



State Council Updated Agenda

2 December 2020

NOTICE OF MEETING

Meeting of the Western Australian Local Government Association State Council to be held at WALGA, on Wednesday 2 December commencing at 4pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

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

1.3 Announcements

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

2. MINUTES

2.1 Minutes of Meeting Held 2 September 2020

Recommendation

That the Minutes of the State Council meeting held Wednesday [2 September 2020](#) be confirmed as a true and correct record of proceedings.

2.2 Minutes of Special State Council Meeting 2 November 2020

Recommendation

That the Minutes of the Special State Council meeting held Monday 2 November be confirmed as a true and correct record of proceedings.

2.3 Flying Minute – Interim Review – State Planning Policy 3.1 Residential Design Codes – 9 September 2020

Recommendation

That the [Flying Minute – Interim Review – State Planning Policy 3.1 Residential Design Codes](#) be confirmed as a true and correct record of proceedings.

2.4 Flying Minute – Draft Amendments to the Planning and Development (Local Planning Scheme) Regulations 2015 – 16 September 2020

Recommendation

That the [Flying Minute – Draft Amendments to the Planning and Development \(Local Planning Scheme\) Regulations 2015](#) 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.

- As per matter listed

5. MATTERS FOR DECISION

- As per matter 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
- 7.1.2 Governance and Organisational Services
- 7.1.3 Infrastructure
- 7.1.4 Strategy, Policy and Planning

7.2 Policy Forum Reports

- 7.2.1 Policy Forum Reports

7.3 President's Report

Recommendation

That the President's Report for December 2020 be received.

7.4 CEO's Report

Recommendation

That the CEO's Report for December 2020 be received.

7.5 Ex Officios

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

8. ADDITIONAL ZONE RESOLUTIONS

To be advised following Zone meetings.

9. DATE OF NEXT MEETING

The next meeting of the WALGA State Council will be held at WALGA on Wednesday 3 March 2021.

9.1 Remaining State Council Meeting Dates for 2021

- Wednesday 5 May – Regional Meeting South Metropolitan Zone, City of Cockburn
- Wednesday 2 June – Special Meeting Budget Adoption
- Wednesday 7 July – WALGA
- Friday 3 September – Regional Meeting, Kimberley Country Zone, Shire of Broome
- Wednesday 1 December – WALGA

10. CLOSURE

Agenda Items

5.	MATTERS FOR DECISION.....	5
5.1	Local Government Act Review Advocacy Paper – Key Issues From Recent Inquiries into Local Government (05-034-01-0001 TL)	5
5.2	Submission – Registration of Building Engineers in WA (05-015-02-0010 VJ)	40
5.3	Family and Domestic Violence and the Role of Local Governments (05-086-03-0004 MM) 42	
5.4	Underground Power (05-049-02-0001 ID).....	45
5.5	CEO Recruitment and Selection, Performance Review and Termination Standards Regulations (05-034-01-0001 JM).....	51
5.6	Model Code of Conduct for Council Members, Committee Members and Candidates Regulations (05-034-01-0001 JM).....	57
6.	MATTERS FOR NOTING / INFORMATION	61
6.1	Submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper (05-085-03-0001 DM)	61
6.2	Draft Amendments to the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> (05-047-01-0017 VJ)	64
6.3	Interim Review – State Planning Policy 3.1 Residential Design Codes (05-015-02-0002 CH)	67
6.4	State and Federal Budgets (05-088-03-0001 DM)	69
6.5	Noongar Heritage Agreement for Local Government (05-032-01-0001 SM).....	71
6.6	Aboriginal Cultural Heritage Bill Consultation (05-032-01-0001 SM)	72
6.7	Local Government Animal Welfare in Emergencies Grant Program (06-081-01-0001 EDR)	74
6.8	2020 Annual General Meeting (01-003-02-0003 TL).....	76
6.9	COVID-19 - Update	78
7.	ORGANISATIONAL REPORTS	82
7.1	Key Activity Reports	82
7.1.1	Report on Key Activities, Commercial and Communications (01-006-03-0017 ZD)...	82
7.1.2	Report on Key Activities, Governance and Organisational Services (01-006-03-0007 TB)	86
7.1.3	Report on Key Activities, Infrastructure (05-001-02-0003 ID)	89
7.1.4	Report on Key Activities, Strategy, Policy and Planning (01-006-03-0014 MJB)	91
7.2	Policy Forum Reports	95
7.2	Policy Forum Reports (01-006-03-0007 TB)	95
	State Council Status Report	96

5. MATTERS FOR DECISION

5.1 Local Government Act Review Advocacy Paper – Key Issues From Recent Inquiries into Local Government (05-034-01-0001 TL)

By Tony Brown, Executive Manager Governance and Organisational Services

Recommendation

That:

1. Ongoing advocacy relating to the Review of the *Local Government Act 1995* be noted; and,
2. The *Advocacy Positions for a New Local Government Act: Key issues from recent Inquiries into Local Government* – be endorsed.

Executive Summary

- WALGA has developed an Advocacy Paper focusing on key issues identified in final reports of three recent Local Government Inquiries:
 1. [Final Report of the Local Government Review Panel](#)
 2. [Report of the Inquiry into the City of Perth](#)
 3. [Select Committee into Local Government Final Report](#)
- The Advocacy Paper aims to highlight strategic policy issues, leveraging previous detailed policy development work, at a key stage of Phase two of the Review of the *Local Government Act 1995*.

Attachment

Advocacy Positions for a New Local Government Act: Key issues from recent Inquiries into Local Government

Policy Implications

Policy positions encapsulated in the Advocacy Paper are consistent with WALGA's existing policy positions.

Background

The Review of the *Local Government Act 1995* has been a key focus of the Local Government sector and WALGA since the review was announced in 2017.

Stage one, focusing on priority reforms, are now mostly in place following the passage of the *Local Government Legislation Amendment Act 2019*.

As part of Phase two of the Review, which focuses on wide ranging reforms, the Government established the Local Government Review Panel in November 2019.

The [Final Report of the Local Government Review Panel](#) was released in August 2020.

In addition, the final reports of the following two key inquiries were released in September 2020:



- [Report of the Inquiry into the City of Perth](#)
- [Select Committee into Local Government Final Report](#)

The three reports make recommendations relating to a range of topics and issues relevant to the Review of the Local Government Act.

Comment

Leveraging the concurrent release of the final reports of three Inquiries, an advocacy paper highlighting key issues has been prepared.

The advocacy paper addresses the issues listed below:

- New Local Government Act
- Legislative Intent
- Intergovernmental Cooperation
- Elections
- Rating Exemptions
- Fees and Charges
- Road Funding
- Regional Collaboration
- Community Engagement
- Roles and Responsibilities
- External Oversight
- Financial Management and Procurement
- Accountability and Audit

The Advocacy Paper approach aims to:

- Ensure the Local Government sector's key concerns are prominent during stage two of the Local Government Act Review
- Leverage the timing and inherent legitimacy of the three key reports to highlight ongoing strategic advocacy priorities
- Concentrate engagement at the strategic policy level, rather than the detail of specific proposals that may or may not represent government policy, and
- Link to WALGA's state election advocacy campaign.

The Advocacy Paper does not replace or diminish existing detailed policy positions, which are underpinned by multiple consultation processes and State Council deliberations.

Key Local Government sector policy positions are listed in the Recommendations section of the paper, attached.

Advocacy Positions for a New Local Government Act

**Key issues from recent inquiries
into Local Government**

November 2020



About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 139 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organization representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,220 Elected Members, approximately 22,000 Local Government employees (16,500 Full Time Equivalent's) as well as over 2.5 million constituents of Local Governments in Western Australia.

Contacts

Nick Sloan
Chief Executive Officer
nsloan@walga.asn.au

James McGovern
Manager Governance and Procurement
jmcgovern@walga.asn.au

Tony Brown
Executive Manager Governance and
Organisational Services
tbrown@walga.asn.au

Tim Lane
Manager Strategy and Association
Governance
tlane@walga.asn.au



Contents

About WALGA	8
Contacts	8
Recommendations	10
Background	13
Local Government Review Panel	13
City of Perth Inquiry	13
Select Committee into Local Government	13
Key Issues	14
New Local Government Act	14
Legislative Intent	15
Intergovernmental Cooperation	18
Elections	19
Rating Exemptions	22
Fees and Charges	22
Road Funding	24
Regional Collaboration	25
Community Engagement	27
Roles and Responsibilities	29
External Oversight	31
Financial Management and Procurement	33
Accountability and Audit	38

Recommendations

New Local Government Act

That the State Government prepare a new Local Government Act as a priority.

Legislative Intent

That the following key principles be embodied in the Local Government Act:

1. Uphold the general competence principle currently embodied in the Local Government Act
2. Provide for a flexible, principles-based legislative framework
3. Promote a size and scale compliance regime
4. Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration Local Governments' role in creating a sustainable and resilient community through:
 - i. Economic development
 - ii. Environmental protection, and
 - iii. Social advancement
5. Avoid red tape and 'de-clutter' the extensive regulatory regime that underpins the Local Government Act, and
6. The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.

Intergovernmental Cooperation

That a Partners in Government Agreement promoting a collaborative partnership approach be signed by the Premier, Minister for Local Government and Local Government leaders at the commencement of each term of the State Government.

Elections

The Local Government sector supports:

1. Four year terms with a two year spill
2. Greater participation in Local Government elections
3. The option to hold elections through:
 - Online voting
 - Postal voting, and
 - In-person voting
4. Voting at Local Government elections to be voluntary
5. The first past the post method of counting votes
6. Local Governments being enabled to determine the number of Elected Members required on the Council between six and 15 (including the Mayor/President)



7. Local Governments to determine if the Mayor or President is elected by the Council or the community at large.
8. Continuation of the property franchise.

Rating Exemptions

That an independent review of all rate exemptions be undertaken.

Fees and Charges

That:

1. An independent review be undertaken to remove fees and charges from legislation and regulation and,
2. Local Government be empowered to set fees and charges for Local Government services.

Road Funding

That the Government returns to Local Government at least 27 percent of motor vehicle licence fee collections.

Regional Collaboration

That:

1. Local Governments be empowered to form single and joint subsidiaries, and beneficial enterprises, and
2. Compliance requirements of Regional Councils be reviewed and reduced.

Community Engagement

The Local Government sector supports:

1. Responsive, aspirational and innovative community engagement principles
2. Encapsulation of aims and principles in a community engagement policy, and
3. The option of hosting an Annual Community Meeting to present on past performance and outline future prospects and plans.

Roles and Responsibilities

That clarification of roles and responsibilities for mayors/presidents, councillors and CEO's be considered in conjunction with the separation of powers between the Council as governing body and the administration of the Local Government.



External Oversight

The Local Government sector supports:

1. Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against elected members and undertake inquiries.
2. Remove the CEO from being involved in processing complaints
3. That an early intervention framework of monitoring to support local governments be provided.

Financial Management and Procurement

That the Local Government sector:

1. Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of Financial Reports for the Local Government sector, in consultation with the Office of the Auditor General;
2. Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General;
3. Supports Local Governments being able to use freehold land to secure debt;
4. Supports Building Upgrade Finance being permitted for specific purposes such as cladding, heritage and green improvements;
5. Supports the alignment of Local Government procurement thresholds, rules and policies with the State Government.

Accountability and Audit

That audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority and chair.

Background

Three significant inquiries relating to Local Government in Western Australia have released their final reports in August and September 2020.

This paper aims to distil key issues raised by these reports and identify strategic advocacy positions of the Local Government sector to inform the strategic direction of legislative reform.

Local Government Review Panel

As part of the Review of the Local Government Act, the Local Government Review Panel was formed to guide the strategic direction of the review and to recommend high level guiding principles for a new act.

The [Local Government Review Panel Final Report](#) was released on 5 August 2020.

City of Perth Inquiry

The Authorised Inquiry into the City of Perth was announced on 24 April 2018 by the Minister for Local Government.

The report contains 341 recommendations, of which 132 have implications for the Local Government sector.

The [Report of the Inquiry into the City of Perth](#) was tabled in Parliament on 11 August 2020.

Select Committee into Local Government

The Legislative Council Select Committee into Local Government commenced on 26 June 2019.

The Committee had broad terms of reference to inquire into Local Government in Western Australia and made a number of recommendations relating to key Local Government sector issues.

The [Select Committee into Local Government Final Report – Inquiry into Local Government](#) was tabled in Parliament on 22 September 2020.

Key Issues

New Local Government Act

The Local Government Review Panel Final Report states:

When the Western Australia Government launched the Local Government Act Review its objectives were to produce ‘a new, modern Act that empowers local governments to better deliver for the community’, and that local government should be ‘Agile, Smart and Inclusive’. Those objectives remain valid.

Discussion

The current *Local Government Act 1995* was proclaimed in 1996 and has been effective at enshrining the general competence principle which has enabled Local Governments to govern in the best interests of their communities. However, over the last 25 years there has been significant regulation and compliance obligations added to the legislation.

The current Local Government Act contains ten parts and totals 490 pages. In addition, there are 13 sets of regulations comprising a further 460 pages. This is a legislative burden on the Local Government sector and requires a significant reduction and a move to a principle over prescription approach to a new Act.

The Local Government Act should facilitate Local Governments utilising their general competence powers within a legislative framework that provides for good governance and accountability to the community for decision-making. The Local Government sector seeks a reduced regulatory approach accompanied by best practice guidance, support and assistance.

With a State Election due in March 2021 it is appropriate for the sector to seek a commitment for the progression of a new Local Government Act.

Local Government Position:

That the State Government prepare a new Local Government Act as a priority.

Legislative Intent

The Local Government Review Panel Final Report recommends:

2. *The Panel recommends the following statement of intent (vision) for a new Act:*

An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.
3. *The Panel recommends the adoption of the following objectives for a new Act:*
 - a. *Democratic and accountable local government that recognises the diversity of and within Western Australia's communities.*
 - b. *Recognition of the specific needs and culture of Western Australia's Aboriginal people.*
 - c. *Promotion and improvement of the community's economic, social and environmental well-being.*
 - d. *An adaptive and forward-looking legislative framework, which supports and enables councils to provide local leadership for the whole community, and to collaborate with each other and with other key stakeholders at a regional level.*
 - e. *Open and transparent community participation in the decisions and affairs of local governments.*
 - f. *Enhanced capability of the local government sector, with a focus on continuous improvement and sustainability.*
 - g. *Efficient and effective service delivery and regulation that is responsive to current and future community needs.*
 - h. *Informed decision-making by local governments which is in the interest of their communities, within a legislative framework that supports balance and certainty in relation to the different interests of their communities.*
 - i. *Accountability of local governments to their communities through processes that demonstrate good governance.*
 - j. *Support for approaches and opportunities which foster collaboration and cooperation both within the local government sector and across all levels of Government.*
4. *The Panel recommends an Act that is considerably shorter, less prescriptive and minimises the use of regulations by establishing clear principles, robust processes, model charters, guidelines and templates.*
5. *The Panel recognises the diversity of local governments in Western Australia and supports a new Act which is responsive to this but does not recommend the adoption of a multi-tiered legislative framework.*
6. *The Panel recommends the inclusion of a statement of the role and principal functions of local governments that makes it clear their basic statutory responsibilities, retaining the overall power of general competency in the current Local Government Act.*

The Select Committee into Local Government recommends:

1. *The Government consider implementing a compliance regime that differentiates between local governments based on their size and scale where appropriate.*

Discussion

Throughout WALGA's consultation with the sector on the Local Government Act review, there has been overwhelming support for *principles over prescription*, an approach that avoids red tape and declutters the extensive regulatory regime. The following key principles are fundamental drivers of future Local Government legislation.

General competence

The Local Government Act is founded on the general competence powers principle, which gives Local Governments the legal capacity to do anything that is not prohibited by law. This principle is uniformly supported by the Local Government sector and that it should not be diluted by over-regulating the operations of Local Government.

The general competence principle recognises the democratic mandate of Local Government to represent, plan, and provides services for its community.

Flexible, principles-based legislative framework

The Local Government Act works well when Local Governments apply their general competence powers within a legislative framework that provides for good governance, with accountability to the community for decision-making.

The Local Government Act should focus on principles and objectives, not on process. Best practice, guidance material and smart people working together to solve problems drive innovation; prescriptive regulation drives compliance for the sake of compliance.

To focus on the process and not the principles and objectives risks embedding today's practice into legislation instead of allowing Local Governments the flexibility to innovate and adapt to new methods and new technologies. Not everything a Local Government should do needs to be legislated. Ultimately, Councils are considered to be generally competent and are accountable to the community through democratic elections held every two years.

Size and scale compliance regime

There is a marked appetite to differentiate between Local Governments based on size and scale. There is a significant difference in the compliance requirements of the City of Stirling compared to the Shire of Murchison. Areas such as the integrated planning and reporting framework, internal audits and model procurement policies are example areas that could be considered on a size and scale approach.

Promote enabling legislation

Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration the Local Government's role in creating a sustainable and resilient community through:

- Economic development
- Environmental protection, and
- Social advancement.

There is a need to provide enabling legislation with a 'menu of opportunities' for the sector. Legislation should enable Local Governments to carry out a range of activities, even though all Local Governments may not want to undertake the activity.

Reduce red tape

WALGA has called for the de-cluttering of the extensive regulatory regime that underpins the Local Government Act. The legislative and regulatory regime represents a considerable challenge to the delivery of effective and efficient governance.

The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.

The State Government should not impose responsibilities to Local Governments without adequate resourcing. This principle is contained within the British Columbia Community Charter and is supported by the Local Government sector.

Local Government Position:

That the following key principles be embodied in the Local Government Act:

- 1. Uphold the general competence principle currently embodied in the Local Government Act**
- 2. Provide for a flexible, principles-based legislative framework**
- 3. Promote a size and scale compliance regime**
- 4. Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration Local Governments' role in creating a sustainable and resilient community through:**
 - i. Economic development**
 - ii. Environmental protection, and**
 - iii. Social advancement**
- 5. Avoid red tape and 'de-clutter' the extensive regulatory regime that underpins the Local Government Act, and**
- 6. The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.**

Intergovernmental Cooperation

The Local Government Review Panel Final Report recommends:

- 15 *The Panel recommends that the new Act include a set of principles for intergovernmental relations that make clear local government's role and obligations as part of the broader system of government, and that underpin a range of ongoing arrangements such as the State Local Government Partnership.*

Discussion

Local Government strongly supports the enhanced collaboration between State and Local Government, as two spheres of government responsible for delivering public infrastructure and services for the benefit of the Western Australian community.

A Partners in Government Agreement, to be signed by the Premier, Minister for Local Government and Local Government leaders should contain:

- A preamble highlighting the importance of collaboration and partnership
- Objectives and principles
- Meetings of the Partners in Government Group comprising senior State and Local Government decision makers
- Collaboration aims and ideals, and
- Key focus areas.

Collaboration and partnership between the State and Local Government sectors aims to leverage the strengths of both spheres of Government for the benefit of Western Australia: the State's leadership and policy direction, and Local Government's on-the-ground presence in every community in our large and diverse state.

Local Government Position:

That a Partners in Government Agreement promoting a collaborative partnership approach be signed by the Premier, Minister for Local Government and Local Government leaders at the commencement of each term of the State Government.

Elections

The Local Government Review Panel Final Report recommends:

19. *Optional preferential voting be adopted in place of the current first past the post system.*
20. *The principle of one vote per person be included in the legislation, subject to Recommendation 21 below.*
21. *Property franchise voting should be replaced with the requirement for local governments to introduce mechanisms for regular and effective consultation with the business community.*
22. *Local government elections are held once every four years, two years after but to otherwise accord with the timing of the State election.*
23. *All local government elections should be overseen by the Western Australian Electoral Commissioner.*
24. *Provision in the new Act for electronic/online voting to be introduced in the future once the integrity of the process can be assured (including allowing for a pilot).*
25. *The Panel makes the following further recommendations in relation to elections:*
 - a. *Postal voting be required, with lodgement of these votes to be allowed in person on and before election day.*
 - b. *The election process extended to provide more time for the issuing and receipt of postal votes.*
 - c. *The information local government candidates must provide at nomination should be expanded to ensure that adequate information is given for voters to make an informed decision. Candidate nomination forms should also include declaration of membership of a political party and these forms should be published and available during the election period.*
 - d. *A caretaker policy should be introduced barring elected members up for re-election from representing the council at events, handing out council grants or donations and moving substantive notices of motion in the period before the election, and a requirement to comply with this policy should be included in the Code of Conduct.*
 - e. *The donor and the candidate should co-sign each declaration of a gift made.*
 - f. *Donations via crowd funding platforms should be regulated so far as possible.*
26. *In respect to elected member representation, the Panel recommends:*
 - a. *Population should be used to determine the number of elected member positions:*
 - (i) *Population of up to 5,000 – 5 councillors (including President).*
 - (ii) *Population of between 5,000 and 75,000 – 5 to 9 councillors (including Mayor/President).*
 - (iii) *Population of above 75,000 – 9 to 15 councillors (including Mayor).*

- b. *Ward boundary reviews, to ensure equitable representation is maintained, should be conducted every four years by the Office of the Electoral Distribution Commissioners, with the support of the WAEC and should be conducted using similar processes and principles that are in place for state electoral boundaries as contained in the Electoral Act 1907.*
- c. *Current classification bands 3 and 4 should not have multiple wards unless the Local Government Commission permits it in the interests of ensuring local democracy is enabled in certain communities.*
- d. *The changes to wards and elected member numbers due to the above recommendations should be phased in.*

Discussion

The overwhelming majority of Local Governments support retaining four year terms with a half spill every two years. A principle of the current two year election cycle is to support the continuity of knowledge and experience of the Local Government. A key risk of a proposal for an all in/all out term is the loss of knowledge and the influence of a Council.

Promoting voting participation in Local Government elections is a priority and can be achieved through a range of voting options, such as:

- On-line voting
- Postal voting, and
- In-person voting.

In respect to voting methods, Local Governments over the past 40 years have experienced preferential voting, proportionate preferential voting and the current first past the post method. Due to its simplicity, and ease of understanding, the Local Government sector supports first past the post voting.

The Local Government sector opposes compulsory voting in Local Government elections.

In respect to Elected Member representation, the general competence principle should apply, enabling a Local Government to determine the appropriate number, between six and 15 elected members (including the Mayor/President), depending on local requirements. This philosophy also extends to the decision to have a Mayor or President elected by the Council or elected at large by the community.

The Local Government sector supports continuation of the status quo with regards to the property franchise.



Local Government Position:

The Local Government sector supports:

- 1. Four year terms with a two year spill**
- 2. Greater participation in Local Government elections**
- 3. The option to hold elections through**
 - Online voting**
 - Postal voting, and**
 - In-person voting**
- 4. Voting at Local Government elections to be voluntary**
- 5. The first past the post method of counting votes**
- 6. Local Governments being enabled to determine the number of Elected Members required on the Council between six and 15 (including the Mayor/President)**
- 7. Local Governments to determine if the Mayor or President is elected by the Council or the community at large**
- 8. Continuation of the property franchise.**

Rating Exemptions

The Local Government Review Panel Final Report recommends:

50(c) The Economic Regulatory Authority (ERA) should be asked to undertake a review of the rating system, including a thorough examination of the case for the current wide range of exemptions.

The Select Committee into Local Government recommends:

- 8 Recognising that the current charitable purposes rate exemption produces perverse outcomes and may inappropriately shield commercial operations from paying rates, the Government clarify the charitable purposes rate exemption in any new local government Act.*
- 9 The Government conduct a broad review of the rate exemptions to be included in any new local government Act.*

Discussion

Exemptions from rates represent significant revenue leakage for Local Government. Recent data indicates that revenue foregone represents approximately two percent of rate revenue. This shortfall in lost revenue must then be made up from other ratepayers.

Rating exemptions relating to charitable purposes are particularly concerning as this exemption has extended in scope beyond its original intent to provide rating exemptions for the commercial undertakings of not-for-profit organisations. For instance, Independent Living Units, which often cost far more than the median house, are often exempt from rates. The net result of this is that millions of dollars of revenue is lost to Local Government which then has to be recouped from other ratepayers, many of whom would not be in a position to afford an Independent Living Unit themselves.

The rating exemptions that are of concern for the sector relate to the following:

- Rating of Charitable Purpose properties
- Department of Housing: Leasing to Charitable Organisations
- Government Trading Entities
- State Agreement Act projects
- State Owned Unallocated Crown Land

On this basis, the Local Government sector supports an independent review of all rating exemptions to enhance equity among ratepayers in the community.

Local Government Position:

That an independent review of all rate exemptions be undertaken.

Fees and Charges

The Local Government Review Panel Final Report recommends:

- 51 *The Panel recommends that local governments should be able to set reasonable fees and charges according to a rating and revenue strategy, with the oversight of the Audit, Risk and Improvement Committee.*
- 52 *The Panel recommends that local governments and State Government apply cost recovery principles when setting fees and charges.*

Discussion

Fees and charges represent a significant source of discretionary revenue for Local Governments. Examples include dog registration fees, fees for building approvals and swimming pool entrance fees.

Currently fees and charges are determined by legislation or regulation, with an upper limit set by legislation, or by the Local Government. Fees mandated by legislation often do not keep pace with the cost of delivery meaning that ratepayers will subsidise particular activities without any ability to have input into the setting of the fee.

While cost recovery should be a consideration for the setting of fees and charges, there are some services that Local Governments may choose to subsidise to encourage activities with overall community benefit.

Setting fees and charges is a core government function and should be a deliberative decision of the Council.

Local Government Position:

That:

1. **An independent review be undertaken to remove fees and charges from legislation and regulation and,**
2. **Local Government be empowered to set fees and charges for Local Government services.**

Road Funding

The Select Committee into Local Government recommends:

7. *The Government consider returning to local governments at least 27 percent of motor vehicle licence fee collections.*

Discussion

Local Governments are responsible for 127,500km of roads in Western Australia, representing 88 percent of the public road network.

With a replacement value close to \$30 billion, the Local Government road network is a significant state asset that connects people and places and facilitates economic activity across all of Western Australia.

In their final report, the Select Committee into Local Government found that the shortfall between local government expenditure on road preservation and the amount required to maintain roads at their current condition has continued to increase over the past five years to \$155.74 million in 2018-19.

To that end, the Local Government sector advocates for road funding from the State Government to return to 27 percent of vehicle licence fees.

Local Government Position:

That the Government returns to Local Government at least 27 percent of motor vehicle licence fee collections.

Regional Collaboration

The Local Government Review Panel recommends:

12. *The Panel recommends that the new Act should promote and mandate expanded regional cooperation between local governments by:*
 - a. *Making increased collaboration a specific objective and principle.*
 - b. *Providing an improved model of joint (regional) subsidiaries that can be used for strategic planning, resource sharing, shared services delivery and commercial enterprises (see also Recommendations 14 and 39).*
 - c. *Requiring regional cooperation as part of IPR (see also Recommendation 35).*

13. *The Panel recommends that consideration also be given to the potential need for a new form of 'regional authority' to enable collaboration on specific issues between governments and with other key stakeholders.*

14. *The Panel recommends:*
 - a. *The regional council model is discontinued.*
 - b. *A flexible model of joint (regional) and single (local) subsidiaries be introduced in order to enable:*
 - (i) *collaboration between local governments; and/or*
 - (ii) *involvement of local government in economic development including commercial activities.*

40. *The Panel recommends that the new Act should provide the freedom for local governments to be involved in commercial activities where it is in the public interest and subject to competitive neutrality principles.*

41. *The Panel recommends that 'beneficial enterprises' not be introduced as a new mechanism for local government commercial activities, but that instead an updated and more flexible subsidiary model should provide for the following:*
 - a. *Local government autonomy to establish a single or joint subsidiary to:*
 - (i) *Carry out any scheme, work or undertaking on behalf of the council;*
 - (ii) *Manage or administer any property or facilities on behalf of the council;*
 - (iii) *Provide facilities or services on behalf of the council; and/or*
 - (iv) *Carry out any other functions on behalf of the council.*
 - b. *The subsidiary to be established through a charter.*
 - c. *The charter to be certified by an independent and suitably experienced legal practitioner as within power and National Competition Policy.*
 - d. *Public notice of the proposal to establish the subsidiary to ensure that there are no private operators that would be significantly disadvantaged.*
 - e. *The subsidiary to be able to undertake commercial activities (within the limits of competitive neutrality and a thorough risk assessment).*
 - f. *The subsidiary to have the ability to acquire, hold, dispose of or otherwise deal with property.*

- g. Dividends able to be paid to member local governments.*
 - h. The requirement for employees of the subsidiary to be employed under the same award or agreement conditions as the relevant local government/s and within the jurisdiction of the Western Australian Industrial Relations Commission.*
 - i. No requirement for ministerial approval at the outset, but reserve powers for the Minister for Local Government to intervene if issues arise should be included.*
- 42. The Panel recommends local governments should utilise the subsidiary models and, as a general rule, should not form entities outside this, such as under the Associations Incorporation Act, except as a means of establishing or maintaining partnerships with other local or regional organisations in those instances where the local government is not the dominant party.*

Discussion

The Local Government sector supports streamlined and effective regional collaboration to leverage economies of scale, combined resources and enhanced accountability.

Regional collaboration provides many benefits for the community, including:

- Efficient service delivery leveraging economies of scale
- Enhanced accountability for specific functions, and
- Reduced risk by quarantining ratepayer funds in a separate legal entity

Flexibility for local governments to select and adapt the most suitable collaborative model to local circumstances is crucial for the benefits of regional collaboration to be realised. While competitive neutrality is important, and should be respected, the ability to undertake commercial activities is important, particularly to address instances of market failure.

The subsidiary model, governed by a charter, provides simplicity and can be customised to meet local and service delivery needs.

The beneficial enterprises model provides for a commercial focus while increasing accountability and reducing risk by quarantining ratepayer funds.

To that end, the local government sector supports the ability to utilise a range of fit-for-purpose regional collaborative models.

Local Government position

That:

- 1. Local Governments be empowered to form single and joint subsidiaries, and beneficial enterprises, and**
- 2. Compliance requirements of Regional Councils be reviewed and reduced.**

Community Engagement

The Local Government Review Panel Final Report recommends:

33. *The Panel recommends that the following community engagement principles should be included in the new Act:*
 - a. *Councils actively engage with their local communities;*
 - b. *Councils are responsive to the needs, interests and aspirations of individuals and groups within its community;*
 - c. *Community engagement processes have clearly defined objectives and scope;*
 - d. *Participants in community engagement have access to objective, relevant and timely information to inform their participation;*
 - e. *Participants in community engagement are representative of the persons and groups affected by the matter that is the subject of the community engagement;*
 - f. *Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement; and,*
 - g. *Participants in community engagement are informed of the ways in which the community engagement process will influence council decision-making.*

34. *The Panel recommends a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making, and that a model charter be prepared to set parameters and provide guidance on mechanisms to be used.*

35. *The Panel recommends the Annual Electors' Meeting is replaced by an Annual Community Meeting whereby:*
 - a. *As a minimum, councils provide information on their achievements and future prospects;*
 - b. *Councils report on the local government's financial performance and performance against relevant Council Plans;*
 - c. *Both the mayor/president and the Chair of the Audit Committee address the meeting;*
 - d. *There is ample time for questions; and,*
 - e. *Wider community participation is encouraged through different delivery mechanisms.*

Discussion

With a local presence in every community in Western Australia, community engagement is core business for Local Government.

Principles and methods supporting responsive, aspirational and innovative community engagement are supported. Local Governments are often on the frontier of innovative community engagement methods, such as participatory budgeting and deliberative democracy.

To that end, the Local Government sector supports community engagement aims and principles to be encapsulated in a policy. However, the content of such a policy should not be prescribed; Local



Governments, with knowledge and regular touchpoints with their communities, are best placed to determine the content of a community engagement policy.

An optional Annual Community Meeting is supported, at which Local Governments could present their annual report, financial performance and recent achievements, and outline their future prospects and plans.

Local Government Position:

The Local Government sector supports:

- 1. Responsive, aspirational and innovative community engagement principles**
- 2. Encapsulation of aims and principles in a community engagement policy, and**
- 3. The option of hosting an Annual Community Meeting to present on past performance and outline future prospects and plans.**

Roles and Responsibilities

The Local Government Review Panel Final Report recommends:

28. *The Panel recommends significant changes in the Act to the current statements of roles and responsibilities for mayors/presidents, councillors and CEOs and that the Act should include a new statement of responsibilities for the 'council' which captures the roles and responsibilities of all councillors acting collectively as the council.*

29-32. *Revised statements of roles and responsibilities that are specific to address the following issues:*

- *Community leadership*
- *Strategic planning*
- *Continuous improvement*
- *Executive function (for mayors/presidents)*
- *Guiding the CEO (for mayors/presidents)*
- *Training*

The Select Committee into Local Government Report recommends:

26. *The Government clarify the roles of council and the chief executive officer, and the distinction between governance and operational matters, in any new local government Act.*

Discussion

The *Local Government Act 1995* is predicated on separate roles and responsibilities for Elected Members and the administration, as summarised in the Second Reading Speech:

*'The new Act will provide a clear distinction between the representative and policy making role of the elected Councillors and the administrative and advisory role of the chief executive officer and other staff.'*¹

The Inquiry Report's recommendations for training and induction are reflective of the mandatory training and continuing professional development requirements introduced in the *Local Government Legislation Amendment Act 2019*.

WALGA has long advocated for absolute certainty in responsibilities and separation of powers associated with employees. Appointing and dismissing senior designated employees falls within the function of the CEO.

From this perspective, clarification of roles and responsibilities requires similar consideration of a clearly defined separation of powers between the governing body and the administration.

¹ Government of Western Australia, Local Government Bill Second Reading, 31 Aug. 1995 pp. 7547-7551



Local Government Position:

That clarification of roles and responsibilities for mayors/presidents, councillors and CEO's be considered in conjunction with the separation of powers between the Council as governing body and the administration of the Local Government.

External Oversight

The Local Government Review Panel Final Report recommends:

57. *The Panel recommends that there should be an early intervention framework of monitoring to support local governments. The department should have additional powers to appoint and support the monitor with councils responsible for the direct costs of the monitor.*
58. *The Panel recommends the Minister should have the power to direct local governments and make declarations in respect to the Local Government Act during a declared state of emergency.*
59. *The Panel recommends establishing an Office of the Independent Assessor that should:*
 - a. *Be an independent body to receive, investigate and assess complaints against elected members and undertake inquiries. This removes the CEO from being involved in processing and determining complaints.*
 - b. *Be a statutory appointment by the Governor.*
 - c. *Upon assessment, refer the complaint back to the council (behaviour-related), the State Administrative Tribunal (SAT) (serious breaches), or to another appropriate body (such as, Corruption and Crime Commission, Public Sector Commission, Ombudsman) according to the subject of the complaint.*
 - d. *Replace the Standards Panel by investigating and making determinations on Rules of Conduct breaches. SAT will determine the penalties.*
 - e. *Amongst other powers, have the power to investigate, to order compulsory mediation and to deal with abuses of process.*
 - f. *Be required to notify the CEO and council of any matters on a confidential basis.*

The City of Perth Inquiry Report recommends:

- 323-332. *An Office of Inspector of Local Government (Inspector) be established as an independent statutory office, responsible to the Minister for Local Government.*

The Select Committee into Local Government Report recommends:

25. *The Government give active consideration, as part of the review of the Local Government Act 1995, to establishing a new independent statutory body to regulate and support the local government sector.*

Discussion

The recommendation from the Local Government Act Review Panel to replace the Standards Panel with an Office of the Independent Assessor is worth supporting. The proposal is to set-up an independent body to receive, investigate and assess complaints against elected members and undertake inquiries. This removes the CEO from being involved in processing and determining complaints, which has previously put the CEO in an invidious position.

An early intervention framework of monitoring to support Local Governments should also be provided.

Local Government Position:

The Local Government sector supports:

- 1. Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against elected members and undertake inquiries.**
- 2. Remove the CEO from being involved in processing complaints**
- 3. That an early intervention framework of monitoring to support local governments be provided.**

Financial Management and Procurement

The Local Government Review Panel Final Report recommends:

43. *The Panel recommends the following financial management principles be included in the new Act:*
 - a. *Councils should have regard to achieving intergenerational equity, including ensuring the following:*
 - (i) *Policy decisions are made after considering their financial effects on future generations*
 - (ii) *The current generation funds the cost of its services, and*
 - (iii) *Long life infrastructure may appropriately be funded by borrowings*
 - b. *Revenue, expenses, assets, liabilities, investments and financial transactions are managed in accordance with the council's financial policies and strategic plans*
 - c. *Financial risks are monitored and managed prudently having regard to economic circumstances*
 - d. *Financial policies and strategic plans, including the Revenue and Rating Strategy and Investment policy, seek to provide stability and predictability in the financial impact on the community; and*
 - e. *Accounts and records that explain the financial operations and financial position of the council are kept.*

44. *Having regard to the need for sound financial decision-making and accountability, the Panel recommends the following:*
 - a. *Local governments should be required to adopt or justify departures from a model investment policy to the Audit, Risk and Improvement Committee and relevant State Government Agency.*
 - b. *Local governments should be able to use freehold land to secure debt.*
 - c. *Debt should not be used for recurrent expenditure except in an emergency situation.*
 - d. *Notice should continue to be required to be given for borrowings not included in the local government's annual budget.*
 - e. *Building upgrade finance is permitted for specific purposes such as cladding, heritage and green improvements.*
 - f. *Local governments should adopt program budgeting to more clearly show the actual cost of delivering a service or undertaking an activity.*
 - g. *Local governments should report on the percentage of their expenditure spent on local businesses in their annual report.*

45. *The Panel recommends that local government procurement thresholds, rules and policies are, where applicable, aligned with the State Government, including (but not limited to):*
 - a. *Tender threshold (currently \$250,000);*
 - b. *Procurement rules and methods for goods and services under the tender threshold;*
 - c. *Procurement policies, including sustainable procurement, procuring from disability enterprises, buy local (where 'local' refers to Western Australia or a*

- specific region of the state determined by the local government) and Aboriginal businesses; and*
- d. *Using TendersWA as the primary tender platform.*
46. *The Panel recommends the development of a model procurement policy for all local governments. If a local government chooses to deviate from the policy it should to be required to explain its reasoning to the responsible State Government agency.*
47. *The Panel recommends enhancing legislation to regulate and guide the establishment and management of panel contracts.*
48. *The Panel recommends a requirement for local governments to have an open register of local businesses with local governments determining what is considered 'local' to their community.*
49. *The Panel recommends breaches of the local government procurement rules to be referred to the Office of the Independent Assessor to use the appropriate powers under the new Local Government Act.*

The Select Committee into Local Government recommends:

12. *The Government give active consideration to providing, through the Department of Local Government, Sport and Cultural Industries, an accounting advice helpdesk service to the local government sector similar to the service provided by the Department of Treasury to the State government sector.*
13. *The Government:*
- *consider reducing the financial reporting requirements on local governments*
 - *in doing so, take into account the information provided by the Office of the Auditor General, set out at Appendix 3 and Appendix 4 of this report.*
14. *The Department of Local Government, Sport and Cultural Industries and the Government consider the introduction of tiered financial reporting for local governments.*

The City of Perth Inquiry Report recommends:

188. *The State Government consider amendments to the Local Government Act 1995 to provide for better practice financial management through the establishment of Local Government Financial Management Instructions (similar to the Treasurer's Instructions for State Government) that establish a minimum set of standards and requirements for the financial administration of local government (Financial Management Instructions).*
189. *The "WA Accounting Manual" be reviewed, updated and promulgated by the Department within the next 12 months.*
190. *The Minister for Local Government consider prescribing the format of the annual budget and financial report to provide consistency across local government.*



Discussion

The sector has considered a number of the recommendations from the reports and supports reviewing the financial reporting requirements for Local Governments.

Model Financial Statements

WALGA has recently formed a Sector Reference Group to review the current financial ratios and to suggest more appropriate ratios. The Reference Group believes the first action to be taken should be for the Department of Local Government to prepare a Model set of Financial Reports for the Local Government sector. This is to enable consistent financial reporting across the sector which would then allow for ratios to be more meaningful for sector analysis.

The following is an excerpt of notes from the group;

The Working Group discussed the possibility of progressing this resolution as soon as possible, rather than waiting for the work on financial ratios to be completed. It was decided that this should be actioned as a priority. A signal from the Minister for Local Government as to whether this proposal is supported will assist in guiding the group's next steps, noting that the actual development of a model set of accounts would take time and resources. The group also noted that the Office of Auditor General (OAG) have made complementary recommendations relating to financial reporting. For example, in the [Audit Results Report – Annual 2018-19 Financial Audits of Local Government Entities](#), it was recommended that DLGSC re-assess the amount of detail required to be included in annual financial reports.

Resolved:

That WALGA advocates to the Minister for Local Government that the Department of Local Government to prepare a Model set of Financial Reports for the Local Government sector, in consultation with the Office of the Auditor General.

The concept on a model set of accounts is not new. Every other State produces one in some form. This document would be produced annually by the Department and be endorsed by the OAG.

The proposal would involve a detailed set of accounts, including notes, would be available to the industry in March of each year. The document would provide a template for Statements and Notes. These items would include references to legislation and Accounting Standards so the user can gain an appreciation as to why the information is required. Accompanying text could provide a greater understanding of the information and the cross referencing to other information. For example, the note on calculating financial ratios would include how those ratios are calculated, hence doing away with the need for Departmental Guidance Notes.

The benefits that would accrue to the Local Government sector and the community would be substantial. One set of model reports that could provide clear outcomes, rather than waiting for the



annual audit to see if a Local Government had interpreted the standards and legislation correctly. Small Local Government would benefit as they may not have qualified accountants on staff and this would provide cost savings. Accessing information about each Local Government would be simplified. The audit process would also be simplified. All of these measures have the ability to lower costs incurred by Local Government in producing the annual financial report.

Use of Debt

The sector's long held position is that the Act should allow Local Governments to use freehold land, in addition to its general fund, as security when borrowing. Currently a Local Government can only borrow against its cash. In most cases this is sufficient, however there have been examples of Local Governments borrowing for large scale infrastructure projects that would benefit from being able to use their freehold land as security.

Building Upgrade Finance

Building Upgrade Finance would enable Local Governments to guarantee finance for building upgrades for non-residential property owners. In addition to building upgrades to achieve environmental outcomes, Local Governments have identified an opportunity to use this approach to finance general upgrades to increase the commercial appeal of buildings for potential tenants. In this way, BUF is viewed as means to encourage economic investment to meet the challenges of a soft commercial lease market and achieve economic growth.

Procurement

WALGA has consistently supported the alignment of the tender threshold with that of the State Government and broadly supports the principle that suppliers of goods, services and works competing for contracts will benefit where procurement processes across State and Local Government has more similarities than differences.



Local Government Position:

That the Local Government sector:

- 1. Requests the Minister for Local Government to require the Department of Local Government to prepare a Model set of Financial Reports for the Local Government sector, in consultation with the Office of the Auditor General;**
- 2. Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General;**
- 3. Supports Local Governments being able to use freehold land to secure debt;**
- 4. Supports Building Upgrade Finance being permitted for specific purposes such as cladding, heritage and green improvements;**
- 5. Supports the alignment of Local Government procurement thresholds, rules and policies with the State Government.**

Accountability and Audit

The Local Government Review Panel Final Report recommends:

53. *The Panel recommends the role of audit committees be expanded to become Internal Audit, Risk and Improvement Committees and:*
 - a. *The majority of the Committee members, including the Chair, should be independent of the local government and should be drawn from a suitably qualified panel.*
 - b. *To address the impost on small local governments, the committee could be established on a regional basis.*

54. *The Panel recommends the main roles of the Audit, Risk and Improvement Committee should include:*
 - a. *Developing an audit plan which focuses on compliance, risk (including procurement), financial management, fraud control, governance and delivery of Council Plans;*
 - b. *Identifying continuous improvement opportunities and monitoring programs and projects in this area;*
 - c. *Conducting the mandatory internal audits as outlined in the audit plan; and*
 - d. *Providing advice to the council in relation to these matters.*

The Select Committee into Local Government recommends:

11. *The Government give active consideration to facilitating, through the Department of Local Government, Sport and Cultural Industries, a shared internal audit service for the Local Government sector, particularly to assist small and medium councils.*

Discussion

The Local Government sector supports a robust self-regulation audit framework, which includes a role for the audit committee overseen by council, and a role for the Office of the Auditor General in conducting financial and performance audits of Local Government.

In accordance with the principles of self-governance and self-regulation, majority independent membership of audit committees is not supported. Oversight of the affairs of the Local Government is a fundamental role of the Council, and should not be confused by diffusing responsibility among an audit committee comprised of a majority of non-elected members. Notwithstanding, the Local Government sector acknowledges that some independent expertise may be beneficial to the audit committee process.

The Local Government sector supports a clearly defined role for the audit committee, led and overseen by the elected Council.



Local Government Position:

That audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority.

5.2 Submission – Registration of Building Engineers in WA (05-015-02-0010 VJ)

By Vanessa Jackson, Policy Manager Planning and Improvement

Recommendation

That WALGA:

1. Advise the Department of Mines Industry Regulation and Safety (DMIRS) that the registration of Building Engineers in WA is supported.
2. Request that DMIRS also consider the registration of Electrical Engineers, Façade Engineers, Energy Assessors, Bush Fire Consultants, Access consultants, Swimming pool, Patio installers and Demolition contractors.
3. Request that DMIRS clarify that dilapidation reports may only be undertaken by Registered Engineers.
4. Provide this report to Department of Mines Industry Regulation and Safety as feedback on the Consultation Regulatory Impact Statement.

Executive Summary

- In July 2020, Department of Mines Industry Regulation and Safety (DMIRS) released a Consultation Regulatory Impact Statement (CRIS) focused on the registration of Building Engineers in WA.
- Broad support is provided as the registration of technical experts has been advocated by the Association for many years. Additional registration of professionals and businesses is also requested to assist in improving the quality of buildings and professional standards in WA.
- Submissions on the Consultation Regulatory Impact Statement closes on the 3 December 2020.

Attachment

Consultation Regulatory Impact Statement on the registration of Building Engineers in WA ([here](#)).

Policy Implications

The proposed recommendation is aligned with the March 2017 State Council meeting (Resolution 7.1/2017), where the Top Ten improvements to the Act were endorsed, including the Registration of Technical Specialists, as follows:

- Technical specialist (such as fire engineers) should be registered with the Building Commission
- Registration of Energy Assessors, Bush Fire consultants and Access consultants is required.

At 30 April 2020 meeting, the Central Metropolitan Zone considered a report on the process surrounding Dilapidation Reports and recommended that “WALGA lodge a submission to State Government, in support for formal registration of practitioners conducting dilapidation reports to industry standards”.

Background

The Consultation Regulatory Impact Statement (CRIS) proposes to amend the *Building Services (Registration) Act 2011* to require the following categories of engineers to be registered to carry out building engineering work: civil engineers; structural engineers; hydraulic engineers; mechanical engineers; geotechnical engineers and fire safety engineers.



The proposals in the CRIS are aligned with the national registration model being developed by the Australian Building Codes Board ([here](#)). The CRIS is open for comment from 8 July to 3 December 2020

Comment

Since 2017, WALGA has been advocating for the registration of technical experts within the building approval and construction process. Concerns with technical specialists providing incorrect information on critical aspects such as fire safety, wind ratings and cyclone suitability, has resulted in numerous problems over the years for ratepayers. The ACT and WA are the only jurisdictions with no regulatory requirements for building-related engineers. All other jurisdictions regulate engineers in the building industry to varying degrees through building or occupational licensing legislation.

Over the years, WALGA has recommended that Structural Engineers and Fire Engineers be accredited in the same manner as Building Surveyors. WALGA has also advocated for the registration process to be expanded to cover Bushfire Attack Level (BAL) Assessors and Energy Efficiency assessors. Other additional 'engineering services' that could also be included in a registration process could be Electrical Engineers (Emergency lighting & exit signs, automatic fire detection systems for major developments) and Façade Engineers (weatherproofing and cladding compliance on major developments). Otherwise, the system does not sufficiently acknowledge the expertise that is required within these other specific fields, to ensure buildings are safe to occupy.

The CRIS seeks responses to a total of 23 questions, primarily focused on the professional qualifications, ongoing professional development processes, and registration costs and funding arrangements to establish the registration process. Broad support of the registration of the proposed categories of building related engineers is provided as it aligns with previous WALGA policy positions.

The concerns of the Central Metropolitan Zone are not covered within this CRIS. If the new registration process specifically indicates that dilapidation reports can only be undertaken by one of these qualified professionals, then this may be a solution. Clarity is therefore required when DMIRS prepares the upcoming Decision Regulatory Impact Statement.

Finally, the CRIS released addresses the registration of Structural and Fire Engineers, however, the registration of Electrical and Façade Engineers, Energy Assessors, Bush Fire consultants and Access consultants has not been considered in this paper.

Feedback was also sought from members on other professions or businesses that should be registered; the registration of swimming pool and patio installers, and demolition contractors would also assist in improving the rigor around these professionals involved in the building process.

This report was circulated to Local Government Building Surveyors for comments, with feedback received from officers at the Cities of Perth, Joondalup and Melville.

5.3 Family and Domestic Violence and the Role of Local Governments (05-086-03-0004 MM)

By Marissa MacDonald, Acting Policy Manager Community

Recommendation

That:

- 1. WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.**
- 2. WALGA advocates to the State Government:**
 - a. to define and communicate the role, responsibilities and expectations of Local Governments in family and domestic violence.**
 - b. for adequate funding for family and domestic violence programs and services, particularly in regional areas.**
 - c. for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy.**
 - d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government.**
 - e. to continue advocacy to the Commonwealth Government for additional funding and support.**
- 3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.**

Executive Summary

- WALGA received two separate requests from the South West Country Zone in March 2019 and the East Metropolitan Zone in November 2019 to analyse the role of Local Governments in addressing family and domestic violence.
- A discussion paper was prepared in response to the Zone requests which encompassed the roles of all three levels of Government and comparison across States and Territories as well as Local Government Associations.
- The analysis in the discussion paper recommends that WALGA should strengthen advocacy efforts, including updating the outdated 2011 WALGA State Council endorsed policy position.

Attachment

Family and Domestic Violence: The Role of Local Governments Discussion Paper

<https://walga.asn.au/getattachment/Documents/Item-5-3-attachment-Local-Government-and-FDV-Discussion-Paper-FINAL.PDF?lang=en-AU>

Policy Implications

In December 2011 WALGA State Council endorsed a submission to the State Government's former 'Enough is Enough Interpersonal Violence Prevention Strategy', along with adopting a now outdated set of principles that aligned with that Strategy at the time - RESOLUTION 144.7/2011.

Background

Family and domestic violence is an ongoing pattern of behaviours intended to coerce, control or create fear between family members or in current or past intimate partner relationships. Gender inequality, gender norms and stereotypes and attitudes towards women are all recognised as key drivers of family and domestic violence. Family and domestic violence behaviours can involve physical violence, sexual assault, verbal or emotional abuse, controlling behaviour, stalking and financial abuse. It can contribute to and cause anxiety and depression, suicide and self-harm, early pregnancy loss, alcohol and drug use and homelessness.

WALGA received two requests from the South West Country Zone in March 2019 and the East Metropolitan Zone in November 2019 to analyse the role of Local Governments in addressing family and domestic violence.

A discussion paper was prepared in response to the Zone requests that provided a broad analysis of the roles of all three levels of Government and comparison across jurisdictions as well as Local Government Associations. The results from WALGA's family and domestic violence survey collected between September 2019 and January 2020, with 26 individual Local Government responses was also included in the discussion paper. Not in scope for this paper was the analysis of the legal and judicial system associated with family and domestic violence, the direct support services provided to help support victims (e.g. crisis accommodation) or the specific programs facilitated to change the behaviour of offenders. Also not in scope was the Commonwealth Government's Royal Commission into Institutional Responses to Child Abuse recommendations and responses.

In August 2020 the discussion paper was provided to the South West Country Zone and the East Metropolitan Zone for consideration. Both of the Zones supported progressing the recommendations from this paper, with a minor amendment from the East Metropolitan Zone. In September 2020 all Local Governments were then provided an opportunity to review and provide further comment on the discussion paper for a period of five weeks, with the feedback received being incorporated. Feedback was received from the City of Swan and the City of Wanneroo, as well as the community alliance 'Peel Says No to Violence' which the City of Mandurah supports.

Comment

Historically Local Governments around Australia have not had a defined role and are not legislatively obligated to address family and domestic violence, except for Victorian Local Governments. The Commonwealth Government however recognises the role of Local Governments in the primary prevention of family and domestic violence outlined in the National Plan, as well as through the release of the Prevention Toolkit for Local Government which was piloted in five Local Governments across Australia, including the City of Mandurah. Some WA Local Governments with capacity are taking action by developing policies and delivering community initiatives targeted towards the primary prevention of family and domestic violence. This includes installing 'purple benches' to raise awareness of the issue in partnership with the Women's Council for Domestic and Family Violence Services WA.

The State Government developed and released the State Strategy in July 2020 without the opportunity for Local Governments and WALGA to provide input. WALGA's main role therefore is to advocate rather than administer a specific program or network, as there are no specific funding commitments from the State Government to Local Governments and there is an absence of legislation compelling Local Government to address the issue unlike in Victoria. The survey conducted by WALGA with 26 Local Government responses, supports the position that WALGA should strengthen advocacy efforts



including updating the outdated 2011 WALGA State Council endorsed policy position to align with current approaches and evidence.

5.4 Underground Power (05-049-02-0001 ID)

By Ian Duncan, Executive Manager, Infrastructure and Roads

Recommendation

That Local Government supports the:

1. continuation of cooperative arrangements between the State Government, Western Power and Local Government to progressively replace the overhead electricity distribution network in residential areas with underground power.
2. development of a new approach to identifying and prioritizing areas for investment in underground power, initiated by the need to invest in the overhead network to meet safety, reliability and capability requirements.
3. development of a new approach to allocating State Government resources to facilitate projects proceeding in areas with a high electricity network need and lower economic capacity of ratepayers while retaining a commitment to funding an average of 25% of program costs.
4. opportunity for Local Governments to initiate projects to convert areas to underground power be retained with Western Power to continue to contribute the amount recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT).

Executive Summary

- The last projects identified under Round 6 of the State Underground Power Program will be completed in late 2022.
- It is timely for the Association to review its policy position in relation to underground power and formulate an advocacy position for future investment.
- The current, competitive process is unlikely to be sustainable, as conversion to underground power the inner, coastal and river front suburbs is nearly completed. The current costs borne by householders (50 – 90% of project costs) are too high in lower socio economic areas.
- Western Power will need to invest significantly in parts of the network particularly that built between 1950 and 1980. Investing the avoided costs of this renewal in replacing the overhead network with underground power, offers the potential to significantly reduce the costs faced by residents.
- The State Government should continue to financially support underground power, targeting investment in those areas with high network need and lower financial capacity of ratepayers.

Policy Implications

State Council Resolution 111.5/2010

Submission to the Economic Regulation Authority Inquiry into the State Underground Power Program which made the following specific recommendations:

1. Re-examine the objectives of the State Underground Power Program (SUPP) within broader State Government policies including energy and environmental policy objectives.
2. Western Power be required to develop a high level program for the undergrounding of all electricity distribution infrastructure over 20 – 40 years utilizing best practice asset management principles and use this as the basis to determine the sequence of work within the SUPP (notwithstanding the opportunity to bring forward projects identified below).
3. Determine whether the benefits received by stakeholders are similar across all projects and if not, identify the principles for a project specific basis for cost sharing between the beneficiaries.

4. Assess whether the benefits of higher property prices have changed over time (as underground power becomes more common) and whether that benefit is sustainable if the vast majority of the entire network is underground.
5. Estimate the benefits from improved reliability of the power network to electricity generators and retailers and include these in share of costs on the beneficiary pays principle as appropriate.
6. Investigate the potential benefits to community health from higher exercise rates arising from improved street lighting.
7. Include network asset management principles and economics more clearly in the project identification, prioritization and funding determination process.
8. This Inquiry specifically consider the perspectives of owner-occupiers, private investors, government owned homes and other investors in assessing the benefits received by property owners.
9. This Inquiry should consider whether measures such as the SEIFA index for an area provide a sufficient measure of the capacity of a property owner to contribute to the cost of an underground power program.
10. Cost estimates used to gauge community support for projects be adjusted for cost inflation during the expected time between the consultation period and project construction.
11. This Inquiry should give guidance as to the analysis of equity considerations between those who have already received a public contribution to the provision of underground power and those yet to do so.
12. Within the context of an established program for progressive replacement of overhead electricity distribution infrastructure with an underground network, provide the opportunity for communities to bring forward the work in their area by contributing the marginal cost of early infrastructure write-off and capital expenditure.
13. Evaluate the implications to the overall SUPP and its objectives of broadening the scope of the program to include peri-urban areas and the undergrounding of electricity distribution infrastructure to accommodate road expansion and upgrade works.

Background

The benefits of providing underground power include:

- More reliable power supply (particularly during storms);
- Better quality power supply (reduced damaged to electrical appliances and flickering lights that occur with fluctuations in power supply);
- Greater public safety due to less opportunity for contact with live power lines and collisions with non-frangible poles;
- Eliminating pole top fires, that typically occur in damp conditions following extended dry periods;
- Improved visual amenity of streetscapes with poles and wires removed and the opportunity for more tree planting;
- Better street lighting as the location of lights can be optimised as part of the design, rather than constrained by the distance poles are apart. This improves road and community safety; and
- Reduced vegetation management costs to keep trees clear of overhead power lines and the opportunity for increased tree canopy cover.

The State Government owned corporations, Western Power and Horizon Power, have responsibility for electricity distribution infrastructure within their geographic areas of operation. Road Reserves in which the electricity infrastructure is located are Crown Land, with care and control vested in Local Governments (*s.3.53 of the Local Government Act 1995* and *s.55 (2) of the Land Administration Act 1997*). The *Local Government Act 1995 (s 6.38)* and *Local Government (Financial Management) Act 1996 (Regulation 54(c))* provide the head of power for Local Governments to apply a service charge to recover some or all of the costs to provide underground power. Councils have historically provided

financing arrangements to enable property owners to defer payment and pay for underground power over an extended period of time.

Since 1996 Local Governments, Western Power and the State Government have worked together to replace overhead electricity distribution wires with underground cables. At the conclusion of the current Round 6 of the State Underground Power Program (SUPP), it is anticipated that 70 Major Residential Projects will have been completed, converting approximately 105,000 residences to underground power. All new residential subdivisions are required to have underground power distribution. Nearly 60% of residential properties in the Perth metropolitan area are now served by underground power. However, there remains more than 350,000 residential properties in Perth and 90,000 properties in regional urban areas that have overhead power connections.

A program to retrospectively provide underground power in residential areas has enjoyed bi-partisan political support for 25 years.

Despite very significant investment in pole replacement over the past decade, nearly 30% of the 622,300 wooden poles in the Western Power distribution network are more than 40 years old². Cross arms in the distribution network have a similar age profile. This indicates that Western Power will need to continue large scale investment in pole reinforcement and pole replacement in the immediate future. The installation of underground power eliminates the need to replace poles that have reached the end of their service life and reinforce poles during their service life.

Competition for underground power projects remains strong. There were 62 proposals from 14 Local Governments for Round 6 Major Residential Projects, with just 17 projects approved by the Minister for Energy for development. There were 89 project proposals in the previous Round 5.

Current Models for Converting to Underground Power

There are currently three ways in which existing overhead electricity distribution wires and poles may be replaced with underground infrastructure:

1. State Underground Power Program (SUPP)
2. Retrospective (Customer Funded) Underground Power (RUP)
3. Network Renewal Underground Power Pilot (NRUPP)

State Underground Power Program

The Guidelines for the most recent round of the State Underground Power Program (SUPP), Round 6, provided for the Local Government to contribute between 50% and 100% of the project cost. Western Power provides a contribution up to the amount that is recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT)³ and the balance is funded by the State Government. Across the first eleven projects in Round 6, on average Local Government has provided 66% of the funding (50%-90%), Western Power 23% (10%-33%) and the State Government 11% (0%-29%).

Typically ratepayers, through their Local Government, have been required to contribute between \$3000 and \$9000 per property for underground power conversion through the SUPP.

The last of the 17 projects planned for delivery under Round 6 (SUPP) is scheduled for completion in late 2022.

Retrospective (Customer Funded) Underground Power

² Western Power, State of the Infrastructure Report 2018/19 page 16
<https://westernpower.com.au/media/4296/state-of-the-infrastructure-report-2018-19-20200630.pdf>

³ <https://www.erawa.com.au/electricity/electricity-access/western-power-network/western-power-network-augmentations>



In some situations Local Governments or property developers have elected to work directly with Western Power to fund the replacement of overhead wires and poles with underground power. There is no funding from the State Government under these arrangements.

Typically these projects cost \$4000 to \$10,000 per property.

Network Renewal Underground Power (Pilot)

In a small number of situations the condition of the overhead network is such that replacement with underground power meets the new facilities investment test (NFIT) that Western Power is subject to for capital investment. Four pilot projects are in development or implementation. The funding model is that the resident, through the Local Government, funds the underground connection to the property (green dome plus connection from the dome to the house as this infrastructure is not owned by Western Power). Western Power funds all of the street works.

In the small number of projects developed to date, ratepayers, through their Local Government, have been required to contribute between \$1,500 and \$2,500 per property for underground power conversion.

Comment

New Approaches to Underground Power Conversion

Three approaches to underground power conversion have been identified for future consideration:

1. State Underground Power Program Round 7
2. Network Investment Priority Driven Co-investment Model
3. Customer Funded

State Underground Power Program Round 7

This approach requires the State Government to initiate a competitive project selection process using the criteria and guidelines (or similar) to the previous Round 6.

From a funding perspective, the Local Government bids the share of project costs it is willing to fund (subject to a minimum); Western Power funds up to the amount able to be approved under the New Facilities Investment Test (NFIT) and the State Government funds the balance. The State Government determines the investment priorities, based on network need or risk, maximising the impact of its funding contribution and minimising the risk of community opposition.

Strengths

- i. Every Local Government is provided the opportunity to propose and compete for underground power projects;
- ii. Well understood structure;
- iii. Transparent process;
- iv. Equitable (broadly) with projects delivered since 2000.

Weaknesses

- i. Increasingly difficult to identify project areas where residents are willing and able to fund 50% or more of the project costs;
- ii. Investment does not maximise opportunities from Western Power critical maintenance expenditure. New investment in the overhead network reduces the amount Western Power is able to contribute to underground conversion;
- iii. Process of funding rounds results in a long period of time (up to 6 years) between project initiation and completion;
- iv. Difficult to maintain a steady flow of project work to encourage investment in the industry and competition between contractors;

Network Investment Priority Driven Co-investment Model

Development of a new network investment priority driven approach requires the State Government to determine a contribution to each project. This could be a fixed amount or share (percentage) or a variable amount or share based on relevant factors. The Economic Regulation Authority Inquiry into the State Underground Power Program⁴, proposed State Government contributions range from 5% to 40% of project costs based on median house prices. Alternative factors or measures include:

- Index of relative socio-economic disadvantage⁵;
- Relative Average Gross Rental Value (GRV) in the project area
- Relative unimproved land value; and
- Small area income or wealth measures⁶.

The structure of this approach requires potential underground conversion project areas are identified by Western Power based on planned maintenance investment. This information is currently available (not publicly) and would be expected to be regularly updated. The New Facilities Investment Test (NFIT) determines the Western Power financial contribution to the project.

The Local Government(s) within the project area are invited to consider the project area proposed by Western Power for conversion to underground electricity distribution having been advised of the estimated ratepayer contribution required to fill the gap between project costs and contributions from Western Power and the State Government. Projects would be proposed on a rolling basis, rather than a funding round. However, indicative project areas for a five year period could be used for planning purposes. If the Local Government declines the invitation, Western Power would invite the Local Government responsible for the next highest priority project area to consider a project. In the area where overhead power is to remain, Western Power will undertake the required work on the overhead network to ensure safety of the infrastructure and supply.

Strengths

- i. Ultimately (40 years +) provides for underground power to most residential properties on the Swan Coastal plain and regional centres.
- ii. Maximises the opportunities provided by essential Western Power investment in network maintenance and renewal. In the highest priority project areas, this represents 52% of estimated project costs.
- iii. Offers the potential to make a significant impact on the network constructed between the 1950's and 1980's which is approaching the end of its service life and subject to pressure from infill development and solar generation.
- iv. Rolling program shortens the length of time between community consultation and project implementation.
- v. Broadly equitable with funding Rounds 5 and earlier, that provided a greater State Government contribution to lower socio-economic areas with the added benefit of higher Western Power contribution.

Weaknesses

- i. Not every Local Government or every community will be offered the opportunity to convert to underground power under this program within the short to medium term;

⁴ Inquiry into State Underground Power Program Cost Benefit Study 2011
<https://www.erawa.com.au/cproot/9988/2/20111020%20-%20D76272%20-%20Final%20report%20-%20inquiry%20into%20State%20Underground%20Power%20Program.pdf>

⁵ Australian Bureau of Statistics <https://www.abs.gov.au/websitedbs/censushome.nsf/home/seifa>

⁶ For example
<https://www.abs.gov.au/Ausstats/abs@.nsf/0/603D7F27299009A7CA25810F001B15DD?OpenDocument>

- ii. Not very transparent, as Western Power investment priorities and plans are complex and difficult to communicate in an open way;
- iii. Project areas may straddle Local Government boundaries and not align with communities of interest.

Customer Funded

Property developers and Local Governments can approach Western Power to design and construct replacement underground electricity distribution infrastructure. A series of up-front payments are required for the cost estimates and design costs, prior to a final agreement to proceed to construction.

Western Power to determine and provide a financial contribution to customer funded underground power projects up to the amount that is able to be approved under the New Facilities Investment Test (NFIT).

Strengths

- i. Every Local Government able to propose areas for conversion;
- ii. Western Power agrees to contribute the value of benefits accrued to the network (avoided costs).

Weaknesses

- i. Does not leverage maintenance and renewal investment;
- ii. Results in potential early write-off of electricity distribution assets;
- iii. Unlikely to have a significant impact across the network due to high costs faced by property owners.

Conclusions

The current approach to identifying areas for conversion to underground power is not sustainable. A future program requires that the investment priorities of Western Power, the State Government and ratepayers are better aligned so that the benefits received by ratepayers equal or exceed to costs they face. Focussing on areas that have the highest impact in terms of electricity network benefits will lower the costs faced by ratepayers.

The State Government should continue to have a role in the program recognising the benefits accruing to the wider community and to provide equitable treatment for those electricity consumers still served by an overhead network.

A new Electricity distribution network driven approach to project identification be supported.

The opportunity for Local Governments to initiate underground power conversion in areas, with co-investment by Western Power to the amount recoverable as an efficient investment as calculated by the New Facilities Investment Test (NFIT) be supported.

5.5 CEO Recruitment and Selection, Performance Review and Termination Standards Regulations (05-034-01-0001 JM)

Tony Brown, Executive Manager Governance and Organisational Service
James McGovern, Manager Governance

Recommendation

1. That WALGA support the establishment of CEO Recruitment, Selection and Performance Review Standards subject to:
 - a) removal from the Regulations the requirement to re-advertise CEO positions after 10 year's continual service;
 - b) Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process;
 - c) The retention of Regulation 18C of the *Local Government (Administration) Regulations*;
 - d) Deletion of the requirement under Regulation 18FB(4) to provide a copy of a council resolution certifying compliance with the CEO standards to the Departmental CEO;
 - e) The conduct of an independent assessment of potential industrial and employment law consequences arising from the proposed regulations under Schedule 2, Division 4 'Standards for termination of employment of CEOs'; and
 - f) Deferral of Regulation 18FC pending an independent assessment of the Schedule 2, Division 4 'Standards for termination of employment of CEOs'.
2. Seek that the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened to oversee the development of CEO Standards Regulations.

Executive Summary

- The *Local Government Legislation Amendment Act 2019* was proclaimed in July 2019. This Act contemplated the introduction of model CEO Standards for recruitment, performance review and termination (Sec. 5.39A) and mandatory Code of Conduct for Elected Members, Committee Members and Candidates (Sec. 5.103)
- The Department of Local Government, Sport and Cultural Industries conducted a process in relation to the proposed CEO Standards, with State Council adopting an advocacy position in December 2019.
- The Department released draft *Local Government (Administration) Amendment Regulations 2020* in October 2020, and agreed to extend consultation with the sector to permit WALGA Zones and State Council to provide comment.



Attachment

The Draft *Local Government (Administration) Amendment Regulations 2020* can be found [here](#).

Background

Prior to the proclamation of the *Local Government Legislation Amendment Act 2019*, the Department established a Working Group to assist develop the CEO Standards. Following is a precis of the timeline of consultation on the Model Standards for CEO Recruitment, Performance and Termination:

- March 2019 : Working Group formed by Department involving WALGA, LG Professionals, Public Sector Commission, Ombudsman. First draft CEO Standards discussed at meeting of 28 March 2019;
- May 2019 : Second draft released to Working Group. Sector consultation proposed for late May 2019. Working Group did not adopt preferred model and no further meetings were held;
- September 2019 : Departmental Circular 9 announced consultation on the draft CEO Standards (and Mandatory Code of Conduct);
- October 2019 : WALGA released Draft Submission on CEO Standards for Sector consultation;
- December 2019 : WALGA Zones provided feedback leading to State Council resolution 145.7/2019:

That WALGA:

1. *Request the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries; and*
2. *Refer the following matters to the Working Group for consideration:*
 - (a) *Removal from the Model Standards the requirement to readvertise CEO positions after 10 years of continuous service;*
 - (b) *Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process;*
 - (c) *Reconsideration of the proposal for independent review of the recruitment process;*
 - (d) *Support the role of the Department of Local Government, Sport and Cultural Industries as the regulator for monitoring and compliance; and*
 - (e) *Further investigate a role for a Local Government Commissioner.*
3. *Recommend the Working Group develop endorsed Model Standards for further consultation with the Local Government sector.*

Following the communication of the above advocacy positions, WALGA communicated with the Department throughout 2020 to seek advice on progress and encouragement of a collaborative approach. Despite informal reassurances, the release of the draft Regulations in October 2020 was the first instance of a formal communication between the Department and WALGA.

WALGA subsequently released an InfoPage on 30 October 2020, whilst strongly objecting to the unreasonably short timeframe permitted for feedback. On 6 November, WALGA advised the sector of the Minister for Local Government's agreement to extend the consultation period from 13 November 2020 to 6 December 2020.



At the time of writing, WALGA received a response from the following Local Governments:

Shire of Bruce Rock
City of Canning
Shire of Carnamah
Shire of Dowerin
City of Gosnells
City of Greater Geraldton
City of Joondalup
City of Kalamunda
Shire of Kent
City of Kwinana
Shire of Laverton
Shire of Leonora
Shire of Manjimup
Shire of Mingenew
Shire of Murray
Shire of Narrogin
Shire of Ngaanyatjaraku
Shire of Plantagenet
Shire of Shark Bay
Shire of Waroona
Shire of Upper Gascoyne
Shire of Yilgarn

The CEO Standards will be introduced by amending the *Local Government (Administration) Regulations* and the prescription of Model Standards for CEO Recruitment, Performance and Termination in a new Schedule 2.

Comment

The above timeline associated with the development of the CEO Standards is highly material to the commentary that follows. In essence, the proposed CEO Standards presented to the sector in 2019 form the basis for the development of the draft Regulations without any apparent consideration of WALGA's advocacy positions.

For this reason, the concerns that WALGA expressed to the Department on behalf of the sector in 2019 remain and it is therefore both unfortunate and inevitable that recent sector feedback on the CEO Standards mirror the same concerns in evidence in State Council resolution 145.7/2019.

In addition to the aforementioned State Council advocacy position, member feedback raised additional concerns that are summarized below:

CEO Recruitment

- Deletion of Regulation 18C 'Selection and appointment process for CEOs

Currently a Local Government is required to approve a process for the selection and appointment of a CEO under Regulation 18C of the *Local Government (Administration) Regulations 1996*. The deletion of this provision, which is both unexplained and not contemplated in the Department's earlier consultation, is not supported as it provides opportunity for a clear and transparent process to be

developed and adopted by Council. This remains an important feature of the CEO recruitment process and is not replaced in the *Local Government (Administration) Amendment Regulations 2020*. It is therefore recommended that Regulation 18C be retained.

- **New Regulation 18FB ‘Certification of compliance with adopted standards for CEO recruitment’**
- **New Regulation 18FC ‘Certification of compliance with adopted standards for CEO termination’**

Regulation 18FB(4) introduces a requirement for certification of compliance with the adopted standards for CEO recruitment to be sent to the Departmental CEO. This was not proposed in the Department’s 2019 consultation.

Regulation 18FC(4) introduces a similar requirement, but related to compliance with adopted standards for CEO termination. A proposal that there be an independent review of termination was contemplated in the Department’s 2019 consultation, with State Council resolving:

‘Reconsideration of the proposal for independent review of the recruitment process’

Regulation 18FB(4)

There is no evident benefit in requiring Local Governments to provide a copy of certification of process to the Departmental CEO. The CEO standards require the recruitment process to be publicly advertised and the Minutes of Council meetings are now required to appear on a Local Government’s official website under recent introduction of Section 5.96A(1)(f) of the Act. The Minutes are therefore readily accessible to the Department and the proposed regulatory requirement is both inefficient and indicative of unnecessary red tape. It is therefore recommended that Regulation 18FB(4) be deleted.

Regulation 18FC

This Report highlights concerns with the proposed CEO termination standards, recommending an independent assessment. It is therefore recommended that Regulation 18FC be deferred until the terminations standards achieve an independent warranty in terms of compliance with industrial and employee law frameworks.

- **Schedule 2, Clause 8 ‘Establishment of selection panel for appointment of CEO’**

This provision will mandate the involvement of an external panel member, being neither a council member or employee of the Local Government; the panel is not required to be formed under Section 5.8 of the Local Government Act as a committee of Council, and therefore the Code of Conduct will not apply to an external participant. Additionally, there is no requirement for a Local Government to engage a suitably qualified, independent licensed employment consultant to assist in the process.

- **Schedule 2, Clause 9 ‘Recommendation by selection panel’ and Clause 10 ‘New process to be commenced if no suitable applicants’**

Particular sector feedback identified concern with the following provision under Clause 9(2)(b):
‘if the selection panel considers that none of the applicants are suitable for appointment to the position of CEO – advise the local government of that fact’

The apparent authority for the selection panel to determine an unsuccessful outcome to the CEO recruitment process is confirmed by Clause 10(1):

‘If the selection panel advises the local government under clause 9(2)(b) that the selection panel considers that none of the applicants are suitable for appointment to the position of

CEO, the local government must carry out a new recruitment and selection process for the position in accordance with these standards.'

Clause 10 therefore mandates that Council is bypassed in determining the suitability of applicants for the role and 'must' (which denotes the lack of any discretion) restart the recruitment and selection process on the advice of the selection panel.

Should Clauses 9 and 10 remain unchanged, it is predictable that a local government will appoint a majority, or all, council members to the selection panel to ensure the Council effectively makes the determination that no candidate is suitable, thus ensuring the decision to restart the recruitment and selection process is a decision of Council. The inefficiency of such an outcome is self-evident.

CEO Performance Review

- **Schedule 2, Clause 13 'Recruitment to be undertaken on expiry of certain CEO contracts'**

WALGA's InfoPage of 2 November 2020 contained the following commentary on CEO contracts:

Section 5.39(2)(b) of the Local Government Act already limits CEO contracts to a maximum of 5 years and Councils have general competence powers to consider whether to renew the incumbent's contract or advertise the position. Suggesting that a Council must re-advertise the position of a CEO after 10 or more years is likely to prove unworkable or counterproductive in any case as:

- Councils conducting a selection process known to involve an incumbent CEO will risk allegations of non-compliance with Section 5.40 of the Local Government Act 'Principles affecting Local Government employees' due to actual or perceived bias, nepotism and lack of merit and equity in relation to other applicants;
- May result in highly performing incumbent CEOs actively seeking alternative employment as the 10-year horizon approaches, meaning that a CEO that has provided satisfactory or perhaps exemplary service will be unnecessarily lost to the local government;
- Where a CEO is re-employed as a consequence of re-advertising after the 10 year period, this process would incur unnecessary costs and time waste for the local government, distracting from achieving its strategic objectives and may further entrench perceptions that contracts are for life, thus negating the very purpose of this proposal.

Further, Division 3 of the Draft Regulations seeks to improve the capacity of local governments to effectively manage CEO employment. This is a far more appropriate and adapted mechanism to address a perceived issue of 'contracts for life', by ensuring that the performance of CEOs, whether long serving or newly appointed, is appropriately assessed and managed.

WALGA therefore recommends the removal from the Regulations of the requirement to re-advertise CEO positions after 10 or more year's continual service.

CEO Termination

WALGA's Employee Relations service has reviewed the proposed termination standards in the context of the contemporary industrial and employment frameworks in providing the following comment:

- The manner in which the regulations have been drafted presumes termination will be the outcome of a disciplinary / performance management process;
- The regulations indicate that if you follow these steps a CEO can be terminated. Following these regulations will not reduce industrial risk nor guarantee a fair and just process;



- The language used, for example 'impartial, transparent and procedural fairness' is open to inconsistent interpretation;
- The level of detail in the draft regulations does not contemplate employment law or the framework set out in State and Federal legislation with respect to employment and may give rise to a conflict.

WALGA is concerned the proposed termination standards are foreseeably problematic and with potential for unintended consequences to arise. It is therefore recommended that there be an independent assessment of the proposed CEO termination provisions, to identify, ameliorate and warranty against potential industrial and employment law consequences.

Conclusion

WALGA recommends support for CEO Standards for Recruitment, Selection and Performance Review subject to the amendments listed in this report.

WALGA recommends the CEO Standards for Termination be deferred until such time as an independent assessment of the proposed provisions is conducted to prevent any potential industrial and employment law consequences.

5.6 Model Code of Conduct for Council Members, Committee Members and Candidates Regulations (05-034-01-0001 JM)

Tony Brown, Executive Manager Governance and Organisational Service
James McGovern, Manager Governance

Recommendations

That WALGA generally supports the *Local Government (Model Code of Conduct) Regulations 2020* with *the following recommendations*:

- a) Amend Division 2, Clause 4(d) to read '*identify and appropriately manage any conflict of interest*';
- b) Does not support the inclusion of local level complaints about alleged behavioural breaches and Local Governments dealing with complaints provisions in Division 3, Clauses 10 and 11; and
- c) Supports an external oversight body to manage local level complaints involving council members as prefaced in the *Local Government Review Panel Report, City of Perth Inquiry Report* and *Select Committee into Local Government Report*, to be considered in a future Local Government Act.

Executive Summary

- In December 2019, State Council adopted an advocacy position in response to proposals released for public consultation by the Department in October 2019;
- The draft *Local Government (Model Code of Conduct) Regulations 2020* ('Model Code') was released for comment by the Department of Local Government, Sport and Cultural Industries on 30 October 2020;
- In addition to introducing a mandatory Model Code of Conduct, the draft Regulations will repeal and replace the current *Local Government (Rules of Conduct) Regulations 2007*.

Attachment

The Draft *Local Government (Model Code of Conduct) Regulations 2020* can be found [here](#).

Background

Prior to the proclamation of the *Local Government Legislation Amendment Act 2019*, the Department established a Working Group to assist develop the Model Code. Following is a precis of the timeline of consultation:

- February 2019 : Working Group formed by Department involving WALGA, LG Professionals, Public Sector Commission, Ombudsman with preliminary meeting held on 18 February 2019;
- April 2019 : First draft Model Code released to Working Group and no further meetings were held;
- September 2019 : Departmental Circular 9 announced consultation on the draft Model Code;
- October 2019 : WALGA released Draft Submission on Model Code for Sector consultation;
- December 2019 : WALGA Zones provided feedback leading to State Council resolution 144.7/2019:

That WALGA:

1. *Request the Mandatory Code of Conduct Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries;*
2. *Refer the following matters to the Working Group for further consideration:*
 - (a) *Part A – Principles - Supported*
 - (b) *Part B – Behaviours*
 - i. *ensuring principles of natural justice can be adequately upheld in all circumstances;*
 - ii. *training opportunities that will assist Council Members determine complaint outcomes under Part B;*
 - iii. *development of a template Complaints Management Policy;*
 - iv. *reconsider the purpose of allowing ‘any person’ to make a complaint;*
 - v. *ensuring Committee Members and Candidates are included in Part B; and*
 - vi. *re-naming ‘Rules’ to an appropriate term throughout Part B.*
 - vii. *Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.*
 - (c) *Part C – Rules of Conduct*
 - i. *review the rationale for creating a new Rule of Conduct breach where three or more breaches of Part B – Behaviours are found and the Local Government resolves to refer the matter to the Local Government Standards Panel; and*
 - ii. *review the proposal to amend the definition of an ‘interest’ relating to Impartiality Interests from the present definition in Regulation 11 of the Local Government (Rules of Conduct) Regulations.*
 - iii. *Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.*
 - iv. *Review the appropriateness of the elements of the rule of conduct to only apply to a person who is a Council Member or Candidate both at the time of the conduct and at the time of the panel decision.*
3. *Recommend the Working Group develop an endorsed Mandatory Code of Conduct for further consultation with the Local Government sector*

The development of the Model Code then followed a similar path to the CEO Standards, in that WALGA communicated with the Department throughout 2020 to seek advice on progress of State Council’s advocacy position and encouraged a collaborative approach. Despite informal reassurances, the release of the draft Model Code in October 2020 was the first instance of a formal communication between the Department and WALGA.

WALGA subsequently released an InfoPage on 6 November 2020, whilst strongly objecting to the unreasonably short timeframe permitted for feedback. On 6 November, WALGA advised the sector of the Minister for Local Government’s agreement to extend the consultation period of 13 November 2020 to 6 December 2020.



At the time of writing, WALGA received a response from the following Local Governments:

City of Busselton
Shire of Carnamah
City of Canning
City of Greater Geraldton
City of Joondalup
Shire of Manjimup
Shire of Mt Marshall
Shire of Murray
Shire of Plantagenet
Shire of Shark Bay
Shire of Waroona
Shire of Yilgarn

The Model Code will result in the repeal and replacement of the *Local Government (Rules of Conduct) Regulations*.

Comment

The Model Code will be given effect by the introduction of Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2020* :

- **Division 2- General Principles** [Section 5.103(2)(a)]
- **Division 3 – Behaviour** [Section 5.103(2)(b)]
- **Division 4 – Rules of Conduct** [Section 5.103(2)(c)]

Member feedback received at the time of writing is summarized in the comments below:

Division 2 – General Principles

Feedback indicates the General Principles expressed in Division 2 are adequate, with the exception of Division 2, Clause 4(d):

;identify and appropriately manage any conflict of interest including by the refusal of gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour’.

The *Local Government Legislation Amendment Act 2019* made substantial changes to the gift declaration requirements affecting council members and CEOs, and introduced an additional provision that permits council member attendance at events that are encompassed in a Local Government policy. It is the sector’s view that modernized gift provisions adequately and clearly define the responsibilities associated with receiving and declaring gifts and attendance at events, with non-compliance representing a serious breach of the *Local Government Act*.

Division 3 - Behaviour

- **Division 3, Clause 10 ‘Complaints about alleged breach’**
- **Division 3, Clause 11 ‘Local government to deal with complaints’**

State Council’s 2019 resolution identified the potential for the impartiality of the local level complaints handling process to be affected by actual or perceived factionalism:

'The Mandatory Code informs that the complaints handling process must observe the principles of natural justice (the hearing rule; the bias rule; the evidence rule). A number of respondents commented that if a Council became factionalised, whether actual or perceived, it may hinder application of natural justice (e.g. the bias rule) when dealing with complaints or lead to a rash of complaint upon complaint.'

Since that time, the *Local Government Review Panel Report* (Recommendations 57 to 59), *City of Perth Inquiry Report* (Recommendation 323 – 332) and *Select Committee into Local Government Report* (Recommendation 25) collectively propose some form of external oversight which will encompass dealing with complaints involving elected members and the removal of the administration, particularly the CEO, from involvement.

The Report Recommendations were formulated during the hiatus in consultation by the Department on the Model Code and it is arguable that Division 3, Clauses 10 and 11 are now surpassed by recognition that an independent approach to local level complaint handling is an optimal outcome, and one that is likely to feature in consideration of a future Local Government Act.

It is therefore recommended that the local level complaint provisions Division 3, Clauses 10 and 11 be deleted from the draft Regulations, and be considered as a matter for external oversight in the development of a future Local Government Act. This is consistent with WALG's Advocacy Paper being considered in Item 5.1.

Division 4 – Rules of Conduct

State Council resolved in 2019 that there be reconsideration of a proposal to create a new Rule of Conduct for continued behavioural breaches under Division 3:

'review the rationale for creating a new Rule of Conduct breach where three or more breaches of Part B – Behaviours are found and the Local Government resolves to refer the matter to the Local Government Standards Panel'

It is noted that Division 4 does not contain a provision for this purpose.

- Division 4, Clause 19 'Disclosure of interests'

State Council resolved in 2019 that there be reconsideration of a proposal to amend the definition of 'impartiality interest':

'review the proposal to amend the definition of an 'interest' relating to Impartiality Interests from the present definition in Regulation 11 of the Local Government (Rules of Conduct) Regulations.'

It is noted the definition of 'impartiality interest' in Division 4, Clause 19 remains as currently worded in the *Local Government (Rules of Conduct) Regulations 2007*.

6. MATTERS FOR NOTING / INFORMATION

6.1 Submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper (05-085-03-0001 DM)

By Dana Mason, Policy Manager Economics

Recommendation

That the endorsed Submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper be noted.

Executive Summary

- WALGA has prepared a submission in response to the Infrastructure WA (IWA) Discussion Paper to guide the development of a State Infrastructure Strategy.
- The Discussion Paper focusses on the guiding principles, objectives, methodology and governance for the development of the strategy, as well as opportunities and challenges over the medium to long term. It does not consider specific infrastructure projects, but is focused on the broader strategic framework.
- WALGA's submission advocates for the following issues.
 1. A sound strategic framework to guide the development of the State Infrastructure Strategy. This should contain a number of key elements including:
 - A long-term vision for infrastructure in WA which is underpinned by the broader vision for our State and its economy, environment and social fabric. The vision should be developed in consultation with the community.
 - Infrastructure needs should be considered as a whole, rather than examining specific regions or projects in isolation. The Strategy should recognise the interconnectivity of systems and flows of people and goods.
 - The strategy should bring together existing plans for the state (for example, regional plans, land use, transport, community plans etc.), to ensure alignment and consistency. Any existing plans should be reviewed to ensure that they remain relevant and fit for purpose.
 - The strategy should be developed based on a robust and objective assessment of evidence including data, stakeholder engagement and other analysis to determine the most pressing needs and priorities.
 2. An integrated approach to infrastructure planning and provision across all levels of Government and the private sector. The Discussion Paper makes little reference to the role that Local Government plays in the planning and delivery of infrastructure, with the focus instead in on infrastructure owned and delivered by the State Government agencies, GTEs and statutory authorities.
 3. Local Government plans to be used to inform the State Infrastructure Strategy through a bottom up approach. Local Governments have extensive community and land use plans that provide valuable local level insights to inform the Strategy.
 4. Clear targets to measure progress against the State Infrastructure Strategy. The objectives identified in the Discussion Paper are appropriate but broad, and should be distilled into clear targets to ensure that progress in achieving the Strategy can be clearly measured.
 5. A focus on technology, data and digital connectivity as a key objective to underpin the State Infrastructure Plan. Digital technology will have significant implications for both our

economy and community going forward, and appropriate digital connectivity should be designed and built into all public infrastructure.

6. Innovative solutions to deliver on the state's future infrastructure needs in a fiscally constrained environment, including leveraging funding from other sources such as the private sector and broader policy reforms and non-build solutions. For Local Governments, amendments to the *Local Government Act 1995* to allow for the creation of Beneficial Enterprises will be an important reform to facilitate investment and collaboration with the private sector for infrastructure delivery.
 7. A focus on getting the most out of existing infrastructure and improving maintenance. The infrastructure strategy scope should include maximising the benefits of and minimising the lifecycle costs of existing infrastructure.
 8. Prioritisation criteria to not only consider a project's economic impacts, but also the social and environmental implications. There is a need to strike a balance between promoting new economic development and improvements in core service delivery.
 9. Resilience of infrastructure to be considered when it is planned, designed, delivered and managed, and should be of an appropriate standard to withstand the known climate change impacts likely to be experienced in the future.
 10. Infrastructure WA to explore the use of functional economic regions (which group a number of Local Government areas together based on real economic linkages) as a way to identify and deliver large-scale opportunities across regional borders. In some circumstances, it may be useful to consider a program of work that cuts across regional boundaries to support a particular strategic outcome, rather than individual projects.
 11. Greater use of technology to allow people to stay in regional areas and stem the decline in population, but will require access to fast and reliable telecommunications infrastructure.
 12. A clear way of facilitating bottom up input from outside of State Government agencies through the engagement process to develop the State Infrastructure Strategy.
- The submission also provides commentary on the trends and issues related to the WA economy and infrastructure sectors identified in the Discussion Paper.

Attachment

WALGA submission to the Infrastructure WA State Infrastructure Strategy Discussion Paper
<https://walga.asn.au/getattachment/Documents/Item-6-1-attachment-IWA-Discussion-Paper-Submission-FINAL.PDF?lang=en-AU>

Background

Infrastructure WA was established in 2019 to provide advice and assistance to the WA Government on infrastructure matters. IWA has a range of responsibilities, including the delivery of a State Infrastructure Strategy, which addresses Western Australia's infrastructure needs and priorities over a 20 year horizon.

IWA is consulting broadly in the development of this strategy. In June 2020 IWA released the "A Stronger Tomorrow: State Infrastructure Strategy Discussion Paper", which provides the foundation for the development of the State Infrastructure Strategy. The Discussion Paper focuses on:

- the guiding principles and objectives that will help define the Strategy parameters;
- the methodology and governance for developing the Strategy; and
- the priority opportunities and challenges the Strategy should address, particularly over the medium to long-term.

IWA is seeking feedback on this document from industry, the community and all levels of Government through 22 consultation questions, which explore these issues in further detail.



WALGA has prepared a submission, which sets out the key issues for Local Government in line with the Association's current policy position. In developing the submission, WALGA provided the opportunity for the Infrastructure Policy Team and broader membership to provide feedback. WALGA received written feedback from five Local Governments for inclusion in the submission (City of Armadale, City of Canning, City of Gosnells, City of Swan and Shire of Serpentine-Jarrahdale).

WALGA also participated in the IWA consultation workshop on this Discussion Paper.

Comment

WALGA is broadly supportive of the Discussion Paper.

However, the Association has concerns that it does not go far enough to recognise the important role of Local Governments in infrastructure planning and provision. Local Governments have extensive community and land use plans that provide valuable local level insights and should be used to inform the State Infrastructure Strategy through a bottom-up approach.

It will be important that IWA looks to enhance cross-government coordination and planning across all three levels of Government, and ensure that Local Government infrastructure plans and Local Government planning schemes are reflected and acknowledged in the infrastructure planning framework.

The submission was endorsed by the Infrastructure Policy Team and subsequently endorsed by WALGA's State Council via Flying Minute (RES 112.FM/2020), and the submission was forwarded to Infrastructure WA.

6.2 Draft Amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015* (05-047-01-0017 VJ)

By Vanessa Jackson, Policy Manager Planning and Improvement

Recommendation

That the endorsed Submission on the Draft Amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*, be noted.

Executive Summary

- On 20 August 2020, the WA Planning Commission released draft amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- The public comment period closed on 18 September 2020.
- A submission was prepared for State Council endorsement via Flying Minute.

Attachment

WALGA Submission on the Draft Amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*.

https://walga.asn.au/getattachment/Documents/Item-6-2-attachment-WALGA_Response-to-LPS-Regulations_2020-FINAL-06102.pdf?lang=en-AU

Policy Implications

WALGA's Current Policy positions on Planning Reforms: -

6.1 Planning Principles - All legislation and policy which deals with planning and development must

- ensure role clarity and consistency across all legislation controlling development, to avoid confusion of powers and responsibilities;
- be easily interpreted by, understood by and accessible to all sections of the community;
- be amended only with WALGA involvement and/or consultation/involvement with Local Government.

6.2 Planning Reform Position Statement - The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system.

Background

The draft amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) fit within three main areas of proposed reforms: -

1. *Cutting Unnecessary Red Tape* - proposing to include a broader range of exemptions for small projects and exempt more change of use applications in retail, commercial and industrial area. These exemptions will make it easier for people to undertake small improvements to their homes or businesses, getting more people back to work and boosting the local economy.
2. *Streamlined Planning Process* - to streamline approvals for single residential dwellings, improve the assessment and referral process for development applications, provide more consistent and contemporary community consultation requirements.
3. *Improved Consultation Practices* – to improve community engagement and consultation process, making the planning system easier to navigate and establishing clear and transparent consultation practices. The proposed regulatory reforms will support new planning laws recently passed by Parliament and complement changes to State Planning Policies, including the revised residential design codes policy.

Comment

The release of draft amendments to *the Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) is welcomed. Since the introduction of the provisions in 2015, the Association has advocated for amendments, to clarify the provisions and to remove some of the unintended consequences that occurred following the gazettal of the Regulations. It is acknowledged that this first round of amendments will be followed by additional amendments in 2021, with many of those amendments also addressing the concerns raised by the Association over the last 5 years.

Local Government as the level of government that predominately administers and applies the LPS Regulations, is a key stakeholder in any review. In July, the Department of Planning Lands and Heritage established three working groups to work through the review of the *Planning and Development (Local Planning Schemes) Regulations 2015*, being: -

- Local planning frameworks, including local planning strategies, schemes and amendments, and local planning policies.
- Structure plans, activity centre plans and local development plans.
- Development Assessment Processes, including consultation.

WALGA called for expressions of interest from the sector to attend these working groups and provided 51 officer nominations to the Department, representing 32 Local Governments from metropolitan, regional and rural areas. The involvement of Local Government planners, in the discussion on the proposed amendments has been positive. It is hoped that similar engagement continues to occur as part of future reforms to the planning system.

The intent and approach that has been taken by the draft LPS Regulations is broadly supported, however, there remains a number of matters that require modification. These matters are addressed in the broad comments and recommendations in this report, while a detailed spreadsheet of 74 comments provided:-

- 14 amendments are supported
- 42 amendments have been given in-principal support, subject to conditions
- 1 amendment is unable to be supported because proposal is unclear
- 17 amendments are not supported.

In regards to the proposed amendments that are not supported, the following rationale is provided on the main themes: -

1. Several 'Discretionary' uses are proposed to be exempt from requiring planning approval (cl.61(2)(b)). Although the types of uses outlined are accompanied by conditions, the preparation of a Local Planning Scheme has been based on carefully choosing the uses that are 'Permitted' and the ones that require discretion in order to be considered, based on the location and information provided by the applicant. In effect exempting these 'Discretionary' uses, automatically makes them 'Permitted' uses across all 139 Local Government's Planning Schemes. The dictionary definition of discretion is: -
 - o *the right or ability to decide something*
 - o *choice, or the right to make a choice, based on judgment*
 - o *the right to choose something, or to choose to do something, according to what seems most suitable in a particular situation.*

Therefore, it is not possible to exempt these land uses and remove the judgement needed to determine whether these land uses are appropriate for the particular zone. Further, without any analysis being undertaken on the potential impact of this change on all Local Planning Schemes, this change is not supported.

2. Publishing the Local Planning Scheme, Local Planning Strategy and State Planning Policies on a Local Governments website (r.16, cl.25, cl. 27, c.29, cl.31). Thorough the draft regulations there are requirements for a Local Government to place various large documents on their website, even though these documents are already held centrally on the WAPC website. For smaller Local Governments, this could place a strain on the IT platform, and for all Local Governments it duplicates information which could also result in older versions being maintained on a website. It would be preferable for just the link to the WAPC website be provided on the Local Governments website, rather than being a mandatory requirement to host the documents.

3. Only one request for further information (cl.65A(3)). This clause outlines that a Local Government can only ask for additional information once, however, there should be no limit on the number of times additional information can be requested, as the submission of new information can change the development footprint, which upon reassessment, can require additional details to be provided. And combined with the clause that provides an applicant with the right to refuse submitting additional information (cl.65B), there is the potential for more applications to be refused. Local Governments aim to assist applicants with their development applications, to help with economic stimulus, these clauses seem to be counter to this objective.
4. Car parking provisions - Generally support reforms that enable economic recovery and these exemptions should assist in that endeavour by reducing costs for businesses. However, an effect of these car parking reforms will be an increased demand for parking in on-street and off-street public bays in urban centres, particularly through cumulative impacts, and reduced income streams, i.e. cash-in-lieu, to provide alternative forms of parking and transport modes for local communities. Further, a ten year period does not allow enough time to raise enough capital to fund multi-storey car parking facilities. These facilities cost \$20 million plus to construct, therefore, 10 years is highly unlikely to be sufficient time to raise adequate capital, design and construct these structures. Local Governments should therefore be given the opportunity to extend the ten year period in particular circumstances, with the approval of the Commission. Refunding contributions after 10 years is also not supported.
5. Site Works (non-residential) - This provision exempts site works less than 500mm above or below the natural ground level, within 1m of the boundary. There is no condition that the site works must also comply with the clearing regulations, therefore, this could result in large non-residential sites being excessively cleared and significant vegetation or trees removed prior to lodging a Development Application.
6. A new clause has been included that specifies that as part of the review of a local planning scheme and report presented to the WAPC, advice must be provided as to whether a structure plan or Local Development Plans is either satisfactory, should be amended or approval revoked. It would be difficult at the report of review stage to know whether an approved structure plan or local development plan require amending or revocation, or whether they are satisfactory in their existing form. Given the number of structure plans and local development plans that currently exist within some Local Governments (some have over 300), it would be difficult for this assessment to be made within the required 6 month period.

During the public consultation period, the Association sought feedback from the Local Government Sector to inform a representative submission to the WA Planning Commission. Given the short 4 week consultation period, feedback was only received from the Cities of Bayswater, Belmont, Kwinana and Busselton, Shire of Harvey and Town of Victoria Park.

The submission was presented to the People and Place Policy Team for feedback on 9 September 2020. Members discussed the complex technical nature of the changes, but supported the submission as the comments have been prepared by both Local Government and WALGA technical officers.

The submission was subsequently endorsed by WALGA's State Council via Flying Minute on 17 September 2020 (**RESOLUTION 137.FM/2020**) and the submission was forwarded to the WAPC to meet the 18 September 2020 deadline.

6.3 Interim Review – State Planning Policy 3.1 Residential Design Codes (05-015-02-0002 CH)

By Chris Hossen, Senior Planner

Recommendation

That the endorsed submission on the interim review of State Planning Policy 3.1 Residential Design Codes, be noted.

Executive Summary

- On 11 July 2020, the WA Planning Commission released the interim review of the State Planning Policy 3.1 Residential Design Codes (R-Codes) for public comment. The comment period closed on 10 September 2020.
- The submission was endorsed by State Council by Flying Minute.

Attachment

Attachment 1: Submission on the interim review of the R-Codes

<https://walga.asn.au/getattachment/Documents/Attachment-1-Submission-Interim-RCodes-Review-2020-Final-v1.pdf?lang=en-AU>

Policy Implications

WALGA's Current Policy positions on Planning Reforms: -

- 6.1 Planning Principles - All legislation and policy which deals with planning and development must
- ensure role clarity and consistency across all legislation controlling development, to avoid confusion of powers and responsibilities;
 - be easily interpreted by, understood by and accessible to all sections of the community;
 - be amended only with WALGA involvement and/or consultation/involvement with Local Government.

6.2 Planning Reform Position Statement - The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system.

Background

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

As part of these reforms the R-Codes is being split into three distinct policies; higher density (apartments), medium density (townhouses and low-level apartments), and low density (single houses).

According to the State Government, the interim review of the R-Codes has been brought forward as part of their planning reforms to support Western Australia's economic recovery in response to the COVID19 pandemic. Further changes to the R-Codes are expected to be announced in coming weeks with the release of the draft medium density code, applying to most residential development between the density codes of R40 and R80. The R-Codes will continue to apply to all low-density residential development for the foreseeable future.

Comment

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

Local Government as the level of government that administers and applies the R-Codes is a key stakeholder in any review. The WA Planning Commission (WAPC) in the formulation of the proposed changes directly engaged with Local Government officers to assist in the framing and testing of the provisions. The early involvement of Local Government planners, in the framing and testing of the proposed modifications is supported.

Several proposals within the interim review seek to simplify the approvals process for new home builds and renovations, by amending common triggers for development approval and streamlining assessment processes for minor works. The Association supports these initiatives, and notes that many Local Governments already facilitate such outcomes through their local planning frameworks.

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

During the public consultation period, the Association sought feedback from the Local Government sector to inform a representative submission to the WAPC. Feedback from officers at the Town of Bassendean, and Cities of Cockburn, Fremantle and Stirling was received. The Association also facilitated an online information session on the proposed changes for Local Government officers and Elected Members with 64 attendees from 30 Local Governments.

The draft submission was presented to the People and Place Policy Team for feedback on 2 September. Members discussed the complex technical nature of the changes but supported the submission as the comments have been prepared by both Local Government and WALGA technical officers.

The submission was subsequently endorsed by WALGA's State Council via Flying Minute on 9 September 2020 (**RESOLUTION 136.FM/2020**) and the submission was forwarded to the WAPC to meet the 10 September 2020 deadline.

6.4 State and Federal Budgets (05-088-03-0001 DM)

By Dana Mason, Policy Manager Economics

Recommendation

That the update on the 2020 Federal and State Budgets be noted.

Executive Summary

- The State and Federal Budgets were handed down in recent weeks. The Budgets revealed the significant and lasting impact of the COVID-19 pandemic on our economic and financial position.
- The Budget showed that COVID-19 had an immediate impact on the state's labour market, particularly those industries directly affected by the restrictions such as hospitality, arts and recreation and retail. This saw our domestic economy record the largest quarterly contraction on record (-6%) in June.
- However, the WA economy is still faring better than other states, and with our performance boosted by the state's dominant mining industry and the early containment of the virus, which allowed restrictions to be lifted.
- Even though WA is expected to perform better than other states, the impact of COVID-19 will still be long lasting, with unemployment expected to be elevated for a number of years.
- In light of this, the focus of the both the State and Federal Budgets were on COVID-19 recovery, and will see the use of debt to fund a range of initiatives intended to kick-start the economy.
- The headline of the State Budget was the previously announced \$5.5 billion COVID recovery plan, and an Asset Investment Program worth \$27 billion that will be funded through operating surpluses and additional debt.
- There were limited new announcements in the budget, but those which are welcome news for the sector, include:
 - \$7.6 million to implement the 'Stop Puppy Farming' legislation
 - \$5 million to assist local coastal managers to protect coastal erosion hotspot sites
 - \$15 million to treat priority bushfire and other risks on unallocated or unmanaged Crown land, including that under the care of Local Government
 - \$16.1 million over four years to target high casualty and high-risk intersections on local government roads within the metropolitan area.
- The Commonwealth has directed significant funding towards tax relief and incentives for both households and businesses to encourage spending and restart the economy.
- The Federal Budget contained more news that is positive for Local Governments, particularly the announcement of a \$1 billion investment in local roads and community infrastructure.
- Local Governments that rely heavily on domestic and international visitors will also benefit from the Federal Budget's \$50 million Regional Tourism Recovery initiative, and a new \$200 million round of the Building Better Regions Fund.
- Further detail about the State and Federal Budgets can be found in the Budget summary documents and WALGA Economic Briefing.

Attachments

https://walga.asn.au/WalgaWebsite/media/WALGA_Media/Comms%20and%20Events/state-budget-202021v1.pdf

<https://alga.asn.au/alga-analysis-of-the-2020-21-federal-budget/>

October 2020 Economic Briefing.

<https://walga.asn.au/getattachment/e262974b-efa9-47e6-a8fe-09d10f5f06ef/WALGA-Economic-Briefing-October-2020.pdf>

Background

The COVID-19 pandemic meant that both the State and Federal Budgets were delayed until October order to provide greater certainty around the impact on the economy and the State and Nation's finances.

WALGA's Pre-Budget submission was originally submitted to Government with the expectation that the May budget would go ahead. In light of these changes, WALGA released a policy document titled Reboot, which sought funding for a number of programs and projects that will quickly support WA jobs, while also providing long-lasting and widespread benefits to all of WA's communities.

Comment

While both budgets contained some positive news for Local Governments, there was more in the Federal Budget for Local Government this year. In particular, the \$1 billion investment in local roads and community infrastructure is a vote of confidence in the sector's ability to drive local economic prosperity.

The State Budget contained some initiatives that were welcome news for the sector including partial commitments towards several requests in WALGA's Pre-Budget Submission and Reboot document.

However, the Government missed the opportunity to invest in programs that could quickly boost jobs and provide lasting benefits to WA communities such as the Community Sport and Recreation Facilities Fund and the commodities freight route program.

We were also disappointed that there are going to be significant increases in some key fees and charges that are imposed on Local Government, including increases in excess of 10% in 2020-21 for street lighting tariffs for Horizon Power customers and 2.9% for electricity tariffs.

These are important issues for the sector, and WALGA will ensure they remain a central part of our advocacy agenda in the coming period.

6.5 Noongar Heritage Agreement for Local Government (05-032-01-0001 SM)

By Susie Moir, Policy Officer Community

Recommendation

That the update on the Noongar Heritage Agreement for Local Government be noted.

Executive Summary

- In August 2020 State Council endorsed the Template Noongar Heritage Agreement for Local Government (NHALG) which was developed by WALGA, the South West Aboriginal Land and Sea Council (SWALSC), the Department of Planning, Lands and Heritage (DPLH), the Department of the Premier and Cabinet (DPC), and the State Solicitors Office to facilitate a consistent approach to Aboriginal heritage across the area of the South West Native Title Settlement (SWNTS), which affects 101 Local Governments.
- In October 2020 SWALSC requested that commencement of the NHALG be delayed whilst they determine resourcing requirements to enter into NHALGs in a timely manner.
- SWALSC's resourcing issues also mean that they are unable to respond to Local Government's directly on heritage matters and have requested all Local Governments' to contact DPLH for heritage advice.

Background

The NHALG template has been developed to offer Local Governments an additional tool to assist them to fulfil their obligations under Western Australia's Aboriginal cultural heritage legislation, to build positive relationships with SWALSC and local Aboriginal knowledge holders, and to facilitate a consistent approach to Aboriginal heritage in the SWNTS area.

Since 2018 WALGA has participated in the South West Native Title Settlement Group (SWNTS Group), which comprises WALGA, SWALSC, DPLH, and DPC. Meeting quarterly, the purpose of the SWNTS Group is to keep Local Government engaged and informed about the progress of the SWNTS. A key priority that the SWNTS Group identified was supporting Local Government to engage more closely and build lasting relationships with local Aboriginal communities, and to comply with the requirements of the *Aboriginal Heritage Act 1972*. To this end, the SWNTS Group agreed to develop a template Noongar Heritage Agreement for Local Government.

Comment

In October 2020 SWALSC requested that commencement of the NHALG be delayed whilst they determine resourcing requirements to enter into NHALGs in a timely manner.

SWALSC's resourcing issues also mean that they are unable to respond to Local Government's directly on heritage matters and have requested all Local Governments' to contact DPLH for heritage advice. Instead SWALSC will advise Local Governments who have heritage enquiries to make contact directly with DPLH.

DPLH upon receipt of a request will continue its current system of providing advice directly to Local Governments which may include:

- Advice on application of the Due Diligence Guidelines (DDG) and the likelihood of impacting heritage;
- Advice on whether a Regulation 10, section 16 or section 18 may or may not be required;
- Where a survey is being undertaken by Local Government, provide the names of informants for the survey.

Local Governments within the area of the SWNTS are encouraged to send emails to heritageenquiries@dplh.wa.gov.au and copy the South West Heritage team on swsheritage@dplh.wa.gov.au if there are questions on the process.

6.6 Aboriginal Cultural Heritage Bill Consultation (05-032-01-0001 SM)

By Susie Moir, Policy Officer Community

Recommendation

That the update on the consultation on the Aboriginal Cultural Heritage Bill be noted.

Executive Summary

- In September 2020 the Department of Planning, Lands and Heritage released the Aboriginal Cultural Heritage Bill (ACHB) for a short five week consultation period. The ACHB reflects the feedback of Aboriginal people, industry and stakeholders across the State gathered over two years of consultation.
- This followed consultation in 2018 and 2019 on the development of new legislation for the protection of Aboriginal cultural heritage for Western Australia.
- WALGA lodged a response to the ACHB consultation survey on 1 October 2020.

Attachments

WALGA Aboriginal Heritage Act 1972 – 2018 Review Submission – Stage 1 – July 2018

<https://walga.asn.au/getattachment/Documents/Item-6-6-Attachment-1-July-2018-WALGA-State-Council-Aboriginal-Heritag.pdf?lang=en-AU>

WALGA Submission – Aboriginal Heritage Act Review Consultation Phase 2 – May 2019

<https://walga.asn.au/getattachment/Documents/Item-6-6-Attachment-2-July-2019-WALGA-State-Council-Aboriginal-Heritag.pdf?lang=en-AU>

WALGA Response to ACHB Consultation Survey – October 2020

<https://walga.asn.au/getattachment/Documents/Item-6-6-attachment-3-ACHB-Survey-Response-1-October-2020.pdf?lang=en-AU>

Background

In March 2018 the Minister for Aboriginal Affairs initiated a review of the *Aboriginal Heritage Act 1972* (the AHA). More than 130 written submissions were received by DPLH including a submission from WALGA and submissions from five Local Governments.

Feedback received during the 2018 review indicated that the scope and the purpose of the AHA needed to change and new legislation was needed.

In March 2019, the Minister for Aboriginal Affairs released a Discussion Paper and additional materials setting out proposals for a new Aboriginal heritage system to recognize, protect, manage and celebrate the places and objects that are important to Aboriginal people, as well as providing an efficient land use proposal framework. WALGA engaged with members as stated below and submitted a sector submission in July 2019:

- Co-presenting with DPLH an Info-session and webinar in May 2019 which was attended by officers, managers and Elected Members from 9 Local Governments (Perth, Gosnells, Armadale, East Pilbara, Derby – West Kimberley, Busselton, Broome, Augusta – Margaret River and Northam).
- A member survey seeking feedback on the review which was advertised in LG News and received 10 responses (seven from metropolitan Local Governments and three from regional and rural Local Governments).



- Establishing a Sector Reference Group during the 2018 review which was refreshed prior to preparing the submission in 2019. An Expression of Interest process was undertaken through LG News in April 2019 to provide a further opportunity for involvement to WALGA members. Members were from Rockingham, Boddington, Augusta - Margaret River, Perth, Wanneroo, and Derby – West Kimberley.

WALGA staff were briefed by DPLH in September 2020 and then prepared a response to the DPLH Consultation Survey based on previous submissions, advice from the Infrastructure, Governance and Organisational Services and Strategy, Planning and Policy teams. The short consultation timeframe did not allow detailed consultation with the sector however feedback received from members was incorporated into WALGA's response where available. An Item was run in LG News on 11 September 2020 advising the sector of the consultation and asking members to provide copies of their submissions to WALGA. One submission was received.

Comment

In broad terms the sector supports the development of new Aboriginal cultural heritage legislation for Western Australia that recognizes the rights of Aboriginal people to protect their cultural heritage and provides the same rights to Aboriginal people and proponents of activity. Issues raised in WALGA's submissions have highlighted the need for adequate resourcing and governance support to be provided to Aboriginal Cultural Heritage Services and the Aboriginal Cultural Heritage Council; clarification of the relationship between the ACHB and aspects of the *Planning and Development Act 2005*; the need for further guidance and the development of a support package for Local Government as to their heritage obligations when undertaking particular types of infrastructure works and the definitions of exempt activities; and the need for fees for heritage services to be managed.

DPLH will shortly be commencing a twelve month consultation on the development of the Regulations to support the ACHB. WALGA will refresh the Sector Reference Group in the coming months and continue to provide input into that process.

6.7 Local Government Animal Welfare in Emergencies Grant Program (06-081-01-0001 EDR)

By Evie Devitt-Rix, Acting Policy Manager Emergency Management

Recommendation

That State Council note:-

- 1. The Local Government Animal Welfare in Emergencies Grant Program is a collaboration between the Department of Primary Industries and Regional Development (DPIRD) and WALGA to build the capacity of Local Government to assist their communities in responding to, and recovering from, emergencies.**
- 2. Recipients of the Grant funding have been notified and will commence their projects in November.**

Executive Summary

- The Local Government Animal Welfare in Emergencies Grant Program has been funded by DPIRD and administered by WALGA.
- Individual grants up to a maximum of \$10,000, and collaborative grants of up to \$5,000 per Local Governments were made available.
- Local Governments will use the funding to prepare or update a Local Government Animal Welfare in Emergencies Plan, procure equipment to house animals in the event of an emergency, host an exercise, facilitate training, or to develop their own project to build their capacity to respond to, and recover from emergencies.
- Twenty grants have been funded, including seven in the metropolitan area and thirteen in regional areas.

Policy Implications

Nil

Budgetary Implications

WALGA is the administrator of this Grant program. In accordance with the WALGA Grants Policy FS140, 10% (\$50 000) has been charged as part of the grant for administrative costs.

Background

In 2018, the State Emergency Management Committee (SEMC) formally assigned the role and responsibility for coordinating animal welfare in emergencies to DPIRD. The State Support Plan - Animal Welfare in Emergencies (this Plan) was subsequent prepared by DPIRD in collaboration with the SEMC, relevant hazard management agencies (HMAs) and controlling agencies and the Animals In Emergencies Working Group under the sponsorship of the SEMC – Response Capability Subcommittee.

The Plan acknowledges that the owner or person responsible for caring for an animal is responsible for the welfare of that animal, and that the owner or carer's ability to address animal welfare issues may be hampered or prevented due to the nature of the emergency. In such cases, local arrangements may assist. If local arrangements do not exist, are inadequate or have been exhausted, the controlling agency or HMA may determine the need to access the arrangements under this Plan.

Local Government considerations under the Plan include activating their Local Government Plan for Animal Welfare in Emergencies (LPAWE), and liaising with DPIRD to provide a coordinated approach to animal welfare response actions where relevant.



As part of implementation of the Plan, DPIRD partnered with WALGA to hold WA Local Government Animal Welfare in Emergencies Workshops, which introduced participants to the importance of considering animals and their welfare in emergencies, highlighting the unique and sometimes challenging issues that arise. As a result of these workshops, DPIRD developed a Local Government Plan for Animal Welfare in Emergencies (LPAWE) Guide and Template, to assist Local Governments to develop a LPAWE that is relevant to their area of responsibility, the risks they face and the community they support.

To further build the capacity of Local Governments to support animal owners and carers in emergencies, DPIRD has provided WALGA with \$500,000 of funding to deliver the Animal Welfare in Emergencies grant program for Local Governments. The grant program aims to improve the preparedness and response of Local Governments, and their communities, to the impacts of emergencies on animal welfare and biosecurity, and to improve the animal's chances of survival and recovery.

Grants up to a maximum of \$10,000 were made available to individual Local Governments, with collaborative grants also offered of up to \$5,000 per Local Government. Local Governments were offered the opportunity to apply for a grant to prepare or update an LPAWE, procure equipment to house animals in the event of an emergency, host an exercise, facilitate training, or to develop their own project.

Comment

The project team, comprising staff from DPIRD and WALGA, assessed the twenty grant applicants, and all twenty of the applicants were successful in receiving grant funding. Seven Local Government recipients are from the metropolitan area and 13 from the regions, including two collaborative grants.

More than half the grants awarded are to procure equipment used to house and look after animals in the event of an evacuation. A quarter of the recipients will use their grants to review and develop new animal welfare in emergencies plans. Many of these projects are accompanied by a community awareness program. Other projects include exercising the Local Government's arrangements, and the development of information videos for residents.

Grant recipients will have between November 2020 and June 2021 to complete their projects.

A full list of grant recipients is available on the WALGA [website](#).

6.8 2020 Annual General Meeting (01-003-02-0003 TL)

By Tim Lane, Manager Strategy and Association Governance

Recommendation

That the actions taken on the resolutions from the 2020 WALGA Annual General Meeting be noted.

Executive Summary

- WALGA's 2020 Annual General Meeting was held on Friday, 25 September 2020
- The meeting resolved for WALGA to take action in relation to two policy issues:
 1. Drought in Western Australia, and
 2. State Owned Unallocated Crown Land (UCL) House Blocks.
- Both items are consistent with WALGA Policy Positions and action has been undertaken consistent with the intent of the motions.

Attachment

[WALGA 2020 Annual General Meeting Minutes.](#)

Policy Implications

Both resolutions carried at the Annual General Meeting are consistent with existing WALGA policy.

Background

Two member motions, as follows, were considered, and supported by members, at the 2020 WALGA Annual General Meeting, which was held on 25 September 2020:

1. Drought in Western Australia

That WALGA:

1. *Requests assistance from the Federal Minister for Agriculture, Water and Environment, to reconsider the Federal Government's approach when determining the criteria on what areas are eligible for drought assistance, and*
2. *Requests the State Minister for Agriculture and Food to reconsider the State Government approach of not assisting with the drought situation, and if the State cannot help under their Water Deficiency Program that is implemented to cart water, then an alternative assistance package be considered.*

2. State Owned Unallocated Crown Land (UCL) House Blocks

That WALGA request the Minister for Local Government, Hon. David Templeman to consider a review into the justification and fairness of the State Government not paying rates on Unallocated Crown Land (UCL).

Comment

The following action has been taken on each item:

1. Drought in Western Australia

The motion is consistent with the State Council resolution of March 2020, requesting WALGA, in consultation with ALGA, to liaise with the WA State Government Ministers for Water, Agriculture and Environment to provide a coordinated holistic response in respect to the ongoing drying climate issues and access to the Drought Communities Funding Program. RESOLUTION 37.1/2020

WALGA has written to the Federal Minister for Agriculture, Water and Environment and a favourable response has been received in respect to the On-farm Emergency Water Infrastructure Rebate Scheme (the Minister announced a further \$50m for the Scheme in October 2020, with a co-contribution expected from the State) and in acknowledging sector frustration with the then Drought Communities Program Extension Program. The Minister is now focused on finalising the details of the Local Government Regional Drought Resilience Planning Program with the WA State Government. Once the details are finalised, the successful undertaking and completion of these Plans by Local Government will inform decisions about future funding allocations by the State and Commonwealth.

Correspondence was also sent to the Western Australian State Minister for Agriculture and a positive response to reviewing the matter has been received, with the Minister committing to work with the Minister for Water to ensure that Local Governments optimally benefit from the Future Drought Fund, and that DPIRD and DWER will continue to work closely with WALGA to seek solutions to improve drought resilience throughout the state.

2. State Owned Unallocated Crown Land (UCL) House Blocks

The motion is consistent with WALGA's current policy of requesting for a broad review to be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act. This would include the current exemption for State Government Unallocated Crown Land (UCL).

It is also worth noting that the Local Government Review Panel have recommended that "*The Economic Regulation Authority (ERA) should be asked to undertake a review of the rating system, including a thorough examination of the case for the current wide range of exemptions*".

The request for an Independent review of all rate exemptions is also part of WALGA's advocacy paper being considered in item 5.1 of the State Council Agenda for December 2020.

6.9 COVID-19 - Update

By Nicole Matthews: COVID-19 Coordinator

Please note: The information in this report is up-to-date as of 30 October 2020. Supplementary information will be provided at Zone and State Council meetings, as well as through other channels, such as the COVID-19 Update from the WALGA President and CEO if required.

Recommendation

That the information contained in this report be noted.

Executive Summary

- At the time of writing there has been no community transmission of COVID-19 in WA since 11 April. Significant recent increases in WA's active cases are due to returning international travelers in quarantine and crew members of arriving international vessels.
- The national picture has improved, with the number of active cases falling, the Victorian outbreak coming under control and restrictions relaxed.
- The Premier announced on 30 October that effective 14 November WA will move from a 'hard' to a 'controlled' interstate border, subject to advice from the WA Chief Health Officer. The modified 2 sqm rule (with exemptions) and remote Aboriginal community restrictions will remain in place.
- The State Government's COVID-19 priorities continue to be promoting economic recovery, the development and testing of COVID-19 outbreak and surge plans and ensuring the integrity of the quarantine management system.
- WALGA has continued to provide dedicated COVID-19 support and advocacy for members, including regular updates, webinars, guidance and analysis.

Policy Implications

The advocacy detailed in this item is in accordance with existing policy positions; some of the advocacy detailed in this item relates only to the current pandemic situation, so will not impact existing policy positions.

Budgetary Implications

Nil

Background

COVID-19 in WA

The latest information on COVID-19 in WA (including by Local Government Area) and nationally can be found on the WA Health website [here](#).

At the time of writing there has been no community transmission of COVID-19 in WA since 11 April. Increasing WA case numbers have been due to returning international travellers and crew members of arriving international vessels.

Restrictions and Directions

[WA State of Emergency and State of Health Emergency Declarations](#) remain in force.

On 30 October the Premier announced that from Saturday, 14 November, WA will move from a 'hard' to a 'controlled' interstate border under the *Emergency Management Act*, subject to every state and territory recording a 14-day rolling average of less than 5 community cases of COVID-19 per day.

Under the new arrangements travellers arriving in WA from very low risk states and territories, defined as having no community transmission in the previous 28 days, will no longer need to self-quarantine but will be subject to health screening, temperature check and a COVID-19 test if deemed necessary. They will also need to have completed a G2G PASS declaration stipulating they do not have any COVID-19 symptoms and where they have been in the past 14 days. At the time of writing Tasmania, Queensland, South Australia, the ACT and the Northern Territory meet this low risk criteria.

Residents from low risk jurisdictions, defined as less than 5 community cases per day on a 14 day rolling average, currently NSW and Victoria, will still need to take a COVID-19 test if deemed necessary, self-quarantine for 14 days in a suitable premise and present for a COVID-19 test on day 11.

Remote aboriginal community restrictions and the modified 2 sqm rule for selected entertainment venues (refer below and [WA COVID-19 Roadmap](#)).

Events

There have been two significant changes in relation to the holding of events:

- From 25 September public or private events of more than 500 people that already require Local Government approval also require an approved COVID Event Plan.
 - Events assessed as low or medium COVID-19 risk can be approved by the Local Government as an extension of the usual events approval process.
 - Events assessed as high risk are escalated to the Department of Health for review and approval.
- From 24 October selected entertainment venues including performing arts centres, theatres, concert halls, auditoriums/amphitheatres, cinemas and comedy lounges are exempt from the 2 sqm rule and can operate at 60 per cent capacity for seated and ticketed performances. This exemption does not apply to events that are required to develop a COVID Event Plan.

Further information on requirements for events can be found [here](#).

Economic impacts

The State and Federal Budgets handed down in October revealed the significant impact that COVID-19 has had on the Australian and WA economies.

In Australia, Gross Domestic Product fell by 0.2% in 2019-20 and is forecast to fall by a further 1.5% in 2020-21. The impact of COVID-19 on the WA economy was less severe due to the State's relative containment of the virus and the export sector being largely unaffected. Although economic growth forecasts were revised downwards, Gross State Product still increased by 2% in 2019-20 and is forecast to increase by 1.25% in 2020-21. The State's labour market is, however, still expected to take a hit in 2020-21. Employment growth is expected to be -0.25% during this financial year, meaning there will be fewer workers at the end of 2020-21 than there were at the beginning.

More information on the impact of COVID-19 on the economy, the economic outlook, Government Budget initiatives and how the State and Federal Budgets will impact on the Local Government sector is provided at Item 6.4 of the State Council Agenda.

Outbreak planning

The State Government's COVID-19 outbreak and surge planning is ongoing. The State Health Incident Coordination Centre (SHICC) has developed Integrated COVID-19 Outbreak Response Plans which set out the State's strategic response to outbreaks, both at a state-level and for 'high risk' settings. Plans have been developed for: Remote Aboriginal communities; Residential aged care; Prisons; Hospitals; Schools and Childcare services; Mining and Offshore facilities; Commercial vessels; and Congregate living. An Integrated COVID-19 Welfare Response Plan has also been developed to integrate with the Integrated Outbreak Plans.

WALGA is continuing to liaise with the SHICC and Department of Communities to ensure that implications for Local Governments are considered and that roles and responsibilities in an outbreak are understood.

A webinar providing more information on the COVID-19 Outbreak Response Planning can be viewed [here](#).

It is essential that Local Governments are prepared for a second wave/outbreak of COVID-19, which could impact their workforce and capacity to deliver essential services. In particular Local Governments should be reviewing and testing their business continuity/pandemic plans. LGIS is available to assist members in developing, updating and testing BCPs, as well as in undertaking COVID Hazard Assessments that focus on the work health and safety controls associated with COVID-19.

COVID-19 Recovery

73 Local Governments responded to a second survey by the State Recovery Controller on focussing on emerging impacts, successes, gaps in service delivery and pre-season preparedness relating to local government operations.

Support and Advocacy

WALGA has continued to provide dedicated COVID-19 support and advocacy for the sector, including through:

- Membership of the State Emergency Management Committee COVID-19 Coordination Group, State Welfare Emergency Committee and State Recovery Advisory Group;
- Representation at the SHICC (SHICC), enabling WALGA to raise issues and provide input into arising operational issues and strategies as they relate to Local Government;
- *Planning* - Providing a detailed submission on the proposed amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015* to support the recent changes to the Planning and Development Amendment Bill 2020. Further information is provided at Item 6.2 of the State Council Agenda;
- *Waste services outbreak planning* - WALGA has been working with Local Governments and Preferred Suppliers to develop a plan for managing waste management activities in the event of a second wave of COVID-19 in Western Australia (or future event). This plan builds on the rapid response of Local Government and the waste industry to the first wave of COVID-19. The plan was endorsed by the Municipal Waste Advisory Council (MWAC) on 28 October. It has been provided to the Minister, Department of Water and Environmental Regulation and the SHICC as an input to the State's outbreak planning;
- *Events* – WALGA, in consultation with the City of Busselton and Shire of Augusta-Margaret River, successfully advocated for a reconsideration of the State Government's decision to cancel Leavers 2020 celebrations, which will now proceed with COVID event plans in place;
- *Economic analysis* - WALGA is continuing to expand and update its analysis of the economic impact of COVID-19 on WA's local economies. This analysis includes:
 - How local jobs have been impacted since the start of the pandemic, measured as a proportion of total payroll job changes in each Local Government Area;
 - How local business have been impacted since the start of the pandemic, measured as a proportion of organisations within each Local Government Area that were accessing the JobKeeper subsidy in April; and
 - The overall economic impact of COVID-19, relative to other Local Government Areas and regions.
- *Procurement and support for local suppliers* - The Vendor Panel marketplace initiative now has 8093 local suppliers registered. The platform has had \$18.8 million in activity at the mid-point of the 12 month free trial;



- *COVID-19 Updates* - 88 updates have been provided to the sector up to 30 October. There are approximately 1300 subscribers to these updates, which have been viewed more than 170,000 times. Updates can be viewed on WALGA's COVID-19 website [here](#); and
- *Webinars* - The following State to Sector briefing and other COVID-19 related webinars have been held since the end of August:

26 August	WA Recovery Plan Local Government Minister the Hon David Templeman and State Recovery Controller Sharyn O'Neill
16 October	WA State Budget Webinar Deputy Under Treasurer Michael Court and WALGA Policy Manager Economics
30 October	Local Business Recovery Webinar CCI Chief Economist Aaron Morey, Regional Chambers of Commerce CEO Kitty Prodonovich and Small Business Commissioner David Eaton
13 November	Hon Ben Wyatt MLA, Treasurer, Minister for Finance; Aboriginal Affairs; Lands State Government's Aboriginal Affairs policy agenda
25 November	Hon Alannah MacTiernan MLC, Minister for Regional Development; Agriculture and Food; Ports

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

7.1.1 Report on Key Activities, Commercial and Communications (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 2020 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)
- Media and Advocacy (currently vacant)

The following provides an outline of the most recent key activities of Commercial and Communications:

Commercial Development

Preferred Supplier Panel Transition

As reported previously, the WALGA Preferred Supplier Panels are undergoing a consolidation of contract terms and categories to ensure that additional suppliers can be readily transitioned so as to increase competitive pricing and provide Member Local Governments greater choice.

- It is intended for the transition process to be completed for the commencement of the new financial year.
- To date 19 out of 36 panels have had some progress made towards transition to a more consolidated 11 supplier panels.
- New WALGA Contract Conditions have been drafted and Panel and General Conditions have been developed.
- Specialist Member conditions and Special Conditions for Waste, ICT, Temporary Labour and works will be completed by the end of 2020.
- A new format is being proposed for the issuance of Member Conditions and the contracting process to enable greater access for smaller suppliers.

Contract Development

Key activities in contract development are:

- Contract reviews nearing completion for new suppliers in the ICT and Energy categories.
- Commercial Development team is exploring potential opportunities for digital Rates Notice and payment activity, ICT support and governance services, and Energy Power Purchase projects.

Commercial Management

Local Supplier Performance

As previously reported WALGA has underwritten a 12-month free trial of the Marketplace local supplier platform for all Local Governments. As of 28 October – at the mid-point of the trial period - the program had:

- 8093 local suppliers registered to participate on the platform.



- Making 9356 submissions for the 426 contracts awarded
- Representing \$18.8 million in activity.

Member Engagement

Key activities in Member engagement for the period are:

- Annual Preferred Supplier activity reports provided to each Member Local Government detailing the specific panels engaged; amounts expended against each panel; comparison data to the previous period and market rates; and indication of times tenders were run by the Member when access to a supplier panel was available.
- The Commercial Management team has visited 27 Member Local Governments during the period in three separate trips:

Kimberley – from 29 September to 1 October

Visited the Shires of: Wyndham-East Kimberley, Halls Creek, Derby and Broome

Great Eastern/Avon – from 5 to 7 October; 27 to 29 October

Visited the Shires of: Victoria Plains, Wongan-Ballidu, Goomalling, Dowerin, Wyalkatchem, Koorda, Mount Marshall, Mukinbudin, Merredin, Westonia, Nungarin, Trayning, Toodyay, Northam, Cunderdin, Tammin, Kellerberrin, Bruce Rock, Narembeen, Quairading, Beverley and York.

Marketing and Events

Sector Promotional Campaign

A new campaign to promote the role the sector plays in improving the Quality of Life for communities is currently under development and scheduled to commence after the State election in March next year. The timing of the campaign commencement is twofold – to both ensure messaging is not lost in the activity leading up to the election and to gain greater value for money for advertising expenditure by not purchasing at a time of higher demand.

The campaign is being developed to engage metropolitan and regional television, print media and social and search and will include a social-media based competition to better engage community participation and salience.

West Australian Advertorial

WALGA has commenced offering the monthly p4 editorial placement in the West Australian to member Local Governments to feature their local area, context and achievements.

Featured during the period were: Town of Victoria Park (August), Shire of Northam (September), and Shire of Cue (October).

WALGA Social Media

Twitter: In this 97 day period between Friday, 24 July and Wednesday, 28 October July, WALGA's Twitter page earned 15,400 impressions, and increased on the previous period (which was shorter at 53 days). The top tweet for Impressions in this period was a tweet about the Valuer General Lester Cousins participating in a WALGA webinar. The tweet generated 1,417 impressions, 23 engagements and a total engagement rate of 1.6%. The tweet with the highest Engagement Rate was about President and CEO's Council Visit to the Shire of Menzies and it was 5.7%. Over this 97 day period, the WALGA Twitter profile gained 20 new followers, giving a total of 1909 followers; with 21 retweets, 61 likes and 7 link clicks.

Facebook: The WALGA Facebook post with the highest reach during this 97 day period was a post congratulating Shire of East Pilbara President Cr Lynne Craigie in being awarded Local Government Medal Recipient. This post had an organic (unpaid) reach of 454 people and an engagement rate of 8%. It generated 21 reactions, comments and shares and 9 link clicks. This was the equal highest post in terms of engagement rate, together with a post promoting the Shire of Gnowangerup 'Orange

Pouch' project. Over this period, the WALGA Facebook page received 83 new likes, taking it to 1852 likes with a total of 1873 followers.

LinkedIn: The most popular post for Impressions on LinkedIn over this period was a post about WALGA Webinars focused on Managing Bushfire Risk in Changing Climate. This post had 1,309 impressions, 17 clicks, 15 likes and an engagement rate of 2.98%. This was also the post with the highest engagement rate. Over this period the WALGA LinkedIn page received 221 new followers bringing it to a total of 11,422.

YourEveryday website: Adding new content to the YourEveryday website has recommenced in August after a pause during the COVID-19 restrictions period.

Media Activity

Articles on specific topics relating to Local Government over the past three months are considered to be more balanced than negative. Issues that received considerable attention over the past three months included:

Mostly balanced coverage was recorded on the topic of **Elections in Local Government**. The majority of the articles related to candidates standing for the position of the Lord Mayor, including discussion of appropriate processes in campaigning for the role. Following the election numerous articles were also published relating to the new Council and their election of the Deputy Mayor. There were three other Shires that saw extraordinary elections, but they did not receive the same amount of coverage as the City Council. Other articles related to the topic saw Councils debating on ward changes.

Mostly negative coverage was recorded on the topic of **Councils and Council Members** in the News.

- Council in the central metropolitan area: Mostly negative articles were recorded on this Council, which was issued a show-cause notice by the Local Government Minister. Multiple articles questioned Council expenditure on legal costs to challenge the Local Government Minister's show-cause notice in the Supreme Court. Following the Supreme Court proceeding, the show-cause notice was overturned. There were numerous articles that noted this outcome as an unprecedented victory over the Local Government Minister.
- Council in the mid-west region: A number of negative articles related to the trial of a Mayor for assault. He was later found not guilty of assault following the final hearing.
- Council in the southern metropolitan area: A number of negative articles related to a Council decision on a long term lease for a sporting facility with suggestions of conflict of interest within Council members, and warnings issued from the Minister to consider the process carefully.

Mostly balanced coverage was recorded on **Council Rates and Budgets**. There was a positive report from ALGA that showed three WA Councils to be of top financial health. Other balanced coverage included Councils adopting its budget to provide for capital works, road upgrades and economic measures. A number of articles related to various WA Local Governments calling the post-pandemic budget as "toughest yet".

Media Statements

Media Statements released during the period were:

Thursday, 6 August	General Support for Review Report
Friday, 25 September	East Pilbara President Awarded Local Government Medal

Content Production

Content Producer Jeff Henderson has filmed a number of videos featuring local planners as part of series highlighting their role and performance.

Filming of content to populate the YourEveryday website has recommenced, with the following Councils visited over the period: Shires of Coorow, Cue, Kulin, Lake Grace, Perenjori and Yalgoo



WALGA Events

During the period, WALGA's Event Team helped to coordinate the following events:

- 24 September: Local Government Forum on Information Systems
- 25 September: Breakfast with Paul Hasleby
- 25 September: 2020 Political Forum
- 25 September: WALGA Annual General Meeting
- 12 October: Field Training on Plant Recognition and Restoration in Natural Areas
- 16 October: WA State Budget Webinar
- 26 October: Webinar Series: Managing Bushfire Risk – Mitigation: Fuel Reduction for Safety and Biodiversity
- 29 October: Breakfast with Directors General
- 29 October: Webinar Series: Managing Bushfire Risk – 'Recovery – Rebuilding and Resilience'

Upcoming Events

30 October: Webinar - Economic Recovery Supporting Local Business. WALGA will be hosting a series of webinars to inform Local Governments about the impact of the pandemic on their local economy and business community and the role they can play in supporting the recovery. Chamber of Commerce and Industry WA Chief Economist Aaron Morey, Regional Chambers of Commerce CEO Kitty Prodonovich and Small Business Commissioner David Eaton will discuss the issues and challenges faced by the WA business community arising from COVID-19 and ways that Local Governments can help support this important sector.

5-6 November: Pilbara Waste Summit 2020. The Pilbara Waste Summit will bring high profile speakers to the region as well as showcasing local initiatives and opportunities. Participants will also have the opportunity to workshop local waste management issues and opportunities with their colleagues from the region.

27 November: Trees in a Liveable City: An Urban Forest Conference. The conference will showcase achievements of the organisations involved in growing Perth's urban canopy, including best practice examples and latest research, to provide attendees with the knowledge needed to make positive change in their own roles, organisations and communities.

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

By Tony Brown, Executive Manager Governance & Organisational Services

Recommendation

That the Key Activity Report from the Governance and Organisational Services Unit to the December 2020 State Council meeting be noted.

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

- Governance Support for Members
- Employee Relations
- Training
- Regional Capacity Building
- Strategy & Association Governance

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

Governance and Procurement Support

Mandatory Standards for CEO Recruitment, Performance Review and Termination

The *Local Government Legislation Amendment Act 2019* introduced numerous amendments to the *Local Government Act 1995*, including the yet to commence insertion of new sections introducing mandatory Model Standards for CEO recruitment, performance and termination.

In March 2019 the Department of Local Government, Sport and Cultural Industries invited WALGA and other parties to participate in the CEO Recruitment, Performance Review and Termination Working Group to develop Model Standards. The Department discontinued the Working Group in May 2019 and released a Consultation Paper without endorsement by the Working Group in October 2019.

At the WALGA State Council meeting held in December 2019, based on sector feedback, State Council resolved to request that the Working Group be reconvened to develop and endorse Model Standards for further sector consultation, and identified several concerns with the proposals in the Consultation Paper.

Throughout 2020, WALGA sought advice from the Department on the progress of draft regulations and a sector consultation process. The Department has now released the draft *Local Government (Administration) Amendment Regulations (No.2) 2020* (Draft Regulations), to prescribe the Model Standards, together with Explanatory Notes. Both documents are available via the [Department's website](#). Initially a short consultation period of three weeks closing on Friday 13 November was proposed. WALGA strongly objected and requested a more realistic period of consultation. To the Governments credit the consultation has been extended to 6 December 2020.

WALGA notes that the Working Group was not reconvened, and the Draft Regulations include several elements that were highlighted as matters of concern by the sector.

WALGA's initial concerns relate to the following;

1. Requirement to re-advertise CEO positions after 10 years of continuous service
2. Independent panel member
3. Transparency and procedural fairness – Schedule 2

4. Council decision making authority

WALGA is seeking to coordinate a sector response and has requested sector feedback from Member Local Governments on the Draft Regulation. Due to the short time frame sector feedback will be obtained and a late item will be prepared for Zone meetings and the State Council meeting.

Mandatory Code of Conduct

At the time of writing this report WALGA is anticipating the draft version of the Local Government (Model Code of Conduct) Regulations 2020 together with the draft Explanatory notes to be provided to Local Governments.

The sector position resolved at the December 2019 State Council meeting was as follows;

That WALGA:

4. *Request the Mandatory Code of Conduct Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries;*
5. *Refer the following matters to the Working Group for further consideration:*

(d) Part A – Principles - Supported

(e) Part B – Behaviours

- vii. ensuring principles of natural justice can be adequately upheld in all circumstances;*
- viii. training opportunities that will assist Council Members determine complaint outcomes under Part B;*
- ix. development of a template Complaints Management Policy;*
- x. reconsider the purpose of allowing ‘any person’ to make a complaint;*
- xi. ensuring Committee Members and Candidates are included in Part B;*
- xii. re-naming ‘Rules’ to an appropriate term throughout Part B.*
- vii. Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.*

(f) Part C – Rules of Conduct

- ii. review the rationale for creating a new Rule of Conduct breach where three or more breaches of Part B – Behaviours are found and the Local Government resolves to refer the matter to the Local Government Standards Panel; and*
- iv. review the proposal to amend the definition of an ‘interest’ relating to Impartiality Interests from the present definition in Regulation 11 of the Local Government (Rules of Conduct) Regulations.*
- v. Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.*
- iv. Review the appropriateness of the elements of the rule of conduct to only apply to a person who is a Council Member or Candidate both at the time of the conduct and at the time of the panel decision.*

6. *Recommend the Working Group develop an endorsed Mandatory Code of Conduct for further consultation with the Local Government sector.*



The Working Group was not reformed and throughout 2020, WALGA sought advice from the Department on the progress of draft regulations and a sector consultation process.

WALGA will request feedback from the sector and late item will be prepared for Zone meetings and the State Council meeting.

Employee Relations

Ministerial Review of State IR System - Updated

On 25 June 2020, the *Industrial Relations Legislation Amendment Bill 2020* (the Bill) was introduced into State Parliament. The Legislative Assembly (Lower House) has passed the Bill, which has progressed, to the Legislative Council (Upper House) for debate. At the time of writing this report the bill had not been debated in the Upper House. There are a limited number of sitting days remaining in 2020. If not debated in 2020, the future of the Bill will remain unresolved until after the State Government election in March 2021.

The Association conducted a sector wide webinar with representatives from the Private Sector Labour Relations division of the Department of Mines, Industry Regulation and Safety on 19 October 2020. The webinar provided the sector with an overview of the Bill, specifically the transitional arrangements that will apply if the Federal Minister for Industrial Relations signs the declaration endorsing the move of Local Governments to the State industrial relations system.

The Association will continue to advocate against this proposed legislation, including lobbying parliamentarians in the Legislative Council to vote against the Bill

Local Government Industry Award - Updated

WALGA has successfully advocated for WA Local Governments with regard to the casual and overtime provisions in the Local Government Industry Award 2010 (**Award**). The Award will be amended to have clearer provisions clarifying that casual loading is not payable to a casual employee when they are working overtime We are waiting for a decision confirming whether or not the casual loading is paid on public holidays.

In response to COVID-19 the Fair Work Commission implemented interim amendments to the Award to assist Local Governments and employees during this unprecedented time. These measures were replicated by the Western Australian Industrial Relations Commission. WALGA Employee Relations service continues to monitor the extensions to these conditions and provide submissions on behalf of the sector in both jurisdictions as required.

Training

Most elected members have carried out an excellent job in completing their training on time within the 12 month period of being elected or re-elected in 2019.

The vast majority of Elected Members elected in 2019 utilised WALGA's training service to carry out the Council Member Essentials Training. At the time of writing this report approximately 80% had completed all 5 courses.

Elected members who have not completed their training as yet can take advantage of the following flexible training options:

- Face to face training at WALGA, West Leederville
- Virtual classroom training via ZOOM
- eLearning
- Onsite training at your local council

To enrol or to seek clarification, please contact us on (08) 9213 2088 or email training@walga.asn.au.

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 2020 State Council meeting be noted.

Roads

Condition Assessment of Roads of Regional Significance

Funds have been provided through the *State Road Funds to Local Government Agreement* to perform condition surveys of all the Roads of Regional Significance. For the first phase, Talis Consultants have been engaged to survey roads in the Mid-West region including recording video of regionally significant unsealed roads. These surveys will provide a consistent dataset for the Regional Road Group to consider in funding decisions. Field work is almost complete. Following post survey data analysis and reporting the condition surveys and video will be provided to the Shires by upload to their RAMM database or other preferred format.

The Great Southern and Goldfields – Esperance Regions will be surveyed in the next phase that is scheduled for the first half of 2021.

State Road Funds to Local Government Procedures

Main Roads and WALGA have comprehensively reviewed the *State Road Funds to Local Government Procedures*. A final document has been produced after extensive stakeholder consultation. The document will be submitted to the State Road Funds to Local Government Advisory Committee (SAC) for approval before publication.

ROADS 2040: Development Strategies for Regionally Significant Local Roads

The criteria for roads to be included in the development strategies for regionally significant roads are under review. Outside the metropolitan area, only these roads are eligible for Road Project Grant funding through the *State Road Funds to Local Government Agreement*. The selection guidelines have been revised and a draft has been provided to all Regional Road Groups for feedback. When finalised, the Regional Road groups will be tasked to review their roads and strategies for development of the next version of this important strategic document. The current version, ROADS 2030, was published in 2013 with some updates published since.

Funding

Local Roads and Community Infrastructure Program

The Federal Budget allocated \$1 billion to the Local Roads and Community Infrastructure Program to be delivered in two tranches. This followed the \$73 million provided to Western Australian Local Governments, from a \$500m national allocation announced in May. The Federal Department of Infrastructure, Transport, Regional Development and Communications has indicated that the criteria and methodology used to allocate these funds between Local Governments may change and the Association is waiting on further advice.

Underground Power Programs

The Underground Power Programs Steering Committee, of which WALGA is a member, has been working hard seeking to respond to the economic impacts of the COVID-19 pandemic and enable projects that are in the development pipeline to continue. Actions have included deferring the timing of cash calls from Local Governments, revising costs and re-surveying ratepayers in project areas to ensure continued support.



Work is continuing on development of the program beyond 2022 and a workshop involving 27 Local Government representatives with senior staff from Western Power and Energy Policy WA made good progress in identifying preferred options for the future.

Infrastructure WA

The Association accepted an invitation to join the Infrastructure WA external stakeholder's reference group. This group held an inaugural meeting. Participation will assist WALGA keep the Local Government sector informed on the development of the State Infrastructure Strategy as well as provide input on strategic matters.

Drones

The Association worked with a large group of State agencies including WA Police, Main Roads WA, Department of Transport, Department of Water and Environmental Regulation, Department of Biodiversity, Conservation and Attractions to respond from a State perspective to the National Aviation Policy Issues Paper on Emerging Aviation Technologies. Matters of concern raised by Local Governments that have been highlighted include the lack of capability to manage the privacy and noise impacts of drone use, including recreational drones. In a separate communication with the Federal Department, WALGA highlighted the beneficial uses of drones by Western Australian Local Government, to ensure that these are supported in policy development and regulation.

Urban and Regional Transport

Review of taxes and government spending on WA motorists

WALGA is developing estimates of the taxes charged on WA motorists by Federal and State Governments, and the expenditure on roads and other benefits to motorists. Data collection and modelling is currently in progress. Preliminary discussions are being planned with advocacy organisations that have aligned objectives in relation to this matter with a view to combining resources and advocacy efforts.

Road Safety

Road Safety Council Update

The Road Safety Council received a presentation from Professor Lynn Meuleners on the research program being undertaken by the WA Centre for Road Safety Research and another from the Road Safety Commissioner around the Road Trauma Trust Account budget in relation to the delayed State Budget.

On 17 September the Road Safety Council held its annual planning day which culminated in the establishment of the following road safety priorities for reducing road deaths and serious injuries in WA: safe speed; impaired driving; safe intersections; run off road crashes; vulnerable road users; education, engagement and supporting implementation.

RoadWise Activity

To find out more about RoadWise activities, view the monthly newsletter at <https://www.roadwise.asn.au/roadwise-road-safety-newsletter.aspx> and visit the RoadWise Facebook page at <https://www.facebook.com/WALGARoadWise/>.

7.1.4 Report on Key Activities, Strategy, Policy and Planning (01-006-03-0014 MJB)

By Mark Batty, Executive Manager Strategy, Policy and Planning

Recommendation

That the Key Activity Report from the Strategy, Policy and Planning Team to the December 2020 State Council meeting be noted.

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

PLANNING

Urban Forest Dashboard Launch

WALGA facilitated a soft launch of the DPLH's new urban forest dashboard for the Local Government sector. The dashboard provides the Department's urban monitor data in a public facing interactive product and allows Local Governments to analyse changes in their urban canopy from the bi-yearly information collected for the Department by the CSIRO. The dashboard will be publicly available in the coming weeks.

R-Codes Review

The DPLH is currently undertaking an interim review of the Residential Design Codes in support of the State Governments economic recovery. Changes are proposed for the deemed-to-comply provisions for open space, building setbacks, wall heights, and visual privacy setbacks. WALGA held an online info session with DPLH on the changes on 23 July that was attended by 65 officers and elected members. Comments are due to the DPLH by 10 September, WALGA will be preparing a sector-wide submission on the changes.

Consultations – Upcoming

The Department of Planning Lands and Heritage have indicated the following consultations are planned before the end of 2020.

- SPP 7.3 - Residential Design Codes Volume 1 – Minor Review – released in July 2020, submissions are due in before 10 Sept 2020 ([here](#))
- SPP 4.2 Activity Centres for Perth and Peel – to WAPC at the end of August 2020
- SPP 7.2 Precinct Design Guidelines – consultation in September 2020
- SPP 3.7 Bushfire Policy and Guidelines – consultation in September 2020
- SPP 2.9 Water Resources Policy and Guidelines – consultation in September 2020
- SPP 7.3 - Residential Design Codes – Medium density – to be advised
- Revision of the Designing Out Crimes [Guidelines](#) – to be advised
- Amendments to the Planning and Development (Local Planning Scheme) Regulations 2015 – to be advised

The following consultations are also currently out for public comment: -

- National Registration Framework for Building Practitioners – closes 23 August 2020 ([here](#))
- Accessible Housing standards for inclusion in the National Construction Code – closes 31 August ([here](#))
- Registration of Building Engineers in WA – closes 3 December ([here](#))

ENVIRONMENT

LGmap Service

LGmap demonstrations were delivered at several events in October and November, including three WALGA facilitated events: WALGA Field Training: Plant recognition for parks and restoration practices in natural areas (8 October), bushfire risk assessment and management (12 October), and on how to utilise LGmap to inform Urban Forest planning and management (27 November).

One hands-on demonstration was delivered at the 2020 IPWEA Public Works Professional Development Week, held in Maylands between 23 and 27 November. LGmap trials were set up for the City of South Perth and the Shire of Broomehill-Tambellup.

Events and Newsletters

WALGA Field Training: Plant recognition and restoration practices in natural areas

WALGA partnered with the City of Stirling to host a *Field Training Day on Plant Recognition and Restoration Practices in Natural Areas* on 8 October, attended by 43 staff from 19 Local Governments. The training shared the practical, on-ground knowledge needed by Local Government staff involved in the conservation of natural areas.

Attendees visited a variety of vegetation complexes, including coastal heathland, and banksia and tuart woodlands, and focused on restoration approaches, plant identification, and how to undertake natural area surveys. The day was a great example of collaboration between a number of organisations, with WALGA, the City of Stirling, Perth NRM, Stirling Natural Environment Coastcare, the Wildflower Society WA, and Friends of Trigg Bushland all contributing their expertise.

This is the second year that WALGA has offered the field training in the Perth metropolitan area, and it continues to be highly popular with the sector. WALGA will investigate options to host additional sessions in 2021, which will potentially include the wheatbelt and south-west region.

WALGA Managing Bushfire Risk in a Changing Climate Webinar series

WALGA hosted a series of three webinars on *Managing Bushfire Risk in a Changing Climate* in October, which aimed to strengthen Local Governments' ability to prepare for, mitigate and recover from the impacts of bushfires.

Webinar 1 - Preparedness through policy and planning discussed the policy and programs at the State level to manage bushfire risk. It also provided case studies from the Shire of Mundaring on planning controls, and the Shire of Denmark on creating a shared sense of responsibility within the community.

Webinar 2 – Mitigation through fuel reduction for safety and biodiversity discussed the regulatory requirements for clearing or burning of native vegetation to reduce bushfire risk, and also how Local Government can incorporate traditional fire practices in their fuel hazard reduction programs. The City of Cockburn discussed how prescribed burning of conservation reserves is part of a suite of management approaches, which also include the construction of fire breaks, and controlling weeds through slashing, mechanical removal and chemical control.

Webinar 3 – Recovery through rebuilding and resilience discussed community support and animal welfare in the immediate aftermath and recovery period following bushfire, with presentations from the Shire of Dardanup, Bega Valley Shire (NSW), Animals Australia (VIC).

EnviroNews

The September, October, and November editions of EnviroNews can be accessed electronically on the WALGA website [here](#). The December edition is scheduled for release on 16 December.

EMERGENCY MANAGEMENT

Local Emergency Management Advisory Group (LGEMAG)

WALGA has hosted the LGEMAG since 2010, as a representative group for Local Government to identify, consider and respond to commonly shared issues involving emergency management in Western Australia both metropolitan and country. The LGEMAG had evolved to include mainly representatives from metropolitan Local Governments.

To enable broad representation of the sector, WALGA ran an expression of interest process for the LGEMAG in August 2020, with the aim to significantly increase regional membership. The EOI closed in early September, and the LGEMAG membership has now been finalized with five metropolitan and six regional members. The LGEMAG will meet quarterly, and provide input into State committees, particularly the Local Government Grant Scheme (LGGS), and guide the formulation of Association policy on emergency management issues.

Report on Local Government Response to the Australian Fire Danger Rating System Survey

The Department of Fire and Emergency Services (DFES) is leading WA's participation in the design and implementation of the new Australian Fire Danger Rating System (AFDRS). DFES are currently developing a State implementation plan which will require extensive engagement with relevant stakeholders across WA, to determine impacts and organisational change requirements and enable the effective implementation of the new AFDRS scheduled for release in June 2022.

In late August, DFES, in consultation with WALGA, administered an online survey to all Local Governments, offering them the opportunity to provide feedback on impacts that the new AFDRS may have on their Local Government. Responses were received from 68 Local Governments, with the majority of respondents in emergency management roles.

The findings will be used to inform impacts that the new AFDRS system may have on Local Governments and considerations to be made in addressing change impacts and support required, particularly in relation to communication methods, community education and training. The report has been circulated to Local Government CEOs. Please contact em@walga.asn.au to be provided with a copy.

COMMUNITY

New Library Agreement

The new State and Local Government Partnership Agreement for the Provision of Public Library Services was signed at the 1 September 2020 meeting of the State Local Government Partnership Leadership Group.

Development of the State's Young People Priority Framework

Both the Western Australian Mental Health and Alcohol and Other Drug Services Plan 2015 – 2025, and the Commissioner for Children and Young People's 'Our Children Can't Wait' report from 2015, highlighted the need to improve services available to support young people with mental health and/or alcohol and other drug (AOD) issues. In March 2020, the Minister for Mental Health released the WA State Priorities Mental Health, Alcohol and Other Drugs 2020 – 2024, in which young people were confirmed as an immediate priority. The Minister for Mental Health asked the Mental Health Commission to develop the Young People Priority Framework to guide the mental health and alcohol and other drug sector in supporting the needs of young people aged 12 to 24 years. The Mental Health Commission appointed Nous Group to undertake consultation during October 2020 to develop the Framework. WALGA attended a workshop on behalf of Local Governments, with feedback being collected from Local Governments prior to the workshop.

Development of the State’s Digital Inclusion Plan

The State Government’s Office of Digital Government has released the draft Blueprint for Digital Inclusion in WA to ensure that the State Government progresses towards a more secure, sustainable and inclusive digital future. It identifies four key priority areas to address in achieving this vision—connectivity, affordability, skills and design—and builds on collective effort across the state to guide the delivery of digital inclusion in WA. WALGA represented Local Governments at the community services workshop hosted by WACOSS and the Office of Digital Government in October 2020. WALGA emphasized the importance of appropriate consultation with Local Governments.

ALGA Arts and Culture Policy Position

WALGA contributed to the development of the recently endorsed ALGA Arts and Culture Policy Position. The Australian Local Government Association calls for support of the pivotal role Local Government plays in the development of the creative sector, which is essential to the liveability and economic sustainability of all Australian communities.

Prevent Support Heal Campaign – Mental Health Funding

In August 2020 WALGA’s East Metropolitan Zone requested WALGA to encourage Local Governments to support the WA Association of Mental Health’s (WAAMH) Prevent Support Heal campaign. The campaign seeks to advocate to the political parties in the lead up to the 2021 State Election, for a funding commitment towards an optimal mix of funding for mental health. This optimal mix of funding is outlined in the State Government’s *‘Better Choices. Better Lives: Western Australian Mental Health, Alcohol and Other Drug Services Plan 2015-2025’*. Currently ninety per cent of mental health funding is spent on inpatient hospital services and community treatment, leaving just 1 per cent for prevention and 5 per cent for community support. In particular the campaign is seeking increased funding for prevention and community support measures.

These are extremely important to support the community during the current COVID-19 pandemic and beyond. The campaign’s State Election Platform was launched on Tuesday, 15 September with people sharing their experiences in WA’s mental health system, demonstrating the importance of funding for the optimal mix of services in mental health. More information is available on the campaign website www.preventsupportheal.org.au

Local Government Policy Awards – Public Health Advocacy Institute WA

The 2020 Local Government Policy Awards convened by the Public Health Advocacy Institute of WA (PHAIWA) were announced on Wednesday, 4 November. The annual awards recognise Local Governments which are implementing initiatives that promote the health and wellbeing of children and young people. WALGA’s President, Mayor Tracey Roberts provided an address and the Awards were presented by the Hon. David Templeman, Minister for Local Government; Heritage; Culture and the Arts. More information about the Awards can be accessed on the website www.phaiwa.org.au/2020-local-government-policy-awards/

7.2 Policy Forum Reports

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

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

Recommendation

That the report on the key activities of the Association's Policy Forums to the September 2020 State Council Meeting be noted.

Policy Forums

The following Policy Forums have been established

- Mayors / Presidents Policy Forum
- Container Deposit Legislation Policy Forum
- Mining Communities Policy Forum
- Economic Development Policy Forum

All Policy Forums have not held meetings since the last State Council meeting.

State Council Status Report

COMPLETE STATUS REPORT ON STATE COUNCIL RESOLUTIONS To the December 2020 State Council Meeting

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2020 September 2 Item 5.1 Park Home Approvals and the Caravan Parks and Camping Grounds Act 1995	That WALGA urgently requests the State Government to undertake a full review of the <i>Caravan Parks and Camping Grounds Act 1995</i> and associated legislation and regulations, to address manufactured homes on caravan park sites.	Correspondence and the background information has been sent to the Minister for Local Government for consideration of an urgent review of the <i>Caravan Parks and Camping Grounds Act 1995</i> . A letter has been received from the Minister (as attached), stating that “Government is considering a broader review of the regulatory system regarding lifestyle villages; however, its legislative priority will not be considered until after the 2021 election.”	Ongoing	Mark Batty Executive Manger Strategy, Policy and Planning
2020 September 2 Item 5.2 Submission on Decision Paper – Swimming Pool & Safety Barrier Control	That the submission on the Decision Paper on Swimming Pool and Safety Barrier Control, be endorsed.	Correspondence and the submission has been sent to the Department of Mines, Industry Regulation and Safety for consideration in the drafting of future regulatory changes and provision of additional guidance.	September 2020	Mark Batty Executive Manger Strategy, Policy and Planning
2020 September 23 Item 5.3	That the findings and recommendations of the Development Assessment Panels, 2011-20 Review be endorsed and that WALGA advocate for: 1. The abolishment of the current ‘mandatory’ mechanism which requires a Development Assessment Panel to act as the decision maker where a proposal has a value of \$10 million or greater, and replace this with an ‘opt in’ mechanism for all proposals; 2. Raising the Development Assessment Panel threshold from the current \$2 million to \$5 million; and 3. The Department of Planning, Lands and Heritage to make public comprehensive data related to the performance of the Development Assessment Panel system to improve the transparency of the system.	A report on the performance of DAPs between 2011 and 2020 was provided in the September State Council Agenda for further advocacy on DAPs. Correspondence has been sent to the Minister for Planning, Director General of DPLH, Minister for Local Government, and Shadow Minister for Planning. The new advocacy position will be further socialised with government and industry in anticipation of the upcoming review of the DAP Regulations.	Ongoing	Mark Batty Executive Manger Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
2020 September 2 Item 5.4 Air Handling Discussion Paper Part Two	That the submission to the Department of Health in response to the Air Handling discussion paper Part Two be endorsed.	WALGA's submission was provided to the Department of Health.	Completed	Mark Batty Executive Manger Strategy, Policy and Planning
2020 September 2 Item 5.5 Local Government Review Panel Final Report	That WALGA: 1. Acknowledges the panel report and the recommendations received from Zones and continue to work with the Government to undertake further consultation on the recommendations contained therein; 2. Requests a formal commitment from the Minister for Local Government that the Local Government Sector be consulted on the Draft Local Government Bill in line with the State / Local Government Partnership Agreement and that WALGA actively participates in the legislative drafting process to develop the new Local Government Act; and 3. Strongly encourages individual Local Governments to consider responding to the recommendations of the panel report and advise WALGA of their submissions by 31 October 2020.	WALGA has written to the Minister for Local Government as per resolution 2. In respect to resolution 3 advice was provided to the sector requesting responses to the Panel report be submitted to WALGA. Many Local Governments have provided their responses and the material is being considered in developing a Local Government Act Advocacy Paper.	Ongoing	Tony Brown Executive Manager Governance & Organisational Services
2020 July 1 Item 4.2 Work health and Safety Bill 2019	That WALGA: 1. recommend that the Standing Committee on Legislation investigate the drafting and interpretation of offences in the context of Western Australia's Criminal Code, and consider whether the standard imposed in s30B and s31 is appropriate for an offence punishable by imprisonment; and 2. recommend that the Standing Committee on legislation ensure there is adequate time following proclamation of the WHS Bill for all industries in Western Australia to transition to the new, harmonised work place safety and health provisions.	Correspondence was sent to the Standing Committee on Legislation advising of the State Council resolution on 3 July 2020. It is anticipated that the new <i>Workplace Health and Safety Bill 2019</i> will become law in 2021. To support the WA Local Government sector, WALGA have partnered with LGIS and a legal firm to provide tailored advice on what the changes mean for the sector. LGIS will be sharing a series of materials, guidelines with members and WALGA will host a webinar. The webinar will be held on Thursday 19 November 2020 , more information will be coming soon, on how to register.	Awaiting a response	Tony Brown Executive Manager Governance & Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<u>RESOLUTION 89.3/2020</u>			
2020 July 1 Item 4.3 Teacher Housing Availability	That WALGA contact the Director General of the Department of Housing to: <ol style="list-style-type: none"> 1. Seek action and acknowledge the extra challenges in attracting and retaining public sector staff in remote and rural areas of the state; 2. Immediately review and address the issue of insufficient GROH housing (and the high cost of subsidised rental) for public sector staff and actively seek and enter into Joint Venture arrangements with Councils to address the shortfall in accommodation; 3. Request that the agencies be requested to engage with WALGA to seek a solution to the current short supply of GROH housing within all regions. <u>RESOLUTION 91.3/2020</u>	In July 2020 a letter was sent to DG Department of Communities as the responsible agency for Government Regional Officer Housing seeking a response to the Resolution. In August 2020, WALGA received a response from the Director General, Communities, which stated that the Department of Communities has diverted much of its resources towards the social and economic recovery of the State. Therefore work on the planned GROH review is placed on hold until the conclusion of the COVID-19 emergency period. It was acknowledged that GROH plays an important role in attracting and retaining staff in regional and remote communities. On 21 August 2020 WALGA met with relevant staff from the Department of Communities to further discuss the issue.	In progress	Mark Batty Executive Manager Strategy, Policy and Planning
2020 July 1 Item 5.4 WALGA JLT Scheme Management Agreement Extension	State Council require that: <ol style="list-style-type: none"> a) The terms of existing WALGA JLT/Marsh Scheme Management Agreement be maintained for a further 12 months or until the review actions are completed. b) A contingency planning project be undertaken to ensure the WALGA LGIS insurance service is competitive, resilient and appropriate to serve the needs of Member Councils. c) All other details as to the State Council LGIS review to remain confidential. <u>RESOLUTION 95.3/2020</u>	<ol style="list-style-type: none"> a) Action implemented. Completed b) Contingency planning project in scoping stage. To be aligned with previous review actions with a June 2021 completion target. 	July 2021	Zac Donovan Executive Manager Commercial and Communications
2020 July 1 Item 8 South West Country Zone Universal	That due to the COVID-19 pandemic, WALGA request the Minister for Local Government to extend by six months the requirement for newly	Correspondence was provided to the Minister for Local Government requesting consideration to utilizing the provision under Section 10.3 of the <i>Local Government Act 1995</i> to modify Local Government	Completed	Tony Brown Executive Manager Governance & Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
Elected Member Training	<p>Elected Members to undertake training within 12 months.</p> <p><u>RESOLUTION 109.3/2020</u></p>	<p>Administration Regulation 35 (3) for the purpose of providing a 6 month extension for Elected Members to complete the training.</p> <p>The Minister has responded advising that there will be no extension to the 12 month requirement to complete the training.</p> <p>WALGA Training provides the following statistics on the training uptake;</p> <p>The vast majority of Elected Members elected in 2019 utilised WALGA's training service to carry out the Council Member Essentials Training. At the time of writing this report approximately 80% had completed all 5 courses.</p>		
<p>2020 May 6 Item 4.1 COVID-19 Pandemic – WALGA Response</p>	<p>That the information contained in this report relating to WALGA's response to the COVID-19 pandemic and WALGA's advocacy on requesting no additional State Government cost impositions on Local Governments be noted.</p> <p><u>RESOLUTION 57.2/2020</u></p>	<p>This item noted WALGA's advocacy on COVID-19 and more broadly on requesting no additional cost impositions on the sector.</p> <p>On the 5 June, the Western Australian Planning Commission (WAPC) approved a new Position Statement – Expenditure of Cash-in-Lieu of Public Open Space. This position statement was following advocacy from the Association and member Councils to improve the implementation of funds held in trust for public open space, to bring forward projects for COVID 19 recovery. The new position statement provides:</p> <ul style="list-style-type: none"> • Additional guidance on where and on what cash-in-lieu funds may be spent; • New provision for local government to request approval of a grouped program of works across multiple areas rather than just a single location; • Updated references to align with the Planning and Development Act 2005; and • General updates to align with current cash-in-lieu process, formatting and terminology. <p>A more comprehensive review of the planning framework relating to public open space which will be undertaken, which will include a review of <i>Development Control Policy 2.3 Public Open Space in Residential Areas</i> and will include consultation with local government.</p>	Ongoing	Mark Batty Executive Manager Strategy, Policy & Planning
<p>2020 March 4 Item 4.1 Stop Puppy Farming Legislation</p>	<p>That WALGA write to the Minister and request that he withdraw the Stop Puppy Farming Bill and more appropriately consult with the sector, traditional custodians and the wider community, or failing that, that he remove any reference to Local Government in the bill as the sector does not endorse it in its current form.</p> <p><u>RESOLUTION 13.1/2020</u></p>	Correspondence has been sent to the Minister for Local Government advising of State Councils position	Ongoing	Tony Brown Executive Manager Governance & Organisational Services
<p>2020 March 4 Item 8 Additional Zone Resolutions</p>	That State Council endorse the recommendation from the Great Eastern Country Zone relating to the Federal Government Drought Communities Program.	WALGA is currently in dialogue with the DWER and DPIRD to determine the program design for the Commonwealth \$10m for Regional Drought Resilience Planning, which was announced on July 1 st . It is worth noting that this program element is reflective of the advocacy of members of the Central Country Zone and WALGA.	Ongoing	Mark Batty Executive Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
Federal Government Drought Communities Program	<ul style="list-style-type: none"> That the Great Eastern Country Zone requests WALGA, in consultation with ALGA, to liaise with the WA State Government Ministers for Water, Agriculture and Environment to provide a coordinated holistic response in respect to the ongoing drying climate issues and access to the Drought Communities Funding Program. <p><u>RESOLUTION 37.1/2020</u></p>	The program will provide funding to consortia of local councils or equivalent entities to develop Regional Drought Resilience Plans for agriculture and allied industries. WALGA continues to liaise with the DWER and DPIRD and relevant Ministers on the need for a coordinated holistic response in respect to the ongoing drying climate issues and further access to the Drought Communities Funding Program.		
2019 Dec 4 Item 4.1 Bushfire Fighting Vehicles	That WALGA State Council: 1. Note this issue and support the concerns raised. 2. Commit to working collectively with Local Governments to resolve this issue with the State Government and Department of Fire and Emergency Services (DFES) as a matter of urgency. <u>RESOLUTION 141.7/2019</u>	1. WALGA noted the concerns and has raised these with the Commissioner of DFES. 2. WALGA facilitated attendance by DFES at a meeting with the Shire of Esperance to discuss concerns raised and options for improvements to their fleet. It has been reported to WALGA that the actions were to trial large tyres and central tyre inflation systems (2 x Tankers), work is progressing on both. Furthermore, a Bushfire Fleet Mobility Working Group is scheduled to meet 17 February 2020. WALGA have not received a formal update from the Bushfire Fleet Mobility Working Group which is the primary vehicle for the sector to resolve this issue. The report will have been delayed due to the COVID response effort in state government.	Ongoing	Mark Batty Executive Manager Strategy, Policy and Planning
2019 Dec 4 Item 5.3 Mandatory Code of Conduct for Council Member, Committee Members and Candidates – Sector Feedback	That WALGA: 7. Request the Mandatory Code of Conduct Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries; 8. Refer the following matters to the Working Group for further consideration: (g) <u>Part A – Principles - Supported</u> (h) Part B – Behaviours xiii. ensuring principles of natural justice can be adequately upheld in all circumstances; xiv. training opportunities that will assist Council Members determine complaint outcomes under Part B; xv. development of a template Complaints Management Policy; xvi. reconsider the purpose of allowing ‘any person’ to make a complaint;	Correspondence has been sent to the Director General of the Department of Local Government, Sport & Cultural Industries advising of the Council resolution on this issue. The Department of Local Government, Sport and Cultural Industries released the draft Local Government (Model Code of Conduct) Regulations 2020 on Monday 2 November 2020, requesting sector feedback by 6 December 2020. An Item will be prepared for the November / December Zone and State Council meetings.	Ongoing	Tony Brown Executive Manager Governance & Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>xvii. ensuring Committee Members and Candidates are included in Part B; and</p> <p>xviii. re-naming 'Rules' to an appropriate term throughout Part B.</p> <p>vii. <u>Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.</u></p> <p>(i) Part C – Rules of Conduct</p> <p>iii. review the rationale for creating a new Rule of Conduct breach where three or more breaches of Part B – Behaviours are found and the Local Government resolves to refer the matter to the Local Government Standards Panel; and</p> <p>vi. review the proposal to amend the definition of an 'interest' relating to Impartiality Interests from the present definition in Regulation 11 of the Local Government (Rules of Conduct) Regulations.</p> <p>vii. <u>Develop a complaint process that is carried out by DLGSC or another party (which must be external of the local government). For any breach of the Code (being part b or part c) and where the Council, Mayor/President or CEO are not the decision makers in determining whether the breach has or has not occurred and/or whether any action is required.</u></p>			

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>iv <u>Review the appropriateness of the elements of the rule of conduct to only apply to a person who is a Council Member or Candidate both at the time of the conduct and at the time of the panel decision.</u></p> <p>9. Recommend the Working Group develop an endorsed Mandatory Code of Conduct for further consultation with the Local Government sector.</p> <p>RESOLUTION 144.7/2019</p>			
<p>2019 Dec 4 Item 5.4 Standards & Guidelines for CEO Recruitment & Selection Performance Review & Termination – Sector Feedback</p>	<p>That WALGA:</p> <p>4. Request the CEO Recruitment and Selection, Performance Review and Termination Working Group be reconvened by the Department of Local Government, Sport and Cultural Industries; and</p> <p>5. Refer the following matters to the Working Group for consideration:</p> <p>(f) Removal from the Model Standards the requirement to readvertise CEO positions after 10 years of continuous service;</p> <p>(g) Encouraging, rather than mandating, the involvement of an independent person in the CEO Recruitment and Selection Process;</p> <p>(h) Reconsideration of the proposal for independent review of the recruitment process;</p> <p>(i) Support the role of the Department of Local Government, Sport and Cultural</p>	<p>Correspondence has been sent to the Director General of the Department of Local Government, Sport & Cultural Industries advising of the Council resolution on this issue.</p> <p>The Department released the draft <i>Local Government (Administration) Amendment Regulations (No.2) 2020</i> (Draft Regulations), to prescribe the Model Standards, together with Explanatory Notes on Monday 26 October requesting Local Governments respond by 6 December 2020. WALGA was successful in advocating for the Department to provide more time than the original 13 November time-line.</p> <p>An item will be prepared for the November / December Zone and State Council meetings.</p>	<p>Ongoing</p>	<p>Tony Brown Exec Manager Governance & Organisational Services</p>

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>Industries as the regulator for monitoring and compliance; and</p> <p>(j) Further investigate a role for a Local Government Commissioner.</p> <p>6. Recommend the Working Group develop endorsed Model Standards for further consultation with the Local Government sector.</p> <p><u>RESOLUTION 145.7/2019</u></p>			
<p>2019 Dec 4 Item 5.8 Membership of Development Assessment Panels</p>	<p>That WALGA advocate to the Minister for Planning, that the composition of Development Assessment Panels (DAPs) be modified to provide equal representation of Specialist Members and Local Government Members, in accordance with the original objectives of the DAP system to enhance the decision making process by improving the balance of experts.</p> <p><u>RESOLUTION 149.7/2019</u></p>	<p>A report on the performance of DAPs between 2011 and 2020 was provided in the September State Council Agenda for further advocacy on DAPs. All advocacy items related to DAPs will inform the Associations submission in the upcoming review of the DAPs Regulations.</p>	<p>Ongoing</p>	<p>Mark Batty Exec Manager Strategy, Policy and Planning</p>
<p>2019 Dec 4 Item 5.10 Local Government as Collection Agency for Construction Training Fund</p>	<p>1. That WALGA advise the Construction Training Fund (CTF):</p> <p>1.1 That due to the operational improvements and establishment of an on-line portal for payments of the Building and Construction Industry Training Fund, Local Government will not continue to be a collection agency for these payments</p> <p>1.2 That the online receipt issued upon payment of the <i>Building and Construction Industry Training Fund</i>, must clearly show the property address and estimated building value to ensure it complies with section 20 of the <i>Building Act 2011</i></p> <p>1.3 That the Department of Mines, Industry Regulation and Safety (DMIRS) must provide access to the data collated in the Building Permit</p>	<p>Correspondence has been sent to the CTF Board advising them of the State Council Resolution. Separate letters have also been sent to the Ministers for Commerce, Education and Training and Local Government to seek their support.</p> <p>The CTF Executive Director has responded, advising the following:</p> <p><i>"While 37 of the State's 140 LGAs responded to the WALGA's recent survey about collection of the BCITF, CTF is concerned that stakeholders in the building and construction industry – who would be affected by the changes to current permit allocation procedure – have not to date been consulted. As such, CTF has approached HIA an MBA for feedback from their members..."</i></p> <p>CTF advised that they will meet with WALGA once feedback from the building and construction industry has been received before establishing a way forward to address the issues arising from the State Council's recommendation.</p> <p>The Minister for Commerce has also provided a response, indicating that they will be working with the CTF to enable access to the data already being captured by the Building Permit Database project. If a local government isn't providing this data, the CTF may still require information direct from those Local Governments.</p>	<p>Ongoing</p>	<p>Mark Batty Exec Manager Strategy, Policy and Planning</p>

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>Database Project to assist CTF in their acquittal process, and</p> <p>1.4 That a review of the apprenticeship pathways should be undertaken, as the Local Government sector can provide many potential apprentice pathways directly connected to the construction and development industry.</p> <p>2. That WALGA advise the Minister for Local Government, Minister for Education & Training and Minister for Commerce that the current CTF collection process is unnecessary administrative red tape for the Local Government sector, and seek their support for Local Government to not continue to be a collection agency for these payments.</p> <p><u>RESOLUTION 151.7/2019</u></p>	<p>The Minister for Education & Training has also provided a response, similar in content to the CTF letter, that Local Government provides a 'one stop shop' for Industries payment of the fees.</p> <p>Awaiting the CTF to arrange a meeting on the issue.</p>		
<p>2018 December 5 Item 4.1 State / Local Government Partnership Agreement on Waste Management and Resource Recovery</p>	<p>1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery.</p> <p>2. That the item be referred to MWAC for is development and negotiation with the State Government.</p> <p>3. A report regarding a proposed "State / Local Government Partnership Agreement on Waste Management and Resource Recovery" be brought back to the next meeting of State Council.</p> <p><u>RESOLUTION 131.7/2018</u></p>	<p>The development of the Agreement has been delayed due to COVID-19, however will be further progressed in the second half of 2020.</p>	<p>Ongoing</p>	<p>Mark Batty Exec Manager Strategy, Policy and Planning</p>
<p>2018 December 5 Item 5.1 Proposed Removal by Main Roads WA of the "Letter of Approval"</p>	<p>That WALGA:</p> <p>1. Opposes withdrawal of the "Letter of Approval" Restricted Access Vehicle Operating Condition until an acceptable</p>	<p>On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an</p>	<p>Ongoing</p>	<p>Ian Duncan Exec Manager Infrastructure</p>

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
Restricted Access Vehicle Operating Condition	<p>alternative to Local Government is developed;</p> <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. <p><u>RESOLUTION 132.7/2018</u></p>	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.		
<p>2018 September 7 Item 5.8 Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions</p>	<p>That the Interim Submission to the Independent Review of the Strategic Assessment of the Perth and Peel Regions be endorsed <u>subject to the inclusion of:</u></p> <ol style="list-style-type: none"> 1. Further guidance regarding the form of a assurance and adaptive management framework; and 2. Reference to the costs to Local Government of the ongoing management of conservation areas 	<p>Following the SAPPR Review Panel's report to Government, which identified unresolved 'gateway issues' – legal risk, flexibility and funding - in February 2019 it was announced that the review would be extended so that these issues could be progressed and options developed.</p> <p>WALGA met with the Panel on 31 May 2019 to discuss funding options. The Review Panel also briefed the Growth Area Alliance Perth and Peel at its 13 June meeting.</p> <p>The Review Panel provided its report to the Deputy Premier in August 2019.</p> <p>WALGA met the Review Panel again in on 3 September and subsequently wrote to the Review Chair on 27 September to reiterate WALGA's in-principle support for the SAPPR, contingent on the issues raised</p>	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>and how decisions the impacts of land use within urban areas will impact on peri-urban areas.</p> <p><u>RESOLUTION 109.6/2018</u></p>	<p>in earlier submissions and feedback to the Review Panel being addressed satisfactorily and the establishment of a consultative and transparent process is established going forward.</p> <p>On the 26 March 2020, the Premier announced that the review of SAPPR will be deferred indefinitely, in an effort to free up resources and allow the State Government to continue to focus all efforts on responding to COVID-19.</p> <p>https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/03/Administrative-changes-to-support-COVID-19-response-.aspx</p>		
<p>2018 July 4 5.7 Interim Submission – Review of the State Industrial Relations System</p>	<p>That the interim supplementary submission in response to the Interim Report of the Review of the State Industrial Relations System be endorsed.</p> <p><u>RESOLUTION 78. 5/2018</u></p>	<p>The Final Report (Report) of the review into the WA State Industrial Relations System was tabled in State Parliament on 11 April 2019. This report makes the recommendation to amend the <i>Industrial Relations Act 1979</i> (IR Act) to enable a declaration to be made that WA Local Government authorities are not “national system employers” for the purposes of the <i>Fair Work Act 2009</i> (FW Act).</p> <p>The State Government has introduced the <i>Industrial Relations Legislation Amendment Bill 2020</i> (the Bill) into State Parliament. The Bill seeks to bring all Local Governments under the State IR system.</p> <p>The State Government predicates the need for the Bill to address jurisdictional uncertainty. However, the move comes without any commitment, resourcing or support from the State Government to enable 89% of Local Governments to effectively transition, over the proposed two year period, to the State IR system.</p> <p>The Bill has passed the Legislative Assembly and will need to pass the Legislative Council of Parliament before a declaration for the endorsement of the Hon. Christian Porter, the Federal Minister of Industrial Relations can be sought.</p> <p>The State Government’s proposal is reliant on the endorsement of the Federal Minister.</p> <p>WALGA will continue to lobby against the Bill and encourages all Local Governments to lobby their opposition to this proposal that is highly detrimental to the Local Government sector with their respective State and Federal parliamentary members.</p> <p>Advocacy has increased in opposing the State Governments proposal. Meetings have been held with the State Opposition including the Liberal, National and One Nation Parties. Support has also been requested with the office of the Federal Minister for Industrial Relations, Christian Porter.</p>	Ongoing	Tony Brown Exec Manager Governance & Organisational Services
<p>2017 July 5 5.5 Corella Project (05-046-02-0003 MH)</p>	<p>That State Council</p> <ol style="list-style-type: none"> Note the outcomes of the Coordinated Corella Control pilot program. Endorse WALGA’s proposed approach to the continuation and expansion of the Program in 2017/18. 	<p>The Minister for Agriculture has agreed to the review of the Biosecurity and Agricultural Management Act (2007), and WALGA will raise the need to address significant incursions of this pest in town-sites and the peri urban areas across the south-west land division. The Preferred Supplier Program provides for contractors to manage this species, and WALGA continues to maintain the pest bird portal for interested members.</p>	Ongoing	Mark Batty Exec Manager Strategy, Policy and Planning



MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	3. Seek to have the program expanded to the whole of the State, including the provision of adequate resources.			