state system employers will be required to provide employees with a minimum entitlement to five days' unpaid FDVL per year.

Proposed variation to modern awards

The ACTU, the McAuley Community Services for Women and the Victorian Government have each filed a submission seeking 10 days' paid FDVL for employees. A more comprehensive summary of these submissions are outlined in **Attachment 2**.

WALGA FDVL survey

WALGA Employee Relations developed a survey for the sector on FDVL to inform an appropriate position that WALGA should take in its submission to the FWC. All Local Governments were invited to participate in the survey which was open from 10 September 2021 to 8 October 2021. The survey was promoted through ER Alerts, LG News and a direct email to all CEOs. 69 Local Governments responded to the survey representing 50% of the sector. The survey results indicate:

- 85% of respondents believe that FDVL is an important issue for the Local Government sector
- 69% of respondents believe that paid FDVL should be provided to employees and 70% believe WALGA should advocate for paid FDVL as a sector issue
- 58% of respondents believe employees should be provided with five days' paid FDVL per year
- 28% of respondents believe employees should be provided with ten days' paid FDVL per year, which is the entitlement sought by the ACTU

- 90% of respondents believe employees should be able to access paid personal/carer's leave for the purpose of taking FDVL
- 45% of Local Governments already provide employees with paid FDVL.

A table summarising the full survey questions and results is set out in **Attachment 3**.

Draft submission

WALGA Employee Relations has prepared a submission for the FWC based on the survey responses received. The proposed submission is contained in **Attachment 1**. The submission along with any evidence supporting the submission must be filed with the FWC by 4 February 2022.

**FAIR WORK COMMISSION
FAMILY AND DOMESTIC VIOLENCE LEAVE REVIEW 2021 (AM2021/55)**

Western Australian Local Government Association Submission

Introduction

1. This submission is made on behalf on the Western Australian Local Government Association (**WALGA**).
2. We refer to [Statement \[2021\] FWCFB 2047](#) dated 15 April 2021 and [Statement \[2021\] FWCFB 6028](#) dated 19 October 2021. This submission opposes some of the proposed variations to the modern awards sought by the Australia Council of Trade Unions (**ACTU**) and others.
3. The majority of Local Governments in Western Australia are covered by the Local Government Industry Award 2020 (**LG Award**) and WALGA's submissions regarding FDVL entitlements are made in the context of the current LG Award and any future proposed changes to that award.

Issues considered by the FDVL Review

4. As per Statement [2021] FWCFB 2047, the Fair Work Commission's (**FWC**) Family and Domestic Violence Leave Review 2021 (**FDVL Review**) will be considering the following issues:
 - (a) whether employees should be able to access paid personal/carer's leave for the purpose of taking family and domestic violence leave (**FDVL**);
 - (b) the adequacy of the unpaid FDVL entitlement; and
 - (c) whether provisions should be made for paid FDVL.
5. WALGA has prepared brief submissions to provide a response to each of the issues considered by the FDVL Review and the modern award variations sought by the ACTU.
6. WALGA has sought feedback from all WA Local Governments on the issues covered by the scope of the FDVL Review, including through a short survey administered by WALGA. This engagement and survey were undertaken as FDVL is an important issue for the sector.
7. Approximately half of the Local Government respondents surveyed currently provide employees with five days' paid FDVL per annum for full-time and part-time employees. This is primarily provided as an entitlement pursuant to an enterprise agreement or policy.
8. Although approximately half of the Local Government respondents provide paid FDVL, the utilisation rate for accessing this type of leave is low, with 71% of respondents reporting that in the last 12 months, no employees accessed this entitlement.

FDVL Review – Whether employees should be able to access paid personal/carer's leave for the purpose of taking FDVL

9. An overwhelming majority of Local Governments believe that employees should be able to access paid personal/carer's leave for the purpose of taking FDVL and would be supportive of any proposed changes made to enable this.

FDVL Review – The adequacy of the unpaid FDVL entitlement

10. Approximately half of Local Governments believe that the current National Employment Standards (**NES**) entitlement of five days' unpaid FDVL is inadequate, and a majority of Local Governments believe employees should be provided with a paid FDVL entitlement.

FDVL Review – Whether provisions should be made for paid FDVL

11. The majority of Local Governments believe that full-time and part-time employees should be provided with five days of paid FDVL per annum.
12. A few of the reasons provided by Local Governments in support of the provision of paid FDVL include:
 - (a) the threat of loss of income is not an issue that employees in this situation should have to deal with.
 - (b) income and financial security are necessary to escape a family and domestic violence situation.
 - (c) employers should provide a supportive and compassionate working environment.
 - (d) family and domestic violence is a serious societal issue that Local Governments should be recognising and addressing.
13. There are several reasons why Local Governments do not support the provision of 10 days' paid FDVL. These reasons include the following:
 - (a) Employees already have adequate leave entitlements, including various forms of paid and unpaid leave.
 - (b) The potentially significant budget and cost implications of providing 10 days' paid FDVL to employees.
 - (c) The operational impact of the provision of 10 days' paid FDVL.
 - (d) That Local Governments support employee access to personal/carer's leave and other forms of paid and unpaid leave in circumstances of family and domestic violence.
14. WALGA submits that if the result of the FDVL Review is for employees covered by a modern award to be provided with paid FDVL, that the LG Award should be varied to provide five days of paid FDVL per annum for full-time and part-time employees.

Submissions made in the FDVL Review

15. We refer to the ACTU's submissions to the FDVL Review dated 30 July 2021 to vary modern awards to include 10 days' paid FDVL, among other things. We have addressed each proposed variation to the modern awards sought by the ACTU below.

ACTU Submission – 10 days' paid FDVL

16. WALGA opposes the ACTU's proposed variation to introduce 10 days of paid FDVL.
17. WALGA submits that if the Full Bench decides to introduce an entitlement to paid FDVL into modern awards, that five days of paid FDVL per year is an adequate paid entitlement for employers to provide to full-time and part-time employees.

ACTU Submission – Rate of pay for FDVL for full-time and part-time employees

18. WALGA opposes the ACTU's claim for paid FDVL to be payable at an employee's ordinary hourly rate including applicable shift loadings and penalties.
19. WALGA submits that any paid FDVL entitlement should be payable at the employee's base rate of pay for the employee's ordinary hours of work in the period excluding shift loadings and penalties.
20. This is consistent with how annual leave and personal/carer's leave is payable pursuant to sections 90 and 99 of the *Fair Work Act 2009 (FW Act)*.

ACTU Submission – Rate of pay for FDVL for casual employees

21. WALGA does not support the provision of paid FDVL to casual employees and submits that casual employees should only be entitled to unpaid FDVL.
22. However, in the event the Full Bench decides to introduce a paid FDVL entitlement for casual employees in the LG Award, WALGA submits that the payment should include the employee's minimum hourly rate and the casual loading only and exclude all other penalty rates and shift loadings.
23. This position is supported by the current casual terms in the LG Award. Casual employees are paid a casual loading of 25% of the minimum hourly rate pursuant to clause 11.1 of the LG Award as compensation instead of paid leave under the LG Award and the NES.
24. If the Full Bench deems casual employees should be entitled to paid FDVL, WALGA submits that casual employees should only be entitled to paid FDVL if they had hours of work rostered in the period in which they will be taking leave.

ACTU Submission – Access to five days' unpaid FDVL on each occasion after exhaustion of any paid FDVL entitlement

25. WALGA opposes the variation proposed by the ACTU that if an employee exhausts their paid FDVL entitlement, they should be entitled to five days' unpaid FDVL on each occasion they are required to take FDVL.
26. WALGA submits that a reasonable entitlement would be for employees to access up to five days of unpaid FDVL per annum if they have exhausted their paid FDVL entitlement, as is currently provided for in the NES.
27. By capping the entitlement to unpaid leave, rather than providing unlimited unpaid leave on a per occasion basis, this allows Local Governments to budget and plan their operations appropriately to accommodate these entitlements.
28. In addition, various enterprise agreements in the sector currently provide for unpaid leave to be granted at the discretion of the CEO.

ACTU Submission – Additional note in section 106B(1) of the *Fair Work Act 2009*

29. WALGA agrees with the ACTU's proposed variation to the note in section 106B(1) of the FW Act regarding unpaid family and domestic violence leave. WALGA submits this is a reasonable addition as an appointment with a medical, financial or legal professional is an example of an action that an employee may need to take in order to deal with the impact of family and domestic violence.

ACTU Submission – Extension of the definition of FDVL

30. WALGA agrees with and supports the ACTU's proposed variation that the definition of Family and Domestic Violence should be expanded to include violent, threatening or other abusive behaviour by a member of a person's household.

Conclusion

31. In summary, WA Local Governments recognise that FDVL is an important issue for the sector and believe that if a paid entitlement to FDVL is introduced, that full-time and part-time employees should have access to five days' paid FDVL per year.

32. The decision to introduce a paid entitlement to FDVL ought to be considered in light of the context that family and domestic violence is a community issue that extends beyond the scope of employment and should be considered alongside social security benefits, including:
- (a) The Crisis Payment for Extreme Circumstances Family and Domestic Violence.
 - (b) The new Escaping Violence Payment which provides women and children escaping domestic and family violence up to \$5,000 of emergency payments.
 - (c) Centrelink payments and pensions.

Item 5.1 – Attachment 2 – Family and Domestic Violence Leave Review 2021 – Summary of FWC submissions received

PARTY PROPOSING TO VARY THE MODERN AWARDS	SUBMISSION
<p>Australian Council of Trade Unions (ACTU)</p>	<p>Summary of ACTU position on the issues for review:</p> <ul style="list-style-type: none"> • FWC does not have jurisdiction to vary modern awards to provide that employees should be able to access paid personal/carer’s leave for the purpose of taking FDVL, and should not do so in any event, because the operational effect of the term would be detrimental to employees in that the minimum entitlement to 10 days’ paid personal/carer’s leave would be reduced. Also excludes the NES entitlement of 10 days’ personal/carer’s leave. • No changes are needed to the unpaid model leave term as it was removed from modern awards on 25 July 2019. • Provisions should be made for 10 days’ paid FDVL. Paid leave is necessary to ensure that employees are provided with a fair and relevant safety net of minimum terms and conditions of employment. ACTU seeks a variation to modern awards on this basis. <p>Proposed variation (drafted as an amended version of ss.106A-E and 107 of the FW Act):</p> <ul style="list-style-type: none"> • 10 days’ paid FDVL. • Leave is payable at an employee’s ordinary hourly rate including applicable shift loadings and penalties. • For a casual employee, leave is payable at the rate of pay that the employer would be required to pay the employee for the hours of work in the period for which the employee was rostered, including any casual and shift loadings applicable. • Upon exhaustion of the paid leave entitlement, employees will be entitled to up to 5 days’ unpaid FDVL on each occasion for the purpose of attending to activities related to the experience of being subjected to family and domestic violence. • An addition to the Note in s.106B(1) to clarify that attending appointments with medical, financial, or legal professionals are examples of actions that may be covered by the provision. • The definition of FDVL has been expanded to include violent, threatening, or abusive behaviour by a close relative of an employee <u>or member of a person’s household</u>. <p>ACTU’s submission</p> <ul style="list-style-type: none"> • The submission can be viewed here. • Annexure A sets out the ACTU’s proposed variation.

<p>Bank of Queensland</p>	<ul style="list-style-type: none"> • Did not propose a variation. • BOQ provide 10 days' paid and 10 days' unpaid FDVL to its corporate employees. • BOQ provide 3 days' paid leave to an employee who is required to provide support to a family or household member impacted by family and domestic violence. • BOQ also provide other support such as providing safety and security plans, duress alarms, temporary branch security, onsite car parking and support to attend the police, etc. • The submission can be viewed here.
<p>McAuley Community Services for Women</p>	<ul style="list-style-type: none"> • 10 days' paid FDVL. • The submission can be viewed here.
<p>Victorian Government – Tim Pallas MP Minister for Industrial Relations</p>	<ul style="list-style-type: none"> • 10 days' paid FDVL. • Dedicated education campaign that promotes the benefits of paid leave to both the workplace and the affected employees. • The Victorian Government will continue to advocate for 10 days' paid FDVL to become a NES entitlement. • The submission can be viewed here.

Item 5.1 – Attachment 3 – WA Local Governments Family and Domestic Violence Leave Survey Results

QUESTION NO.	QUESTION	SUMMARY OF RESPONSES
General Information		
1.	Please fill in which Local Government you are from and your contact details below.	
2.	Please provide the total number of employees (based on headcount) employed by your Local Government.	Ranges from 1 to 1200 employees.
3.	Is your Local Government in WA or NT?	WA – 69 responses received
Views on FDVL Review		
4.	Do you believe the current NES entitlement of 5 days of unpaid FDVL is adequate?	Yes – 52.94% (36) No – 47.06% (32)
5.	Please explain why you believe/don't believe the current NES entitlement of 5 days of unpaid FDVL is adequate?	<p>Example responses – entitlement is satisfactory</p> <ul style="list-style-type: none"> • Employees receive other leave entitlements they could use. • There is no current uptake of paid/unpaid FDVL at the LG. • Increasing the paid leave entitlement can increase the workload of other staff. <p>Example responses – entitlement is not satisfactory</p> <ul style="list-style-type: none"> • People in abusive relationships are not normally financially stable, therefore paid leave is required. • The LG has provided 5 or 10 day's paid FDVL in an enterprise agreement.
6.	Do you believe Local Governments should provide employees with paid FDVL?	Yes – 69.35% (43) No – 30.65% (19)

7.	(If the answer to qu. 6 was no) Please explain why you don't believe Local Governments should provide employees with paid FDVL?	<p>Example responses</p> <ul style="list-style-type: none"> • Employees can access other paid leave entitlements such as annual leave, personal/carer's leave • Limited to no uptake of current unpaid FDVL • Not all LGs may be able to adequately fund paid FDVL • Potential significant operational impact from FDVL
8.	(If the answer to qu. 6 was yes) Please explain why you believe Local Governments should provide employees with paid FDVL?	<p>Example responses</p> <ul style="list-style-type: none"> • Creates a compassionate work environment • To be part of a societal issue that transcends the workplace • Serious issue that employers should support • Additional financial stress to those experiencing FDVL if they only have an unpaid leave entitlement
9.	(If the answer to qu. 6 was yes) How many days of paid FDVL should Local Governments provide to their employees?	<p>3 days – 6.98% (3) 5 days – 58.14% (25) 10 days – 27.91% (12) Other (please specify) – 6.98% (3)</p> <ul style="list-style-type: none"> • 5 days (included above). • 2 days. • 3 days subject to annual leave not exceeding one year's annual leave entitlement (i.e., 4 weeks). • 5 to 10 days (included above as 5 days) • Case by case basis to be approved by CEO.
10.	<p>(If the answer to qu. 6 was yes) Do you think paid FDVL should be payable at employee's base rate of pay for the employee's ordinary hours of work in the period they take the leave or should it be payable at the employee's hourly rate including any applicable shift loadings and penalties for the employee's ordinary hours of work in the period?</p> <p>Note: Under the FW Act, annual leave, paid personal/carer's leave and compassionate leave are paid at the employee's base rate of pay only for the employee's ordinary hours of work in the period.</p>	<p>Payable at the employee's base rate of pay only – 93.02% (40)</p> <p>Payable at the employee's hourly rate including applicable shift loadings and penalties – 6.98% (3)</p>

11.	(If the answer to qu. 6 was yes) Should casual employees be entitled to paid FDVL?	Yes – 41.86% (18) No – 58.14% (25)
12.	(If the answer to qu. 11 was yes) The ACTU is seeking payment for FDVL for casual employees at the rate of pay that the employer would be required to pay the casual employee for the hours of work in the period for which the employee was rostered, including any casual and shift loadings applicable. If a casual employee is entitled to paid FDVL, do you think the payment for the leave should include applicable casual and shift loadings?	Should include casual and shift loadings – 11.11% (2) Should include casual loading only – 83.33% (15) Should include applicable shift loadings only – 0% (0) Should not include casual loading or shift loadings – 5.56% (1)
13.	In addition to 10 days of paid FDVL, the ACTU is also seeking that employees should be entitled to an additional 5 days of unpaid FDVL on each occasion if they have exhausted their paid entitlement. If Local Governments are required to provide paid FDVL to employees, do you think employees should also be entitled to unpaid FDVL on each occasion?	Yes – 68.85% (42) No – 31.15% (19)
14.	(If the answer to qu. 13 was yes) Upon exhaustion of the paid FDVL entitlement, how many days of unpaid FDVL on each occasion should Local Governments provide?	3 days – 7.32% (3) 5 days – 68.29% (28) 10 days – 4.88% (2) Other (for example 5 days per annum) – 19.51% (8) <ul style="list-style-type: none"> • 5 per annum as per NES • 5 days per annum • A standardised approach wont enable appropriate support to be given. • Each request (UFDVL) would need to be assessed on its merit and the organisation’s operational requirements at the time of the request. • Days per annum • 10 days per annum. • 5 days per annum. • As required.
15.	(If the answer to qu. 13 was yes) As an alternative, do you think Local Governments should provide unpaid FDVL per annum (rather than per occasion) once the employee has exhausted the paid FDVL entitlement?	Yes – 60% (12) No – 40% (8)

16.	<p>(If the answer to qu. 15 was yes) Upon exhaustion of the paid FDVL entitlement, how many days of unpaid FDVL per annum should Local Governments provide?</p>	<p>3 days – 9.09% (1) 5 days – 63.64% (7) 10 days – 9.09% (1) Other (please specify) – 18.18% (2)</p> <ul style="list-style-type: none"> • Dependant on the needs of the employee. • Case by case on request to employer.
17.	<p>The ACTU is seeking to expand the definition of Family Domestic Violence to include violent, threatening or other abusive behaviour by a member of a person's household. Currently, the definition of Family and Domestic Violence is '<i>violent, threatening or other abusive behaviour by a close relative of an employee that seeks to coerce or control the employee and causes the employee harm or to be fearful.</i>' See s.12 and s.106B(2) of the FW Act.</p> <p>A close relative is a member of the employee's immediate family or related to the employee according to Aboriginal or Torres Strait Islander kinship rules. The term 'immediate family' includes a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee or of their spouse or de facto partner.</p> <p>Do you think the definition of Family and Domestic Violence should be expanded to include violent, threatening or other abusive behaviour by a member of a person's household?</p>	<p>Yes – 75% (45) No – 25% (15)</p>
18.	<p>Do you think employees should be able to access paid personal/carer's leave for the purpose of taking FDVL?</p>	<p>Yes – 90% (54) No – 10% (6)</p>
19.	<p>(If the answer to qu. 18 was yes) How many days of paid personal/carer's leave do you think employees should be able to access for the purpose of taking FDVL?</p>	<p>3 days – 7.41% (4) 5 days – 48.15% (26) Other (please specify) – 44.44% (24)</p> <ul style="list-style-type: none"> • With medical support up to their accrued entitlement potentially it could largely be situational as to the amount required (3). • All of their entitlement/up to the balance of their personal leave entitlement (5). • 10 days (5).

		<ul style="list-style-type: none"> • Whatever entitlements they have, dependent on circumstances/whatever is available or accrued (3). • Set at 5 days but enable responsive workplaces (1). • Should be inclusive of their current personal leave entitlement/part of current entitlement (no additional days) (3). • As needed dependent on the situation and leave balance. To be determined on needs basis provided within accrued entitlement (2). • As much as the employer approves (1). • The LG allows employees to access paid carer's leave to support a person experiencing FDV (1).
20.	Do you think FDVL is an important issue for the Local Government Sector?	<p>Yes – 85% (51) No – 15% (9)</p>
21.	Do you think WALGA should advocate on behalf of Local Governments for paid FDVL as a sector issue?	<p>Yes – 70% (42) No – 30% (18)</p>
FDVL Entitlements and Supports that Local Governments Provide		
22.	Does your Local Government provide employees with paid FDVL?	<p>Yes – 45% (27) No – 55% (33)</p>
23.	(If the answer to qu. 22 was yes) How does your Local Government provide employees with paid FDVL? (Please tick all of the options that apply)	<p>Enterprise agreement – 65.38% (17) Policy – 23.08% (6) Contract of employment – 3.85% (1) Other (please specify) – 19.23% (5)</p> <ul style="list-style-type: none"> • It's an entitlement. • Management practice. • Via personal leave entitlements. • Per the NES – we follow NES. • Award?
24.	(If the answer to qu. 22 was yes) How many days of paid FDVL are your employees entitled to take each year?	<ul style="list-style-type: none"> • Up to 10 days/10 days (2) • 20 days (1) • 5 days – but we reverse the circumstance where we allow the use of personal leave for this and DFVL when that is exhausted (1)

		<ul style="list-style-type: none"> • 5 days (14) • As per the NES (1) • Currently 5 days but in principle agreement to increase to 10 days in the new EA (1) • 2 days if covered under the Salaried Officers EA (1) • As many days as they have entitled (1) • 10 days paid and 5 days unpaid (1) • Nil (1) • Included with personal leave – 5 days unpaid as a min (1)
25.	(If the answer to qu. 22 was yes) Does your Local Government provide paid FDVL to all employees (full-time, part-time and casual)? (Tick all of the options that apply)	Full-time employees – 100% (25) Part-time employees – 88% (22) Casual employees – 24% (6)
26.	(If the answer to qu. 22 was yes) How many employees have accessed paid FDVL in the last 12 months?	Ranges from 0 to 3 employees.
27.	(If the answer to qu. 22 was yes) Of the employees who have taken paid FDVL what is the average number of days they have taken in the last 12 months?	Ranges from 0 to 6.5 days.
28.	(If the answer to qu. 22 was yes) What is highest number of days of paid FDVL that employees have accessed in the last 12 months?	Ranges from 0 to 7 days.
29.	(If the answer to qu. 22 was yes) What is the lowest number of days of paid FDVL that employees have accessed in the last 12 months? (minimum 1 day)	Ranges from 0 to 6 days.
30.	Does your Local Government provide employees with more than 5 days of unpaid FDVL?	Yes – 8.77% (5) No – 91.23% (52)
31.	(If the answer to qu. 30 was yes) How many days of unpaid FDVL (including the NES 5 days) does your Local Government provide?	Ranges from 0 to 10 days.
32.	(If the answer to qu. 30 was yes) How is the additional unpaid FDVL provided? (Tick all of the options that apply)	Enterprise agreement – 20% (1) Policy – 20% (1) Contract of employment – 0% (0) Other (please specify) – 60% (3) <ul style="list-style-type: none"> • By request to the CEO • As requested on a case by case basis

		<ul style="list-style-type: none"> NES
33.	How many employees have accessed unpaid FDVL in the last 12 months?	Ranges from 0 to 1 employee.
34.	Of the employees who have taken unpaid FDVL what is the average number of days they have taken in the last 12 months?	Ranges from 0 to 3 days.
35.	What is the highest number of days of unpaid FDVL that an employee has accessed in the last 12 months?	Ranges from 0 to 3 days.
36.	What is the lowest number of days of unpaid FDVL that an employee has accessed in the last 12 months? (Minimum 1 day)	Ranges from 0 to 3 days.
37.	Does your Local Government provide employees with access to paid personal/carer's leave for the purposes of FDVL?	<p>Yes – 59.65% (34) No – 40.35% (23)</p>
38.	(If the answer to qu. 37 was yes) How is the access to paid personal/carer's leave for the purposes of FDVL provided? (Tick all of the options that apply)	<p>Enterprise agreement – 37.14% (13) Policy – 17.14% (6) Contract of employment – 5.71% (2) Other (please specify) – 54.29% (19)</p> <ul style="list-style-type: none"> On its merits with the LG offering the option of paid personal leave if required (1) At the discretion of the CEO (4) The LG would allow employees to apply to use whatever other leave they had in these Circumstances (1) Agreed upon with the employee (2) Under the Award (1) Entitlement (1) By internal procedure (1) Dependant on the supervisor and situation but also two days of personal leave can be taken without the requirement for a certificate (1) Currently an informal arrangement, albeit no request to access this to date, however, this will be included in our new EBA (1) No formal agreement, but would enable staff to take what was required (1) Via the online Payroll system (1)

		<ul style="list-style-type: none"> • Management practice (1) • Seeks to support employees in general (1) • As required on a case by case basis (1) • Just as part of their normal access to sick/personal leave (1)
39.	<p>(If the answer to qu. 37 was yes) How many days of paid personal/carer's leave for the purposes of FDVL does your Local Government provide?</p>	<ul style="list-style-type: none"> • 5 days (3) • Up to accrued entitlement (8) • 3 days (1) • Unknown (3) • 0 days (6) • 10 days (6) • NES (1) • Have not had to offer the leave as yet (1) • 2 days (2) • 12 days (1) • At discretion of the CEO (1)
40.	<p>Does your Local Government provide employees who are experiencing family and domestic violence with any of the following additional support? (Please tick all of the options that apply)</p>	<p>Duress alarms – 0% (0) Temporary accommodation – 4% (2) Upgrades to home security – 2% (1) Security at the employee's home so that they can move their belongings – 0% (0) Loan car – 0% (0) Redeployment opportunities – 10% (5) Financial support to cover legal advice – 0% (0) Employee Assistance Program (EAP) – 82% (41) Family violence contact offers in the workplace – 12% (6) Other (please specify) – 24% (12)</p> <ul style="list-style-type: none"> • Encouraged move to alternate accommodation, offered time off and assistance to take the matter to the police (1) • Will look at if individual circumstances dictate/case by case assistance where required (2) • Haven't had to provide any support so far/not had any instances so far (3)

		<ul style="list-style-type: none">• Have not had to deal with, would be happy to do any of those things to support (1)• Protection to and from vehicle and or safe parking if required (1)• The LG has supported employees in many ways with additional paid leave, monitoring of the buildings. Financial advice is also available through the LG's EAP provider (1)• How would we know? They wouldn't tell us?/ Unknown (2)
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5.2 Payment to Independent Committee Members (05-034-01-0005 TB)

By Tony Brown, Executive Manager Governance & Organisational Services

RECOMMENDATION

That WALGA request the Minister for Local Government to amend the *Local Government Act 1995* to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the *Local Government Act 1995*.

Executive Summary

- Local Governments have raised the issue that clarification is needed to allow Local Governments to pay meeting attendance fees to independent members of Committees in respect of their preparing for, attending and/or participating in Committee meetings, in accordance with s5.100 of the *Local Government Act 1995*.
- There has been differing advice provided to the sector over the years and conjecture as to the method by which a professional person, appointed as the independent member to an Audit Committee, may claim reimbursement for their commitment of time and professional expertise.
- This item recommends advocating for the *Local Government Act 1995* to be amended to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the *Local Government Act 1995*.

Background

WALGA has received requests from a number of Local Governments highlighting the issue that Local Governments cannot legally pay meeting attendance fees to independent members of the Audit Committee in respect of their preparing for, attending and/or participating in Audit Committee meetings, and can only provide reimbursement of 'expenses', in accordance with s5.100 of the *Local Government Act 1995*.

The current legislative requirements are:

1. The *Local Government Act 1995* (Act) provides for payments to members of Council and Committees.
2. Section 5.100 of the Act expressly provides that a person who is a committee member but is not a council member or an employee is not to be paid a fee for attending any meeting.
3. The Act prescribes a distinction between a re-imbusement of an expense and a payment of a meeting attendance fee in respect of attending a meeting.
4. A significant number of Local Governments also have independent committee members on their audit committee and this matter could also affect them.

WALGA's support and assistance has been requested to advocate to the Minister for Local Government to provide a prompt resolution to this matter by making the necessary legislative amendments to enable independent Audit Committee members to be paid a meeting attendance fee.

The Department of Local Government, Sport and Cultural Industries Operational Guideline 9 "*Audit in Local Government – The appointment, function and responsibilities of Audit Committees*", includes the following guidance on the payment / reimbursement of expenses to independent Committee Members:

"The legislation prevents a meeting fee being paid to an external person but it is permissible for a payment to be made as a reimbursement of expenses, commensurate with the expertise and knowledge such people bring to the committee. The Council will need to determine whether payment will be offered and the level of that reimbursement payment."

Comment

There has been differing advice provided to the sector over the years and conjecture as to the method by which a professional person, appointed as the independent member to an Audit Committee, may claim reimbursement for their commitment of time and professional expertise. In the past, Departmental advice supported arrangements for an independent professional member of an Audit Committee to claim by invoice an hourly rate, as agreed with the Local Government, relevant to the time taken to prepare for and attend an Audit Committee meeting.

However, section 5.9 of the Act, provides that any Committee of Council may include membership of other persons, which may not necessarily be involved in the business of providing professional services, and therefore cannot invoice for their time and expertise in a way that a professional person appointed to an Audit Committee may do.

This ambiguity of how s.5.100 reimbursement may be reasonably applied, results in inconsistent and perhaps unfair arrangements for not only independent persons appointed to Audit Committees, but also to other persons who are appointed to Committees of Council and similarly contribute time and expertise to assist the Council in performing its functions under law.

This issue has recently been raised by a number of Local Governments who are appointing independent Audit Committee members and wishing to compensate them for their time.

There may be a range of options that could be included in an advocacy position regarding providing reimbursements and/or payment of meeting attendance fees to other persons appointed as members of a Committee of Council.

For example, the legislative arrangements could specify that an independent Audit Committee member must be paid the equivalent meeting attendance fee determined by the Local Government for payment to Council Members, but provide flexibility for the Council to determine a separate meeting attendance fee (within the relevant Local Government SAT Bands) for other persons appointed as members of a Committee of Council.

The proposal for advocacy on this matter can be broadened to allow for payment to independent members of any committee of Council established under s.5.8 of the *Local Government Act*.

5.3 2021 Annual General Meeting (01-003-02-0003 TB)

By Tim Lane, Manager Strategy & Association Governance and Kathy Robertson, Executive Officer Governance

RECOMMENDATION

That:

1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:

Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

1. *Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
2. *Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

2. The following resolution passed at the 2021 WALGA Annual General Meeting be referred to the Mining Communities Policy Forum and the People and Place Policy Team for advocacy work to be undertaken:

Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. *To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*
2. *That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.*

Executive Summary

- WALGA's 2021 Annual General Meeting was held on Monday, 20 September 2021.
- The meeting resolved for WALGA to act in relation to four member motions:
 1. Cost of Regional Development
 2. CSRFF Funding Pool and Contribution Ratios
 3. Regional Telecommunications Project
 4. Review of the Environmental Regulations for Mining

- The meeting also resolved by special majority to make suggested amendments to the Association's Constitution as per an executive motion.
- The action taken or proposed to be taken in relation to each of the resolutions since the Annual General Meeting has been summarized for State Council's information.

Attachment

- [WALGA 2021 Annual General Meeting Minutes](#)

Background

The 2021 Annual General Meeting (AGM) was held on Monday, 20 September 2021.

Four member motions, as follows, were considered and supported by members at the AGM:

1. Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

2. CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

1. *Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
2. *Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

3. Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

4. Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. *To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*
2. *That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.*

In addition to the member motions, an executive motion was endorsed by special majority to amend the [Association's Constitution](#).

Comment

Comment on the 2021 AGM resolutions is as per below:

1. Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

It is recommended that this resolution be endorsed for action.

2. CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

- 1. Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
- 2. Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

As this resolution is consistent with an existing WALGA advocacy position, as per below, it is recommended that the resolution above be endorsed for action.

3.7.1 Community Infrastructure

*The Association continues to advocate for better planning and support for community infrastructure and investment by the State, Commonwealth and private partners
(Last updated May 2018)*

3. Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

The Western Australian State Budget includes \$12.971 million in 2021-22 to deliver the Regional Telecommunications Project administered by the Department of Primary Industries and Regional Development (DPIRD). This project focuses on improving high-speed mobile voice and data coverage across regional Western Australia, leveraging investment by the Commonwealth Government and the telecommunications carriers. The currently funded projects are due to be completed by 30 June 2022. Further applications have been made under Round 5A of the Commonwealth Mobile Black Spot Program.

The Australian Government has committed \$80 million for Round 6 of the Program. The design process for Round 6 has not been completed. However, it is likely that project proposals that include significant co-contributions from State Governments will be highly competitive. Western Australia will be well placed if the State Government is able to both coordinate the identification of needs and provide co-funding.

In September 2021, WALGA made a submission to the Regional Telecommunications Independent Review Committee, based on advice received during consultation with Local Governments (including matters raised during WALGA Zone meetings). The submission was endorsed by State Council by [Flying Minute](#). The submission identified acute limitations in the coverage, capacity, reliability and resilience of the mobile telecommunications network, particularly in remote, rural and peri-urban areas. Further investment will be required to remedy these constraints.

It is recommended that this resolution be endorsed for action.

4. Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.
2. That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.

This resolution is consistent with the 2019 WALGA AGM resolution which called for:

- WALGA to request the Hon. Bill Johnston, Minister for Mines and Petroleum, to undertake a review of the *Mining Act 1978* with a view to maximising the benefits to local communities and its impact on local communities; and
- the Mining application process to include a mandatory MOU with the Local Government which would be overseen by the Auditor General to ensure fairness to the Community by having the mining company contribute to local infrastructures as a Legacy project.

The WALGA Mining Communities Policy Form considered this resolution on 4 December 2019 and agreed that there are many aspects of the *Mining Act 1978* that require a review and update, including to:

- make the negotiation and compensation process between the mining Industry and other stakeholders more balanced;
- require mining companies to make an ongoing social contribution to the communities they operate in;
- limit the use of FIFO and DIDO to encourage the use of workers from residential communities;
- require compulsory planning approval for onsite accommodation;
- require miners to fund the upgrades/maintenance of local infrastructure use for their operations, such as local roads that were not initially constructed to carry heavy freight;
- require mining companies to pay outstanding rates when they transfer leases or when their lease lapses; and
- make it easier for Local Governments to appropriately categorise and rate mining tenements and mining infrastructure.

It was also acknowledged that the State Government is unlikely to be open to a review of the *Mining Act*, particularly if it would result in making it more difficult for miners to do business or impact on job creation and economic growth.

It is recommended that the 2021 AGM resolution, together with the 2019 AGM resolution, be referred to the Mining Communities Policy Forum and the People and Place Policy Team for further advocacy work to be undertaken. The next meeting of the Forum is scheduled for Monday, 8 November 2021.

5. Amendments to WALGA's Constitution

The proposed amendments to the Association's Constitution were endorsed by a special majority of State Council at the meeting on 7 July, before being endorsed by a special majority at the 2021 AGM (as required by clause 29 of the Constitution). The [Constitution](#) has now been amended as per the above resolution.

Letters enclosing a copy of the amended Constitution were sent by the WALGA Chief Executive Officer, Nick Sloan, to the Commissioner for Consumer Protection and the Minister for Local Government for their information.

5.4 Review of advocacy positions relating to the *Building Act 2011* and *Building Regulations 2012* (05-015-02-0010 CL)

By Claire Lings, Project Officer, Building

RECOMMENDATION

That State Council endorses the replacement of Section 6.7: *Building Act and Fees of WALGA's advocacy positions document relating to the Building Act 2011 and Building Regulations 2012* with the following:

1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the *Building Act 2011*.
2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.
3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:
 - a. Quality buildings that are cost efficient.
 - b. Functional, safe and environmentally friendly buildings.
 - c. Good decision making in all aspects of building.
 - d. Efficiency and effectiveness in building management, administration and regulation.
 - e. Openness and accountability with respect to all building matters.
 - f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.
4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.
5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.
6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

Executive Summary

- At its meeting on 16 August 2021 the People and Place Policy Team considered and endorsed a review of WALGA's Planning and Building Related advocacy positions.
- The Policy Team determined the Building Act and Fees policy positions as a section to be retained and reviewed, and that the policy area would have a high priority as part of the broader review.
- A review of the Building Act and Fees policy section has been undertaken, with several recommended changes proposed, and
- The People and Place Policy Team considered the matter at its meeting on 25 October and resolved to support the review and progress the matter to State Council for endorsement.

Attachments

- [Attachment 1: Existing positions and comments](#)
- [Attachment 2: Proposed new positions and comments](#)

Relevance to Strategic Plan

Advocating and facilitating sector solutions and policy

- We amplify the voice of Local Government and bring sector concerns directly to key decision makers
- We develop future-focused and evidence-based policy positions

- We connect and bring together expertise to maximise sector outcomes

Policy Implications

WALGA's existing policy positions are based on several State Council Resolutions dating back to 2011, including:

- December 2020 – 143.6/2020
- December 2019 – 151.7/2019
- December 2019 – 153.7/2019
- March 2017 – 7.1/2017
- September 2016 - 85.5 /2016
- July 2016 – 60.4/2016
- December 2015 - 124.7/2015
- December 2014 – 119.5/2014
- September 2013 – 246.4/2013
- December 2012 – 140.6/2012
- May 2012 – 56.3/2012
- February 2011 – 16.2/2011

Acceptance of the recommendation will see the replacement of the existing policy positions. Attachment 1 provides an overview of the existing positions and rationale for deleting, retaining and/or amending these.

Background

Assessments of the effectiveness of building control systems across Australia have recognised that there is diminishing public confidence in the building and construction industry, and that change is required to ensure buildings are safe and perform to expected standards. Now more than ever the focus is on Local Government building departments to deliver good governance, local leadership and sustainable services that meet the needs of their communities whilst supporting local jobs and economic growth.

The *Building Amendment Act 2012* was passed in Parliament in October 2012, with regulations being drafted shortly to accompany this Act. Prior to the release of the new Act, WALGA presented an issues paper that identified the guiding principles that should influence the new proposals:

- Quality buildings that are cost efficient.
- Functional, safe and environmentally friendly buildings.
- Good decision making in all aspects of building.
- Efficiency and effectiveness in building management, administration and regulation.
- Openness and accountability with respect to all building matters.
- Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.

Following the Grenfell tower fire in 2017 and a number of high-profile structural issues in apartment buildings in New South Wales (NSW) and Victoria, all State and Territory Building Ministers agreed to an assessment of the effectiveness of compliance and enforcement systems for the building industry across Australia. It was recognised that there was diminishing public confidence in the building and construction industry and change was required to ensure buildings were safe and performed to expected standards. The resulting *Shergold Weir-Building Confidence Report* made 24 recommendations for a best practice model for compliance and enforcement, to strengthen the effective implementation of the National Construction Code (NCC). A team was set up in the office of the Australian Building Codes Board (ABCB) to develop and publicly report on a national framework for the implementation of the recommendations. In February 2018, the State Government gave in-principle agreement to implement recommendations of the Commonwealth Government Building Ministers Forum, *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*. In addition, the State also noted the findings of a 2018 inquiry into non-conforming building products conducted by the Senate Economics References Committee of the Parliament of Australia.

The State Government through DMIRS is currently undertaking a comprehensive reform process of building regulation in response to the in-principal agreement to implement the Building Confidence Report. WALGA and the Local Government sector has been heavily engaged in these reforms. It is expected that this reform agenda will take several years to finalise and implement. The review of WALGA's advocacy positions is in part to provide a more robust policy position to support early, active and efficient engagement with the State Government going forward.

In support of the review, WALGA's existing positions were circulated to 54 metropolitan based and 35 regional Local Government Building Surveyors for comment, with feedback received from officers at the City of Perth, City of Swan, Shire of Collie, Town of Victoria Park, Shire of Beverley and Shire of Boddington. In total the 89 officers consulted undertake building regulatory functions for approximately 110 Local Governments. The Local Government officers who provided a response indicated support for reviewing the existing positions to ensure they reflected the current industry climate.

The existing positions and recommendations for re-wording, removal or new positions are detailed in Attachment 1 and 2, respectively.

5.5 Draft WA Building Surveyors Code of Conduct (05-015-02-0010 CL)

By Claire Lings, Project Officer, Building

RECOMMENDATION

That WALGA:

1. Recommend to the Department of Mines, Industry Regulation and Safety (DMIRS) that the Draft WA Building Surveyors Code of Conduct be reviewed to ensure it addresses the following matters:
 - a) The impact of the obligations recommended in the draft Code be considered in relation to the current Western Australian building control model to ensure Local Government are able to maintain their statutory functions in line with community expectations.
 - b) That other building reform that will greatly impact the role of Local Government in the current Western Australian building control model, such as mandatory inspections and minimum documentation, be formalised prior to the Code of Conduct being introduced to ensure Local Government in Western Australia are able to maintain their statutory functions in line with community expectations.
 - c) Ensure that communities in remote and regional areas are considered when developing policy to restrict building surveyors being involved in design consultation work.
2. Endorse the attached consultation response summary on the draft Code.

Executive Summary

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

Attachment

- Consultation response summary

Background

Following the Grenfell tower fire in 2017 and a number of high-profile structural issues in apartment buildings in New South Wales (NSW) and Victoria, all State and Territory Building Ministers agreed to an assessment of the effectiveness of compliance and enforcement systems for the building industry across Australia. It was recognised that there was diminishing public confidence in the building and construction industry and change was required to ensure buildings were safe and performed to expected standards. The resulting *Shergold Weir-Building Confidence Report* made 24 recommendations for a best practice model for compliance and enforcement, to strengthen the effective implementation of the National Construction Code (NCC). Recommendation 9, 10 and 11 of the Building Confidence report recommended legislative changes around the integrity of private building surveyors, codes of conduct for building surveyors and building surveyors role in enforcement, respectively.

In response to these recommendations the Australian Building Codes Board (ABCB) released, in December 2020, a National Model Code of Conduct for Building Surveyors. As the Code was a model, it did not have any force until adopted by jurisdictions. The ABCB advised in its document that States and Territories should have regard to the content of the Code when amending or adopting a Code of

Conduct for Building Surveyors in their jurisdiction. WALGA has previously provided Submissions to the ABCB on a Discussion Paper the integrity of private building surveyors and their role in enforcement that proposed changes to how a private building surveyor may be appointed, detailing conflict of interest controls and enhanced supervisory and enforcement powers for private building surveyors. On 17 September 2021, the Department of Mines, Industry Regulation and Safety (DMIRS), the Department with carriage of this issue in WA, released a draft WA Code of Conduct for Building Surveyors (draft Code).

Comment

WALGA circulated the draft Code to the Local Government Building Surveyor group (representing approximately 100 Local Governments) for comment. Feedback was received from officers at the City of Vincent, City of Karratha, Town of Victoria Park, Shire of Collie, Shire of Boddington, Shire of Broome, City of Perth, Shire of East Pilbara, City of Joondalup, City of Stirling, Town of Cambridge, Shire of Waroona and Shire of Bridgetown-Greenbushes. Separate meetings were held for metropolitan and non-metropolitan building surveyors in October where the draft Code was discussed in detail with approximately 60 officers. Comments received from Local Government officers expressed concern regarding the negative impact that the proposed changes will have on the service the building surveyors provide to their communities. Of particular concern was the potential limitations the Code would place on Local Government building surveyors' ability to provide design advice and liability that is placed on building surveying practitioners.

The draft Code defines statutory "*building surveying approval work*" (authorising construction and occupation) and "*building surveying assessment work*" (verification/review, inspection and testing of construction works). In Western Australia, unlike other jurisdictions, this work is not only carried out by private building surveyors but extends to registered building surveyors in Local Government. The draft Code proposes to prohibit carrying out statutory building surveying approval work where the building surveyor participates in design work. Included in the proposed prohibited design work is providing advice on how to amend a plan or specification in order to comply with building standards. It is common practice in Western Australia, for a Local Government Building Surveyor to carry out both consultation with the community and a regulatory role as the permit authority. If they are prohibited from providing design advice services, if they have a regulatory function, there would be a detrimental impact in these communities, particularly in regional areas, where it is often difficult to gain access to independent design services. The draft Code also proposes that carrying out statutory building surveying work where there is a risk that their decision could be influenced by a conflict of interest would be a contravention. Regional building surveyors have also expressed that compliance with this provision would be extremely difficult in small towns where they interact with most community members.

There is also concern from Local Government building surveyors that the draft Code only references registered "*building surveying practitioners*". The *Building Services (Registration) Act 2011* uses the terminology "*building surveying contractor*" and "*building surveying practitioner*" with the contractor being the only registered entity required to hold Professional Indemnity (PI) insurance. Individual Practitioners are not required to have PI insurance nor are they able to obtain it in Western Australia. Recent enforcement action by DMIRS' registration board has been directed towards a Practitioner, which has raised concerns that building surveyors will hold a liability risk even if they change jobs or retire from a Local Government position. There is already industry concern regarding declining numbers of building surveyors; the sector has expressed that the implementation of the draft Code will only serve to further discourage Local Government building surveyors from remaining in the profession and exacerbate the current trend.

The implementation of a draft Code in Western Australia without addressing the lack of mandatory inspections, minimum documentation standards and registration of other professionals will not result in better quality or safer buildings for the community, nor will it enhance community confidence in the building industry. As such it is recommended that the draft Code be reviewed to ensure it is combined with other legislative reform that addresses systemic failures in the current building control model and to provide clarification and certainty regarding the role of Local Government in building control.

Item 5.5 – Attachment – Consultation response summary

Draft Code of Conduct Clause	Consultation response summary
<p>1.3. A building surveyor must not perform a statutory function in relation to building work they have assisted to:</p> <ul style="list-style-type: none"> • design, or • develop a Performance Solution for. 	<ul style="list-style-type: none"> • Provisions such as this are currently in place in Victoria and other States where the work is mostly carried out by private building surveyors rather than Local Government. Overall it is not apparent how having building surveyor provide comment on early or concept-based plans can only be seen as a negative conflict, it should be seen as a positive, providing much needed early BCA advice prior to proceeding to final or construction plans. <ul style="list-style-type: none"> ○ This will save the designers money, time, and resources in producing a set of drawings only to find there are areas of BCA non-compliance. ○ Performance solutions may form part of the early design phase and surely it would make more sense that the building surveyor involved in the performance solutions was also part of the final assessment, as they would be aware of the reasons for supporting the performance solution rather than casting doubt as to why. • In relation to unauthorised work, (Class 10 and 1) where the work is old and doesn't comply with the BCA, the private building surveyor will decide if they can support it in combination with providing a performance solution. In the smaller communities such professionals are not present, let alone finding two of them. Thus, the cost of authorising this type of work will be high in relation to the value of the building. Much of the draft Code is in relation to the registration that already exists and compliance with the Building Act which is a given. Most building surveyors see helping the community as an important part of their role, and documents like this will likely prevent this from occurring. • Whilst it is agreed that there should be a requirement to have an outside professional opinion when developing performance solutions, Building Surveyors provide large amounts of design compliance advice, and this is seen as one of their core functions. Building Surveyors should continue to provide design advice where they relate to DTS matters and this should not affect their ability to certify/'sign off' on proposals and offer options for compliance. Additionally, this will affect one of the core functions of Local Government Building Surveyors and if applied literally, how will they perform the customer service that ratepayers expect whilst also completing statutory duties i.e. providing design advice/solutions and then signing off CDC's? • Local Government Building Surveyors are responsible for providing advice, guidance and instruction for all types of building works. It would be a complete conflict of purpose and expectation from their employer and the public, not to mention absolute confusion where smaller Local Governments are involved. • It is unclear how this clause will function work if the building surveyor is in a multi-discipline office? Clarification should be provided on how "independence" will be maintained? • Regarding Performance Solutions, only Local Governments are permitted by the Building Regulations to decide on a performance solution for a swimming pool barrier. Clarity on if this would then be a contravention of clause 1.3 of the draft Code is required.

	<ul style="list-style-type: none"> • The Local Government’s customers are largely residents who have little to no knowledge of building legislation or the requirements of the National Construction Code and they want to do the right thing. This proposal is not considered to be practical and workable for a lot of Permit Authorities that have only one or two building surveyors. It is noted that there are no details of how this is proposed to work in a real-life scenario. Local Governments receives a lot of enquiries during the day by telephone and at the front counter from the community seeking assistance. Is it the intention that each building surveyor keeps a log of every person they assist to ensure they do not receive and work on their future uncertified applications? Requesting that a customer engage the services of a private building surveyor is often very costly as the open market has no caps on pricing and often the cost of certification is more than the proposal itself. • This clause has the potential to undermine the sustainability of the building industry, a strict interpretation of the clause would mean that every project where consultation takes place will require a minimum of 2 Building Surveyors independent of each other. There is already a shortage of Building Surveyors and Local Governments are not funded or structured to support such a model. This would likely increase lead to increases in building costs and lengthen design and approval timeframes. • Under this clause, a building surveyor must not perform a statutory function in relation to building work they have assisted to design or develop a Performance Solution. This effectively prevents Local Government building surveyors from developing Performance Solutions in relation to an uncertified building permit application. For example, patio setback 500mm from the allotment boundary in lieu of the minimum 900mm. Some Local Governments are providing a Performance Solution for this variation and then issuing the CDC and Building Permits for the patio. Under the draft Code it would appear Local Government building surveyors would no longer be permitted to do so. Does this imply then that all classes of buildings will be privately certified and Local Government building surveyors will take on a record-keeping, auditing / compliance / enforcement role, similar to the Victorian model? Clarification on these points is required.
<p>1.4 A building surveyor must notify the Building Commissioner where they have become aware of, or hold a reasonable suspicion of, unlawful activity or a matter that may create an immediate or imminent risk to health and safety, in relation to building work for which they are or were, but for replacement or resignation, engaged to provide a statutory function.</p>	<ul style="list-style-type: none"> • Under the current legislative model, the Local Government usually resolves issues pertaining to health and safety risks on building sites. Consideration should be given to the draft Code making it clear that private building surveyors should be obliged to report these matters to the Local Government. • Clause 1.4 states ‘...but for replacement or resignation...’ this wording only exacerbates the frustration Building Surveyors have with understanding and interpretation. This clause needs a defined explanation in simple English to eliminate confusion and misinterpretation. • This type of inspection is not currently mandatory in WA, nor is there a requirement to obtain structural engineer sign off. Such matter can be referred to the permit authority, Local Governments can issue a Building Order and then prosecute if necessary. <p>For example, the draft Code states during an inspection a building surveyor becomes aware that a lower quality concrete, not in accordance with the approved structural design, has been used in a building and has created an imminent risk to health and safety for workers, building occupants or the public. If the building surveyor is unable to get the non-compliance rectified through consultation with the builder (or</p>

	<p>building owner) the building surveyor must report the matter to the permit authority, and the Building Commissioner.</p> <ul style="list-style-type: none"> • This clause talks about reporting a non-compliance matter to the Permit Authority and the Building Commissioner. There is no reference to the fact that almost all building compliance issues are dealt with by Permit Authorities and mostly raised and investigated by or via Local Government Building Surveyors who receive the complaints. The Permit Authority usually makes a judgement call on an issue to decide if it needs to be sent the Building Commissioner. There is no value at all in doubling up on reporting issues and this will likely lead to greater levels of red-tape and increase inefficiencies in the system.
<p>2.1 A building surveyor must only perform statutory functions that are permitted under their registration and within their professional competency.</p>	<ul style="list-style-type: none"> • The term professionalism needs to be elaborated to include definitions and details of what the expectations on building surveyors will be. Further, it is difficult for building surveyors to meet standards and ensure quality of work when there are no minimum standards determined in legislation. One building surveyor's standard and expectation of quality of work can be vastly different to another building surveyors. • Clarification is needed on if cadet building surveyors are allowed to carry out basic assessments, providing they are reviewed and signed off by an appropriate accredited building surveyor. This is often the case within some Local Governments given the difficulty in finding staff. Continuation of this practice is necessary to support current workflow models used by Local Government. • Clarify if Local Governments will be able to question the compliance of projects, based on the competence of the building surveyor? "...In addition, building surveyors must critically self-assess their knowledge, skills and experience for work within their registration. For example, if a building surveyor holds an unrestricted license, but has never worked on a Class 9a building or has not done so for many years, then the certification of a hospital would generally be considered to be outside their experience and would therefore be beyond their professional competency." This would rely on others including Local Governments to report a building surveyor if their work is not adequate, to meet the satisfaction of Item 1.4.
<p>2.2 A building surveyor should maintain their professional competency to ensure their knowledge and skills are current for the work they undertake</p>	<ul style="list-style-type: none"> • If CPD's are being proposed as a matter of capturing professional competency, then the industry related seminars need to be made more affordable for smaller Local Governments and private sole traders etc. • Clarification on if CPD points will be mandatory is required. There is a reference in the draft Code to "...either voluntarily or as required under legislation will assist to meet this obligation...." As this requirement is not currently legislated it is unclear why this is included. This is again mentioned in the Compliance Policy part of the document. • It is not clear if this is targeted just at those who work in the private industry? Due to there being private certification, it is unlikely that a Local Government building surveyor would be engaged to work on a Class 2-9 building. Clarification on this point should be provided. • In this section the words 'should' and 'reasonable' are used. These words need to be changed to words that are definitive, like MUST, and the word reasonable needs to be defined. • In regard to quality of work, as there are no minimum standards specified in legislation, it can be difficult to convince a client what a building surveyor requires to comply the structure. Most technical industries have

	<p>set guidelines or standard job procedures to ensure all work is to a high standard, which is not available for building surveyors. The statement in relation to cooperation requires a more work. Some private building surveyors take offence when queried about the information they have certified, and DMIRS should provide guidance on how building surveyors should go about reporting under this clause.</p> <ul style="list-style-type: none"> • It is unclear how a Local Government building surveyor would know whether the private building surveyor who had certified the project has the necessary knowledge, skills, experience and professional competency? On the Building Surveyor Register, a building surveyor’s registration only has the level they are registered under i.e. technician, Level 1, or Level 2. This issue would impact potential clients as to whether the certifier they’ve engaged can provide the required certification. • It is noted that similar requirements are not applied to builders in this State. Currently only three (3) trades required to build a house or a commercial building within WA require registration, with the buildings being built to lockup stage including foundation and footings without one required registered trade. Continual learning needs to be mandatory for all built environment related professionals, however it needs to be made more affordable and more readily accessed. • The wording “... a building surveyor should maintain their professional competency...”, and “participating in CPD courses either voluntarily or as required under legislation” implies a building surveyor can choose whether to participate in training courses / workshops or not. WA currently does not require registered building surveyors to do CPD training. • Consider redrafting the draft Code to require all registered building surveyors to maintain CPD points, particularly now that the AIBS has implemented the Professional Standards Scheme for Building Surveyors which commenced from 1 July 2021. Under this scheme, all practicing AIBS members (public and private) are now required to become accredited members, which triggers the need to complete CPD training and submitting evidence to the accreditation board annually. As WA AIBS members must undertake CPD training, it would make sense to bring non-AIBS members into line as well.
<p>2.3 A building surveyor should take reasonable steps to ensure the quality of their work by obtaining and assessing the suitability of all relevant information when carrying out a statutory function.</p>	<ul style="list-style-type: none"> • It is unclear how a building surveyor practically achieve this in WA where engineers and trades aren’t required to be registered with DMIRS. For example, how would a Building Surveyor determine if a structural engineer from anywhere in Australia has experience and is competent in cyclonic wind loads, or precast concrete or light weight midrise timber? • The draft code expects building surveyors to be responsible for their own competency, skills and knowledge; but there is no similar expectation for other practitioners. Engineers and tradesman should be satisfying their own code of conduct, CPD, knowledge and experience and that the burden of proof be placed on DMIRS when they apply for registration. Building Commissions from other states bear this responsibility, not the surveyor. The introduction of registration schemes for engineers and other associated building trades should occur prior to the full implementation of this draft Code.

<p>2.4 A building surveyor should work cooperatively with others in the building industry, and regulators.</p>	<ul style="list-style-type: none"> • This part requires further explanation and is extremely subjective depending on your degree of tolerance. It is unclear who is going to monitor this. Will obligations be placed on builders and developers who make unnecessary and unreasonable demands on building surveyors?
<p>3.1 A building surveyor must not engage, whether by act or omission, in misleading or deceptive conduct in connection with the performance of a statutory function.</p>	<ul style="list-style-type: none"> • In clause 1.4 it states ‘...but for replacement or resignation...’ this wording only exacerbates the frustration Building Surveyors have with understanding and interpretation. This clause needs a defined explanation to eliminate confusion and misinterpretation. • This section requires examples of what is expected. The statements are not clear and are therefore open to interpretation. The sentences should be definitive such that they can be understood by all and actioned accordingly especially if there are issues with compliance. • Clause 3.1 states ‘This means that conduct can be misleading and deceptive even if it was not intended to be.’ The words ‘misleading and ‘deceptive’ imply premeditated ideas. If an action was not intended to be misleading or deceptive but was wrong, then it is an action of negligence not a misleading or deceptive action. The wording of this point should be clarified. • In this section the words ‘should’ and ‘reasonable’ are used. The words used need to be more definitive like MUST and the word reasonable needs to be defined. The statement in relation to 3.1 requires further consideration in consultation with the Local Government sector.
<p>3.3 A building surveyor should not use their statutory function role for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for themselves or for any other person.</p>	<ul style="list-style-type: none"> • The draft Code could clarify conflicts of interest much better and acknowledge what should occur when conflicts are unavoidable. In regional areas/smaller communities where there may only be 1 or 2 building surveyors in a small town. It would be frequently expected that the surveyor will need to issue CDC’s or Building Permits for owners or builders they have a perceived or actual conflict of interest with. <p>As an example. How would a Local Government Building Surveyor be expected to undertake enforcement action against the City itself, or another City employee, especially if that other employee is in a position of higher authority. For instance, if the City or a Director undertook illegal or non-compliant building work. The Building Surveyor would then have to undertake enforcement action against their own employer or colleagues, undermining their job security and may be exposing themselves to potential mistreatment. The draft Code does not address this, but it is an example of an industry regulator, regulating itself.</p> <p>Example 2: Obtaining private quotes and undertaking building work at your own home, in a town where you have issued building permits to every local builder/tradesman etc. This would result in at least an indirect conflict, but in a small town this would be an unavoidable conflict.</p>
<p>4.1 A building surveyor must ensure any agreement or contract for performing statutory functions is consistent with WA legislation, this Code and any requirements</p>	<ul style="list-style-type: none"> • This section requires examples and/or definitions so the reader knows what is expected and what they are being measured against.

<p>set out by the Building Commissioner</p>	
<p>4.2 A building surveyor should maintain a record of reasons for decisions on statutory functions and be able to provide these decisions to the regulator and interested parties if requested to do so.</p>	<ul style="list-style-type: none"> • While in the employment of a Local Governments building surveyors make many decisions. The practicalities of this clause do not seem reasonable or reflective of the level of risk. While most Local Governments have a checklist to aid reporting of decisions these are not exhaustive as the BCA is a detailed document. This provision will likely have detrimental impacts on the workflow of Local Governments. • The Building Permit application contents is the reason a Permit is approved or declined. The Building Act 2011 is very clear of the process in granting a Permit. Compliance issues are already documented.
<p>Introduction This Code of Conduct for Building Surveyors (the Code) sets out minimum expectations of registered building surveyors undertaking building surveying work in Western Australia (WA). It applies to building surveyors who are registered under the Building Services (Registration) Act 2011 (WA) to perform statutory functions of assessing compliance and approving building designs and building work under the Building Act 2011 (WA) and associated legislation. This can involve assessing and certifying that the design demonstrates how the building work, if built, will meet the applicable building standards and, when inspecting building work during and post construction, certifying that the building work meets applicable</p>	<ul style="list-style-type: none"> • This section requires “minimum expectations” clearly defined that are measurable, achievable and understood by all. • Generally it would appear the draft code is in relation to practitioners and not contractors. How will this impact contractors and the implications with insurance? The document is a very simple, overarching document that is non-specific and may therefore not address the reason for its development which is arguably to ensure the industry is providing a valuable, consistent and professional service. The Association holds the view that the most important issues that need to be addressed is the development of minimum standards of documentation to ensure consistency with processes throughout the industry (including procedures or practice documentation), the development of cost effective and accurate training, and to understand the implications of the departure of experienced building surveyors in next 5 years. • Clarification on the application of this on practitioners and contractors and the obligation on each is required. The Building Services (Registration) Act uses the terminology Building Surveying Contractor and Building Surveying practitioner. Consideration should be given to replacing the words Building Surveyor with BSP and BSC. In relation to BSP and BSC DMIRS board is now fining both for errors etc. This is interesting as only the BSC has PL and PI insurance. The link between corporations and employees is generally a corporation is responsible for its employees hence why only the BSC needs insurance. If the BSP in Local Government makes an error then the Local Government is liable and is covered by the LG’s PI insurance. The draft Code should flesh this out further as there appears to be an overemphasis on the individual BSP whereas the Criminal Procedures Act and Builder’s Registration Act hold the company and Local Government responsible who hold the relevant insurance.

<p>standards and any conditions on the applicable building permit.</p> <p>Professional associations or the Building Commissioner may set standards that apply to other services provided by building surveyors, however, these must not reduce the minimum obligations in the Code. It is acknowledged individuals may choose to comply with a higher standard, for example through membership of an organisation that has an approved professional standards scheme.</p> <p>The Code establishes a consistent basis for education, audit and compliance activities undertaken by regulators. It also assists registered building surveyors to meet their obligations, and manage the expectations of others. This Code of Conduct applies to all building surveying practitioners registered under the Building Services (Registration) Act 2011. All mentions of building surveyor in The Code means registered building surveying practitioner.</p>	
<p>Adoption of the Code</p> <p>Western Australia is adopting the National Model Code of Conduct for Building Surveyors, as</p>	<ul style="list-style-type: none"> • The Code cannot be a National adoption, as each State has a different model of legislation. Any code of conduct in WA should not be into the direction of other states, especially considering their own processes have evidence of shortfalls and failings in the past. Any code of conduct in WA needs to be based on our legislative model.

<p>prepared by the Australian Building Codes Board (ABCB) in 2020. The purpose of this adoption is to provide regulatory oversight to building surveyors in a nationally consistent manner.</p>	<ul style="list-style-type: none"> • It is apparent that the draft Code has been based on an eastern states model rather than our unique WA model where Local Government Building Surveyors do similar work to the private Building Surveyors however only Building Surveyors working for Permit Authorities issue Permits.
<p>1.1 A registered building surveyor must comply with laws relevant to their work, conduct and organisation.</p> <p>Laws enacted in Western Australia govern the licensing, functions and powers of building surveyors. Building surveyors must carry out their work in accordance with these laws. For example, a building surveyor must not issue certification unless the building work complies with relevant Western Australian legislation and the National Construction Code (NCC).</p> <p>Building surveyors, like most professionals, are subject to a range of other laws that govern their conduct and that of their business. These include, but are not limited to, consumer protection, work health and safety, anti-discrimination and privacy laws.</p>	<ul style="list-style-type: none"> • Part 1.1 (fourth paragraph) appears contradictory to itself and is effectively covered in clause 1.4 on page 6. Suggest the fourth paragraph be removed to avoid confusion. • As the WA building surveying industry is quite small, most building surveyors are acquainted with each other. The practicalities of this need to be considered when expecting building surveyors to report the wrongdoings by their peers.

<p>Building surveyors will meet their obligation by being aware of the Federal and state laws applicable to their work and taking proactive steps to ensure they comply with these.</p> <p>A building surveyor is not required to check other practitioners are meeting any legal obligations that are outside their statutory functions, but may be required to report activities they become aware of (see obligation 1.4).</p>	
<p>1.2 A registered building surveyor must act in the public interest when providing advice or making decisions relating to their statutory functions.</p> <p>Building laws and the NCC have a number of objectives such as health and safety, amenity, accessibility, cost effectiveness, efficiency of the industry and sustainability in the design, construction, performance and liveability of buildings. Building surveyors must balance and apply these objectives when performing statutory functions. Building surveyors are required to give greater weight to objectives considered to be of higher concern to the public, those being</p>	<ul style="list-style-type: none"> • Further clarification and explanations are required as to how building surveyors are to be accountable for balancing cost effectiveness vs compliance. • It is arguable that not all building surveyors act in the public interest when providing advice. Some may consider providing cost savings to their clients is more important. This type of action may ensure they receive ongoing work. • There are concerns regarding this section particularly in relation to rural and country areas as it can be very difficult to remain independent when the building surveyor is the only one building surveyor in a regional area. • Even though a building surveyor is expected to put public interest before their responsibility to clients and employers, for building surveyors in Local Government, it is quite common for external pressure to be exerted on building surveyors to issue a permit, or to try and find a way to accept a building design that is not deemed to satisfy without a performance solution. Additional commentary in the finalised Code of Conduct would be of use.

<p>health, safety and amenity of buildings. A building surveyor undertaking a statutory function must put the public interest before their responsibility to clients and employers.</p> <p>For example, project documentation may appear to be sufficient to demonstrate a design complies, but a building surveyor is concerned an assumption made in structural design may have an unintended impact on another part of the building. In this situation the building surveyor should take steps to investigate the potential issue and ensure that it is resolved rather than defer to the client's interest in getting earlier authorisation for construction.</p>	
<p>Definition</p> <p>Reasonable steps mean an action or series of actions an objective person would consider sensible and fair to address an issue or achieve a desired outcome in the circumstances. This includes decisions, omissions and inaction.</p>	<ul style="list-style-type: none"> • As there is an assumed test being applied here by what an objective person or reasonable person may do/think, it may be a useful to add a definition of what an objective or reasonable person is.

6. MATTERS FOR NOTING / INFORMATION

6.1 Local Government Support for Single Use Plastic Bans (01-006-02-0003)

By Rebecca Brown, Manager, Waste and Recycling

RECOMMENDATION

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

Executive Summary

- The State Government have committed to banning a number of single-use plastic items by the end of 2021, including plates, bowls, cutlery, stirrers, straws, cups and lids, thick plastic bags, polystyrene food containers and helium balloon releases. Then from 2022, a range of other single use plastic items.
- Local Government has an opportunity to support the implementation of the bans, which will assist in reducing litter and encourage the transition to reusable or compostable alternatives which will reduce contamination in the kerbside recycling and Food Organic and Garden Organic (FOGO) bins.
- Local Government has previously been supportive of state-wide regulation for these products as the approach is more consistent and streamlined than each Local Government regulating.

Background

In 2018, after significant advocacy from Local Government and WALGA, the State Government introduced a ban on light weight single use plastic bags. The State Government, through the Department of Water and Environmental Regulation (DWER), is now progressing [bans](#) for a range of other single use plastic items. With the proposed schedule for the bans as follows:

End of 2021 – Regulations in place, enforcement to commence mid 2022	End 2022 - Regulations in place
<ul style="list-style-type: none"> • plates • bowls and lids • cutlery • stirrers • straws • cups and lids • thick plastic bags • polystyrene takeaway food containers • helium balloon releases 	<ul style="list-style-type: none"> • barrier/produce bags • microbeads • polystyrene packaging • polystyrene cups • coffee cups and lids • cotton buds with plastic shafts • oxo-degradable plastics (plastics designed to break up more rapidly into fragments under certain conditions).

WALGA represents Local Government on the DWER Single Use Plastics Working Group.

Comment

The Municipal Waste Advisory Council (MWAC) considered the single-use plastic ban at the August meeting and resolved to write to the Environment Minister in support of the single use plastic bans. MWAC would also like to encourage Local Government to show support for the bans by writing to the Environment Minister and identifying the various benefits of the bans from the community and service provision perspective.

MWAC was supportive of the bans because:

- Environmental benefit: many of the products which will be covered by the bans are currently being littered and contribute to plastic pollution in rivers and oceans. By eliminating the product, and ensuring it is replaced with a more environmentally acceptable material, the bans will reduce littering and improve overall environmental outcomes.

- Recycling benefit: biodegradable and compostable plastics are plant-based products which are difficult to distinguish from petroleum-based products. Compostable and biodegradable plastics are considered a contaminant in the recycling stream. When the ban is in place, many of these plastic types will be eliminated. This will assist in improving the quality of recyclable materials collected.
- Food Organic and Garden Organic (FOGO) benefit: Currently, compostable plastic packaging is not accepted through the FOGO collections provided by Local Governments because there is a large range of plastic packaging in the market, and it is not possible to differentiate between compostable and non-compostable plastics. When the bans are in place, the only options on the market will be compostable, which presents an opportunity to potentially allow these products into the FOGO system.

The approach that DWER has taken is to recommend that no single-use plastics are used (including compostable plastic), where there is a workable alternative. There are some instances where there is not currently an alternative product, so compostable plastic is allowed in some instances. Terminology is frequently confusing for the community, as the terms degradable, biodegradable and compostable are often used interchangeably. Some general definitions:

- Degradable – describes petroleum-based plastics that break down into smaller fragments of plastic.
- Biodegradable – frequently used to describe petroleum-based and petroleum/plant-based plastics which contain additives that enable the plastic to be broken down into smaller fragments by bacteria or other living organisms.
- Compostable – when used appropriately, describes plant-based plastics that can be readily broken down through home or industrial composting systems.

The bans are targeted at retailers so Local Governments will still be able to provide products such as dog waste bags for their communities to use in public areas and caddy liners for FOGO systems.

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

By Rebecca Brown, Manager, Waste & Recycling

RECOMMENDATION

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

Executive Summary

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

Background

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **25 August and 13 October 2021** meetings, 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 meetings held on **25 August and 13 October 2021** included:

Submission on Department of Water and Environmental Regulation Guideline Assessment of environmental noise emissions

In June 2016, WALGA made a Submission on the Department's Draft Guideline on Environmental Noise for prescribed premises. In that Submission issues identified included:

- The use of separation distances as a trigger for a full-scale noise assessment
- Noise from construction activities was not addressed
- Existing and prospective facilities will be subject to significant and costly requirements to assess noise.

On 16 June 2021, the Department released its Draft Guideline: Assessment of environmental noise emissions for public consultation for a 12-week period. The Draft Guideline is a more extensive version of the previously released Guideline.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on the Department of Water and Environmental Regulation Guideline Assessment of environmental noise emissions.

Moved: Mayor Howlett Seconded: Mayor Butterfield

CARRIED

Submission on Dust Emissions

DWER has released a Draft Guideline: Dust emissions for consultation. The Draft Guideline relates to fugitive dust emissions only (point source emissions are covered in separate document). The Draft Guideline is more comprehensive form of an existing Guideline and will apply to new and existing licenced premises.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on Department of Water and Environmental Regulation (DWER) Draft Guideline: Dust Emissions.

Moved: Cr Price Seconded: Cr Stroud

CARRIED

Submission on Productivity Commission inquiry into the Right to Repair

In December 2020, WALGA undertook an online survey of Local Government seeking feedback on the potential for Right to Repair legislation that could extend the life of products and reduce waste going to landfill. The February Submission was informed by the survey and input from MWAC. In June 2021 the Productivity Commission released a Draft Report seeking additional input for the final report which will be submitted to the Australian Government by 29 October 2021. The Draft MWAC Submission builds on the February Submission and identifies the benefits that right to repair requirements could have for Local Government and the community.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on Right to Repair.

Moved: Mayor Howlett Seconded: Mayor Butterfield

CARRIED

Local Government Support for Plastics Bans

The State Government have committed to banning a number of single-use plastic items. Local Government has been consistently supportive of this approach as state-wide regulation is a more consistent and streamlined way to regulate these products. Consultation has occurred regarding the bans, with some concerns raised by the packaging industry about the timeline and approach. Local Government has an opportunity to support the implementation of the bans, which will assist in reducing the use of single-use plastic items, transitioning to reusable or compostable alternatives and reduce potential contamination issues for recycling and FOGO systems.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council:

- 1. Write to the Environment Minister supporting the Single-use Plastics Ban**
- 2. Encourage Local Governments to write to the Environment Minister supporting the Ban**
- 3. MWAC request State Council to place this item on the agenda for the next round of Zone Meetings.**

Moved: Mayor Howlett Seconded: Mayor Butterfield

CARRIED

Submission on Waste Tyres Rules

The Export Bans of glass, plastic, tyres and paper/cardboard are being progressively implemented, with the tyre export ban scheduled for 1 December 2021. The Rules are the regulations which will govern the ban. The ban is for baled and whole tyres but allows shredded tyres and some types of tyres for re-treading. In the draft Submission, two main concerns are raised regarding tyres:

- If shredded tyres are still exported to the same destination and for the same use as baled whole tyres, this does not represent a more positive environmental outcome or a value-added product
- Shredded tyres represent an increased fire risk, compared to whole tyres.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on Waste Tyres Rules Discussion Paper.

Moved: Cr Price Seconded: Cr Stroud

CARRIED

Product Stewardship Principles

WALGA, working with other State and Territory Local Government Associations, has developed Principle for Product Stewardship. The intent of this document is to assist in generating national consistency, between Local Government Associations, regarding what product stewardship needs to include which will amplify advocacy on this issue.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Product Stewardship Principles.

Moved: Cr Price Seconded: Cr Stroud

CARRIED

Submission on Container Deposit Scheme Minimum Network Standards

DWER has released an Issues Paper on the Minimum Network Standards for the Container Deposit Scheme. The DWER Paper outlines considerations relating to access to refund points over the first year of Scheme operation including:

- How the Standards apply to public holidays and emergency event
- How the definition of flexible refund points has been interpreted
- The requirement for a full-time fund point in every region.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Submission on CDS Minimum Network Standards.

Moved: Cr Price Seconded: Cr Stroud

CARRIED

6.3 WALGA submission on the National Climate Resilience and Adaptation Strategy

By Garry Middle, Acting Environment Policy Manager

RECOMMENDATION

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

Executive Summary

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

Attachment

- [WALGA's submission on the Commonwealth Government National Climate Resilience and Adaptation Strategy](#)

Background

The Commonwealth Government is developing a new National Climate Resilience and Adaptation Strategy (NCRAS) in 2021. The Commonwealth intends that [the new strategy](#) will provide a roadmap towards a climate resilient Australia and will showcase Australia's adaptation and resilience efforts and strengthening national coordination to manage physical climate impacts.

Due to the very tight consultation periods, WALGA has prepared a submission, on behalf of the sector, aligned with WALGA's existing [Climate Change Policy Statement](#) and other previous submissions endorsed by State Council.

To facilitate sector engagement within the extremely tight consultation timeframe, WALGA alerted the sector to the consultation period via WALGA Climate Change Officer network. WALGA acknowledged that the submission would be aligned with WALGA'S existing policy position.

The draft submission was considered by the Environment Policy Team for endorsement on Tuesday, 7 September as the submission date was prior to the next State Council meeting. The final submission was signed by WALGA President, Mayor Tracey Roberts on Friday, 10 September before submitting to the Commonwealth Government.

Comment

WALGA's submission argues that climate change adaptation cannot be separated from mitigation and the need for the Commonwealth to commit to a more ambitious emissions reduction target under the Paris Agreement, as detailed within the WALGA Climate Change Policy Statement. The nature and extent of the adaptation task is intrinsically linked to the extent of climate change, which is in turn dependent on reducing emissions.

Further, the extensive role expected of Local Government in shouldering the immediate impacts of climate change proposed by NCRAS, such as addressing coastal erosion and inundation, is not backed by adequate support or funding from the Commonwealth Government.

The submission also argues that the implementation of the overarching strategic framework for climate adaptation requires strong leadership from the Commonwealth Government.

WALGA will continue to advocate for stronger leadership, adequate resourcing and funding and a shift away from the emergency response approach currently taken in climate adaptation planning on behalf of its members.

6.4 Closing the Gap Update

By Alina Hobson, Policy Officer, Resilient Communities

RECOMMENDATION

That the recent updates on Closing the Gap are noted.

Executive Summary

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

Background

The refreshed National Agreement came into effect on 27 July 2020. The objective of the National Agreement is to enable Aboriginal and Torres Strait Islander and governments to work together to overcome the inequality faced by Aboriginal and Torres Strait Islander people so that their life outcomes are equal to all Australians. The National Agreement was developed in partnership between Australian Governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations.

The National Agreement contains four key priority reform areas:

1. **Formal partnerships and shared decision making** - building and strengthening structures to empower Aboriginal and Torres Strait Islander people to share decision-making with governments.
2. **Building the community-controlled sector** - building formal Aboriginal and Torres Strait Islander community-controlled sectors to deliver services to support Closing the Gap.
3. **Transforming government organisations** - systemic and structural transformation of mainstream government organisations to improve accountability and better respond to the needs of Aboriginal and Torres Strait Islander people.
4. **Shared access to data and information at a regional level** - enable shared access to location specific data and information to support Aboriginal and Torres Strait Islander communities and organisations to achieve the first three Priority Reforms.

All Government parties are required to develop an implementation plan outlining how they will meet their commitments under the National Agreement.

The State Government released its Implementation Plan (the Plan) in September 2021. The Plan focusses on a phased approach to whole of Government reform. The Plan details actions that the State Government is currently undertaking or planning to undertake in the near future. The Plan is in two parts:

- Part A: an overview of system-level actions the WA Government intends to progress.
- Part B: information on specific activities, programs and services relevant to each priority reform areas.

The [Partners in Government Agreement](#) signed in September 2021 between the State Government, WALGA and LG Professionals includes Closing the Gap as a focus area.

ALGA is a co-signatory to the National Agreement on behalf of the Local Government sector. ALGA's Implementation Plan is designed to:

- Ensure that Local Government understands the National Agreement and its commitments thereunder, and encourage its adoption by Local Governments.
- Assist State and Territory Governments to work with Local Governments in the implementation of the National Agreement.
- Support strengthened shared decision-making at the local level, supporting Local Governments to be part of partnerships with the Commonwealth, State, and Territory Governments and local Aboriginal and Torres Strait Islander Communities.

Comment

As the level of Government closest to the community, Local Government play an important role in supporting the development and implementation of policies and programs in partnership with local Aboriginal communities that address the priority reform areas within the National Agreement.

Through the implementation of Reconciliation Action Plans many Local Governments are already undertaking actions that align with the Closing the Gap outcomes, for example through:

- Delivery of Aboriginal focused Mentorship/Traineeship Programs.
- Facilitation of Aboriginal Advisory Groups.
- Celebrating key events such as NAIDOC Week and Reconciliation Week.

WALGA works to support Local Governments to build strong, positive relationships with local Aboriginal communities through a number of avenues including:

- Delivery of Aboriginal engagement and reconciliation forums and events for Local Government, such as the recent Aboriginal Engagement and Reconciliation Forum held on 22 September 2021 at Crown Perth which was attended by more than 200 registrants.
- Supporting the WA Local Government Aboriginal Engagement Network which brings together Aboriginal and non-Aboriginal officers at quarterly meetings to share peer to peer advice and learnings, offer support and encouragement and explore opportunities for partnership and collaboration between Local Governments.
- Regular engagement with key stakeholders including the South West Aboriginal Land and Sea Council, Department of the Premier and Cabinet, Department of Planning, Lands and Heritage, Reconciliation WA and Danjoo Koorliny Aboriginal Elders to ensure that Local Government is abreast of emerging legislative and policy matters including Closing the Gap, South West Native Title Settlement and other native title settlements, and the new Aboriginal Cultural heritage legislation.

WALGA will continue to work with the State Government through the Partners in Government Agreement on the implementation of the National Agreement, and ALGA, to support Local Governments actions in response to the key outcome that Aboriginal and Torres Strait Islander peoples and governments work together to overcome the inequality faced by Aboriginal and Torres Strait Islander people so that their life outcomes are equal to all Australians.

6.5 Submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians (03-030-03-0001 VB)

By Vikki Barlow, Senior Policy Advisor, Resilient Communities

RECOMMENDATION

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

Executive Summary

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

Attachment

- [WALGA Senate Inquiry Rural and Regional Health Services Submission](#)

Policy Implications

The Submission aligns with WALGA Policy Position 3.2.2 – Regional Health Services:

The Association supports continuing to work with affected Local Governments and key stakeholders to identify and develop collaborative strategies. The Association supports continuing to advocate to the State Government to prioritise regional health and the regional health workforce. The Association supports developing a policy connection with the Australian Local Government Association as a pathway for advocating for stronger specialised regional health workforces.

September 2018 – 105.5/2018

Background

The Standing Committee on Community Affairs commenced an inquiry into the above matter on 4 August 2021, with submissions due by 30 September 2021.

The Terms of Reference sought feedback on:

1. the current state of outer metropolitan, rural, and regional GPs and related services.
2. current state and former Government reforms to outer metropolitan, rural and regional GP services and their impact on GPs, including policies such as: the stronger Rural Health Strategy,
 - a. Distribution Priority Area and the Modified Monash Model (MMM) geographical classification system,
 - b. GP training reforms, and
 - c. Medicare rebate freeze.
3. the impact of the COVID-19 pandemic on doctor shortages in outer metropolitan, rural, and regional Australia; and
4. any other related matters impacting outer metropolitan, rural, and regional access to quality health services.

Comment

Chronic shortages of adequate medical and related workforce in rural and regional areas of Western Australia is a significant, long standing issue which continues to impact on the health outcomes and viability of local communities.

In 2018 WALGA conducted the *Regional Health Services in Western Australia Survey of Local Governments*. 161 responses were received from 91 WA Local Governments, representing 66% of members. The survey results highlighted issues with:

1. **Workforce** challenges in recruiting and retaining doctors, nurses and allied health staff (health professionals).
2. **Distance** to travel to see a health professional.
3. **Access** to health professionals (Hours of operation or number of staff providing service).
4. **Aged care** services for people to stay within their region as they age are limited.

17 Regional and 1 Metropolitan Local Governments provided input to WALGA's Submission, and 1 Local Government made a submission directly to the Committee. The feedback received was consistent with the themes identified in the 2018 survey. The Submission highlights the challenges Local Governments face as the 'provider of last resort', with the high cost of subsidising health service provision and ongoing workforce challenges in recruitment and retention of health professionals. Many rural and regional Local Governments have found it necessary to enter contracts for medical services and/or general practice support services. There is a strong view expressed by the sector that this should not be the responsibility of Local Government and that Local Governments should not be required to provide incentives such as housing and medical centre facilities, especially as there is no opportunity to recoup these expenses.

Regional and rural Local Governments are also concerned about the quality and accessibility of essential health care for their communities and call upon the Commonwealth and State Governments to urgently improve coordination in the planning and provision of GPs and related primary health services in regional and rural areas.

Local Government Respondents via WALGA Submission

Trayning	Three Springs
Lake Grace	Greater Geraldton
Murray (and submitted to the Committee)	Kondinin
Pingelly	Manjimup
Chittering	Morawa
Gingin	Armadale
Nannup	Corrigin (and submitted to Committee)
Karratha (and submitted to the Committee)	Irwin
Dumbleyung	Yalgoo

6.6 Wooroloo Independent Review Letter of Support (05-024-03-0011 SM)

By Cassandra Mora, Policy Officer, Emergency Management

RECOMMENDATION

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

Executive Summary

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

Attachment

- [2021 Wooroloo Independent Review Submission letter](#)
- [City of Swan submission](#)
- [Shire of Mundaring submission](#)

Background

The Wooroloo Bushfire started on Monday, 1 February 2021, during a COVID-19 lockdown, and devastated over 10,000 hectares of land and destroying 86 homes.

The Terms of Reference for the Independent Review are as follows:

1. Evaluate the first stage of the review of the Wooroloo Bushfire and undertake independent analysis across the range of focus areas examined, including response to the Wooroloo Bushfire, fuel management and processes for access into the fire affected areas.
2. Examine the effectiveness of the use of heavy earthmoving equipment in the fire suppression effort including the systems, processes and capability that supports this.
3. Examine the effectiveness of interagency coordination during the response and initial recovery phases of the incident.
4. Consider the effectiveness of the impact assessment processes employed in informing early and timely recovery efforts and consider the effectiveness of the recovery function post response phase.
5. Consider the extent, geographic range, method, effectiveness and duration of public warnings.
6. Examine the effectiveness of the 'Animal Welfare in Emergencies' program as implemented by the Department of Primary Industries and Regional Development.
7. Consider the meteorological aspects of the fire as examined by the Bureau of Meteorology.
8. Provide a means for members of the public and other interested parties to make submissions to the Review and give these due regard in compiling its report.
9. Consider any other matter that the Review Team identifies in its course of activities.

Given the short time frame provided and significant role of Local Governments in supporting their local communities during bushfire response and recovery, WALGA sought an extension of the submission deadline to Friday, 15 October, which enabled the City of Swan and Shire of Mundaring to have their submissions endorsed at their respective Ordinary Council meetings.

Comment

WALGA's letter of support highlights key issues identified in relevant WALGA Policy Positions and in submissions to recent emergency management reviews and inquiries that are of relevance to the Wooroloo Bushfire.

Under the *Emergency Management Act 2005*, Local Governments are responsible for managing recovery following an emergency. Local Governments also have significant roles across preparedness, prevention and response, including supporting community disaster resilience.

Common practice following an emergency is for the hazard management agency to undertake an evaluative review of the activities relating to the emergency response. In incidents where a significant loss (human, environment or economic) occurs, a review or inquiry may ensue to examine response activities and provide recommendations to improve the capacity and capability of key agencies. Given Local Governments unique position as the level of government closest to the community and its roles and responsibilities across the emergency management spectrum, Local Government input into such reviews and inquiries is essential for the improvement of emergency management arrangements in WA.

Key recommendations included in the letter are:

- calling for a response from the State Government to the Royal Commission into National Natural Disaster Arrangements;
- the development of an assurance framework to monitor the implementation and effectiveness of recommendations arising from all public inquiries and reviews;
- more effective agency interoperability during the response and recovery phases of emergencies;
- addressing the administrative burden and lack of timeliness of funding accessible to Local Governments through the Disaster Recovery Funding Arrangements Western Australia (DRFA-WA);
- increasing funding to support the replacement or restoration of damaged assets to a more resilient standard following an emergency; and
- the commitment to specific funding programs by the Commonwealth and State Governments to enable Local Governments to undertake essential physical mitigation programs to further reduce the exposure of communities to the impacts of natural disasters and to ensure the protection of essential community infrastructure.

6.7 State Budget Outcomes (05-088-03-0001 DT)

By Daniel Thomson, Economist

RECOMMENDATION

That the update on the 2021 State Budget be noted.

Executive Summary

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

Attachments

- [WALGA State Budget Review](#)
- [WALGA State Budget Submission](#)
- [October 2021 Economic Briefing](#)

Background

The Premier has framed the Government's fifth budget – the first of its second term – as a budget that sets Western Australia up for the future, built on the back of its success in keeping Western Australians safe and the WA economy strong during the COVID-19 pandemic.

A larger than expected surplus of \$5.6 billion in 2020-21 – mainly due to record high iron ore prices and forecast surpluses over the forward estimates – has provided the capacity for the Government to embark on major new spending programs. The headline new announcements in the Budget were:

- \$1.9 billion in new funding to help address the unprecedented demand on WA's health and mental health system;
- \$1.8 billion for the construction of a new Women and Babies hospital;
- \$1 billion for additional support to respond to COVID-19 (taking the State's total investment in COVID-19 response and recovery to \$9 billion);
- A new \$750 million social housing investment fund;
- Establishment of a \$750 million Climate Action Fund; and
- \$400 million for the new Westport Project.

The Budget also includes a record \$30.7 billion asset investment program, with \$9.1 billion of this allocated to projects in regional areas.

Reflecting the limited capacity in the civil and building construction industries, \$2.6 billion in project spending from 2020-21 and 2021-22 has been deferred into later years. This may ease some pressures in the industry and enable Local Governments to deliver projects, particularly time-bound Commonwealth funded projects.

Comment

While the Government is to be commended for focussing spending to areas of need, WALGA considers that the State's strong financial position offered an opportunity to go further in areas that address important community priorities, deliver positive outcomes in terms of creating new jobs, make WA's environment more liveable, transform our infrastructure, and support local communities.

Ahead of the State Budget, WALGA developed a policy document "Immediate Priorities for the State Government" to advocate for funding key initiatives in this term of Government that will strengthen the economic recovery from COVID-19, address key environmental challenges and support local communities.

These priorities included:

- Expand the Coast WA Program
- Create an Urban Greening grant program
- Extend the State Underground Power Program
- Support the construction of FOGO Processing Infrastructure
- Extend the Small Business Friendly Approvals program
- Support the transition to the State Industrial Relations System
- Address the shortage of Government Regional Officer Housing (GROH)
- Homelessness Outreach Services
- Regional telecommunications infrastructure

Of the nine "Immediate Priorities for the State Government", the Budget only contained modest funding for the management of coastal erosion hot spots. These are initiatives that WALGA will continue to pursue with Government during this term.

6.8 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy (05-001-03-0018 ID)

By Ian Duncan, Executive Manager, Infrastructure

RECOMMENDATION

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

Executive Summary

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

The WALGA submission supports the strategic approach to infrastructure planning and management proposed by Infrastructure WA and the vast majority of the recommendations. However, the draft strategy makes little reference to the significant role that Local Governments play in the planning and delivery of infrastructure. The submission highlights that without explicit consideration of these functions, it is difficult to take a state-wide approach to infrastructure development. It is also not clear from the Draft Strategy how it will align and connect with existing Local Government Strategic Community and infrastructure plans.

Across the identified themes and sectors the submission seeks to highlight:

- the importance and value of maintaining local decision-making;
- constraints on Local Government's capacity to raise own sourced revenue and the need to avoid transferring unfunded responsibilities onto the sector; and
- the need to continue genuine consultation with Local Governments in finalising, implementing and ultimately reviewing the strategy.

The submission is based on the structure of the draft State Infrastructure Strategy. No comment is provided for recommendations that are not relevant to the Local Government sector or where the draft recommendation is supported without further clarification.

Key recommendations of concern that the submission opposes, seeks significant amendment or draws attention to are:

Regional Development

- Highlights that resourcing will be a critical consideration for developing any new regional service delivery model. To the extent that Local Governments are expected to play a greater role in facilitating and supporting place-based integrated service models, adequate funding must be provided to the sector to deliver on any additional responsibilities.

Planning and coordination

- Opposes extension of changes to Part 17 of the Planning and Development Act 2005 that give effect to the State Development Assessment unit beyond the current end date.
- Identifies practical examples of the failure of current arrangements to facilitate infill development where this is actively sought by Local Governments, to ensure proposed changes resolve the existing constraints.

- Extend the recommendation to identify and secure strategic sites through a recurrent fund for regional land acquisition to include support for delivery of infrastructure projects by Local Governments.

Water

- Seeks that the need for water to sustain public spaces is recognised

Waste

- Opposes state-wide application of the Waste Levy.
- Calls for all the funds generated from the Levy to assist in the implementation of the State Waste Strategy.
- Seeks waste to energy infrastructure and strategic location of waste facilities be identified.

Transport

- Opposes the proposal to amend the existing hypothecation of motor vehicle licence fee revenue, specifically to use this funding for public transport operational expenditure. Motor vehicle licence fee revenue is currently hypothecated to Main Roads WA under legislation and a portion of this provided under agreement for the maintenance, renewal and upgrade of roads under the control of Local Governments.
- Seeks regional aviation infrastructure be considered amongst strategic transport planning needs.

Health

- Funding for and clarity of the key role for Local Governments envisaged in the Sustainable Health Review is required. This is critically important in regional WA where there is a lack of GP and allied health services.

Attachments

- [Submission: Foundations for a Stronger Tomorrow](#)

Policy Implications

This submission draws on and consolidates policy positions previously endorsed by State Council.

Background

WALGA has advocated for and supported development of a long term State Infrastructure Strategy since at least April 2006. At the time, the Association provided a submission to the State Government development of a State Infrastructure Strategy focused on the key issues of planning, development, renewal, preservation and funding of the infrastructure that is vital to the economic and social development of the people of Western Australia. The Association provided comment on the Green Paper considering a State Infrastructure Strategy towards the end of 2006.

Infrastructure Australia was established in 2008 and State based infrastructure advisory bodies were established or revitalised in the following years.

In 2015 the WALGA State Council again endorsed a recommendation to advocate to the State Government to develop a long term State Infrastructure Strategy. Local Governments sought engagement with the State and Federal Government in transparent processes leading to efficient long term infrastructure planning.

The *Infrastructure WA Act (2019)* came into effect in July 2019, establishing Infrastructure WA for the principal purpose of providing advice and assistance to the Government on matters relating to infrastructure. Through a consultative process Infrastructure WA staff under the direction of the Board have developed a draft State Infrastructure Strategy titled Foundations for a Stronger Tomorrow.

Once finalised, the State Infrastructure Strategy will be submitted to the Premier later in 2021. The *Infrastructure WA Act (2019)* sets out the timetable for the Premier to respond and table the strategy and government response in Parliament.

All Local Governments have been invited to contribute to the development of the draft strategy through consultation forums, surveys and direct input. WALGA has participated in the External Stakeholder Reference Group and other topic specific workshops.

The draft State Infrastructure Strategy was released for consultation on 21 July 2021. The Association prepared an analysis and framework to facilitate engagement with and feedback from Local Government officers. This was published on 6 August with Local Governments and Regional Councils providing feedback over the following three weeks.

Input was received from 7 metropolitan and 4 non-metropolitan Local Governments.

- Augusta – Margaret River
- Belmont
- Canning
- Chapman Valley
- Dundas
- Esperance
- Gosnells
- Kalamunda
- Kwinana
- Rockingham
- Serpentine-Jarrahdale
- Vincent

Advice was also provided by East Metropolitan Regional Council.

The limited time frame made meant that some were unable to respond during the time period, particularly those for who the Infrastructure WA workshops were scheduled after the WALGA State Council meeting date.

Eighty four percent of the responses were provided by Band 1 or Band 2 Councils.

Due to the timing of the consultation period, the draft submission was considered and endorsed by WALGA State Council as an item under separate cover on 3 September 2021.

Comment

High quality infrastructure underpins our economic prosperity and many aspects of the lifestyle enjoyed by West Australians. This public infrastructure is provided by State and Local Governments. The establishment of Infrastructure WA in 2019 has opened the opportunity for a whole of State Government approach to the development of infrastructure proposals. However, it should also open the opportunity for stronger and structured engagement between State and Local Government to align the needs and opportunities at a regional and local level. Consequently Local Government should continue to contribute to the development of sound State infrastructure planning and delivery processes.

The draft State Infrastructure Strategy focusses on State Government managed infrastructure and State Government Department and agency responsibilities and processes. The Local Government sector could choose to not participate in the consultative processes, including this opportunity, offered by Infrastructure WA. However, Local Government typically relies on funding from State and Federal sources to contribute to infrastructure development and renewal. More importantly, regional and local economic development is closely linked to the provision of essential infrastructure-based services. For these reasons the Local Government sector through WALGA and directly should actively participate in the development of infrastructure strategies and plans.

Foundations for a Stronger Tomorrow identifies few capital investment projects. The specific projects noted are high profile and are most already on a development path. It is acknowledged that some Local Governments may be disappointed not to see specific projects that are key to unlocking the development potential of their area identified. However, this Infrastructure WA document is a high-level strategy. If adopted and successfully implemented, it will guide the processes to ensure greater value from future infrastructure investments.

The attached submission draws on advocacy positions previously adopted by WALGA State Council. The cross-cutting themes of Planning and Coordination and Regional Development are likely to have the most far-reaching implications across many aspects of Local Government.

6.9 Regional Telecommunications Review 2021

By Ian Duncan, Executive Manager, Infrastructure

RECOMMENDATION

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

Executive Summary

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

Attachment

- [Flying Minute: Regional Telecommunications Review 2021 Submission](#)

Background

In late 2019 WALGA collated examples and case studies highlighting the long-standing issue of telecommunication failures, particularly in regional and peri-urban areas and specifically during emergencies. Matters identified included:

- Blackspots (areas with no mobile phone coverage);
- Battery backup failures (both mobile towers and telephone exchanges);
- Outages (which have led to loss of landlines and mobiles during emergency situations);
- Telstra Notification Systems (that mean the telecommunications carrier is reliant on customers to advise there is no service)

Importantly these issues identified the inextricable link with power supplies in the provision of reliable telecommunications service.

A Regional Telecommunications Independent Review Committee (the Committee) is established every three years under Part 9B of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* to conduct a review into telecommunications services in regional, rural and remote parts of Australia.

The Committee for the 2021 Regional Telecommunications Review was appointed on 1 June 2021 and submissions were open until 30 September 2021.

In developing the submission, the Association sought the views of all Local Governments. Submissions were received from eight Local Governments and one Regional Council. Telecommunications issues were discussed at 16 WALGA Zone meetings during August 2021 with five Zones contributing formal resolutions.

WALGA staff attended and contributed three online consultative sessions conducted by the Committee during August and September. Local Government representatives also took the opportunity to provide input to the Committee's consultation sessions.

The Regional Telecommunications Independent Review Committee is particularly interested to hear views on:

- The reliability of local mobile and broadband services
- The role of telecommunications during COVID-19 and natural disasters
- The effectiveness of Government programs like the Mobile Black Spot Program
- How telecommunications can support regional development
- The potential of emerging communications technologies
- Ways to help regional consumers get connected, stay connected and use their connection

A submission was endorsed by State Council by Flying Minute on 29 October 2021.

Total invited to survey:	24
Total finished survey:	14

Endorse the Recommendation:	12
Endorse the Recommendation subject to comment below:	2
Do not endorse:	0

Additional information was added to the draft submission in response to the comments provided.

Comment

Feedback from members articulated very similar themes across rural, regional and remote WA, and peri-urban Perth.

15 recommended solutions were provided that address the key issues identified by Local Governments:

1. To ensure the requirements and accountabilities of the Universal Service Guarantee (USG) are met, immediate attention to the capability of Telstra's existing copper and wireless networks is required to address the core issues being faced regionally.
2. Investigate mechanisms to increase competition in the delivery of telecommunication to reduce the current monopoly experienced by a large areas of regional Australia.
3. Partnerships including all levels of government and industry to investigate and trial emerging technologies with the potential to deliver cost-effective mobile communications and power reliability ensuring trials are not constrained by the limitation of funds available via government programs.
4. Ensure that the Security Legislation Amendment (Critical Infrastructure) Bill 2020 expanded scope of the Act includes telecommunications critical infrastructure and that any new technologies that enable significant change to the delivery of telecommunications services in regional Australia need to be cognisant of the ongoing and real threat of cybersecurity on the security of infrastructure, personal and commercial data.
5. When developing funding programs ensure that power supply (including improved back up and Stand Alone Power Systems) is a key consideration to any solution sought, and that a

collaborative approach between power and telecommunication providers is essential to any funding application.

6. Guarantee engagement with Local Governments as a pre-requisite for input, particularly in regards to identification of local blackspots and optimum infrastructure locations.
7. Where approved signal boosters or enhanced telecommunication products are recommended by telecommunication carriers as the solution to achieve mobile connectivity, this equipment should be technically evaluated and funded rather than the consumer having to take all of the risks and fund this inequity.
8. A comprehensive community education program is required to ensure it is not assumed that the mobile phone network, land line telephones or nbnco based internet services can be relied on during or in the aftermath of emergencies. This program should offer solutions such as transistor radios that at least allow the community to receive (although not send) information during emergencies.
9. Leverage major regional road upgrades, such as the Tanami Road, to install fibre optic cable as part of integrated earthworks. This will lower the overall costs, increase accessibility and, in the case of the Tanami Road, potentially provide an alternative from the single line currently servicing northern Western Australia.
10. Broaden both the deployment and application of nbnco satellite services to all evacuation centres to ensure access to telecommunication not only during an emergency but to provide backup redundancy when fixed lines connections are experiencing outages.
11. Investigate the technology that facilitates quicker service restoration including locally or regionally located generators and the ability to connect them to telecommunications facilities, Cells on Wheels (COWs) and mobile exchanges on wheels (MEOWs). Analyse the transferability for a broader scale, long term solution.
12. Establishment of an independent telecommunications committee to address black spots and telecommunications issues in peri-urban and metropolitan areas.
13. Call upon the Commonwealth Government to:
 - a. fund the extension of fibre deeper into regional communities based on products similar to the Nbnco Enterprise Ethernet business product, and
 - b. ensure guaranteed prices charged by service providers are equivalent to those in a city CBD.
14. Request the Federal Government to fulfil the commitment of full mobile coverage on the North West Coastal Highway.
15. Request the Federal Government to ensure that the drawdown of data, particularly from autonomous vehicles used by the mining sector, doesn't compromise the quality and reliability of service.

Local Governments have clearly identified that telecommunications infrastructure is fundamental to basic service provision and economic development in all parts of the country. The proposed solutions go some way towards ensuring that choice, equity and sustainability of telecommunications services are provided to rural, regional and remote Western Australia.

6.10 WALGA submission on Guideline: Native Vegetation Referral, Part V Environmental Protection Act 1986 (05 095-03-0001 GM)

By Garry Middle, Acting Manager Environment Policy

RECOMMENDATION

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

Executive Summary

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

Attachments

- [Flying Minute – Guidelines Native Vegetation Referral, Part V Environmental Protection Act 1986](#)
- [WALGA's final submission on Draft Guidelines: Native Vegetation Referrals](#)

Background

On 5 July 2021 the Department of Water and Environmental Regulation (DWER) released the draft [Guideline: Native Vegetation Referrals \(the Guideline\)](#) for consultation by 30 July. WALGA was granted an extension to 6 August 2021.

The draft Guidelines provide information on the new clearing referral process introduced as part of the *Environmental Protection Act Amendment Act 2020* which removes the requirement for a clearing permit for low impact clearing and seek to help with the interpretation of the criteria set out in the *Environmental Protection Act 1986* (EP Act) for the assessment of these referrals.

To facilitate sector engagement on the draft Guidelines, WALGA distributed an InfoPage on 9 July, inviting comments from the sector by 22 July. Local Governments were encouraged to join in the DWER's on-line information session held on 19 July.

Officer comments on the draft Guideline were received from one Local Government, the City of Joondalup.

The final submission is consistent with WALGA's previous submissions on native vegetation regulation, in particular the [Environmental Protection Act 1986 \(EP Act amendments\) submission](#) endorsed by State Council in January 2020 and the [Native Vegetation in Western Australia Issues Paper submission](#) endorsed by State Council in February 2020.

The final submission was endorsed by State Council via Flying Minute.

Comment

In reviewing the draft Guidelines, WALGA focused on whether the Guidelines provide adequate detail on what type of clearing activities could be considered low impact and how DWER would determine the outcomes of the referral.

WALGA's Submission noted that the new referral process has the potential to improve the efficiency of meeting the regulatory requirements for some essential clearing activities undertaken by Local Governments, such as small scale road upgrades, improving sightlines, the extension of crossovers or other minor infrastructure projects.

However, the format and content of the draft Guidelines was found to be confusing, and recommendations were made to provide further detail in the Guidelines on the criteria for determining what is low impact clearing.

The Submission also acknowledged that the determination criteria are designed to ensure that only low impact clearing activities proceed without a clearing permit and that some Local Governments, particularly those on the Swan Coastal Plain and in the Wheatbelt, will be less likely to be able to utilise the new referral pathway. In this context WALGA reiterated its documented position on the need for further improvements and efficiencies to the regulatory process for native vegetation clearing, including:

- increased State Government investment in the collection and provision of better information to support regulatory processes;
- the implementation of a more strategic approach to the management of native vegetation in Western Australia, particularly for priority bioregions such as the Swan Coastal Plain and the Wheatbelt; and
- the allocation of dedicated staff within the Department to assist Local Governments with the native vegetation clearing referrals and permits process (noting the sector is second only to the State Government in the number of clearing permit applications submitted annually).

6.11 WALGA submission on Draft Native Vegetation Policy for Western Australia (05-095-03-0001 GM)

By Garry Middle, Acting Manager Environment Policy

RECOMMENDATION

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

Executive Summary

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

Attachment

- [Flying Minute: WALGA Submission on Draft Native Vegetation Policy for Western Australia](#)

Background

The draft [Native Vegetation Policy](#) for Western Australia was released on Monday, 30 August. This policy is one of four key initiatives in the 2019 [Native Vegetation in Western Australia Issues Paper](#). The Department of Water and Environment Regulation (DWER) also released a document [summarising feedback on the Issues Paper, submissions](#) and [Explanatory Notes](#) on how feedback on the Issues Paper is reflected in the Draft Policy and including answers to Frequently Asked Questions.

To facilitate sector engagement, WALGA:

- Alerted the sector to the release of the discussion paper and draft Bill in November 2019 via an article and InfoPage in WALGA newsletters and by direct email to key contacts;
- Facilitated an information session with DWER on 7 September 2021, which was attended by 61 Local Government staff representing 43 Local Governments from 10 different Zones. The information session was followed by a workshop, where participants were asked to respond to the following questions:
 - How could the Draft Policy be strengthened to support Local Governments to manage native vegetation?
 - What aspects of the Draft Policy are problematic for Local Government?
 - What is missing from the Draft Policy?
- Provided a draft submission to the sector on 21 September, for feedback by 5 October. The submission considered matters raised in past submissions (listed in the attachment) and comments made by participants at the workshop held on 7 September.

Officer comments were received from eight Local Governments: City of Busselton, City of Cockburn, City of Greater Geraldton, City of Kalamunda, Town of Mosman Park, Shire of Murray, Shire of Serpentine-Jarrahdale and the City of Vincent. Changes were made to the draft in response to this additional feedback, including comments received after the draft submission was sent to the Environment Policy Team.

The draft submission was considered by the Environment Policy Team out of session and endorsed by State Council via Flying Minute.

Comment

The Draft Native Vegetation Policy seeks to provide mechanisms for coordinating whole-of-state government management of native vegetation by defining the guiding principles, strategies and approaches to achieving the proposed outcomes.

Whilst it is primarily aimed at State Government agencies and on developing a whole of government response, many aspects are of interest to, or have implications for, Local Governments.

The Draft Policy provides a further opportunity to realise some of the changes in the current practice of native vegetation management advocated for in WALGA's submission on the Native Vegetation Issues Paper and other forums.

WALGA's submission focuses on the aspects of the policy which are of interest to or have implications for Local Government. WALGA's draft submission provides comments on the format of the Draft Policy, raising concerns over its complexity, lack of clearly defined objectives and makes 19 recommendations.

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

By Garry Middle, Acting Manager Environment Policy

RECOMMENDATION

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

Executive Summary

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

Attachment

- [Flying Minute – Submission on Cost Recovery Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority](#)

Background

Recent amendments to the EP Act have included a head of power to allow the EPA to impose cost recovery fees on proponents for carrying out environmental assessments of their proposals (not including assessment of planning schemes). DWER is seeking feedback and comment on the [discussion paper implementing this cost recovery as well as draft Regulations](#), by 22 October 2021.

To facilitate sector engagement WALGA:

- Alerted the sector to the release of the discussion paper and regulations on 23 September 2021, inviting them to register for the webinar and workshop and contribute to WALGA's submission; and
- Hosted a webinar and workshop attended by officers from 21 Local Governments on Friday, 1 October 2021, where DWER officials provided further information on the proposed cost recovery model.

Officer comments were received by 10 Local Governments: City of Bayswater, City of Bunbury, City of Cockburn, Shire of Dardanup, Shire of Denmark, Shire of Harvey, City of Joondalup, Shire of Ngaanyatjarraku, Shire of Wandering, and Shire of Wongan-Ballidu. An Elected Member from the Shire of Toodyay also provided comment.

The draft submission was considered by the Environment Policy Team out of session and endorsed by State Council via Flying Minute.

Comment

Most Local Government proposals have not historically required EPA assessment under Part IV of the EP Act - since 1991 there have been 28 proposals by Local Governments that have been subject to EPA assessments, including for road constructions, waste disposal sites, and coastal infrastructure. However, WALGA's submission includes two case studies of Local Government proposals that were and are currently being assessed by the EPA that demonstrate that the fees to be imposed would likely range from \$200,000 to over \$500,000. There are also charges for changes to conditions and proposals after assessment which range from \$60,000 to \$90,000.

The submission notes that the imposition of cost recovery fees of this scale could impact the cost/benefit analysis of Local Government projects to such an extent that a project that provides a public good may not proceed due to the additional charges.

Further, WALGA's submission argues that most Local Government proposals that could be subject to an EP Act Part IV assessment are for the provision of essential public infrastructure. These projects are for public, not private, benefit, are endorsed activities either through State and Local Planning (e.g. roads and waste treatment facilities) and provide benefits beyond the local area at a regional and State level.

The submission strongly recommends that cost recovery for these proposals should be exempt from cost recovery and fees should be waived.

6.13 Student Transport Assistance Policy Framework Inquiry – WALGA Submission (05-005-03-0013 ID)

By Ian Duncan, Executive Manager, Infrastructure

RECOMMENDATION

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

Executive Summary

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

Attachment

- [Flying Minute – Student Transport Assistance Policy Framework Inquiry](#)

Background

The Public Accounts Committee of the WA Legislative Assembly is conducting an inquiry into the Student Transport Assistance Policy (STAP) framework. The STAP framework is applicable to students receiving Western Australian State Government transport assistance under the following conditions:

- Students live in rural areas and attend mainstream government and non-government schools, or
- Students have special needs and attend education support schools and centres provided by government and non-government agencies.

Submissions must be made by the Friday, 29 October and can address specific elements of the STAP Terms of Reference or the issues generally.

Comment

In brief, the policy recommendations in the draft submission are as follows:

1. Effective processes should be in place to ensure that Local Governments and Main Roads WA Heavy Vehicle Services are made aware of proposed changes to school bus routes.
2. The value of re-establishing school bus advisory committees or an alternative formal process for regular (perhaps annual) engagement between the PTA Contract Officer, Local Government, school and bus contractors should be evaluated.
3. The principles set out in the Agreement between WALGA and the Public Transport Authority Defining Roles and Responsibilities for Planning, Installation and Maintenance of Bus Stop Infrastructure (2018) should guide the approach to provide access for students with physical mobility issues.

4. The policy should provide guidance concerning how the health of a town (district) or remote community is considered in developing and applying the policy.
5. The inquiry should consider the option of providing students the choice of reliably accessing bus services, where these exist, to schools other than the closest school.

This draft submission has been reviewed and supported by the Infrastructure Policy Team and was endorsed by State Council via Flying Minute.

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 December 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 and Sustainability Project Update

47 Local Governments have made declarations acknowledging that climate change is occurring, and that climate change will continue to have significant effects on the WA environment, society, economy, and Local Government sector. Many of these Local Governments have adopted environmental policies with carbon neutral targets included. WALGA was requested by its Members to explore alternative options for a whole of sector energy arrangement to assist to collectively reach these emission targets.

An application for authorisation for a 15-year joint energy purchasing group has been approved by the ACCC for this project.

With the support of a steering committee, WALGA has concluded a Tender process and presented offers to 51 participating Members. Participants have until 18 November to confirm their acceptance of this offer. If the collective threshold of 60GWh is met, then this collaboration will proceed to contract to deliver access to renewable energy and a collective cost saving estimated at \$5 million per annum.

The initial phase of the project is adopting locally sourced renewable energy derived from Albany Wind Farm, Collgar Wind Farm and Emu Downs Wind Farm. A complete renewable adoption from the sector resulting from the initial tender is the carbon reduction equivalent to planting 14 million new trees.

The offer has been designed for integration and encouragement of existing and new Local Government infrastructure or efficiency projects with full flexibility to adapt future joint ventures with other organisations in the community. By collaborating, aggregating, and aligning our energy, renewable and carbon spending, the sector is best positioning itself as a leading industry sector to achieve net zero energy policy targets. The project represents new innovation and capability within energy procurement for both the Western Australian market and nationally.

Following completion of the first stage of the project, which is scheduled as a phased transition and three-year initial contract term commencing April 2022, work will commence on further activity including the future evolution of a PPA (Power Purchase Agreement), spend modelling analytics and carbon reporting, carbon offsets, and other aggregate sustainability procurement in areas such as alternative fuels, EV's and fleet.

Commercial Management

PSP Annual Report

Annual report data for the Preferred Supplier Program (PSP) has been delivered to Members. During the 2021 Financial Year the program delivered \$358 million of goods, services and works, providing estimated savings of \$36.2 million. Additional benefits are realised through a reduction in administrative activities, alongside the added value of contract management oversight, due diligence and risk mitigation. More than 1,500 supplier engagements were facilitated through WALGA's eQuotes portal during the year. The annual activity was achieved during a period of significant market disruption due to COVID-19, and concurrent to a procurement transformation that has shifted the WALGA PSP activity into a new and more agile operating structure.

Member Engagement

The Contract Management team continues with Member engagement to support use of the WALGA PSP. During the quarter of July to September, there were 17 Member visits to the following regional Members via road trip activity:

- City of Albany
- Shire of Boddington
- Shire of Brookton
- Shire of Broomehill-Tambellup
- Shire of Cranbrook
- Shire of Cuballing
- Shire of Denmark
- Shire of Dumbleyung
- Shire of Gnowangerup
- Shire of Jerramungup
- City of Karratha
- Shire of Kondinin
- Shire of Kulin
- Shire of Lake Grace
- Shire of Narrogin
- Shire of Plantagenet
- Shire of Wickelup

Since the start of 2021, more than 120 Member visits have been made by the Commercial Management Contract Managers. Additional visits have been made for the Energy Sustainability project that are specific to presenting specific offers to participants.

LGIS Contract Management

The LGIS Annual Report has been adopted and is now published.

A new LGIS Scheme Management Agreement is currently under negotiation between WALGA and JLT. This will, among other changes, provide for:

- fixed fee broking, with Commissions paid back into Scheme;
- fixed contract term; and
- regular WALGA review of Management and Broking Fees to confirm Value for Money.

Marketing and Communications Convention

The 2021 WA Local Government Convention and Trade Exhibition was held from Sunday, 19 September to Tuesday, 21 September at Crown Perth. There were 500 registered delegates for the event, with 81 companies participating in the Trade Exhibition. The Convention Gala Dinner was held at Optus Stadium and included the launch of To Dwell in Unity, the book commemorating the sesquicentenary of Local Government authored by Dr Chris Berry and supported by WALGA and the Department of Local Government, Sport and Cultural Industries. It is anticipated that net profit from the event will slightly exceed budget, in the main due to less expenses with COVID-19 related changes to speakers impacting speaker fees.

Electoral Reform Campaign

At direction of State Council, WALGA engaged in a campaign to present the sector's position regarding the State Electoral reform process. The West Australian column placement was utilised for this purpose, with two editorials from State Councillors - Shire of Cue Deputy President Les Price and Serpentine Jarrahdale President Cr Michelle Rich. An eight-week campaign on social media was employed to create awareness of the sector position under the tagline 'One Vote One Value – Does Not Add Up'. Google display and Facebook Advertising were used across five different creative treatments; with over four million impressions achieved via Google ads and another 80,000 on Facebook. Google ads attracted 1,210 clicks and Facebook advertising a further 9,600.

Local Government Elections Campaign: Be a Vocal Local

Together with the Department of Local Government, Sport and Cultural Industries, WALGA engaged in a two-phase campaign around Local Government Elections. Under the tagline 'Be a Vocal Local', the campaign was split into a 'Stand' phase encouraging individuals to consider standing as candidates in the elections and the second 'Vote' phase encouraging participation in the elections on Saturday, 16 October. Two separate creative treatments were employed with television advertisements run in the weeks prior to close of candidate nominations and again prior to election date, in conjunction with print and social media placements. The two phases attracted a total of 1.35 million impressions on Google ads and reach of another 100,000 on Facebook.

Awards

WALGA is a national finalist in the Australian Marketing Institute awards for the Association's Marketplace initiative and campaign that attracted the participation of 10,000 small businesses to share in \$41 million in Local Government spending in 2020. The project is a finalist across two separate categories of Acquisition Marketing and Public Sector Marketing.

The WALGA Commercial Team was runner up in the national Procurement and Supply Australia award for the Procurement Team Transformation Award 2021.

New Website

Work is progressing on new site architecture and functionality for a refresh of the WALGA website including integration with the Preferred Supplier CRM and updated search functionality, with the new site anticipated to be complete by the end of the year.

7.1.2 Report on Key Activities, Governance and Organisational Services Unit (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 Business Unit to the September 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 and Strategy & Association Governance

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

Strategy and Association Governance

Elected Member Superannuation Policy Proposal

WALGA has been canvassing the Local Government sector in relation to a [draft policy proposal](#) for Local Government Elected Members to be entitled to receive superannuation.

The proposal references reforms in other Australian jurisdictions and, based around equity and diversity arguments, contends that Elected Members should be able to receive superannuation.

Specifically, the proposal argues that payment of superannuation to Elected Members:

- aligns with the goal of the superannuation system;
- recognises the opportunity cost of Elected Members to undertake other income earning activities; and
- could increase nominations for election to Council from traditionally under-represented cohorts.

Feedback from the Local Government sector so far has been mixed. A number of Local Governments support the proposal in line with the arguments summarised above. Case studies of professionals sacrificing paid employment opportunities to serve on Council have also been received during the feedback period.

A number of Local Governments oppose the proposal on the basis that serving on Council is a voluntary act of community service, and that the proposal would confuse the role of Elected Members with that of employees. While this is not the case, as board members are typically entitled to superannuation, this feedback is noted.

Due to the consultation period being undertaken during Local Governments' caretaker and electoral period, Zone and State Council consideration of this issue has been deferred for this round of meetings pending further discussion and engagement with the Local Government sector.

Governance and Procurement

New Councillor Inductions

WALGA has been requested to assist individual Local Governments with the induction of newly elected members. The Governance and Procurement team focus the induction presentations on an introduction to the 5 Council Member Essentials training modules, to raise awareness of each modules content and encourage early participation undertaking this training obligations.

In addition to assisting individual Local Governments, a sector New Councillor Seminar will be held on Friday, 12 November at the Perth Convention & Exhibition Centre.

Employee Relations

New Industrial Relations Legislation Amendment Bill 2021

Currently 109 Local Governments and 6 Regional Councils (totaling 79% of the sector) operate in the Federal industrial relations system. In 2020, the WA Government introduced the *Industrial Relations Legislation Amendment Bill 2020*, which sought to require all WA Local Governments to operate in the State industrial relations system. The 2020 Bill was not passed before the final sitting day of Parliament in 2020.

The *Industrial Relations Legislation Amendment Bill 2021* (IR Bill 2021) was recently tabled again in WA Parliament on 20 October 2021. The progress of the IR Bill 2021, the text of the Bill and Explanatory Memorandum can be viewed on the WA Parliament website [here](#). The IR Bill 2021 seeks to enable a declaration to be made that WA Local Government authorities are not “national system employers” under the *Fair Work Act 2009* (Cth).

WALGA is continuing to advocate for the State Government to provide funding in accordance with the [Immediate Priorities for the State Government](#) document.

State IR Transition Bulletin

WALGA Employee Relations released its first monthly State IR Transition Bulletin to the sector on 19 October 2021. The purpose of the Bulletin is to provide the sector with key information on the proposed transition of WA Local Governments and Regional Councils to the State industrial relations system. The October Bulletin can be viewed [here](#).

The first webinar in an upcoming series of webinars on the State IR Transition was held on Tuesday, 16 November 2021 for subscribers to the WALGA Employee Relations service. The purpose of this webinar was to explain the key differences between the Federal and State minimum employment standards.

WA Government’s Mandatory COVID-19 Vaccination Policy

WALGA Employee Relations service has been receiving a high number of queries regarding the State Government’s proposed mandatory COVID-19 vaccinations policy and the impact on Local Government employees. WALGA Employee Relations released an FAQ document for subscribers to the service on 22 October 2021 which will be updated as the advice on vaccinations progresses with the release of any Government Directions and new relevant case law.

Breakfast Seminar: HR Responses to COVID-19

WALGA hosted a Breakfast Seminar on Friday, 29 October 2021 to discuss the challenges Local Government CEOs and HR experience in responding to COVID-19 and the State Government’s mandatory vaccination policy. 29 Local Government officers attended the breakfast and a further 56 participants attended via webinar.

The following presentations were delivered at the Seminar:

- Nick Sloan presented on the occupation areas to be covered by the mandatory vaccination directions and WALGA’s advocacy in this space.
- Samantha Maddern (Partner, Mills Oakley) presented on mandatory vaccinations, privacy when collecting vaccination information, key legal risks and recent case law precedent.
- A panel discussion was held with Nick Sloan, Samantha Maddern, Wayne Jack (CEO, City of Kwinana), Jemma Illes (Executive People Experience and Transformation, City of Cockburn), and Sue Wiltshire (Manager Human Resources, City of Kwinana). The purpose of the panel was for Local Governments to share their experiences about how they are managing COVID-19 and vaccinations in the workplace, including incentivising employees to be vaccinated, and to provide the audience with an opportunity to ask questions of the panellists.

WALGA Salary and Workforce Survey 2021

Data collection for the annual WALGA Salary and Workforce Survey 2021 closed on 2 November 2021. Approximately 66 Local Governments commenced the survey and will be able to review the Survey Report and online dashboard of remuneration and workforce data in early 2022.

Training

Enquiries and bookings are in full swing after the recent Council elections. WALGA Training is seeing a big increase for in-house training requests for both officers and Elected Members and current courses at WALGA are well attended.

The WALGA Training team with the support of the Governance team and our product developers have completed the full review of all Council Member Essentials training materials for both the eLearning and face-to-face learning resources to capture the latest legislative and regulatory changes. We have conducted specialised training with our approved WALGA trainers to ensure the new materials are being delivered to the highest and most current standard.

We would like to sincerely thank all members who have contribute to the course review through the Industry Advisory Groups. The feedback we have received during the consultation phase has been very insightful and helpful to ensure our training meets the need of industry.

For November we have two new courses in our program:

- The Role of Mayors and Presidents – 24 November 2021
- Emergency Management for Local government Leaders 25 November 2021

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 December 2021 State Council meeting be noted.

Roads

Condition Assessment of Roads of Regional Significance

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. Talis Consultants are progressing the second phase of the project covering the Great Southern and Goldfields-Esperance regions that is scheduled for completion in November. 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. It is proposed to cover the Wheatbelt regions in the next phase which is scheduled for the start of 2022.

Road Safety Management System

WALGA, Main Roads WA and the South West Regional Road Group have finalised 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. The South West Regional Road Group will consider the revised guidelines and model. This is an important pilot to deliver 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. With agreement from the Regional Road Group chairs, WALGA will examine the common elements of the prioritisation guidelines and multi criteria assessment models for all of the regions and develop a standard template for including road safety in the prioritisation process for setting the annual roads program for each region. Any changes will need to be supported by the relevant Regional Road Group.

Road – Rail Interface Agreements

WALGA, Main Roads WA and the Public Transport Authority (PTA) have made substantial progress toward developing a revised 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, once finalised.

Transport and Roads Forum 2022

Due to repeated COVID-19 related postponements, the Transport and Roads Forum was cancelled for 2021. A 2022 event is now scheduled for Wednesday, 30 March 2022, and program planning has begun.

Local Government Road Research Program

WALGA and Main Roads will be developing a research program that will deliver guidance to Local Governments to assist in the adoption of technologies and practices that will enhance productivity and delivery of roads and transport initiatives. WALGA is currently collecting topic proposals that will then be prioritised by an operations team of Local Government practitioners.

eRideables Regulations

WALGA successfully advocated for the State Government to discuss with Local Governments proposed changes to regulations that would legalise the use of e-scooters and similar devices on paths and some public roads. This presentation to Local Government officers was held on Friday, 29 October.

Urban and Regional Transport

Temporary Traffic Management

WALGA has arranged a workshop on 7 December for Local Government officers involved in designing, implementing or approving temporary traffic management. This will cover updates to Australian Standard 1742.3, changes to the Austroads Guide to Temporary Traffic Management as well as the key Main Roads WA documents and policies that have been updated. There will also be an opportunity to discuss contemporary Local Government practices.

Regional Roadworks Signage Review

Recommendations from a working group, that included WALGA, overseeing a review of regional roadworks signage, presented a report to the Minister for Transport in August. The State Government announced in October that it had accepted all the recommendations. The data and trends in other jurisdictions indicates that effective identification and treatment of risks to road users and road workers is required, even on low volume rural roads. Changes proposed will be reflected in the Codes and Standards that guide temporary traffic management for road works.

Road Safety

Road Safety Council Update

WALGA hosted the September meeting of the Road Safety Council. In his welcome address, WALGA CEO, Nick Sloan, acknowledged the Driving Change Road Safety Strategy 2020-2030 and the role of the Road Safety Council in leading the collaboration and coordination of that effort. Nick emphasised the critical role of Local Governments, as partners in creating a safe road transport system, and outlined WALGA's approach to supporting Local Governments in that role.

Members welcomed back Iain Cameron, following his reappointment as the Chair of the Road Safety Council. Matters considered at the meeting included:

- the Section 13 report which is tabled in Parliament each year;
- the Road Trauma Trust Account budget process for 2022-23;
- the priorities and three-year deliverables for Driving Change;
- Council governance; and
- the sustainability of the Road Trauma Trust Account.

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 December 2021 State Council meeting be noted.

Economics and Strategic Projects

Immediate Spending Priorities for the WA Government

WALGA recently prepared a strategic policy platform identifying the immediate spending priorities for the McGowan Government in its second term.

The document encourages the Government to use the State's strong financial position to build upon the success of its COVID-19 Recovery Plan, and further invest in areas that will ensure that the State is well placed to address looming economic, environmental, and social challenges. These initiatives primarily relate to the extension or expansion of existing successful State Government programs in areas including climate change adaptation, waste management, small business support, underground power and housing.

The document was provided to the State Government in advance of the 2021-22 Budget and will form an important policy and advocacy platform for this term of Government.

WALGA has received positive responses from a number of Ministers and Directors General, including:

- Hon John Carey, Minister for Housing; Local Government
- Emily Roper, Director General, Department of Premier and Cabinet
- Mike Rowe, Director General, Department of Communities.

Economic Briefing

In October, WALGA released its latest Economic Briefing, which contained updated forecasts for the Local Government Cost Index (LGCI). Costs faced by Local Governments are expected to rise in coming years largely as a result of capacity constraints in the construction sector. WALGA's latest forecasts indicate that the LGCI will grow by 3.5% in 2021-22, and 2.6% in 2022-23. Given challenges with forecasting in the current environment, WALGA is urging caution when using the LGCI, and encouraging Local Governments to take into account their own local issues and experiences when considering cost pressures and prepare multiple scenarios for cost increases coming years.

Environment

Submissions to State Government initiatives

WALGA prepared submissions on three significant State Government initiatives: Draft Native Vegetation Policy; Cost Recovery Regulations for Environmental Protection Authority (EPA) assessments under Part IV of the *Environmental Protection Act 1986* (EP Act); and draft Guidelines for the new referral process for clearing native vegetation with low impact.

The Draft Native Vegetation Policy seeks to provide a mechanism for coordinating whole-of-State Government management of native vegetation. WALGA's submission focused on the aspects of the policy which are of interest to, or have implications for, Local Government. The Submission raised concerns over the Policy's complexity and lack of clearly defined objectives. Other recommendations focused on support for a regional approach to managing native vegetation and the goal of net gain in vegetation cover provided it doesn't place unreasonable constraints, costs and delays for activities undertaken by Local Government.

WALGA's Submission on the Cost Recovery Regulations noted that most Local Government proposals have not historically required EPA assessment under Part IV of the EP Act, but that if such proposals were subject to cost recovery, the estimated cost of those assessments would be between \$200,000 to over \$500,000. WALGA's Submission argued that most Local Government proposals that could be subject to an EP Act Part IV assessment are for the provision of essential public infrastructure which are for public, not private, benefit, are endorsed activities either through State and Local Planning (e.g. roads and waste treatment facilities) and provide benefits beyond the local area at a regional and State level. For these reasons, cost recovery for these proposals should be exempt from cost recovery and fees should be waived

The draft Guidelines relate to a new clearing referral process introduced as part of changes to the EP Act introduced in November 2020 which removes the requirement for a clearing permit for low impact proposals. WALGA's Submission reiterated its support for this new referral process on the proviso that environmental outcomes are not negatively affected but recommended that greater clarity is needed regarding the type of clearing that would be considered under the new referral process.

Planning and Building

Planning Showcase

WALGA hosted the inaugural Local Government Planning Showcase on Tuesday, 21 September at Crown in conjunction with the Local Government Convention. Over 100 Local Government planning officers were in attendance and heard from eight speakers on a range of topic, including a legal update from McLeod's and a contemporary approach to protecting significant trees through the planning system from the Town of Bassendean. A survey of attendees' post event found universal satisfaction with the event, its format and strong willingness to attend in future years. A repeat of the event is planned for 2022.

Water State Planning Policy Officers Session

In August 2021, the WAPC released draft SPP 2.9: Planning for Water for public comment. As part of WALGA's consultation with members a webinar was held. The purpose of this event was to:

- understand the key policy changes;
- identify how these changes are expected to effect on-ground outcomes and Local Government processes; and
- identify key areas of support and improvement for inclusion in WALGA's Submission.

The webinar included a presentation by the water policies team from the Department of Planning, Lands and Heritage. Participants included Local Government planners, engineers and other officers with water related responsibilities. Over 70 officers from 40 Local Governments attended the webinar.

Patio Fire Fuel Load National Construction Code Project

The purpose of this project is to address the historical application of the National Construction Code (NCC) carport exemption to patios when assessing the setback requirements for fire safety in Western Australia. Most building surveyors have applied the National Construction Code carport exemption to patios when assessing the requirements for patios based on setback provisions in previous WA State legislation such as the *Uniform Building By-Laws* and the *Miscellaneous Provisions Act* which pre-date the adoption of the NCC and the *Building Act 2012*. The setback provision allowed for in the carport exemption is also consistent with the setback requirement for patios deemed to comply in the R Codes. In recent years, following the flammable cladding audits and the release of the Shergold Weir - Building Confidence Report, Local Governments (and building surveyors in general) have become more aware of governance procedures and the importance of risk analysis in their decision making.

Local Government building surveyors have asked that WALGA help facilitate a state variation to the NCC to permit the current practice to continue. They have expressed that this would help to ensure that there is a consistent approach across the sector rather than Local Governments taking individual action. Department of Mines Industry Regulation and Safety (DMIRS) was contacted regarding this issue and were aware of the current practice in the sector and broader industry, but initially advised

that evidence would need to be included from a suitably qualified professional such as a Fire Safety Engineer. To obtain this evidence WALGA, in collaboration with eight members, engaged a qualified fire safety engineer on behalf of the sector to provide the fire load data. DMIRS has now contacted WALGA and is willing to jointly develop a proposal for change to the NCC or a regulation change for Western Australia based on the fire report and historical data collated by WALGA. The change in DMIRS position is a significant advocacy win for the sector.

DAP Dashboard Data Update

WALGA's Development Assessment Panel Dashboard has been recently updated to include all decisions made in the 2020/21 financial year. The dashboard is used to inform WALGA's ongoing advocacy around DAPs and highlight opportunities to improve the system. The dashboard can be accessed [here](#)

Resilient Communities

Work Health and Safety (WHS) and Local Government Volunteer Bushfire Brigades

On 31 August WALGA and LGIS delivered a webinar on the new WHS legislation which was attended by more than 140 people from 80 Local Governments. A panel of presenters from LGIS, Department of Fire and Emergency Services (DFES), McLeod's Barristers and Solicitors, and the City of Mandurah shared their knowledge and experience in relation to the new legislation, work health and safety obligations, and volunteer training and management of volunteer bushfire brigades. The webinar and presentations are available on the WALGA website [here](#) and a FAQ document is being developed jointly by LGIS and DFES. LGIS has also prepared a Volunteer Handbook and CEO Briefing Note on the WHS legislation. It was apparent from the level of interest and issues raised that there is a need for WALGA to continue to work in partnership with LGIS, DFES, and other stakeholders to provide information and support to Local Governments and ongoing work is underway.

Aboriginal Engagement and Reconciliation Forum, 22 September

WALGA hosted its annual Aboriginal Forum on Wednesday, 22 September. This year, the forum was themed 'Doontj Doontj Come Together' and focussed on how Local Governments can develop strong, ongoing relationships with local Aboriginal communities, create opportunities for empowerment and celebrate success. This year's Forum attracted its largest crowd since the event commenced in 2017, with over 230 attendees representing 51 Local Governments, 11 State Government Departments and many other stakeholders. A highlight of the day was the presentation by Danjoo Koorliny sharing the key message '*Aboriginal culture is based on now and the past. What changes do we want to see today, in this moment?*'. With the feedback received from participants, WALGA will continue to work with key stakeholders, such as the Department of Premier and Cabinet, Department of Lands and Heritage, Department of Local Government, Sport and Culture Industries and the Aboriginal Reconciliation Network members, to build on the success of this year for 2022.

Homelessness Update

On Tuesday, 7 September WALGA hosted a Webinar delivered by the Department of Communities to provide information for Local Governments on the Local Government Partnership Fund for Homelessness. The fund will provide one-off finance co-contributions towards new initiatives that are identified and led by Local Governments to respond to and prevent homelessness. Over 30 metropolitan and regional Local Government officers participated. Applications closed on Friday, 15 October. WALGA is represented on the assessment panel which will consider applications in November 2021.

Shelter WA has been awarded a Lotterywest grant to undertake a project to develop a Local Government Homelessness Knowledge Hub which will provide information and resources to assist Local Governments address homelessness. Shelter WA is in the process of employing a Project Officer to develop the resource. The project will take approximately 12 months to complete. WALGA is a member of the project reference group, along with several Local Governments with significant experience across a range of homelessness responses and strategies including the City of Perth, City of Rockingham and City of Mandurah.

7.2 Policy Forum Report (01-006-03-0007 TB)

By Tony Brown, Executive Manager, Governance and Organisational Services

The following provides an outline of the key activities of Policy Forums that have met since the last State Council meeting.

RECOMMENDATION

That the report on the key activities of WALGA Policy Forums to the December 2021 State Council meeting be noted.

The Mining Communities Policy Forum has been re-established and will review the Terms of Reference and consider the following issues;

- Review of the Environmental Regulations for Mining Review of the *Mining Act 1978* (2021 AGM resolution refer to Agenda item 5.3):
 1. *To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*
 2. *That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.*
- *Review of the Mining Act 1978 concerning with a view to maximising the benefits to local communities and its impact on local communities; and the Mining application process to include a mandatory MOU with the Local Government which would be overseen by the Auditor General to ensure fairness to the Community by having the mining company contribute to local infrastructures as a Legacy project (Mining Communities Policy Forum, previous meeting).*
- State Agreements (Peel Country Zone)

That the Policy Team considers the merits of the following:

1. Adopt a policy position advocating that the State Government prepare and publish a toolkit to assist Local Governments in working with mining operators bound by State Agreements.
 2. Advocate that the State Government initiates a review of State Agreement Acts to ensure their currency and compliance status.
 3. Advocate that the Minister for the Environment amend the membership of the Mining and Management Program Liaison Group (MMPLG) to include representation from affected Local Governments.
- Location of mining airstrips (Pilbara Country Zone)

The Pilbara Zone considers the location of mining airstrips close to existing local government airports is a major risk to both the services provided and the overall viability of those Local Government airports and requests that WALGA:

1. Advocates to the State Government to amend C7 of the Draft Aviation Strategy to provide a clearer policy framework for the approval of jetports which consider the location of the nearest regional airport.
2. Strongly recommends that the State Government should not allow new mining airstrips within a radius of (WALGA to find Queensland benchmark on this distance) km.

3. Expresses the security concerns and unfair competition that arises when mining companies avoid security screening of passengers and baggage by using charter rather than RPT aircraft
4. Investigates current legislative impediments to limiting construction of mining airstrips within a certain distance of regional towns

The Forum is scheduled to meet on Monday, 8 November and an update report will be prepared for the next State Council agenda.

STATUS REPORT ON STATE COUNCIL RESOLUTIONS To the December 2021 State Council Meeting

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p>3 September 2021 Item 4.1 Protocols for State Councillors Contesting State or Federal Elections</p>	<p>1. In the event the WALGA President or State Councillor contest a State or Federal Election, in order to manage any perceived conflicts of interest, the following is hereby inserted into the Corporate Governance Charter:</p> <ul style="list-style-type: none"> • Ministerial Meetings – the Deputy President or relevant Policy Team Chair to accompany the President to all Ministerial Meetings; • Parliamentary Commitments – the Deputy President or relevant Policy Team Chair to accompany the President to all WALGA related meetings with Members of Parliament; • Media releases and responses – the Deputy President to be consulted in-conjunction with the President on all media responses and media releases with State or Commonwealth policy implications; and • Ministerial Letters – the Deputy President to be included on consultation on proposed correspondence to State and Commonwealth Ministers. • In the event of WALGA's advocacy position presenting a conflict of interest to the President in the combined judgement of the Deputy President and CEO, the Deputy President provides and responds to any public comment. <p>2. State Council request the CEO to provide a report to a future State Council meeting recommending amendment to the Association's Constitution to deal with matters related to State Councillors Candidature for State or Federal elections.</p> <p>RESOLUTION 262.5/2021</p>	<p>1. WALGA's Corporate Governance Charter has been updated.</p> <p>2. A report will be prepared for State Council for the December 2021 State Council meeting.</p>	<p>December 2021</p>	<p>Tony Brown Executive Manager Governance & Organisational Services</p>

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
3 September 2021 Item 5.1 External Oversight of Local Level Complaints	That WALGA advocate for an external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework. RESOLUTION 263.5/2021	Correspondence has been sent to the Minister for Local Government advocating for this position.	Ongoing – November 2021	Tony Brown Executive Manager Governance & Organisational Services
3 September 2021 Item 5.2 Tender Exemption Provisions – General Practitioner Services	That WALGA: 1. Adopt a new Advocacy Position Statement under ‘Local Government Legislation - Tender Exemption General Practitioner Services’: <i>WALGA advocates for the inclusion of a tender exemption for General Practitioner (GP) services under Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996, to support Local Governments to secure and retain necessary primary health care services for their communities; and</i> 2. Undertake additional research in support of the Advocacy Position with the following aims: a. Identify State and Federal Government policy settings and other factors contributing to gaps in primary health care services in regional communities; and b. Quantify the number of regional Local Governments that have current contracts, or are proposing to enter into contracts, for General Practitioner services and the associated costs to Local Government incurred. RESOLUTION 264.5/2021	1. Correspondence has been sent to the Minister for Local Government advocating for this position. 2. Further research is carried out as per this resolution.	Ongoing – November 2021	Tony Brown Executive Manager Governance & Organisational Services
3 September 2021 Item 5.3 Phase 2 Planning Reform Submission	That the submission to the Department of Planning, Lands and Heritage on Phase 2 Planning Reform be endorsed. RESOLUTION 265.5/2021	Endorsed submission was lodged with DPLH on 4 September 2021. WALGA will continue to engage with DPLH and the State Government on the Association’s reform proposals. There is no current timeframe for consideration of submissions by the Minister, though final announcement of Phase 2 initiatives is expected in early 2022.	Complete	Narelle Cant Executive Manger Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
3 September 2021 Item 5.4 Partners in Government Agreement	That the Partners in Government Agreement be endorsed for signing by the WALGA President at the 2021 WALGA Annual General Meeting. RESOLUTION 266.5/2021	The Partners in Government Agreement was signed at the WALGA 2021 AGM.	Completed	Tony Brown Executive Manager Governance & Organisational Services
3 September 2021 Item 5.5 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy	That: 1. The submission to Infrastructure WA in response to the draft State Infrastructure Strategy, Foundations for a Stronger Tomorrow, be endorsed. 2. WALGA continue to advocate for on-going engagement between Infrastructure WA and Local Governments in the implementation and subsequent reviews of the State's infrastructure strategy. RESOLUTION 267.5/2021	The submission has been sent to Infrastructure WA and advocacy is ongoing.	Completed	Ian Duncan Executive Manager Infrastructure
3 September 2021 Item 6.1 Stop Puppy Farming Legislation	1. That the update on the Dog Amendment (Stop Puppy Farming) Bill 2021 be noted. 2. That: a. any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and b. the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index. RESOLUTION 275.5/2021	Correspondence has been written to the Minister for Local Government advising of resolution 2.	Ongoing – November 2021	Tony Brown Executive Manager Governance & Organisational Services
7 July 2021 Item 5.2 Amendments to WALGA's Constitution	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".	An item was prepared for the Annual General Meeting to be held on 20 September 2020 and subsequently endorsed by a Special majority of 75% of delegates. Correspondence has been sent to the Minister for Local Government and the Commissioner for Consumer Protection advising of the constitutional amendments.	Completed	Tony Brown Executive Manager Governance & Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>6. Clause 11 (1) – after Chief Executive Officer, INSERT “in accordance with the Corporate Governance Charter”.</p> <p>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”</p> <p>8. DELETE Clause 11 (3)</p> <p>9. Clause 12 (1) – DELETE “as, being entitled to do so, vote in person”</p> <p>10. DELETE Clause 12 (2)</p> <p>11. Clause 12 (3) – DELETE “as, being entitled to do so, vote in person”</p> <p>12. Clause 12 (4) – DELETE “as, being entitled to do so, vote in person”</p> <p>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”.</p> <p>14. Clause 16 (2) (f) – REPLACE two instances of “2” with “1”.</p> <p>15. INSERT Clause 16A – Election Procedure – President and Deputy President</p> <p>(1) An election to elect the President or Deputy President shall be conducted as follows:</p> <p>(a) the Chief Executive Officer or his/her delegate shall act as returning officer;</p> <p>(b) representatives are to vote on the matter by secret ballot;</p> <p>(c) votes are to be counted on the basis of “first-past-the-post”;</p> <p>(d) the candidate who receives the greatest number of votes is elected;</p> <p>(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;</p>			

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>(f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;</p> <p>(g) when the meeting resumes, an election will be held in accordance with sub-sections 1(a), 1(b), 1(c) and 1 (d);</p> <p>(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.</p> <p>16. Clause 21 (4) – REPLACE “Chairman” with “Chair”.</p> <p>17. Clause 22 (1) – REPLACE “in August or September of” with “prior to 31 October”.</p> <p>18. Clause 22 (3) – DELETE “in person”</p> <p>19. DELETE Clause 22 (4) (b).</p> <p>20. Clause 23 (3) – DELETE “in person”</p> <p>21. Clause 24 (2) – DELETE “and of which vote is to be exercised in person”</p> <p>22. Clause 24 (4) – DELETE “as, being entitled to do so, vote in person”</p> <p>23. Clause 28 (1) – DELETE “The common seal shall be held in the custody of the Chief Executive Officer at all times.”</p> <p>24. Clause 29 (1) – DELETE “as, being entitled to do so, vote in person”</p> <p>25. Clause 29 (2) – DELETE “as, being entitled to do so, vote in person”</p> <p>26. Clause 31 (4) (c) – DELETE “and Regional Development”.</p> <p>RESOLUTION 233.4/2021</p>			
<p>5 May 2021 Item 5.4 Review of the State Industrial Relations System</p>	<p>That WALGA:</p> <p>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.</p>	<p>Correspondence has been sent to the Minister for Industrial Relations advising of this resolution.</p> <p>A meeting was held with the Minister for Industrial Relations on 14 July 2021.</p>	<p>Ongoing</p>	<p>Tony Brown Executive Manager Governance and Organisational Services</p>

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	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"> Amend the <i>Industrial Relations Act 1979 (WA)</i> to include additional provisions to modernise the State IR system; and 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	The Minister advised that this legislation is likely to be introduced in the spring session in Parliament and hopes the legislation will go through State Parliament prior to Christmas 2021. This legislation then requires the support of the Federal Government.		
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"> 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). Requests the Local Government Grants Scheme Working Group to include this matter on the Agenda of their next Meeting (expected March 2021). 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 LGGS. 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. RESOLUTION 180.1/2021	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. DFES has advised that the Local Government Grants Scheme Working Group has been discontinued. WALGA CEO Nick Sloan is meeting with the DFES Commissioner Darren Klemm on 2 August to discuss how Local Government input to the LGGS Manual will be collected in future. DFES advised on 4 June 2021 that the matter of eligibility of slip on units was not yet finalized. A further follow up email was sent on 26 July 2021. A further follow up email was sent to DFES on 25 October 2021.	Ongoing	Narelle Cant Executive Manager Strategy, Policy and Planning
2 December 2020 Item 5.3 Family and Domestic Violence and the Role of LGs	That: <ol style="list-style-type: none"> 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 	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.	Ongoing	Narelle Cant Executive Manger Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>and promoting respectful relationships in their local community.</p> <p>2. WALGA advocates to the State Government:</p> <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. <p>3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.</p> <p>RESOLUTION 144.6/2020</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>WALGA has recently been added to the Department of Communities Path to Safety Steering Group. The next meeting is on 16 August 2021.</p> <p>WALGA was advised on 3 August 2021 that due to changes within the Department of Communities, including a functional realignment and the establishment of an Office for the Prevention of Family and Domestic Violence, scheduled meetings of the Path to Safety Steering group were cancelled to allow a review of the functions and membership of the Group. WALGA contacted the Department for an update in October 2021 and is awaiting a response.</p>		
<p>5 December 2018 Item 5.1 Proposed Removal by Main Roads WA of the</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; 	<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</p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>

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"Letter of Approval" Restricted Access Vehicle Operating Condition	<ol style="list-style-type: none"> 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 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. 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. RESOLUTION 132.7/2018	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 that the position adopted by Sate Council in December 2018 has not changed.		
5 December 2018 Item 4.1 State / Local Government Partnership Agreement on Waste Management and Resource Recovery	<ol style="list-style-type: none"> 1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery. 2. That the item be referred to MWAC for is development and negotiation with the State Government. 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. RESOLUTION 131.7/2018	MWAC has sought a meeting with the new Minister for Environment, Hon Amber-Jade Sanderson, MLA and this matter will be on the agenda.	Ongoing	Narelle Cant Executive Manager Strategy, Policy and Planning