



CENTRAL COUNTRY ZONE

Minutes

**Friday 23 February 2018
Wandering Community Centre,
Down Street Wandering**

Commencing at 9.39am

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Minutes

Central Country Zone of WALGA

Friday 23 February 2018, commencing at 9.39am

1.0 OPENING AND WELCOME

The Zone Chair Cr Conley opened the meeting at 9.39am welcoming all delegates and guests and invited Cr Brendan Whitely, President Shire of Wandering to extend a welcome to Wandering.

Cr Whitely in extending a welcome to delegates and guests outlined some of the recent activities within Wandering.

2.0 ATTENDANCE AND APOLOGIES

Attendance

Cr Mark Conley (Chair)
Cr Chris Pepper
Mr Stephen Gollan
Cr Neil Walker
Cr Theresa Fancote
Cr Lyn Baker
Mr Gary Martin
Cr Eliza Dowling
Mr Gary Sherry
Mr Matthew Gilfellon
Cr Rodney Duckworth
Mr Noel Mason
Cr Jeanette De Landgraft
Cr Steve Hunt
Ms Denise Gobbart
President Leigh Ballard
Mr Aaron Cook
Cr David Freebairn
Mr Gavin Pollock
Cr Brett McGuinness
Cr Jill McRae
Cr Phillip Blight
Cr Ron Walker
Cr Greg Ball
Cr Brendan Whitely
Cr Chad Ferguson
Cr Ian Turton
Ms Amanda O'Halloran
Cr Kevin King
Cr Julie McFall
Ms Nicole Wasmann
Cr Julie Russell
Mr Mark Hook
Cr John Cowcher
Mr Geoff McKeown

President, Shire of Cuballing
Deputy President, Shire of Beverley
CEO, Shire of Beverley
Deputy President, Shire of Brookton
Councillor, Shire of Brookton
President, Shire of Corrigin
A/CEO, Shire of Corrigin
Deputy President, Shire of Cuballing
CEO, Shire of Cuballing
CEO, Shire of Dumbleyung
Deputy President, Shire of Kulin
CEO, Shire of Kulin
President, Shire of Lake Grace
Deputy President, Shire of Lake Grace
CEO, Shire of Lake Grace
President, Shire of Narrogin
CEO, Shire of Narrogin
Deputy President, Shire of Pingelly
CEO, Shire of Pingelly
Deputy President, Shire of Quairading
Councillor, Shire of Quairading
President, Shire of Wagin
Councillor, Shire of Wagin
Councillor, Shire of Wagin
President, Shire of Wandering
Deputy President, Shire of Wandering
Councillor, Shire of Wandering
CEO, Shire of Wandering
Deputy President, Shire of West Arthur
Councillor, Shire of West Arthur
CEO, Shire of West Arthur
President, Shire of Wickopin
CEO, Shire of Wickopin
President, Shire of Williams
CEO, Shire of Williams

Mr Bruce Wittber, Joint Executive Officer
Ms Helen Westcott, Joint Executive Officer

WALGA Representatives

Mr Wayne Scheggia, Deputy Chief Executive Officer

Guests

Ms Jodie Holbrook	Director, Local Government Policy and Engagement, Department of Local Government, Sport and Cultural Industries
Ms Louise Adamson	Operations Manager, MRWA Central Wheatbelt Region
Ms Cathy Morey	Customer Service Manager, MRWA Central Wheatbelt Region

Apologies

Cr Dee Ridgway	President, Shire of Beverley
Cr Katrina Crute	President, Shire of Brookton
Mr Ian D'Arcy	CEO, Shire of Brookton
Cr Barry West	President, Shire of Kulin
Cr Tim Weise	Deputy President, Shire of Narrogin
Cr Bill Mulroney	President, Shire of Pingelly
Cr Wayne Davies	President, Shire of Quairading
Mr Graeme Fardon	CEO, Shire of Quairading
Mr Peter Webster	CEO, Shire of Wagin
Cr Ray Harrington OAM	President, Shire of West Arthur
Cr Wes Astbury	Deputy President, Shire of Wickiepin
Ms Dana Mason	Policy Manager Economics WALGA
Mr Rodney Thornton	Road Safety Advisor Wheatbelt South
Hon Mia Davies MLA	Member for Central Wheatbelt
Mr Peter Rundle MLA	Member for Roe
Hon Martin Aldridge MLC	Member for Agricultural Region
Hon Jim Chown MLC	Member for Agricultural Region
Hon Colin De Grussa MLC	Member for Agricultural Region
Hon Laurie Graham MLC	Member for Agricultural Region
Mr Rick Wilson MP	Member for O'Connor

3.0 DECLARATION OF INTEREST

Nil

4.0 ANNOUNCEMENTS

Nil

5.0 GUEST SPEAKERS

5.1 Department of Local Government, Sport and Cultural Industries – Ms Jodie Holbrook (9.45am)

Presentation by Jodie Holbrook, Director, Local Government Policy and Engagement on the structure and role of the new Department of Local Government, Sport and Cultural Industries.

9.59am Helen Westcott entered the meeting

10.24am meeting adjourned for morning tea

10.50am meeting resumed after morning tea

6.0 MINUTES

6.1 Confirmation of Minutes – Friday 1 December 2017 (Attachment)

RECOMMENDATION:

That the Minutes of the Meeting of the Central Country Zone held on Friday 1 December 2017 be confirmed as a true and accurate record of the proceedings.

RESOLUTION: **Moved: Cr Baker** **Seconded: Cr Blight**

That the Minutes of the Meeting of the Central Country Zone held on Friday 1 December 2017 be confirmed as a true and accurate record of the proceedings.

CARRIED

6.2 Business Arising from Minutes Zone Meeting Friday 1 December 2017

6.2.1 12.1 Department of Transport – Vehicle Licensing Services

The issue of the Vehicle Licensing Services provided by local government was raised by the Shire of Cuballing as an emerging issue at the last Zone Meeting. The Zone resolved as follows:

RESOLUTION: **Moved: Cr Blight** **Seconded: Mr Fardon**

1. *That WALGA be requested to consider including this matter as an emerging issue at the State Council meeting on Wednesday 6 December 2017.*
2. *That in the event that WALGA does not consider it as an emerging issue the matter be referred to the next Zone Meeting and the Executive Officer be requested to investigate for report to the Meeting.*

CARRIED

The issue was considered by the WALGA State Council as an emerging issue with the following secretariat comment:

SECRETARIAT COMMENT

More than 90 Local Governments provide vehicle licensing services under contracts with the Department of Transport. These contracts are due to expire from December 2017. WALGA staff met with the Department of Transport in January 2017 to discuss Vehicle Licensing Services and offered to facilitate or assist in consultation with Local Governments concerning new contracts. The Department of Transport advised that they intended to undertake the consultation with Local Governments and would keep WALGA informed. Seventy one Local Governments responded to questions and issues raised by the Department of Transport regarding licensing services in the course of their consultation process.

WALGA staff initiated a follow-up meeting with the Department of Transport concerning vehicle licensing in late July. At that time the Department was drafting contracts and agreed to forward the proposed contract(s) to WALGA when a draft was completed. There has been no further discussion concerning this matter with the Department.

Many government and business transactions have and are being moved to an on-line environment in an effort to improve service with reduced costs.

WALGA resolved as follows:

Moved: **Cr Philip Blight**
Seconded: **President Cr Stephen Strange**

That WALGA engage with the Department of Transport to further investigate the issue of the vehicle licencing contracts.

RESOLUTION 119.6/2017 CARRIED

Executive Officer Comment:

The following report, for noting, is included in the WALGA State Council Agenda for the March 2018.

The report reads as follows:

Replacement agreements for Local Governments in regional and remote areas to provide licensing services under the Road Traffic (Administration) Act 2008 (05-001-03-0004 MS)

By Mal Shervill, Policy Officer Road Safety

In Brief

- *From 1 January 2008 under the provisions of the Road Traffic Act 1974, the (then) Director General of the Department of Planning and Infrastructure entered into agreements with 71 Local Governments in regional and remote areas to provide licensing services prescribed in the Road Traffic Act 1974. This agreement expired on 31 December 2017.*
- *The Department of Transport now seeks to have those same Local Governments continue to provide licensing services and has granted a three month extension for the expired agreement to the end of March 2018.*
- *The Department of Transport has provided and invited the affected Local Governments to sign replacement agreements so they can continue to provide licensing services. The replacement agreements are for a three year or five year term. The different terms of the agreements are based on transaction volumes.*
- *The circumstances of the replacement agreements was raised as an emerging issue at State Council at its December 2017 meeting.*
- *On 8 January 2018 WALGA met with senior representatives of the Department of Transport who provided specific advice addressing the matters raised about the replacement agreements.*

Background

From 1 January 2008 under the provisions of section 6B of the Road Traffic Act 1974, the (then) Director General of the Department for Planning and Infrastructure entered into agreements with 71 Local Governments to provide licensing services prescribed in the Road Traffic Act 1974. This agreement expired on 31 December 2017.

Knowing the agreement with Local Governments was to expire in December 2017 and on the basis the Department of Transport (the Department) desired regional and remote Local Governments to continue to provide licensing services, in June 2017 the Department surveyed the CEOs of affected Local Governments seeking the following advice:

- *Did the Local Government want to continue to provide licensing services?*
- *What are the issues encountered with the current agreement?*
- *What suggested improvements could be incorporated into the new agreements?*

The Department received 56 (of 71) responses from affected Local Governments and all but one indicated a willingness to continue to provide licensing services. The common issues raised included:

- *Commission payments did not cover the cost of providing the service.*
- *Merchant fee costs to the Local Government had increased.*
- *There was an increase in complex transactions compared to simple payment processing.*
- *There was a need for more training.*

According to the Department the replacement agreements were drafted to incorporate feedback from affected Local Governments and the changes to the agreements are minimal.

The Department advises that a restructure of the Road Traffic Act 1974 has necessitated that two replacement agreements be offered to Local Governments:

1. *A main agreement known as the Road Law Agreement.*

This agreement covers driver and vehicle licensing transactions under legislation that includes the Road Traffic (Authorisation to Drive) Act 2008 and Road Traffic Act 1974.

2. *A subsidiary agreement known as the Non-Road Law Agreement.*

This agreement covers transactions under legislation that includes the licensing of vessels (WA Marine Act 1982), photo cards (WA Photo Card Act 2014), motor vehicle driving instructor fees (Motor Vehicles Drivers

Instructors Act 1963), and licensing and renewal of licenses for off road vehicles (Control of Vehicles (Off Road Areas) Act 1978).

The two replacement agreements contain no services additional to those in the expired agreement.

Under the provisions of section 11 of the Road Traffic (Administration) Act 2008 in late 2017 the Department provided affected Local Governments with the replacement agreements for signing. In response some Local Governments raised the following matters:

- The timeframe for signing and returning the agreements to the Department did not allow sufficient time for them to be formally put to Councils for consideration.*
- Local Governments were offered agreements for either a three year or five year term rather than a ten year term as was done previously.*
- There was no remarkable increase in commission payment rates except for CPI increase; and generally it is a cost burden for Local Governments to provide the services.*

This matter was considered as an emerging issue at the WALGA State Council meeting in December 2017 resulting in a resolution that WALGA engage with the Department of Transport to further investigate the issue of vehicle licencing contracts.

Comment

WALGA met with senior Department of Transport representatives who provided the following advice in relation to the matters raised by some affected Local Governments.

Review of expired agreement

The Department reviewed the ten year agreement prior to its expiration with the aim to more clearly detail service provision requirements and levels; and process requirements. The replacement agreements were drafted to incorporate feedback from affected Local Governments. Key changes are summarized in Attachment 1.

Timeframe for signing replacement agreements

The current ten year agreement for Local Governments to provide licensing services expired on 31 December 2017. A restructure of the Road Traffic Act 1974 necessitated that two replacement agreements be drafted, which were offered to Local Governments for signing in late 2017. The timeframe nominated by the Department to sign and return the agreements did not allow sufficient time for Local Government CEOs to put them to their Councils for consideration. Acknowledging the timeframe was insufficient, the Department granted a three month extension of the expired agreement to the end of March 2018.

Three year or five year replacement agreements

In line with community demands the Department is actively seeking to shift transaction processing to on-line methods. A number of transactions can now be processed and/or paid via on-line modes. Over the coming years the Department plans to implement additional on-line transactions and other initiatives such as e-billing and direct debits that will accelerate the shift from face-to-face processing to on-line processing. These initiatives will have consequences for Local Government as simple transactions will move on-line leaving more complex and time consuming transactions to be processed face-to-face.

Sixty three percent (63%) of the Department's payments are currently processed online (representing 4.6 million payments) compared with 46% in 2013-2014 (3.4 million transactions).

Transactions processed at Local Governments have fallen 12% since 2011-2012 with a significant portion of the reduction occurring in the last two years. The reduction is due to the shift to on-line payment processing; changed economic conditions; and a move by the WA Police Force to process firearm transactions on-line through its website.

Local Governments were offered replacement agreements for terms of either three or five years. The terms were determined by the Department changing its business practices and processes, the general shift to on-line processing, external factors including current economic conditions, and face-to-face transaction volumes. These factors combined could create situations in the future where it is uneconomical for a Local Government to continue providing the services; therefore the Department considered a ten year agreement term too long to afford sufficient flexibility for effective management by both parties. Shorter agreement terms will allow for regular review of the economic viability and service quality. As a consequence:

- Three year terms were offered to Local Governments with low transaction volumes located in close proximity (less than 50 kilometres) to other Local Governments providing the services.
- Five year terms were offered to Local Governments with higher transaction volumes; and Local Governments in remote areas.

Fees and costs

The fees and costs incurred by Driver and Vehicle Services (Department of Transport) are reflected in the fees and charges to customers. The Department advised it has an obligation to promote and support lower cost delivery methods because supporting more expensive service delivery methods comes at a cost to customers.

The Department acknowledged that feedback from the June 2017 survey of CEOs indicated commission payments do not fully meet the costs incurred by their Local Governments to provide licensing services. Contributing factors included increased merchant fees, increasing volume of complex transactions, and processing variations of the same transaction requiring additional time investment by staff.

According to the Department, the expired agreement provided for an increase in commission values paid to Local Governments based on CPI increases and became effective from 1 July each year. The replacement agreements continue this practice.

The Department has scheduled a commission increase of 3% effective from 1 January 2018. The cost is expected to be offset by falling transaction volumes. The Department also made a decision to provide additional funding to support Local Governments processing higher volumes of transactions above 3,000 per annum (12 per work day).

Recommendation

- **That the Zone note the advice provided by the Department of Transport on the two replacement agreements being offered to Local Governments in regional and remote areas to continue to provide licensing services under the Road Traffic (Administration) Act 2008.**

Attachment 1

Summary of key changes to replacement agreements as provided by the Department of Transport

Clause change	Reason
Definition of "Database"	Clarify that the agreement relates to DoTs vehicle and driver licensing databases.
Definition of "KPI" removed	KPI considered outdated and replaced by a compliance concept that focusses on no errors and correction if errors are identified during daily audit. Further please explain if errors continue or are significant – see amended Schedule H.
Definition of "PCIDSS Annual Statement" removed	Not required from Shires.
Definition of "Physical stock point" (h)	Referenced to Schedule M for clarity.
Definition of "Principal's Property"	Expanded to include physical stock and equipment provided by the Principal.
Event of Default (g) - wording change	Amended to clarify Principal to be advised and may give consent if Agents personnel have a criminal history. Otherwise it is a default event.
6.3 Agents undertakings	Now includes returning plates through approved couriers.
6.5 Conflict of interest	Better define the Department's understanding of the term.
7.1 Supply by Principal	Remove EFTPOS from (b) (i) - Shires use own systems to process payments.
8.1 Training	(e) Added to recoup taxi fares to and from training - evidence/receipts required.
8.3 Telecommunications	Ongoing rental not covered - originally introduced in infancy of the internet, now all business have internet connection, and DoT upload traffic is small.
10.3 Use of the Principal's Systems and Database	(b) Amended to provide for the Principal to request signing of a confidentiality agreement on demand - providing greater flexibility to ensure Agent personnel are aware of their responsibility.

	<i>(d) Require personnel to log off when not using the PC so as not to enable unauthorized staff to access data to reduce unauthorized access and release of personal customer information.</i>
<i>10.5 Return of Confidential information</i>	<i>(b) Provide for more regular return of paperwork or other confidential information to the Department.</i>
<i>15.1 Audit and Review and 15.2 Performance and Compliance review meetings</i>	<i>Include the concept of compliance with business rules (error reduction) as well as performance which relates to quality of service.</i>
<i>16 Disputes</i>	<i>(b) Clarify that the Agents and Principals representatives must resolve disputes.</i>
<i>Schedule A</i>	<i>Minor wording changes: - Definition – Transport Service Centre - Scope of Services – now Road Law due to restructure of legislation - Physical Stock Requirements (c) - Timeliness of Service – (i), (iii) and (b)(iii) - Quality of Service (b) - Auditing by Transport Service Centres</i>
<i>Schedule B</i>	<i>Increased by 3% for selected sites performing over 3,000 transactions per annum. Non driver or vehicle transactions (maritime, photo card and taxi) removed and placed in the Non Road Rules Agreement</i>
<i>Schedule E</i>	<i>Changes to allow for directives to be issued by email.</i>
<i>Schedule F</i>	<i>Wording changes to reflect changes to DoT operations.</i>
<i>Schedule H</i>	<i>Changes to focus on error correction and prevention.</i>
<i>Schedule L</i>	<i>Removal of term from main contract to this schedule for flexibility. Contracts either for 3 or 5 years depending on volumes.</i>

RECOMMENDATION:

That the Central Country Zone note the advice provided by the Department of Transport on the two replacement agreements being offered to Local Governments in regional and remote areas to continue to provide licensing services under the Road Traffic (Administration) Act 2008.

RESOLUTION: **Moved: Cr Dowling** **Seconded: President Ballard**

That the Central Country Zone note the advice provided by the Department of Transport on the two replacement agreements being offered to Local Governments in regional and remote areas to continue to provide licensing services under the Road Traffic (Administration) Act 2008.

CARRIED

6.3 Minutes of the Executive Committee Meeting – Wednesday 7 February 2018 (Attachment)

Presenting the minutes of the Executive Meeting held on Wednesday 7 February 2018.

Executive Officer Comment:

Any recommendations from the meeting are included as a separate agenda items.

RECOMMENDATION:

That the Minutes of the Meeting of the Central Country Zone Executive Committee held on Wednesday 7 February 2018 be received.

RESOLUTION: **Moved: Cr De Landgraft** **Seconded: Cr Ball**

That the Minutes of the Meeting of the Central Country Zone Executive Committee held on Wednesday 7 February 2018 be received.

CARRIED

6.4 Minutes of the Local Government Act Review Working Group Meetings – Tuesday 23 January 2018 and Monday 12 February 2018 (Attachments)
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Presenting the minutes of the Local Government Act Review Working Group Meetings held on Tuesday 23 January 2018 and Monday 12 February 2018.

Executive Officer Comment:

The recommendations from the meeting are included as a separate agenda item.

RECOMMENDATION:

That the Minutes of the Local Government Act Review Working Group Meetings held on Tuesday 23 January 2018 and Monday 12 February 2018 be received.

RESOLUTION: **Moved: Cr Walker** **Seconded: Cr Baker**

That the Minutes of the Local Government Act Review Working Group Meetings held on Tuesday 23 January 2018 and Monday 12 February 2018 be received.

CARRIED

At this point the meeting moved to Item 10.5 but it is recorded in numeric sequence.

7.0 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) BUSINESS

Zone delegates to consider the Matters for Decision contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council

7.1 State Councillor Report

Cr Phillip Blight reported as follows:

The following comments/notes are provided on the WALGA State Council Meeting held 6 December 2017.

The Minister for Local Government David Templeman MLA addressed State Council and presented a very refreshing collegiate approach to his portfolio. There appears a will to work with the sector.

Point to note is that he is quite prepared to look at MORE than just tinkering with the LG Act in this current review.

Two emerging items were discussed:

4.1 Issuing of Fire Response Vehicle Identification Stickers

Northern Country Zone, President Cr Karen Chappel

BACKGROUND

To address some previous problems where Fire Response Vehicles have been denied access through road blocks to actively attend and fight bush fires, the Department of Fire and Emergency Services (DFES) has come up with a new system of issuing Fire Response Vehicle Identification Stickers (see attached procedures, etc).

The Shire of Coorow have expressed great concern that this will result in less people turning out to help with a fire which will counter the great advantage that we currently have with volunteer responders.

Moved: President Cr Karen Chappel

Seconded: President Cr Kerry White

That WALGA liaise with the Department of Fire and Emergency Services to have the process of identifying Fire Response Vehicles simplified to ensure that the turnout of units at a fire is not impeded in any way.

RESOLUTION 117.6/2017 CARRIED

4.2 Department of Transport – Vehicle Licensing Services

Central Country Zone, Cr Phil Blight

BACKGROUND

The Shire of Cuballing's 5 year Licencing Services agency agreement is set to expire.

The Department of Transport Regional Director recently contacted the Shire of Cuballing and advised that the Shire of Cuballing will be offered a 3 year agency agreement with a CPI increase of fees.

In general the Department of Transport are looking to save costs in the provision of licencing

Moved: Cr Philip Blight

Seconded: President Cr Stephen Strange

That WALGA engage with the Department of Transport to further investigate the issue of vehicle licencing contracts.

RESOLUTION 119.6/2017 CARRIED

5.1 Local Government Act 1995 Review

There were many points raised through the zones

Members should read the minutes to gain an understanding of the various issues raised.

The remainder of the meeting followed the endorsed CC Zone positions.

7.2 WALGA Status Report (Attachment)

From Executive Officer

BACKGROUND:

Presenting the status report for February 2018.

RECOMMENDATION:

That the Central Country Zone notes the:

- State Councillor Report; and
- WALGA Status Report.

RESOLUTION: Moved: Cr Ball Seconded: Cr Whitely

That the Central Country Zone notes the:

- State Councillor Report; and
- WALGA Status Report.

CARRIED

7.3 Review of WALGA State Council Agenda - Matters for Decision

From Executive Officer

Background:

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure.

The Zone is able to provide comment or submit an alternate recommendation that is then presented to the State Council for consideration.

5.1 Local Government Act 1995 Review (05-034-01-001 TB) WALGA Recommendation

That WALGA;

1. Endorse the responses to the Department of Local Government, Sport and Cultural Industries consultation paper provided in this report;
2. Forward the WALGA policy positions endorsed at the December 2017 State Council meeting to the Department as part of this submission for the Act review process;
3. Request that the Department of Local Government, Sport and Cultural Industries ensure that representation from WALGA and the Local Government Professionals WA is included in any legislative drafting process as a result of the Local Government Act review; and
4. Support the continuance of the Department of Local Government as a direct service provider of compliance and recommend the Department service its capacity building role through the utilisation of third party service providers.

ZONE COMMENT:

The following is an extract from the WALGA State Council Agenda.

Included within each item (highlighted in grey) below is the detail of the Zone's position recommended by the Local Government Act Working Group in respect to each part of the Consultation Paper.

Responses to consultation paper

The following is the proposed response to each chapter of the consultation paper:

1. Relationships between Council and the Administration (Questions 1-5)

The current role statements in the Local Government Act for the Council, Elected Member and CEO are considered reasonable, however a number of Local Governments have indicated that interpretation of the current wording is ambiguous and have indicated that stronger clarification of the roles of the Council and the CEO would be beneficial.

Problems occur when people do not comply with the requirements of their role as prescribed by the Act. An effective system for dealing quickly and efficiently with people who deviate from their prescribed roles would assist. A more streamlined Standards Panel process is recommended.

The Act is clear that the CEO is responsible for the employment, management, supervision, direction and dismissal of all employees, however the separation of powers becomes unclear where the Council has a role in relation to Senior Employees.

It is recommended that section 5.37(2) of the Local Government Act be deleted to remove any inference or ambiguity as to the role of Council and the separate Chief Executive Officer's function under Section 5.41(g) regarding the appointment of other employees (with consequential amendment to Section 5.41 (g) accordingly).

(Refer WALGA position 4(g) of 06/12/17)

Zone Position

February 2018

The Zone position is as follows:

That the CEO is responsible for the management of all other staff, and the legislation should be unambiguous on this.

That Section 5.37(2) be deleted to remove any inference or ambiguity as to the role of Council in the performance of the Chief Executive Officer's function under Section 5.41(g) regarding the appointment of other employees (with consequential amendment to Section 5.41(g) accordingly).

2. Training (Questions 6-16)

The sector's position on Elected Member training is as follows:

WALGA:

1. Supports and encourages all Elected Members to carry out the Elected Member Skillset, as a minimum, that comprises;
 - i. Understanding Local Government;
 - ii Serving on Council;
 - iii Understanding Financial Reports and Budgets;
 - iv Conflicts of Interest; and,
 - v Meeting Procedures and Debating.
2. Requests the State Government through the Minister for Local Government to provide funding assistance to Local Governments to enable all Elected Members to receive training;
3. Supports Local Governments being required to establish an Elected Member Training Policy to encourage training and include budgetary provision of funding for Elected Members; and

4. Supports Local Government election candidates being required to attend a Candidates information session, either in person or on-line, as an eligibility criteria for nomination as an Elected Member.

(Refer WALGA position 3(b) of 06/12/17)

Zone Position

February 2018

The Zone position, for appropriate reflection in revised legislation, is as follows:

1. Supports and encourages all Elected Members to carry out the Elected Member Skillset, as a minimum, that comprises;
 - i. Understanding Local Government;
 - ii Serving on Council;
 - iii Understanding Financial Reports and Budgets;
 - iv Conflicts of Interest; and,
 - v Meeting Procedures and Debating.
2. Requests the State Government through the Minister for Local Government to provide funding assistance to Local Governments to enable all Elected Members to receive training;
3. Supports Local Governments being required to establish an Elected Member Training Policy to encourage training and include budgetary provision of funding for Elected Members;
4. Supports Local Government election candidates being required to attend a Candidates information session, either in person or on-line, as an eligibility criteria for nomination as an Elected Member; and
5. Promote more on line training opportunities for elected members.

3. The Behavior of Elected Members (Questions 17-55)

Codes of Conduct

Codes of conduct core requirements should be consistent between all Local Governments, however a Local Government should be able to self-impose additional standards for their own local circumstances.

Codes of Conduct should be able to be enforced by the Chief Executive Officer in the case of employees, Council in the case of the CEO and the Standards Panel in the case of the Elected Members.

Rules of Conduct

The current Rules of Conduct provisions require streamlining to make the standards panel process more responsive and to include confidentiality for all parties for the entire process. Support for the time frame to make complaints to be set at three months is considered adequate.

There is also a need for greater accountability for Elected Member behavior.

The Local Government (Rules of Conduct) Regulations 2007 require amending, to tighten provisions relating to Elected Member behaviours, specifically in regard to:

- Interactions with and communications about Local Government employees, including in forums other than meetings and official Local Government events, to ensure employee workplace safety.
- Application of the Rules of Conduct Regulations to all Elected Member public communications (i.e. social media, social situations, other non-Local Government community events).

Revised Disciplinary Framework

In respect to a disciplinary framework for individual Elected Members, there is in principle support for a proposal for an individual elected member to be 'stood down' from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken.

Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the Sector:

1. That the established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and

2. That activities associated with the term 'disruptive behaviour', presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunities for avoidance.

(Refer WALGA position 2(o) of 06/12/17)

Sector Conduct Review Committees

The proposal for sector conduct review committees is not supported. This is seen as another layer of a complaint procedure and is not required. The Sector's preference is to strengthen and streamline the current Standard Panel process.

Zone Position

February 2018

Stand Down

The Zone supports, in principle, a proposal for an individual elected member to be 'stood down' from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken.

Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the Sector:

1. That ... the established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and
2. That activities associated with the term 'disruptive behaviour', presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.

Conduct

The Zone supports:

1. Official Conduct legislation to govern the behaviour of Elected Members;
2. An efficient and effective independent Standards Panel process;
3. An ability for the Standards Panel to dismiss vexatious and frivolous complaints; and
4. Confidentiality for all parties being a key component of the entire process.

Complaints

The Zone recommends that a statutory provision be considered, permitting a Local Government to declare a person a vexatious or frivolous complainant.

4. Local Government Administration (Questions 56-74)

Recruitment and Performance Reviews of CEO's

Local Governments should be required to seek third party assistance in the recruitment and performance management of a CEO, whether this be by the Public Sector Commission or registered consultants.

Arrangements for appointing Acting CEO's for a period up to one year should be left to individual Local Governments and not prescribed in legislation.

Annual Review of Certain Employees Performance (Section 5.38)

That Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review and no other staff.

(Refer WALGA position 4(n) of 06/12/17)

Public Expectation of staff performance

Local Governments conduct extensive checks on staff before employment. It is not considered necessary that any further requirements be legislated. Guidelines would be sufficient.

Zone Position

February 2018

The Zone position is

1. That Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review.
2. That the legislation include requirements for the following:
 - Local government CEO to have some form of certificate of competency;
 - Local governments be encouraged to obtain independent support for any CEO recruitment process, however the Zone does not support the Public Sector Commissioner being mandated as the independent support; and
 - The matter of an Acting CEO be clarified in the legislation.

5. Supporting Local Governments in challenging times (Questions 75-81)

Remedial intervention; Powers of appointed person; Remedial action process

In respect to remedial intervention, the appointed person should be a Departmental employee with the required qualifications and experience. This provides a connection back to the Department and its requirements.

The appointed person should only have an advice and support role. Funding of the remedial action should be by the Department where the intervention is mandatory. The Local Government to pay where the assistance is requested.

This area relates to the bigger picture of differentiating between Local Governments based on their size and scale. Suitable arrangements to determine a size and scale compliance regime should be prioritized.

WALGA's policy position on this section is as follows:

The following general principles are considered fundamental to the sector's response to the review of the Local Government Act:

- I. Uphold the General Competence Principle currently embodied in the Local Government Act
- II. Provide for a flexible, principles-based legislative framework; and
- III. Promote a size and scale compliance regime.

(Refer WALGA position 1(c) of 06/12/17)

Zone Position

February 2018

The Zone position is that any revised legislation:

- (a) Uphold the General Competence Principle currently embodied in the Local Government Act;
- (b) Provide for a flexible, principles-based legislative framework; and
- (c) Promote a size and scale compliance regime.

6. Transferability of employees between State & Local Government (Questions 82-84)

WALGA has had a long term policy position since 2006 that Employment entitlements should be transferable between State and Local Government employers.

A General Agreement between State and Local Government should be established to facilitate the transfer of accrued leave entitlements (annual leave, sick leave, superannuation and long service leave) for staff between the two sectors of Government. This will benefit public sector employees and employers by increasing the skills and diversity of the public sector, and lead to improved collaboration between State and Local Government.

(WALGA Policy Position 2.7.2 of Mar 2013)

Zone Position

February 2018

The Zone position is that the legislation reflects ease of transferability between State and Local Government sectors.

7. Gifts (Questions 85-95)

The Local Government Act 1995 and Regulations should be amended so that:

- a) *There be one section for declaring gifts. Delete declarations for Travel (gifts and travel to be one section).*
- b) *No requirement to declare gifts received in a genuinely personal capacity, as gifts only to be declared in respect to an Elected Member or CEO carrying out their role.*
- c) *Gift provisions only for Elected Members and CEO's.*
- d) *Other staff fall under Codes of Conduct from the CEO to the staff.*
- e) *Gifts only to be declared if above \$500.00.*
- f) *There will not be any category of notifiable gifts or prohibited gifts.*
- g) *Exemptions for ALGA, WALGA and LG Professionals.*
- h) *Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts, so Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.*

(Refer WALGA position 4(i) of 06/12/17)

Zone Position

February 2018

The Zone position is that any revised legislation reflect the following:

- There be one section for declaring gifts. Delete declarations for Travel.
- No requirement to declare gifts received in a genuinely personal capacity, as gifts only to be declared in respect to an Elected Member or CEO carrying out their role.
- Gift provisions only for Elected Members and CEO's.
- Other staff fall under Codes of Conduct from the CEO to the staff.
- Gifts only to be declared if above \$500.00.
- There will not be any category of notifiable gifts or prohibited gifts.
- Exemptions for ALGA, WALGA and LG Professionals (already achieved).
- Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts, so Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.
- A revised process is in place for declaration of gifts in a manner similar to declaration of interest at local government meetings in that all gifts received are declared at each Ordinary Meeting of the Council.

8. Access to Information (Questions 96-104)

Sections 1.7 and 1.8 of the Local Government Act should be amended to remove the statutory requirements for statewide and local public notice to be placed in a newspaper circulating statewide or locally, to be replaced with the requirement for a Local Government to place public notices electronically.

It should be left to the discretion of each Local Government as to whether a print notice is given. The Act should not mention a specific form of electronic technology as the electronic landscape is ever changing.

(Refer WALGA position 4(a) of 06/12/17)

All items that are available to the public under the Local Government Act should be made available electronically with the exception of contracts of employment for the CEO and senior staff.

Local Governments in WA are highly transparent, with Council meetings open to the public and public access to information legislated. As a result, the introduction of additional transparency measures are not considered necessary.

Zone Position

See details after Item 9

9. Available information (Questions 105-108)

Expanding information provided to the public

It should be up to each individual Local Government to respond to their communities and proactively provide information relevant to their community.

Information around performance reviews of the CEO and senior staff should not be made available to the general public and should remain confidential under S.5.23(2).

Minutes, contents of: Regulation 11

Regulation 11 should be amended to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.

(Refer WALGA position 2(o) of 06/12/17)

Zone Position

February 2018

The Zone position is as follows:

- That Sections 1.7 and 1.8 of the Local Government Act be amended to remove the statutory requirements for statewide and local public notice to be placed in a newspaper circulating statewide or locally, to be replaced with the requirement for a Local Government to place public notices on their website.
- That Regulation 11 be amended to require that information presented in a Council or Committee Agenda also be included in the Minutes to that meeting.

10. Reducing Red Tape (Questions 109-120)

Defining Red Tape

The sector again puts forward the following principles to be embodied in the Act that will assist with red tape reduction:

- Uphold the General Competence Principle currently embodied in the Local Government Act
- Provide for a flexible, principles-based legislative framework; and
- Promote a size and scale compliance regime.

(Refer WALGA position 1 of 06/12/17)

Senior Employees

The Act is clear that the CEO is responsible for the employment, management, supervision, direction and dismissal of all employees.

It is recommended that section 5.37(2) of the Local Government Act be deleted to remove any inference or ambiguity as to the role of Council in the performance of the Chief Executive Officer's function under Section 5.41(g) regarding the appointment of other employees (with consequential amendment to Section 5.41(g) accordingly).

(Refer WALGA position 4(g) of 06/12/17)

Exemption for Accounting Standard AASB124 – Related Party Disclosures

Regulation 4 of the Local Government (Financial Management) Regulations should be amended to provide an exemption from the application of AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).

(Refer WALGA position 4(s) of 06/12/17)

Disposal of Property

Dispositions of Property: Local Government (Functions and General) Regulation 30(3)

Regulation 30(3) should be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

(Refer WALGA position 4(d) of 06/12/17)

Zone Position

February 2018

The Zone position is as follows:

The Zone position is

1. that any revised legislation give visibility to the following principles:
 - the General Competence Principle currently embodied in the Local Government Act;
 - provide for a flexible, principles-based legislative framework; and
 - promote a principle of a size and scale compliance regime.
2. that Section 5.37(2) of the Local Government Act, related to Senior Employees, be deleted.
3. that Regulation 4 of the *Local Government (Financial Management) Regulations* be amended to provide an exemption from the application of AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).
4. that Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

11. Regional Subsidiaries (Questions 121-128)

WALGA and the Local Government sector have been advocating for many years for Local Governments to be able to establish Regional Subsidiaries in Western Australia. The Local Government Act 1995 was amended late in 2016 to enable Local Governments to establish Regional Subsidiaries

The burden of accountability oversight for a Regional Subsidiary should primarily be contained in the Regional Subsidiary's charter and not in Regulations. The charter is well-placed to address accountability matters such as procurement, financial and reporting requirements and other important matters. This approach would ensure that the Regional Subsidiary model benefits – flexibility and the ability to establish a subsidiary that is fit-for-purpose – are realised.

In support of the view that the charter should be the primary governing instrument, the sector argues that there are sufficient compliance obligations inherent in the model including:

1. *The obligation of the constituent Councils to undertake their due diligence and be satisfied that entering into a regional subsidiary is in the best interests of their organisation and community;*
2. *Ministerial Approval of the proposed charter, which provides a significant opportunity for oversight by the regulatory body;*
3. *Establishment of a Board of Management that can include independent skills-based directors depending on the collaborative function of the subsidiary;*
4. *Reporting requirements to the board of management which will consist of members from the constituent Councils; and,*
5. *Reporting requirements to the constituent Councils.*

The Local Government (Regional Subsidiaries) Regulations 2017, which were enacted in January 2017, contain significant restrictions on regional subsidiaries.

The Regulations require a complete review in order to achieve the simplified model Local Government was expecting. A specific review is required of the financial reporting requirements, the power to borrow money, and the ability to conduct commercial activities.

(Refer WALGA position 2(f) of 06/12/17)

Zone Position

February 2018

The Zone position is that any revised legislation contains content to enable Regional Subsidiaries to:

- Borrow in their own right;
- Enter into land transactions; and
- Undertake commercial activities.

12. Other

Unreasonable, Vexatious or Querulous Complainants

WALGA adopted the following relevant position at the State Council meeting held on 6 December 2017:

Vexatious and Frivolous Complainants

That a statutory provision be developed, permitting a Local Government to declare a member of the public a vexatious or frivolous complainant.

(Refer WALGA position 4(j) of 06/12/17)

Submissions received raise the following additional context:

- *Legislation governing the Information Commissioner, Ombudsman, Public Sector Commission and Corruption and Crime Commission, provides for each agency to refuse to engage with a complainant over a matter that has been closed.*
- *Legislation does not provide Local Government with similar provisions, nor can Local Government refer a closed complaint to a third party for review and decision to enable Local Government to cease dealing with a previously closed matter.*

The absence of an effective mechanism to cease dealing with unreasonable, vexatious or frivolous complaints, and further that such complaints can be continued via in some circumstances the inappropriate use of Freedom of Information and Ombudsman processes, creates a substantial draw on Local Government resources and finances, contributing to reputational risk. An example of this is the following extract from the Parliamentary Commissioner Act 1971:

18. Refusal to investigate complaints

- (1) The Commissioner may refuse to entertain a complaint, or, having commenced to investigate a matter raised in a complaint, may refuse to continue the investigation if he is of the opinion that —

- (a) the matter raised in the complaint is trivial; or
- (b) the complaint is frivolous or vexatious or is not made in good faith; or

- The WA Ombudsman publication, 'Managing Unreasonable Complainant Conduct Practice Manual', details five categories of unreasonable complainant conduct:
 - Unreasonable persistence;
 - Unreasonable demands;
 - Unreasonable grounds;
 - Unreasonable behaviour; and
 - Unreasonable lack of cooperation.

In addition to, and as a consequence of, Local Governments having limited ability to deal with unreasonable, vexatious or querulous complainants, the submission raises the following:

Section 19 of the Occupational Safety and Health Act 1984, requires that an employer shall "(1) ... so far as is practicable, provide and maintain a working environment in which the employees of the employer (the employees) are not exposed to hazards..."

Penalties for failure to provide and maintain a safe working environment are substantial for an individual and even more so for the employing entity.

Local Government employees can become the target of an unreasonable complainant through:

- *Unreasonable or unsubstantiated complaints about the employee's performance or competency;*
- *Personal attacks on the reputation or personal life of the employee;*
- *Stalking the employee, including trolling, bullying or harassment through social media.*

Submission Recommendations:

Amend the Local Government Act 1995, to:

- *Enable Local Government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the Parliamentary Commissioner Act 1971.*
- *Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government's decision for third party review.*
- *Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including:*
 - *Abuse of process;*
 - *Harassing or intimidating an individual or an employee of the Local Government in relation to the complaint;*
 - *Unreasonably interfering with the operations of the Local Government in relation to complaint.*

Zone Position

Complaints

The Zone recommends that a statutory provision be considered, permitting a Local Government to declare a person a vexatious or frivolous complainant.

Role of the Department of Local Government

State Council, at its 6 December 2017 meeting, resolved for information pertaining to the role of the Department of Local Government to be considered in this report.

Further, a number of Local Governments participating in the review process have raised the issue of the role of the Department. The general consensus is that the Department has for some time focused on compliance and policing with very little focus on supporting Local Governments and looking at ways to assist the sector. The capacity building role, which was a valued function of the Department's operations in the first decade from the commencement of the Local Government Act in 1996, should again become an important focus.

During WALGA's Systemic Sustainability Study consultation in 2006, there was commentary on the conflict of the Department of Local Government having a dual role as a regulator for compliance on one hand and a capacity builder on the other hand. At the time there was anecdotal evidence of Local Governments requesting capacity building assistance only to later receive a notification from the compliance section. In recent years the Department has focused predominantly on compliance and WALGA has stepped in and provided an advice and support service in the governance area to fill the apparent gap in capacity building. Notwithstanding, the government has effectively acknowledged a responsibility to contribute to capacity building in the sector, largely by providing funding of appropriate activities such as elected member training.

There is a need for a clear definition from the Department on their role, so that Local Governments are aware of the framework they are operating in. The clear message from the sector is that the role of the Department should be as an enabler for the Local Government sector assisting where possible and in a way that does not compromise its compliance and regulatory responsibilities.

The Department has a core role in compliance and an important role to play in capacity building. As the regulator, the Department must necessarily focus on compliance from a legislative and regulatory point of view and therefore be a direct service provider.

Capacity building should remain a responsibility of the Department in ensuring the improvement of the Local Government sector, however in line with recent practice, this would best be facilitated by funding external or third party service providers to deliver targeted activities, thereby eliminating the potential for conflict with their compliance requirements.

Zone Position

The Zone did not consider the role of the Department.

RECOMMENDATION:

That the Central Country Zone endorses all Zone positions on the Local Government Act Review as outlined in Item 5.1 of the WALGA State Council Agenda.

RESOLUTION:

Moved: Cr Baker

Seconded: Cr Ball

That the Central Country Zone endorses all Zone positions on the Local Government Act Review as outlined in Item 5.1 of the WALGA State Council Agenda and WALGA be advised accordingly.

CARRIED

5.2 Local Government Act – Audit and Financial Management Regulations Amendment – (05-034-01-001 LF)

WALGA Recommendation

That WALGA endorse the following response to the Department of Local Government, Sport and Cultural Industries, regarding proposed regulatory amendments to facilitate introduction of Local Government auditing by the Auditor General:

- (1) *Local Government (Audit) Regulations 1996* proposed amendments are supported, subject to the following:
 - (a) Proposed amendment of Regulation 9 – supported subject to:
 - (i) The definition of Australian Accounting Standards being consistent between this Regulation and Financial Management Regulation 3.
 - (b) Proposed new Regulation 9A – Not Supported:
 - (i) Section 7.10 of the Act already sufficiently provides for the Auditor's right of access to documents.
 - (ii) If proposed new Regulation 9A is retained, then subject to:
 - Changing requirement for CEO to provide documentation from 14-days to 30-days; or alternatively,
 - Ensuring audit planning under Audit Regulation 7 includes identification and agreement on documentation required to be provided.
 - Re-sequencing the definitions for Strategic Community Plan and Corporate Business Plan to align with the sequence of Sub-regulations 9(A)(1)(a) and (b).
 - (c) Proposed amendment of Regulation 13 – supported subject to:
 - (i) Consideration of changing the Compliance Return period from a calendar year to a financial year to be consistent with other audits. Noting that this change would require consequential changes to Audit Reg.15.
 - (d) Proposed amendment of Regulation 16 - Supported subject to:
 - (i) Sub-regulation 16(a) being deleted as Audit Committee involvement in 'guiding and assisting' Local Government to prepare budgets, financial reports, rates, etc. compromises the Committee's objectivity / impartiality when undertaking the audit role.

- (ii) Redrafting Sub-regulation 16(d) to prescribe the Audit Committee's function as being 'to monitor and advise the CEO in regard to the outcome of any review undertaken in accordance with Audit Regulation 17(1) and Financial Management Regulation 5(2)(c)'. The redraft is proposed to avoid any confusion between the Audit Committee function and the CEO's responsibilities for the administration of the Local Government.
 - (iii) Amendment of Sub-regulation 16(d) to include a requirement for the Audit Committee to report to Council.
- (2) *Local Government (Financial Management) Regulations 1996* proposed amendments are supported, subject to the following:
 - (a) Proposed amendment of Regulation 5 - supported subject to:
 - (i) Including a requirement for the outcome of a review to be reported to Council via the Audit Committee, consistent with other similar reporting requirements.
 - (b) Proposed amendment of Regulation 17A – supported subject to:
 - (i) Resolution of the conflict between the proposed 3-5 year review cycle and AASB 116 clause 34 which requires annual review of asset valuations in some circumstances.
 - (ii) Deletion of Sub-regulation 17A(4) as it replicates the requirements of AASB 116 clause 34 and may become inconsistent with the AAS should the AAS be amended in future.
 - (iii) Redrafting of Sub-regulation 17A(6) to enable Local Governments to determine the \$value threshold through their accounting policy, enabling Local Governments to apply an effective size and scale regime.
 - (iv) Inserting a new sub-regulation excluding Local Governments from compliance with AASB 166, clause 36, so to avoid requirements for revaluation of a whole class of assets, on the basis that revaluation within the 3-5 year cycle is sufficient.
 - (c) Regulation 17B is not supported on the basis that:
 - (i) Regulation 17B is contrary to the intent of Regulation 17A which expenses assets valued less than \$5000.
 - (ii) "Attractive" assets is not defined.
 - (iii) Regulation 17B's purpose is unclear if the asset is written off and therefore active audit is not required.
 - (iv) Theft of portable assets is not considered a widespread problem and where concerns arise regarding theft Local Governments will address those risks, therefore additional red-tape should not be created for the whole sector.
 - (v) If Regulation 17B is proposed to retained, then its retention should be justified by a cost benefit analysis evidencing that sector wide benefit will be achieved i.e. the actual cost of implementing proposed Regulation 17B versus the actual cost of 'lost' portable assets. If no such benefit is evidenced, then Regulation 17B should not be implemented.

ZONE COMMENT:

In considering this recommendation it should be noted that due to the time frame local governments only had a limited time to respond to WALGA over the Christmas/New Year period.

The changes proposed by the amendment to the Audit and Financial Management Regulations and WALGA's recommended position could be seen to have significant consequential change to the manner in which audit and management of assets is undertaken.

For example the currently the compliance audits are carried out on a calendar year basis and the regulations propose that this would continue. However WALGA is proposing that the compliance audit be aligned with the financial year.

It would be prudent for local governments to review this proposal to enable them to express any views contrary to the WALGA recommendation.

Zone support

5.3 Interim Submission - Review of the State Industrial Relations System (05-034-01-001 KP)

WALGA Recommendation

That the interim submission in response to the Review of the State Industrial Relations System be endorsed.

ZONE COMMENT:

Zone support

5.4 Interim Submission – State Planning Policy 5.4 Road and Rail Noise – Residential Subdivision (05-036-03-0060 CH)

WALGA Recommendation

That the interim submission to the WA Planning Commission on State Planning Policy 5.4 Road and Rail Noise be endorsed.

ZONE COMMENT:

Zone support

5.5 Interim Submission – Planned or Managed Retreat Guidelines (05-01-0703-0002 CH)

WALGA Recommendation

That the interim submission to the WA Planning Commission on the Planned or Managed Retreat Guidelines be endorsed.

ZONE COMMENT:

Zone support

5.6 Clearance of subdivision conditions relating to Bushfire Management Plans (05-024-02-0056 VJ)

WALGA Recommendation

That WALGA request that the State Government formally consult with the sector in regard to: -

1. The Department of Fire and Emergency Services' (DFES) transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bush Fire Management Plans, when the condition has been requested by DFES.
2. Any possible review of the model subdivision condition relating to clearance of Bush Fire Management Plans.

ZONE COMMENT:

This item raises concern over the approach being taken by a State Government agency (in this case) being the Department of Fire and Emergency Services (DFES). In reading the reports it would seem that DFES

has unilaterally determined to change a process seemingly without any effective consultation and to then deal with the issue on a Council by Council basis rather than through the appropriate channel of WALGA. Given that many local governments will not have the necessary staff resources to effectively manage this process as well as this being a clear case of “cost shifting” it is incumbent on WALGA to be more forceful in its approach and to “pushback” to demonstrate that this is an unacceptable process. In broad terms if DFES is not challenged on this then it is possible other agencies will follow which will place even more pressure on local governments.

This concern is clearly outlined in the WALGA State Council report which reads in part as follows:

If all referral agencies, including Local Governments followed this DFES approach, the entire subdivision referral process would be severely undermined and result in an inefficient subdivision process, with the WAPC having to clear all subdivision conditions rather than relying on the technical advisors within each of the referral agencies.

In practice it should be the responsibility of the “referral” agency to be responsible for clearing any subdivisional conditions that it may include on an approval process.

RECOMMENDATION:

That WALGA advise the State Government the Local Government sector:

1. will not agree to the Department of Fire and Emergency Services’ (DFES) transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bush Fire Management Plans, when the condition has been requested by DFES;
2. requires adequate and effective consultation on any review of the model subdivision condition relating to clearance, including relating to Bush Fire Management Plans that would result in the transfer of responsibility from any agency for the clearance of a subdivision condition, when that condition has been requested by that agency.

RESOLUTION: Moved: President Ballard Seconded: Cr De Landgraft

That WALGA advise the State Government the Local Government sector:

1. will not agree to the Department of Fire and Emergency Services’ (DFES) transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bush Fire Management Plans, when the condition has been requested by DFES;
2. requires adequate and effective consultation on any review of the model subdivision condition relating to clearance, including relating to Bush Fire Management Plans that would result in the transfer of responsibility from any agency for the clearance of a subdivision condition, when that condition has been requested by that agency.

CARRIED

5.7 Review of the Administrative Road Classification Methodology (05-001-03-0033 MM)

WALGA Recommendation

That WALGA supports the revised Administrative Road Classification methodology used to designate whether a road should be managed by Main Roads WA or Local Governments.

ZONE COMMENT:

Zone support

5.8 Interim Submission - Inquiry into Progress under the National Road Safety Strategy 2011-2020 (05-009-03-0014 TAP)

WALGA Recommendation

That the Interim Submission to the Inquiry into progress under the National Road Safety Strategy 2011-2020 be endorsed.

ZONE COMMENT:

Zone support

5.9 Interim Submission - Proposed listing of the 'Tuart Woodlands and Forests of the Swan Coastal Plain' as a Threatened Ecological Community (05-038-01-001MD)

WALGA Recommendation

That the Interim Submission to the Department of the Environment and Energy supporting the listing of the 'Tuart (Eucalyptus gomphocephala) Woodlands and Forests of the Swan Coastal Plain' as a Threatened Ecological Community be endorsed.

ZONE COMMENT:

Zone support

RECOMMENDATION:

That the Central Country Zone endorses all recommendations being matters contained in the WALGA State Council Agenda other than those recommendations separately considered.

RESOLUTION: Moved: Cr Baker Seconded: Cr Hunt

That the Central Country Zone endorses all recommendations being matters contained in the WALGA State Council Agenda other than those recommendations separately considered.

CARRIED

7.4 Review of WALGA State Council Agenda - Matters for Noting/Information
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6.1 Heritage Bill 2017 (05-036-03-022 NH)

6.2 2016-17 Fuel Reduction Activities in Western Australia (05-024-03-0035 MP)

6.3 Proposed State Road Funds to Local Government Agreement 2017/18 - 2022/23 (05-001-03-0001 MB)

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

6.5 Productivity Commission Inquiry into Horizontal Fiscal Equalisation (05-088-03-0001 DM)

6.6 Review of Climate Change Policy (05-028-03-0011 LS)

6.7 Container Deposit Scheme Submission (05-040-03-0001 RNB)

6.8 Household Hazardous Waste Program – Next Phase (06-043-01-0001 RNB)

7.5 Review of WALGA State Council Agenda - Organisational Reports
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7.1 Key Activity Reports

7.1.1 Report on Key Activities, Environment and Waste Unit (01-006-03-0017 MJB)

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

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

7.1.4 Report on Key Activities, People and Place (01-006-03-0014 JB)

7.6 Review of WALGA State Council Agenda - Policy Forum Reports

7.2 Policy Forum Reports

7.2.1 Mayors/Presidents Policy Forum

7.2.2 Mining Community Policy Forum

7.2.3 Container Deposit Legislation Policy Forum

7.2.4 Freight Policy Forum

7.7 WALGA President's Report (Attachment)

Presenting the WALGA President's Report

RECOMMENDATION:

That the Central Country Zone notes the following reports contained in the WALGA State Council Agenda:

- Matters for noting/Information;
- Organisational reports;
- Policy Forum reports; and
- WALGA President's Report.

RESOLUTION: **Moved: President Ballard** **Seconded: Cr McGuinness**

That the Central Country Zone notes the following reports contained in the WALGA State Council Agenda:

- **Matters for noting/Information;**
- **Organisational reports;**
- **Policy Forum reports; and**
- **WALGA President's Report.**

CARRIED

8.0 FINANCE

Nil

9.00 ZONE REPORTS

9.1 Zone President's Report

Cr Mark Conley

9.2 Local Government Agricultural Freight Group (Attachment)

Cr Katrina Crute

Presenting the report and minutes of the Local Government Agricultural Freight Group (LGAFG) meeting held on Monday 5 February 2018.

Local Government Agricultural Freight Group Meeting 5th February 2018

I attended this meeting at WALGA.

- **New Chairperson**

Ken Seymour has been elected Chairperson of the LGAFG, Stephen Strange opted not to seek re-election as his commitments elsewhere including State Council have meant he can't devote the time necessary to the role.

- **WALGA – Road User Cost Recovery Policy**

This policy has been developed by WALGA in conjunction with the Freight Policy Forum, currently it is the mechanism LG's need to recover the additional road maintenance costs associated with a new development or an expansion of a current development that requires planning approval. Currently the policy is for unsealed roads, however the City of Kwinana is currently using the policy for the basis of developing a sealed road policy. LG's are encouraged to have a look at this draft policy and seriously consider adopting it so that they have some way of recoup additional maintenance should a planning application come before council. CBH expansions are a great reason for adopting this policy.

- **Seeking advice from Zone**

Would the Zone be supportive of the LGAFG working with Main Roads to get some concessions to the pilot of vehicles over 6 meters in width on local roads by farmers? Currently they cannot move anything over 6 meters without an approved pilot. The view of the group was perhaps there could be an unbridged version of the course (currently 3 full days) for farmers to do that would give the appropriate safety training to move agricultural implements over 6 mtrs within 100km of the starting point without the need of a fully accredited pilot?

- **Future focuses for the Group:**

- Seek participation from WA Farmers Federation & Pastoralists & Graziers Association.
- Invite Main Roads to next meeting to discuss the future of Harvest Mass Management System, it is due to expire this year; but the LGAFG feels there is a real need for the system to remain in place.
- The LGAFG is seeking feedback from Zone members for other Agricultural Freight issues they would like the group to pursue.

Executive Officer Comment:

Whilst noted in the delegates report the LGAFG is seeking specific comment from the Zone on the following matters:

- **Movement of Agricultural Machinery**

- The Group requests comment from Zones on the Heavy Vehicle Agricultural Pilot Authorisation 2017. The authorisation does not apply to the movement of agricultural vehicles exceeding 6 metres in width or 40 metres in length. In these instances an accredited Heavy Vehicle Pilot would be required. As many agricultural implements now exceed 6 metres in width the Group has recommended that an abbreviated Heavy Vehicle Pilot License training course be established for agricultural pilots accompanying agricultural vehicles exceeding 6 metres in width or 40 metres in length.

- The Group resolved to requested clarification as to the requirements regarding the movement of agricultural vehicles in convey. The current Agriculture Machine Operational Guidelines state that "A maximum of two Agricultural Machines may travel in convoy with one another when accompanied by pilot vehicles, unless otherwise specified on the permit". To assist in discussions comments from Zones on these requirements would be appreciated.
- Harvest Mass Management Scheme
 - For the last two harvests special arrangements have been in place under the Harvest Mass Management Scheme to allow access by RAV combinations to paddocks on roads that have not been approved on the respective RAV networks. The Group resolved to invite representatives from Main Roads Heavy Vehicle Services to its next meeting to discuss arrangements for the Harvest Mass Management Scheme for the 2018/2019 harvest and review of the Scheme. The Group would appreciate comments from Zones on the operation of the Harvest Mass Management Scheme and on the special access arrangements approved for the 2016/2017 and 2017/2018 harvests.
- Road User Cost Recovery
 - The attention of local governments is drawn to WALGA's Road User Charging Policy.
 - Current concessional loading (AMMS) access requires each transport operator to obtain, from each local government they travel through, a local road access letter. It has been pointed out that this arrangement is cumbersome, that few operators actually request the letter and that it does not address the issue of recouping maintenance costs associated with AMMS access. To assist the Group in formulating approaches to government on this issue feedback and comment from Zones is requested.

Meeting Comment:

Comment was made by Mr Mark Hook, CEO Shire of Wickpin that he felt the pilot for Towed Agricultural Implements are still exempt from licenced pilots.

The following information has been provided subsequent to the meeting:

The definition of a pilot in the Guide to the Movement of Towed Agricultural Implements in WA states the following.

Pilot Vehicle – A motor vehicle, other than an escort vehicle being used to warn other road users of the presence of an oversize vehicle.

So this does not have to be registered pilot vehicle

Under the Department of Transport Licensing vehicles may be licensed with a condition for a pilot or escort vehicle which may if wide enough be a police escort.

This is part of their licence requirements and must be met to move a vehicle if a header is moved with its comb attached normally would require a pilot or escort vehicle due to its width.

Width exceeds 3.7m but not 4.5m

Condition 011 – To be preceded by pilot vehicle bearing signs

Width exceeds 4.5m but not 6.0m

Condition 12 - To be preceded and followed by pilot vehicle bearing signs

Main Roads have their own permit requirements which state an agricultural pilot is all that is required outside the Metropolitan area.

RECOMMENDATION:

1. That the Delegate Report and Minutes of the Local Government Agricultural Freight Group (LGAFG) meeting held on Monday 5 February 2018 be received.
2. That the Central Country Zone provide the following advice to Local Government Agricultural Freight Group:

RESOLUTION: **Moved: Cr De Landgraft** **Seconded: Cr Baker**

1. That the Delegate Report and Minutes of the Local Government Agricultural Freight Group (LGAFG) meeting held on Monday 5 February 2018 be received.
2. That individual member Councils be requested to provide comment back to the Executive Officer.

CARRIED

9.3 Great Southern District Emergency Management Committee (DEMC)

President Ballard

No meetings held during the period

9.4 Healthy Wheatbelt

Cr Lyn Baker

Cr Mark Conley (Deputy)

No meetings held during the period.

9.5 Wheatbelt South Regional Road Group

Cr Lyn Baker, Chair of Wheatbelt South Regional Road Group

Cr Baker provided the following report to the meeting:

Regional Road Group WBS

Chair's Report to Central Country Zone

We have a Regional Road Group (RRG) meeting next Wednesday 28th Wickepin 9.30.

All 4 sub-groups have held their meetings to review their 18/19 programmes and, I hope, to nominate their delegates to RRG and to the Tech Group.

Indicative funding for 2018/19 \$6110902 and the proposed programmes total \$6163823 – an over allocation of almost \$53000. The maximum allocation will be \$375000 according to the MCA Manual. Presumably, some LGs will need to change their programme to fit (this has since changed as some projects were left out of the calculations)

Secondary Freight Routes Project: We have had a few face to face meetings and teleconferences over the past months.

We met with Mia Davies, Colin De Grussa, and Peter Rundle. Prepared a briefing note for Federal Nationals

We know we won't get Federal funding without State support so we met with Principal Policy Advisor to Minister Alannah MacTiernan in November and his advice was that we'll only get one chance with Minister MacTiernan so better make sure we've got our ducks in a row! We showed him a chart outlining WA's position on Agricultural Competitiveness, which was quite compelling. It showed that our agricultural industry is a comparative advantage against other regions in Australia, but it is not supported by our transport network which is NOT a comparative advantage. If we are to maintain ourselves (particularly as internationally competitive), one needs to support the other. He was definitely interested in our project.

Funding:

- Estimated cost of project = \$500,000,000
- 1% for design and planning = \$5,000,000
- 25% of that = \$1.25m co-contributions. Application to the State Leverage Fund (November 2017) If we get that we will only need \$350000 from LGs. In kind?
- Working towards an application in Round 3 of BBRF mid 2018 for \$3.5m
- Have received data from all WBS LGs now. This data is almost ready to be submitted to BG & E who will collate and assist with the technical submission

We are looking to have this project added to the Infrastructure Australia list but we're not ready for that yet.

We need to continue to advocate with State and Federal politicians.

RECOMMENDATION:

That the Delegate Report on Wheatbelt South Regional Road Group be received.

RESOLUTION: **Moved: Cr Russell** **Seconded: Cr Whitely**

That the Delegate Report on Wheatbelt South Regional Road Group be received.

CARRIED

10.0 ZONE BUSINESS - MEMBER COUNCIL MATTERS

10.1 Wheatbelt Conference 2018 – Progress Report

Reporting Officer: Bruce Wittber, Executive Officer
Kevin Poynton, BHW Consulting

Disclosure of Interest: BHW Consulting is involved in the organisation of the Wheatbelt Conference 2018

Date: 14 February 2018

Attachments: Nil

Background:

Previous approval has been given by the participating Zones for the Conference Organising Committee comprising of the Executive Officers for the Avon Midland, Central and Great Eastern Country Zones to plan and conduct the 2018 Wheatbelt Conference.

The 2018 Wheatbelt Conference will be held on 5-6 April 2018 in Jurien Bay.

Executive Officer Comment:

The Executive Officer will provide a verbal update to the meeting.

Meeting Comment:

The Executive Officer advised that the registration form has now been distributed and encouraged member Councils to consider attending the Conference.

The Conference will be attended by Minister for Local Government Hon David Templeman MLA who will be addressing delegates on Thursday afternoon. He will also be attending the dinner.

The Conference Dinner will be held at the Recreation Centre as neither the Bowling Club or Golf Club was available. Final arrangements have been put in place for the catering for the Thursday and Friday sessions and the Conference Dinner.

Three sponsors have been secured and negotiations are in hand with three more sponsors

Noted

10.2 Education Department Spending Cuts

Reporting Officer:	Cr Mark Conley, Zone President Bruce Wittber, Executive Officer
Disclosure of Interest:	Nil
Date:	14 February 2018
Attachments:	Hon Sue Ellery Media Statement 13 December 2017 Hon Mark McGowan and Hon Sue Ellery Media Statement 11 January 2018

Background:

Following discussion with the Zone President Cr Conley it has been agreed include on this agenda an issue around the State Government decision to cuts funding to a number of programs and projects.

On 13 December 2017 Minister for Education Hon Sue Ellery announced a range of budget measures in an “effort to fix the State’s finances”. A copy of the Minister’s media statement is attached to the agenda.

On 11 January 2018 the Premier Hon Mark McGowan and Minister for Education issued a further media statement reversing some of the decisions made in respect to the cuts. A copy of that media statement forms an attachment to this agenda.

Executive Officer Comment:

The expenditure cuts contained a number of important programs and whilst some high-profile cuts, such as School of the Air, have received considerable media attention and were the subject of being reversed it is not totally clear, from the media statements, what the full extent of the impact the education cuts (as amended) may have on the Wheatbelt region.

It was also reported in the media that Hon Peter Watson MLA (Member for Albany) together with other MPs had tried to “*persuade the Education Minister to reverse her closure of Moora Residential College, the raiding of the Agricultural Education Farm Provisions Trust and the abolition of five regional camp school*” seemingly without success.

It may be appropriate for the Zone to write to Country Labor MPs expressing the Zone’s concern.

In view of the uncertainty of what cuts are included in the amended expenditure costs of \$41 million Cr Conley wished for the Zone to consider the issue. To get a fuller understanding of the extent of the cuts it may also be appropriate to invite the Regional Director for the Wheatbelt Education Region to the next Zone Meeting to discuss any concerns.

The Executive Officer understands this issue has been raised with WALGA and they are undertaking advocacy on behalf of the sector.

The matter is presented for consideration.

RECOMMENDATION:

That the Central Country Zone:

1. acknowledge the decision by the State Government to keep Schools of the Air open, however expresses to the Minister for Education its strong concern at the loss of education facilities, particularly the closure of Moora Residential College, the “raiding” of the Agricultural Education Farm Provisions Trust and the abolition of five regional camp schools and calls on the State Government for these decisions to be reversed;
2. write to all Country Labor MPs reiterating the community concern at the closure of Moora Residential College, the “raiding” of the Agricultural Education Farm Provisions Trust and the abolition of five regional camp schools and supporting their efforts to reverse the cuts;
3. request WALGA consider developing, a lobbying strategy for a reversal of the education cuts affecting regional Western Australia, as an emerging issue at the State Council meeting on 7 March 2018 and suggest that any strategy include working with other community groups, such as the Country Women’s Association; and

4. extend an invitation to the Regional Director of Education to the next Zone Meeting to discuss the impact of all education cuts on the Wheatbelt Region.

RESOLUTION: **Moved: President Ballard** **Seconded: Cr Ball**

That the Central Country Zone:

1. acknowledge the decision by the State Government to keep Schools of the Air open, however expresses to the Minister for Education its strong concern at the loss of education facilities, particularly the closure of Moora Residential College, the “raiding” of the Agricultural Education Farm Provisions Trust and the abolition of five regional camp schools and calls on the State Government for these decisions to be reversed;
2. write to all Country Labor MPs reiterating the community concern at the closure of Moora Residential College, the “raiding” of the Agricultural Education Farm Provisions Trust and the abolition of five regional camp schools and supporting their efforts to reverse the cuts;
3. request WALGA consider developing, a lobbying strategy for a reversal of the education cuts affecting regional Western Australia, as an emerging issue at the State Council meeting on 7 March 2018 and suggest that any strategy include working with other community groups, such as the Country Women’s Association; and
4. extend an invitation to the Regional Director of Education to the next Zone Meeting to discuss the impact of all education cuts on the Wheatbelt Region.

CARRIED

10.3 LED Street Lighting

Reporting Officer: Cr Mark Conley, Zone President
Bruce Wittber, Executive Officer

Disclosure of Interest: Nil

Date: 16 February 2018

Attachments: Nil

Background:

Zone President Cr Conley has requested an item be included on the Zone Agenda in relation to LED Street Lighting.

In the Report on Key Activities, Infrastructure the following comment on LED Street Lighting is noted:

Street Lighting

The Association is advocating that LED technology be adopted as the default replacement for a failed street light on a residential road by mid-2018. Through a working group, WALGA is seeking to ensure that there is a suitable range of lights and tariffs available to meet Local Government street lighting needs.

In recent years, WALGA along with many Councils have been exploring opportunities to move to more energy efficient public lighting options such as LED luminaires as a way to control rising electricity costs, reduce greenhouse gas emissions and improve amenity. However, progress has been slow, as there are a range of regulatory and other barriers to the adoption of this technology.

WALGA in November 2014 released a discussion paper titled *Energy Efficient Street Lighting*. The paper outlined the key challenges for Local Governments in transitioning to more energy efficient public lighting, and helped to shape up an action plan for WALGA's advocacy on this issue.

In May 2017 WALGA released its *Energy Efficient Public Lighting Member update* report and outlined its updated strategy to assist in pursuing an accelerated uptake of more energy efficient public lighting options.

Its updated advocacy strategy is as follows:

- *Bulk replacement business case model* - In the short term, the primary option available to individual councils is to fund the bulk replacement of street lighting within their Local Government area with more energy efficient luminaires. To assist with this, WALGA is exploring the option to engage a consultant to deliver a business case assessment model which will be made available to all WALGA members to assist with their project assessment and planning.
- *Regulatory reform* - Addressing the remaining barriers will require reforms to improve competition and strengthen the regulatory environment to ensure the efficient operation of the state's public lighting market for the benefit of the WA community. WALGA will continue to advocate for reforms to the existing regulatory arrangements, including the introduction of a Public Lighting Code, and tariff reforms including greater transparency and unbundling energy usage from the maintenance components of tariffs.
- *State Underground Power Program (SUPP)* – Given that Western Power has been replacing street lighting as part of this project, WALGA considers that this represents an ideal opportunity to accelerate the adoption of more energy efficient street lighting technology. Now that they are available as part of Western Power's standard range, WALGA is advocating for LEDs to be the default lighting option that is introduced for all street lighting that is replaced under the SUPP.
- *Alternative ownership models* - Transferring ownership of the street lighting network may be an option to provide local governments with greater control of the street lighting assets within their local area, and the ability to introduce new technology based on market and commercial forces in the best interests of their communities. WALGA proposes to investigate the feasibility of this option for Western Australia.

- *Funding* – WALGA will investigate and advise the sector on funding opportunities that are available from the Commonwealth Government.

In an additional comment to Cr Conley, WALGA has noted:

As you might know, the issue of energy efficient street lighting has been of concern to a number of Local Governments for many years now, but in the last few months, I think the interest and concern has been increasing. Despite LED lights being a real 'win-win' (energy efficient, low maintenance, improved amenity etc.) progress with LED retrofits in WA remains extremely slow. WALGA has an internal working group that meets regularly and we are in the process of planning our advocacy strategy for the coming year. In addition, we are also part of an external working group meeting regularly with relevant parties including Western Power and Synergy.

Executive Officer Comment:

As outlined above progress has been slow and it would seem that one reason for that is the lack of financial incentive from the energy supplier to undertake the work.

Whilst it is acknowledged that WALGA has been working on trying to find a solution within a morass of regulatory arrangements, Cr Conley would like the Zone to consider whether it wishes to increase its involvement in advocating more strongly for change either through WALGA or on behalf of the Zone Member Councils.

As has been pointed out there are considerable benefits both financial and social for changing to LED street lighting but it would seem the State Government may not be willing to embrace the change by offering financial incentives.

The matter is presented for consideration.

RECOMMENDATION:

That the Central Country Zone acknowledges the advocacy work that WALGA is undertaking in regard to LED street lighting and requests a presentation on the matter at the next in-person Zone Meeting.

RESOLUTION: **Moved: President Ballard** **Seconded: Cr Dowling**

That the Central Country Zone acknowledges the advocacy work that WALGA is undertaking in regard to LED street lighting and requests a presentation on the matter at the next in-person Zone Meeting.

CARRIED

10.4 Restructure Department of Fire and Emergency Services

Reporting Officer: Bruce Wittber, Executive Officer

Disclosure of Interest: Nil

Date: 16 February 2018

Attachments: Media Statement Minister for Emergency Services Hon Francis Logan - *Department restructure to benefit State's emergency services*

Background:

On Wednesday 14 February 2018 the Minister for Emergency Services Hon Francis Logan announced (see media statement attached) a restructure of the Department of Fire and Emergency Services (DFES) which sees the Office of Emergency Management integrated into a "new command structure".

Executive Officer Comment:

The Executive Officer has noted in the Report on Key Activities, Infrastructure in the WALGA State Council Agenda, an item on Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) and the fact that Office of Emergency Management is proposing to engage with Local Governments over the coming six months to develop and communicate details of the new arrangements. WALGA will support and provide advice to this process.

It is fair to say that there have been some concerns raised about the effectiveness and timeliness of WANDRRA in responding to incidents of flood and storm damage. The Executive Officer has recently met with the Office of Emergency Management, State Recovery Coordinator Mr Steve Joske and it is understood that several Zone Member Councils have been able to seek more timely response to WANDRRA issues.

Recognising that progress has been made the Executive Officer is "concerned" that the inclusion of the Office of Emergency Management within the DFES structure and the reduction of the senior executive staff by three may be detrimental to the operations of the recovery effort after an incident.

Whilst the Minister's media statement highlights the positives and cost savings from the restructure it is difficult to comprehend that there will be no change to effectiveness and interaction with local government in regard to recovery issues.

RECOMMENDATION:

That the Media statement by the Minister for Emergency Services Hon Francis Logan in relation to the restructure of the Department of Fire and Emergency Services (DFES) including the integration of the Office of Emergency Management into a "new command structure" be noted and WALGA be asked to monitor any impact on the local government sector of the changes once implemented.

RESOLUTION: **Moved: Cr Blight** **Seconded: Cr Ball**

That the Central Country Zone in noting the Media statement by the Minister for Emergency Services Hon Francis Logan in relation to the restructure of the Department of Fire and Emergency Services including the integration of the Office of Emergency Management into a "new command structure", expresses its concern that the integration of the Office of Emergency Management (the Office) into a "new command structure" may diminish the independence of the Office and WALGA be requested to monitor any impact on the local government sector of the changes once implemented.

CARRIED

10.5 Review of the *Local Government Act 1995* (Attachment)

Reporting Officer: Bruce Wittber, Executive Officer
Kevin Poynton, BHW Consulting

Disclosure of Interest: Nil

Date: 16 February 2018

Attachments: Nil

Background:

The Minister for Local Government, Hon David Templeman MLA, initiated a review of the *Local Government Act 1995* (the Act) in the middle of the year, with the WALGA State Council resolving to consult the sector via its zone structure.

At the Central Country Zone (CCZ) Meeting held Friday 1 December 2017 it was resolved as follows:

RESOLUTION: *Moved: Cr Crute* *Seconded: Cr Ridgway*

That

- 1. The release of a Discussion Paper Phase One, on 8 November 2017, by Minister for Local Government, Hon David Templeman, be noted.*
- 2. A Local Government Act Review Working Group be formed by the Central Country Zone to develop a draft Zone position on selected issues in the Discussion Paper, with recommendations being presented back to the Central Country Zone for its consideration at the Zone Meeting on Friday 23 February 2018, subject to the Minister granting the request from WALGA for an extension of time.*
- 3. In the event the Minister does not grant an extension of time the Zone President be authorised to call a Special Zone Meeting to enable the Zone Submission to be submitted within the time frame.*

CARRIED

RESOLUTION: *Moved: Cr Blight* *Seconded: Cr McGuinness*

That the Local Government Act Review Working Group comprise of the following members:

Cr Dee Ridgway (Beverley)
Cr Katrina Crute (Brookton)
Cr Neil Walker (Brookton)
Mr Ian D'Arcy (Brookton)
Mr Matthew Giffellon (Dumbleyung)
Mr Aaron Cook (Narrogin)
Cr Brett McGuinness (Quairading)
Cr Phillip Blight (Wagin)
Cr Lachlan Ballantyne (Wagin)
Cr Julie Russell (Wickepin)
Mr Mark Hook (Wickepin)
Cr Mark Conley (Zone President) ex-officio

CARRIED

The Working Group met on two occasions, Tuesday 23 January 2018 in Brookton and on Monday 12 February 2018 (via teleconference). WALGA was also invited to participate in the meeting on 23 January 2018.

Minutes of the two meetings are detailed under agenda item 6.4.

Executive Officer Comment:

Detailed below is the Zone position in relation to each of the key areas.

The proposed Zone position has been highlighted in "grey" and is recommended to this Zone Meeting.

BACKGROUND

- Zone discussion document in Parts (numbered 1-10) reflecting contents of Ministerial Paper.
- Each Part contains Ministerial questions on the respective issues.
- Each Part contains the recommended Zone positions on issues of interest (highlighted in grey).
- At the conclusion of the response to the Ministerial questions are some comments/examples from CEOs in relation to support for local government and the reduction of red tape.

1. Relationships between council and administration

1.1 Minister's Questions

Defining the roles of council and administration: Guidance questions

- 1) How should a council's role be defined? What should the definition include?
- 2) How should the role of the CEO and administration be defined?
- 3) What other comments would you like to make on the roles of council and administration?
- 4) Are there any areas where the separation of powers is particularly unclear? How do you propose that these are improved?

Improving relationships between council and administration: Guidance question

- 5) Do you have any other suggestions or comments on this topic?

Issue 1 Zone Position

February 2018

The Zone position is as follows:

That the CEO is responsible for the management of all other staff, and the legislation should be unambiguous on this.

That Section 5.37(2) be deleted to remove any inference or ambiguity as to the role of Council in the performance of the Chief Executive Officer's function under Section 5.41(g) regarding the appointment of other employees (with consequential amendment to Section 5.41(g) accordingly).

RESOLUTION: **Moved: Cr Walker** **Seconded: Cr Baker**

That the Central Country Zone retain its current Zone position in respect to Issue 1.

CARRIED

2. Training

2.1 Minister's Questions

Elected member competencies: Guidance questions

- 6) What competencies (skills and knowledge) do you think an elected member requires performing their role?
- 7) Do these vary between local governments? If so, in what way?

Funding training: Guidance questions

- 8) Who should pay for the costs of training (course fees, travel, other costs)?
- 9) If councils are required to pay for training, should a training fund be established to reduce the financial impact for small and regional local governments? Should contribution to such a fund be based on local government revenue or some other measure?

Mandatory training: Guidance questions

- 10) Should elected member training be mandatory? Why or why not?

11) Should candidates be required to undertake some preliminary training to better understand the role of an elected member?

12) Should prior learning or service be recognised in place of completing training for elected members? If yes, how would this work?

13) What period should apply for elected members to complete essential training after their election?

Continuing professional development: Guidance questions

14) Should ongoing professional development be undertaken by elected members?

15) If so, what form should this take?

Training: Guidance question

16) Do you have any other suggestions or comments on training?

Issue 2 Zone Position

February 2018

The Zone position, for appropriate reflection in revised legislation, is as follows:

1. Supports and encourages all Elected Members to carry out the Elected Member Skillset, as a minimum, that comprises;
 - i. Understanding Local Government;
 - ii. Serving on Council;
 - iii. Understanding Financial Reports and Budgets;
 - iv. Conflicts of Interest; and,
 - v. Meeting Procedures and Debating.
2. Requests the State Government through the Minister for Local Government to provide funding assistance to Local Governments to enable all Elected Members to receive training;
3. Supports Local Governments being required to establish an Elected Member Training Policy to encourage training and include budgetary provision of funding for Elected Members; and
4. Supports Local Government election candidates being required to attend a Candidates information session, either in person or on-line, as an eligibility criteria for nomination as an Elected Member.

RESOLUTION: **Moved: Cr McGuinness** **Seconded: President Ballard**

That the Central Country Zone adopt Zone position Issue 2 with the added clause:

“5 Promote more on line training opportunities for elected members”

CARRIED

3. Behaviour of Elected Members

3.1 Minister's Questions

Codes of conduct: Guidance questions

17) Should standards of conduct/behaviour differ between local governments? Please explain.

18) Which option do you prefer for codes of conduct and why?

19) How should a code of conduct be enforced

Streamlined rules of conduct: Guidance questions

20) Do you support streamlined Rules of Conduct regulations? Why?

21) If the rules were streamlined, which elements should be retained?

22) Do you support a reduction in the time frame in which complaints can be made? Is three months adequate?

Revised disciplinary framework: Guidance questions

23) Do you support an outcome-based framework for elected members? Why or why not?

24) What specific behaviours should an outcomes based framework target?

Application of the Rules of Conduct: Guidance question

25) Should the rules of conduct that govern behaviour of elected members be extended to all candidates in council elections? Please explain.

Offence Provisions: Guidance questions

26) Should the offence covering improper use of information be extended to former members of council for a period of twelve months? Why?

27) Should this restriction apply to former employees? Please explain.

Confidentiality: Guidance question

28) Is it appropriate to require the existence and details of a complaint to remain confidential until the matter is resolved? Why?

Sector conduct review committees: Guidance questions

29) What do you see as the benefits and disadvantages of this model?

30) What powers should the Conduct Review Committee have?

31) In your opinion what matters should go directly to the Standards Panel?

32) Who should be able to be a member of a panel: elected members, people with local government experience, independent stakeholders?

33) Who should select the members for the pool?

34) How many members should there be on the Review Committee?

35) Are the proposed actions for the Review Committee appropriate? If not, what do you propose?

Review of elected member non-compliance: Guidance questions

36) Which of the options for dealing with complaints do you prefer? Why?

37) Are there any other options that could be considered?

38) Who should be able to request a review of a decision: the person the subject of the complaint, the complainant or both?

Mediation: Guidance question

39) Do you support the inclusion of mediation as a sanction for the Panel? Why or why not?

Prohibition from attending council meetings: Guidance questions

40) Do you support the Panel being able to prohibit elected members from attending council meetings? Why or why not?

41) How many meetings should the Panel be able to order the elected member not attend?

42) Should the elected member be eligible for sitting fees and allowances in these circumstances?

Compensation to the local government: Guidance questions

43) Do you support the Panel being able to award financial compensation to the local government? Why or why not?

44) What should the maximum amount be?

Complaint administrative fee: Guidance questions

45) Do you support this option? Why or why not?

46) Do you believe that a complaint administrative fee would deter complainants from lodging a complaint? Is this appropriate?

47) Would a complaint administrative fee be appropriate for a sector conduct review committee model? Why or why not?

48) What would be an appropriate fee for lodging a complaint?

49) Should the administrative fee be refunded with a finding of minor breach or should it be retained by the Department to offset costs? Why or why not?

Cost recovery to local government: Guidance questions

50) Do you support the cost of the panel proceedings being paid by a member found to be in breach? Why or why not?

Publication of complaints in the annual report: Guidance question

51) Do you support the tabling of the decision report at the Ordinary Council Meeting? Why or why not?

Tabling decision report at Ordinary Council Meeting: Guidance question

52) Do you support this option? Why or why not?

Elected member interests: Guidance questions

53) Should not-for-profit organisation members participate in council decisions affecting that organisation? Why or why not?

54) Would your response be the same if the elected member was an office holder in the organisation?

Improving the behaviour of elected members: Guidance question

55) Do you have any other suggestions or comments on this topic?

Issue 3 Zone Position

February 2018

Stand Down

The Zone supports, in principle, a proposal for an individual elected member to be 'stood down' from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken.

Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the Sector:

1. That ... the established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and
2. That activities associated with the term 'disruptive behaviour', presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.

Conduct

The Zone supports:

1. Official Conduct legislation to govern the behaviour of Elected Members;
2. An efficient and effective independent Standards Panel process;
3. An ability for the Standards Panel to dismiss vexatious and frivolous complaints; and
4. Confidentiality for all parties being a key component of the entire process.

Complaints

The Zone recommends that a statutory provision be considered, permitting a Local Government to declare a person a vexatious or frivolous complainant.

RESOLUTION: **Moved: Cr Baker** **Seconded: Cr Duckworth**

That the Central Country Zone adopt Zone position Issue 3 as written.

CARRIED

4. Local Government Administration

4.1 Minister's Questions

Recruitment and selection of local government CEOs: Guidance questions

- 56) Would councils benefit from assistance with CEO recruitment and selection? Why?
- 57) How could the recruitment and selection of local government CEOs be improved?
- 58) Should the Public Sector Commission be involved in CEO recruitment and selection? If so, how?
- 59) Should other experts be involved in CEO recruitment and selection? If so, who and how?
- 60) What competencies, attributes and qualifications should a CEO have?

Acting CEOs: Guidance questions

- 61) Should the process of appointing an acting CEO be covered in legislation? Why or why not?
- 62) If so, who should appoint the CEO when there is a short term temporary vacancy (covering sick or annual leave for example)?
- 63) Who should appoint the CEO if there will be vacancy for an extended period (for example, while a recruitment process is to be undertaken)?

Performance review of local government CEOs: Guidance questions

- 64) Who should be involved in CEO performance reviews?
- 65) What should the criteria be for reviewing a CEO's performance?
- 66) How often should CEO performance be reviewed?
- 67) Which of the above options do you prefer? Why?
- 68) Is there an alternative model that could be considered?

Termination or extension of CEO contract around an election: Guidance questions

- 69) Would a 'cooling off' period before a council can terminate the CEO following an election assist strengthening productive relationships between council and administration?
- 70) What length should such a cooling off period be?
- 71) For what period before an election should there be a restriction on a council from extending a CEO contract? Should there be any exceptions to this?

Public expectations of staff performance: Guidance questions

- 72) Is greater oversight required over local government selection and recruitment of staff?
- 73) Should certain offences or other criteria exclude a person from being employed in a local government? If so, what?

Strengthening local government administration: Guidance question

- 74) Do you have any other suggestions or comments on this topic?

Issue 4 Zone Position

February 2018

The Zone position is

1. That Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review.
2. That the legislation include requirements for the following:
 - Local government CEO to have some form of certificate of competency;
 - Local governments be required to obtain independent support for any CEO recruitment process, however the Zone does not support the Public Sector Commissioner being mandated as the independent support; and
 - The matter of an Acting CEO be clarified in the legislation.

RESOLUTION: **Moved: Cr Blight** **Seconded: Cr Cowcher**

That the Central Country Zone adopt Zone position Issue 4 subject to the dot point 2 being amended to read:

“Local governments be encouraged to obtain independent support for any CEO recruitment process, however the Zone does not support the Public Sector Commissioner being mandated as the independent support.”

CARRIED

5. Supporting Local Governments in Challenging Times

5.1 Minister's Questions

Remedial intervention: Guidance questions

75) Should the appointed person be a departmental employee, a local government officer or an external party? Why?

76) Should the appointed person be able to direct the local government or would their role be restricted to advice and support? Please explain.

77) Who should pay for the appointed person? Why?

Powers of appointed person: Guidance question

78) What powers should an appointed person have?

Remedial action process: Guidance questions

79) Do you think the proposed approach would improve the provision of good governance in Western Australia? Please explain.

80) What issues need to be considered in appointing a person?

Supporting local governments in challenging times: Guidance question

81) Do you have any other suggestions or comments on this topic?

Issue 5 Zone Position

February 2018

The Zone position is that any revised legislation:

- (a) Uphold the General Competence Principle currently embodied in the Local Government Act;
- (b) Provide for a flexible, principles-based legislative framework; and
- (c) Promote a size and scale compliance regime.

6. Making it Easier to Move Between State and Local Government Employment

6.1 Minister's Questions

Transferability of employees: Guidance questions

82) Should local and State government employees be able to carry over the recognition of service and leave if they move between State and local government?

83) What would be the benefits if local and State government employees could move seamlessly via transfer and secondment?

Making it easier to move between State and local government employment: Guidance question

84) Do you have any other suggestions or comments on this topic?

Issue 6 Zone Position

February 2018

The Zone position is that the legislation reflects ease of transferability between State and Local Government sectors.

7. Public Confidence in Local Government

7.1 Minister's Questions

A new framework for disclosing gifts: Guidance questions

85) Is the new framework for disclosing gifts appropriate?

86) If not, why?

87) Is the threshold of \$500 appropriate?

88) If no, why?

89) Should certain gifts – or gifts from particular classes or people – be prohibited? Why or why not?

90) If yes, what gifts should be prohibited

Excluding gifts received in a personal capacity: Guidance questions

91) Should gifts received in a personal capacity be exempt from disclosure?

92) If yes, how could 'personal capacity' be defined

93) Should there be any other exemptions from the requirement to disclose a gift over the threshold?

94) If so, what should these be? Please justify your proposal.

Gifts: Guidance question

95) Do you have any other suggestions or comments on this topic

Issue 7 Zone Position

February 2018

The Zone position is that any revised legislation reflect the following:

- There be one section for declaring gifts. Delete declarations for Travel.
- No requirement to declare gifts received in a genuinely personal capacity, as gifts only to be declared in respect to an Elected Member or CEO carrying out their role.
- Gift provisions only for Elected Members and CEO's.
- Other staff fall under Codes of Conduct from the CEO to the staff.
- Gifts only to be declared if above \$500.00.
- There will not be any category of notifiable gifts or prohibited gifts.
- Exemptions for ALGA, WALGA and LG Professionals (already achieved).
- Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts, so Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.
- A revised process is in place for declaration of gifts in a manner similar to declaration of interest at local government meetings in that all gifts received are declared at each Ordinary Meeting of the Council.

8. Transparency

Public notices: Guidance questions

96) Which general option do you prefer for making local public notices available? Why?

97) Which general option do you prefer for State-wide public notices? Why?

98) With reference to the list of public notices, do you believe that the requirement for a particular notice should be changed? Please provide details.

99) For the State-wide notices in Attachment 3, are there alternative websites where any of this information could be made available?

Information available for public inspection: Guidance questions

100) Using the following table, advise how you think information should be made available:

Provision	Documents	In person only	Website only	Both	Neither
Section 5.53	Annual Report				
Section 5.75 & 5.76	Primary and Annual returns – for Elected members Includes – sources of income Trusts Debts Property holdings. Interests and positions in corporations.				
Section 5.87	Discretionary disclosures generally				
Section 5.82	Gifts (already required to be on the website)				
Section 5.83	Disclosure of travel contributions (already required to be on the website)				
Elections Regulations 30H	Electoral gifts register				
Section 5.98A	Allowance for deputy mayor or deputy president				
Section 5.100	Payments for certain committee members				
Function and General Regulations 17	Tenders Register				
Section 5.94 & Administration Regulations 29	Register of delegations to committees, CEO and employees				
	Minutes of council, committee and elector meetings				
	Future plan for the district				
	Annual Budget				
	Notice papers and agendas of meetings				
	Reports tabled at a council or committee meeting				
	Complaints register (concerning elected members)				
	Contracts of employment of the CEO and other senior local government employees				
	Schedule of fees and charges				
	Proposed local laws				
	Gazetted Local laws (and other law that has been adopted by the district)				
	Rates record				
	Electoral roll				

101) Should the additional information that is available to the public in other jurisdictions be available here? If so which items? How should they be made available: in person, website only or both?

102) Is there additional information that you believe should be made publicly available? Please detail.

103) For Local Governments: How often do you receive requests from members of the public to see this information? What resources do you estimate are involved in providing access in person (hours of staff time and hourly rate)?

Access to information: Guidance question

104) Do you have any other suggestions or comments on this topic?

Expanding the information provided to the public: Guidance questions

105) Which of these options do you prefer? Why?

106) In the table below, please indicate whether you think the information should be made available, and if so, whether this should be required or at the discretion of the local government:

Proposal	Should this be made available: No, optional, required?
Live streaming video of council meetings on local government website	
Diversity data on council membership and employees	
Elected member attendance rates at council meetings	
Elected member representation at external meetings/events	
Gender equity ratios for staff salaries	
Complaints made to the local government and actions taken	
Performance reviews of CEO and senior employees	
Website to provide information on differential rate categories	
District maps and ward boundaries	
Adverse findings of the Standards Panel, State Administrative Tribunal or Corruption and Crime Commission.	
Financial and non-financial benefits register	

107) What other information do you think should be made available?

Expanding the information available to the public: Guidance question

108) Do you have any other suggestions or comments on this topic?

Issue 8 Zone Position

February 2018

The Zone position is as follows:

- That Sections 1.7 and 1.8 of the Local Government Act be amended to remove the statutory requirements for statewide and local public notice to be placed in a newspaper circulating statewide or locally, to be replaced with the requirement for a Local Government to place public notices on their website.
- That Regulation 11 be amended to require that information presented in a Council or Committee Agenda also be included in the Minutes to that meeting.

9. Red Tape Reduction

9.1 Minister's Questions

Defining red tape: Guidance questions

109) Which regulatory measures within the Act should be removed or amended to reduce the burden on local governments? Please provide detailed analysis with your suggestions.

- Briefly describe the red tape problem you have identified.
- What is the impact of this problem? Please quantify if possible.

c) What solutions can you suggest to solve this red tape problem?

110) Which regulatory measures within the Act should be removed or amended to reduce the burden on the community? Please provide detailed analysis with your suggestions.

- a) Briefly describe the red tape problem you have identified.
- b) What is the impact of this problem? Please quantify if possible.
- c) What solutions can you suggest to solve this red tape problem?

Special majority: Guidance question

111) Should the provisions for a special majority be removed? Why or why not?

Senior employees: Guidance questions

112) Is it appropriate that council have a role in the appointment, dismissal or performance management of any employees other than the CEO? Why or why not?

113) Is it necessary for some employees to be designated as senior employees? If so, what criteria should define which employees are senior employees

Exemption from accounting standard AASB124 - Related party disclosures: Guidance questions

114) Are the existing related party disclosure provisions in the Act sufficient without the additional requirements introduced by AASB 124? Why or why not?

Disposal of property: Guidance questions

115) The threshold for trade-ins was set originally to \$50,000 in 1996 and raised to \$75,000 in 2015. Should that threshold be raised higher, if so how high?

116) Should the threshold remain at \$75,000 but with separate exemptions for specific types of equipment, for example plant?

117) The general \$20,000 threshold was put in place in 1996 and has not been amended. Should the threshold be raised higher than \$20,000? If so, what should it be and why?

118) Would raising these thresholds create an unacceptable risk that the items would not be disposed of to achieve the best price for the local government?

119) Is there an alternative model for managing the disposal of property? Please explain.

Reducing red tape: Guidance question

120) Do you have any other suggestions or comments on this topic?

Issue 9 Zone Position

February 2018

The Zone position is as follows:

The Zone position is

1. that any revised legislation give visibility to the following principles :
 - the General Competence Principle currently embodied in the Local Government Act;
 - provide for a flexible, principles-based legislative framework; and
 - promote a principle of a size and scale compliance regime.
2. that Section 5.37(2) of the Local Government Act, related to Senior Employees, be deleted.
3. that Regulation 4 of the *Local Government (Financial Management) Regulations* be amended to provide an exemption from the application of AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).
4. that Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

10. Regional Subsidiaries

10.1 Minister's Questions

Regional subsidiaries: Guidance questions

121) Which option do you prefer?

122) Should regional subsidiaries be allowed to borrow money other than from the member councils?

123) Why or why not?

124) If a regional subsidiary is given the power to borrow directly, what provisions should be put in place to mitigate the risks?

Regional subsidiaries: Guidance question

125) Do you have any other suggestions or comments on this topic, including on any other aspect of the *Local Government (Regional Subsidiaries) Regulations 2017*?

Issue 10 Zone Position

February 2018

The Zone position is that any revised legislation contains content to enable Regional Subsidiaries to:

- Borrow in their own right;
- Enter into land transactions; and
- Undertake commercial activities.

Central Country Zone CEO examples related to the Local Government Act Review

Supporting Local Government in challenging times (Area 5)

- Greater contact with Dept. of LG staff both in the field and conferences / meetings

I have found over the past 10 years the rapid decline in Dept. of LG staff out and about visiting Shires and attending Zone and other meetings. I understand that the Dept. of LG regularly attend the LG Convention however I believe more is needed. Council staff would not know many of the Dept. of LG staff and vice versa. I think for the sector to move forward, both have to be side by side.

- I am not really confident that the current Dept of LG staff truly understand the issues that Councils face day to day and the amount of downward pressure that the Dept puts on Councils. - cost shifting
- You rarely receive a phone call from the Dept. of LG, it is mostly by email, which assists in creating this gap.
- Perhaps an exchange of staff for short periods of time between the Dept of LG and Councils so the Dept can better understand issues faced by those Councils
- Better support - A very good example is from today's paper. See attached. – Councils accused of hoarding \$1b in funds. – Why couldn't the Minister or Dept of LG come out and defend Councils. To me this shows good governance for future infrastructure costs. Why should Council keep taking the knocks.

Red Tape Reduction (Area 9)

Section 3.58 Disposing of Property

This section requires Council to advertise any sale of property through public auction or public tender.

There are exemptions under Section 3.58 which are:

- *The property has a market value of less than \$20,000, and*
- *Property that is disposed of during a 'trade-in' when less than \$75,000 is paid.*

The issue with this for the Council was that the vehicle was written off and the wreck was taken by the Insurance Company therefore the exemption for using the trade monies to purchase the vehicle did not kick in and therefore the Council must advertise that it has sold the property to the insurance company.

General Observation

- *I am not sure the Dept. of LG or the Minister want to reduce "red tape". I think this is their form of control. Past history has shown that as soon as a LG does something unconventional or outside the current rules that a new regulation or Act change soon occurs. The 1995 Act was to give LG's more autonomy however since 1995 the rope has been tightened and we are no better off now than we were pre 1995.*
- *I believe some of the Councillors and senior officers financial reporting requirements are far too tough. There needs to be some alignment to State Government members*
- *From my perspective as a long time CEO you feel that the Dept of LG does not trust Councils and is always looking to see what is wrong.*

General Observation

All of what has been canvassed in the discussion paper and on the Depts. consultation platform have addressed many of my concerns about Code of Conduct - Gifts, role of Councillors and CEO - so not a lot left in the tank for the Zone conversation.

If the Dept. intends to continue similar levels of support for Councillor training (\$1.4m) that would be good. Particularly in a time where compulsory expectations seem sure to be lifted. I think that will be fundamental to increasing the knowledge and capabilities of Councillors - an essential thing if we want better performance. All of the other aspects I think they have been covered in the discussion papers - so it will be an interesting first draft.

In terms of red tape - I think it is a principles thing. If the drafting principles when writing Act, regulations and policy is a conformity angle, then red tape is only ever going to grow. If they want to change this then a complete reframe is required. I'm not sure that without throwing the whole lot away and starting again; we will ever be able to produce sufficient governance and conformity that the Dept. requires/desires whilst keeping red tape to the minimum.

An example is the recent Audit changes - "a register of excluded portable and attractive assets"!! Can somebody explain why we would need this and what evidence is there that a register would actually stop the items being nicked?? Has there been a systemic pilfering of light assets in local governments over the years sufficient to require ALL local governments to maintain this register over and above all the other asset register assets that we have excluded because their value was too low? Would the cost of creating and maintaining this register not cost the local government industry more than the total asset values of these items? Is this just being created because someone (clearly with an auditor's mindset) believes that all local governments loose assets and that one laptop going missing is just too much?

The farce is that the thinking of those that supported these changes in the Dept. - are of the view that this level of asset loss is at some grand scale; requiring ALL local governments to comply. Great - with that thinking; how in the hell would red tape ever be reduced. A more targeted approach where the LG decides (where the evidence supports such) to take better stock of its own security measures on light items; where self-regulating systems that save effort and assets and encourage the reduction of the requirements and red tape would not be possible in the current thinking. The thinking has to change - or we get more of this ridiculous bull. There are countless possibilities where something could be pinched - but a register is not going to help! Red tape (whilst in their view may be what the local govt imposes on clients) I see a more holistic interpretation including what they impose on us and what I have to implement down the line to ensure their governance constraints are met too! For me to produce a register requires forms/recording/isolation of assets at payment systems/training/understanding as to why it is being done so that the process is respected/identification of assets/ location of assets/ across all locations and functions of the Shire.

My experience has been that when the accountants finally find that the register hasn't been maintained for a few years, because the last accountant found it too onerous and time consuming in the lead up to doing the annual accounts; they get some junior to run around and identify all the missing items off the register, none of which are actually still functional in the LG - then via a couple of journals they write it off with the sweep of a pen or via a Council resolution. So who was served by the process from beginning to end?

Maybe we should have a moratorium on new measures and only accept those that save the industry time and effort!

RECOMMENDATION:

That all Zone Positions outlined in the Central Country Zone submission be adopted and the submission be sent to the Minister for Local Government and WALGA.

RESOLUTION: **Moved: Cr McGuinness** **Seconded: Cr Dowling**

That all Zone Positions outlined in the Central Country Zone submission be adopted and the submission be sent to the Minister for Local Government and WALGA.

CARRIED

11.0 ZONE BUSINESS - OTHER BUSINESS/URGENT BUSINESS

11.1 Sport and Recreation Club Development Officer Scheme – Shire of Narrogin

CEO Shire of Narrogin Aaron Cook advised the meeting that he had recently received verbal advice that changes to the Club Development Officer program announced by Hon Mick Murray, Minister for Sport and Recreation on 19 February 2018 would mean that the Club Development Officer (CDO) position currently at the Shire of Narrogin would disappear.

Mr Cook expressed concern that other than a phone call received from Sport and Recreation (WA) an hour before the Media Statement by the Minister there was no further information until an email on Monday 26 February 2018 a week after the announcement.

The primary issue for the Shire of Narrogin is that despite the signing of the State/Local Government Partnership Agreement the lack of consultation with the sector and provision of more notice. The lack of consultation “fly’s in the face” of the State/Local Government Partnership Agreement that was signed by the Premier and WALGA in August 2017.

By way of context essentially the CDO Scheme has been in place for some 10 years and collectives of Local Governments have been applying for and receiving funding for the employment of the officer to work with sporting groups to make them more sustainable and improve their administration etc.

Shire of Narrogin received funding twice and the program has been successful. The biggest issue for these positions is that it takes a long time to get the trust of the clubs so that they can see the benefit. The clubs that don’t need it jump on board and the ones that need it don’t (normal human nature).

With the new scheme being more web-based, it is Mr Cook’s opinion that the same will occur but to a lesser degree, because if people need to work to get the information, rather than it being “spoon fed” to them they will drop off and go back to status quo.

12.0 ZONE BUSINESS - EMERGING ISSUES

(The intent of the item is to enable Member Councils to bring to the attention of the delegates a matter that is developing. It is proposed that the matter will be tabled for discussion but not decision and then enable Member Councils to take the information away and consider an outcome for possible consideration at the next Zone meeting.)

13.0 MEMBERS OF PARLIAMENT

Nil

14.0 OTHER REPRESENTATIVES REPORTS

14.1 Department of Local Government, Sport and Cultural Industries

14.2 Wheatbelt Development Commission

Nil

14.3 Regional Development Australia (RDA) Wheatbelt

Nil

14.4 Main Roads WA

Ms Louise Adamson Operations Manager, MRWA Central Wheatbelt Region
Ms Cathy Morey Customer Service Manager, MRWA Central Wheatbelt Region

15.0 DATE, TIME AND PLACE OF NEXT MEETING

Friday 27 April 2018 – Teleconference

Friday 25 May 2018 – Shire of West Arthur

16.0 CLOSURE

There being no further business the Chair declared the meeting closed at 12.50pm

DECLARATION

These minutes were confirmed by the Central Country Zone at the meeting held on

Signed _____
Person presiding at the meeting at which these minutes were confirmed