

FLYING MINUTE

WALGA STATE COUNCIL MATTERS FOR DECISION DECEMBER MEETING

The following recommendations have been taken directly from the WALGA State Council Agenda for 5th May 2016 which contains important detail of each item.

Each recommendation is followed by a direction to refer to the full WALGA State Council Agenda and 3 voting options. This is an editable Word Document so all that is required is to delete the 2 voting options you do not support and in the case of option 3 state your alternative recommendation.

Then return this document to your Zone Executive Officer (barrye.thompson@bigpond.com) for compilation of a zone recommendation so that your Zone Delegate to State Council (Cr. Karen Chappel) can put forward your Zones stance on each item.

I suggest you save changes to the document and then attach to a new email to the Zone Executive Officer.

5. MATTERS FOR DECISION

5.1 Local Government Gift Provisions (05-034-001-0001 TB)
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By Tony Brown, Executive Manager Governance & Organisational Services

Recommendation

That WALGA seek alignment in the interpretation of a gift as described in the WA Ministerial Code of Conduct and consequentially request the Minister for Local Government to amend the *Local Government (Administration) Regulations 1996* and the *Local Government (Rules of Conduct) Regulations 2007* in respect to the Gift provisions to provide Elected Members and Officers with an exemption for the following;

- 1. Gifts provided in a genuine personal capacity;**
- 2. Business involving Local Government Associations and Organisations such as WALGA, ALGA and LGMA; and**
- 3. Attendance at community events and functions provided by Community Groups.**

In Brief

- The *Local Government Act 1995* was amended during the State Parliament's consideration of the City of Perth Bill in respect to online recording of gift declarations in place of the previous annual reporting requirement;

- The Department of Local Government and Communities requested an interpretation of the gift provisions from the State Solicitors Office;
- The Department of Local Government & Communities issued Governance Bulletin 11 on 11 March 2016, which contains a different interpretation of a gift than has been provided previously;
- For instance, the Bulletin provides examples of presents and loaning of equipment from friends and neighbours as declarable gifts if over \$200.00;
- It is recommended that WALGA seek urgent regulatory amendments to provide an exemption from the requirement to declare gifts provided in a genuinely personal capacity, business involving Local Government Associations and Organisations and attendance at community events and functions provided by community groups..

Please refer to the State Council Agenda for full information supporting this recommendation.

Notes to Delegates

Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.

- 1. Support WALGA recommendation**
- 2. Not support WALGA recommendation**
- 3. Alternative recommendation**

5.2 Section 76 Ministerial Orders under the Planning and Development Act 2005 (05-047-0014 GC)

By Graham Congdon, Planning Project Officer, Planning and Development

Recommendation

That WALGA:

- 1. Request the Minister for Planning provide greater transparency when a section 76 order is issued, by providing a detailed explanation and justification of the reasons for the order; and**
- 2. Continues to monitor the use of section 76 orders by the Minister of Planning.**

In Brief

- In 2010, section 76 of the *Planning and Development Act 2005* was changed to give the Minister for Planning the power to order a Local Government to prepare or adopt an amendment to a local planning scheme.
- Since the changes to section 76 were introduced, there have been 13 instances where the Minister has issued orders to Local Governments to initiate a scheme amendment.
- This report reviews the use of section 76 orders within WA and requests that the Minister for Planning be required to provide greater transparency into the decision making process behind their issuance.

Please refer to the State Council Agenda for full information supporting this recommendation.

Notes to Delegates

Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.

- 1. Support WALGA recommendation**
- 2. Not support WALGA recommendation**
- 3. Alternative recommendation**

5.3 Outcome of Minister's Building Summit – Proposed Local Government Actions (05-015-01-0003 VJ)
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Vanessa Jackson, Policy Manager, Planning and Improvement

Recommendation

That State Council advise the Minister for Commerce of the Local Government actions that will be undertaken in order to progress the key items from Minister's 'Building Summit'.

In Brief

- The Minister for Commerce convened a 'Building Summit' on 2 February 2016, to discuss possible improvements to the planning, building and Local Government processes.
- A report entitled 'Building Summit snapshot' was released after the Building Summit, outlining 13 key items for improvements to the current system.
- A formal response to the key items has been prepared for State Council's endorsement.

Please refer to the State Council Agenda for full information supporting this recommendation.

Notes to Delegates

Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.

- 1. Support WALGA recommendation**
- 2. Not support WALGA recommendation**
- 3. Alternative recommendation**

5.4 Discussion Paper “Licensing Cyclists and Registering Bicycles” (05-005-03-0006 MS)

By Mal Shervill, Policy Officer Road Safety

Recommendation

That WALGA:

- 1. Does not support a policy of licensing cyclists;**
- 2. Does not support a policy of registering bicycles; and**
- 3. Engage with the Insurance Commission of WA to explore the viability of a third-party insurance scheme for cyclists.**

In Brief

- In 2015 WALGA produced a discussion paper “Licensing Cyclists and Registering Bicycles” in response to a resolution from the Central Metropolitan Zone “that WALGA staff research and prepares a discussion paper about licensing cyclists and related safety issues in Western Australia.” The discussion paper was provided to the Central Metropolitan Zone and at its meeting in February 2016 the Zone recommended this matter go to the WALGA State Council.
- No Australian jurisdiction has a scheme to license cyclists or register bicycles.
- Many overseas jurisdictions have either considered or discontinued bicycle registration schemes for a range of reasons including administration costs exceeding revenue generated; adverse impacts of cycling participation and community interests; non-compliance by the community; and lack of enforcement by police.
- Worldwide, no developed economy appears to have successfully established a jurisdiction-wide mandatory cyclist licensing or bicycle registration scheme that has been able to deliver improved road user behaviour while covering administrative costs.

Please refer to the State Council Agenda for full information supporting this recommendation.

Notes to Delegates

Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.

- 1. Support WALGA recommendation**
- 2. Not support WALGA recommendation**
- 3. Alternative recommendation**

5.5 ALGA Federal Election Platform (04-001-02-0004 WFS)

By Wayne Scheggia, Deputy Chief Executive Officer

Recommendation

That WA Local Governments be encouraged to support and promote ALGA's 2016 Federal Election platform.

In Brief

- ALGA has developed a Platform for the upcoming Federal Election which includes ten key commitments that are summarised below.
- Individual Local Governments can contribute to ALGA's campaign by highlighting these priorities to Federal Members of Parliament and election candidates.

Relevance to Strategic / Business Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;
- Build a strong sense of WALGA ownership and alignment.

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Promote WALGA's advocacy successes with the sector and the wider community;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;
- Develop simple and consistent messages that are effectively articulated;
- Relates to the Association's aspirations for resource enhancement and legislative advantage.

Please refer to the State Council Agenda for full information supporting this recommendation.

Notes to Delegates

Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.

1. **Support WALGA recommendation**
2. **Not support WALGA recommendation**
3. **Alternative recommendation**

5.6 WALGA Submission – Public Inquiry into the January 2016 Waroona Fire (05-024-03-0035 MP)

By Melissa Pexton, Acting Policy Manager- Community

Recommendation

That the Association's interim submission to the Public Inquiry into the January 2016 Waroona Fire be endorsed.

In Brief

- The Premier announced an independent review into the Waroona bushfire on 20 January 2016, appointing Euan Ferguson as the Special Inquirer.
- WALGA were invited to provide a submission by the Special Inquirer (9 February 2016) to address the terms of reference by closing date 4 March 2016.
- The terms of reference were broad considering three elements; the response to the Waroona fire, lessons learned from previous bushfire emergencies and the need for further reform.
- WALGA provided an interim submission within the timeframe allowed with a deliberate focus on the lessons learned and need for further reform, drawing on previous policy positions endorsed by the sector.

Please refer to the State Council Agenda for full information supporting this recommendation.

Notes to Delegates

Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.

4. **Support WALGA recommendation**
5. **Not support WALGA recommendation**
6. **Alternative recommendation**

6. MATTERS FOR NOTING / INFORMATION

6.1 Report Municipal Waste Advisory Council (MWAC) (01-006-030-008 RNB)
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By Rebecca Brown, Manager, Waste & Recycling

Recommendation

That State Council note the resolutions of the Municipal Waste Advisory Council's 17 February 2016 meeting.

In Brief

- This item summaries the outcomes of the MWAC meeting held 17 February 2016.

Please refer to the State Council Agenda for full information supporting this recommendation.

Notes to Delegates

Please indicate your stance on this recommendation by deleting 2 of the below options. In the case of an alternative recommendation, please state the alternative recommendation.

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- 2. Not support WALGA recommendation**
- 3. Alternative recommendation**

1.1 Working Groups/Committee Reports

1. Metropolitan Regional Council Working Group

Delegates/Nominees: Mr Peter Schneider

The Working Group has not met since the previous MWAC Meeting.

2. Waste Management Association of Australia (WA)

Representative: MWAC Executive Officer

The Group has not met since the previous MWAC Meeting.

3. National Waste Policy Working Groups

Delegates/Nominees: MWAC Executive Officer and MWAC Policy Coordinator

The Executive Officer is a representative of ALGA on three working groups relating to the National Waste Policy (Markets & Standards, Landfill, Reducing hazards and risk).

Has not met since the previous MWAC Meeting.

4. Electrical, Utilities and Public Administration Training Council – Waste Industry Working Group

Delegates/Nominees: MWAC Executive Officer

The Group has not met since the previous MWAC meeting.

5. Regional Investment Plan Assessment Group

Delegates/Nominees: MWAC Executive Officer, Mr Brendan Doherty, Mr Mark Wong

The Group has not met since the previous MWAC meeting.

6. HHW Program Advisory Committee

Delegates/Nominees: Cr Darryl Trease

This Group met to discuss re-allocation of the current HHW Budget to allow for temporary collection days to be hosted. The Committee put a recommendation to the Waste Authority which has been agreed for hosting temporary collection days and upgrading infrastructure. WALGA is waiting for the formal notification of this budget reallocation.

7. Department of Environment Regulation Compost Working Group

Delegates/Nominees: MWAC Executive Officer, Mr Stephen Fitzpatrick

The Group has not met since the previous MWAC meeting. Cr Adams requested a copy of the Minutes from the Working Group.

8. Strategic Officers Group

Delegates/Nominees: Brian Callander and Darrell Monteiro

The Working Group met to discuss the key issues associated with the DER documents currently out for comment.

Please refer to the State Council Agenda for full information supporting this recommendation.

Notes to Delegates

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