



CENTRAL COUNTRY ZONE

Minutes

**Friday 28 August 2020
Freebairn Recreation Centre
Kulin WA**

Commencing at 10.02am

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Minutes

Central Country Zone of WALGA

Friday 28 August 2020, commencing at 10.02am

1.0 OPENING AND WELCOME

1.1 Announcement by the Zone President, Cr Brett McGuinness regarding COVID-19 Rules for the Meeting

Zone President Cr McGuinness opened the meeting at 10.02am, welcoming all in attendance and asked all delegates to review the Shire of Kulin COVID-19 Plan.

1.2 Welcome – Cr Barry West, President Shire of Kulin

Cr Barry West, President Shire of Kulin extended a welcome to delegates and guests.

2.0 ATTENDANCE AND APOLOGIES

Attendance

Cr Brett McGuinness (Chair)
Cr Don Davis
Mr Stephen Gollan
Mr Simon Marshall
Cr Katrina Crute
Cr Neil Walker
Cr Des Hickey
Cr Mike Weguelin
Ms Natalie Manton
Cr Mark Conley
Mr Gary Sherry
Cr Marilyn Hasleby
Mr Peter Crispin
Cr Barry West
Cr Grant Robins
Ms Cassi-Dee Vandenburg
Cr Len Armstrong
Cr Ross Chappell
Mr Alan George
Cr Tim Wiese
Mr Dale Stewart
Cr Bill Mulrone
Cr Jackie McBurney
Ms Julie Burton
Cr Jo Haythornthwaite
Mr Graeme Fardon
Cr Phillip Blight
Mr Bill Atkinson
Cr Ian Turton
Ms Belinda Knight
Cr Kevin King
Ms Nicole Wasmann
Cr Julie Russell
Cr Sarah Hyde
Mr Mark Hook
Cr Moya Carne

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

Ms Cara Ryan

Manager Finance, Shire of Williams

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

WALGA Representatives

Mayor Tracey Roberts JP, WALGA President (left the meeting at 1.47pm)
Mr Nick Sloan, WALGA CEO (left the meeting at 1.47pm)

Guests

Hon Martin Aldridge MLC, Member for Agricultural Region
Ms Mandy Walker, Director Regional Development RDA Wheatbelt
Mrs Karen Strange, Deputy Chair RDA Wheatbelt

Apologies

Cr Chris Pepper, Deputy President Shire of Beverley
Mr Ian D'Arcy, CEO Shire of Brookton
Cr Eliza Dowling, Deputy President Shire of Cuballing
Cr Julie Ramm, President Shire of Dumbleyung
Mr Garrick Yandle, CEO Shire of Kulin
President Leigh Ballard, President Shire of Narrogin
Cr Graeme Parsons, Deputy President, Shire of Wandering
Cr Julie McFall, Councillor Shire of West Arthur
Cr Jarrod Logie, President Shire of Williams
Mr Geoff McKeown, CEO Shire of Williams

Hon Mia Davies MLA, Member for Central Wheatbelt
Mr Peter Rundle MLA, Member for Roe

Hon Laurie Graham MLC, Member for Agricultural Region
Hon Colin De Grussa MLC, Member for Agricultural Region
Hon Rick Mazza MLC, Member for Agricultural Region
Hon Darren West MLC, Member for Agricultural Region

Ms Jodie Holbrook, Director Local Government Policy & Engagement Department of Local Government, Sport and Cultural Industries

3.0 DECLARATION OF INTEREST

Nil

4.0 ZONE ELECTION

4.1 Election of Deputy President

Reporting Officer: Helen Westcott, Executive Officer/Returning Officer

Disclosure of Interest: No interest to disclose

Date: 26 August 2020

Attachments: Nil

Background:

The Central Country Zone Constitution states that:

The Zone Executive Committee shall consist of a maximum of six persons, being:

- a) President, ex-officio:
- b) Deputy President, ex-officio:
- c) Representative to State Council, ex-officio, if not President or Deputy President: and
- d) three Delegates elected from member councils, as necessary.

With the resignation of Jeanette De Landgraft from Council at the Shire of Lake Grace an election to fill the vacancy of Deputy Zone President must be held.

Nominations invited for election to the position of Deputy Zone President were called on Thursday 27 July 2020, with nominations closing on Thursday 20 August 2020.

The position is for the period commencing immediately upon election at the Ordinary Meeting being held Friday 28 August 2020 and ending in November 2021.

At the close of nominations, the following nominations were received for the position of Zone Deputy President:

Cr Len Armstrong, President Shire of Lake Grace; and
Cr Barry West, President Shire of Kulin.

Executive Officer Comment:

Following the close of nominations all Member Councils were advised of the outcome of the call for nomination.

On Monday 24 August 2020 Cr Armstrong advised that he was withdrawing his nomination.

There is little guidance from either the Zone's Constitution or Standing Orders, with silence from both on how to handle such matters. Clause 17.1 of the Constitution deals with elections in general, stating:

17.1 Any election held by the Zone shall be conducted having regard to the general principles and procedures of the Local Government Act 1995 as amended.

The Constitution also provides guidance on how to interpret the Constitution. Clause 22.1 states:

22.1 In the event of any dispute arising as to the interpretation or application of this Constitution and an agreement as to interpretation are not reached, the matter is to be referred to an Ordinary or Special Meeting to determine the question.

The Standing Orders provide no guidance in resolving this matter.

Recognising that there is a linkage to the LG Act in the Constitution, when you review the LG Act s4.53 it states:

- (1) The nomination of a candidate is cancelled if the candidate withdraws the nomination or dies before the close of nominations.*

On the basis of the above, the Executive Officer provided the following advice to the Zone President, Cr Mc Guinness:

- That whilst Cr Armstrong's advice came after the close of nominations his withdrawal does not stop the election process;
- Given the intent of clause 22.1 of the Constitution the Zone meeting by resolution could accept the withdrawal and then proceed to declare Cr West elected as there are no other candidates for the position; and
- Proceed to fill the vacancy on the Executive Committee created by Cr West's election as Deputy President.

Cr McGuinness requested that WALGA's advice on this matter also be sought.

This was done, with the Executive Officer speaking with James McGovern, Manager Governance, who advised that the proposed course of action was appropriate as it meets the needs of the Zone, both in terms of dealing with due process and transparency.

RECOMMENDATION:

That the Central Country Zone accept Cr Armstrong's withdrawal from the election to the position of Deputy President.

RESOLUTION: **Moved: Cr Mulroney** **Seconded: Cr Crute**

That the Central Country Zone accept Cr Armstrong's withdrawal from the election to the position of Deputy President.

CARRIED

RECOMMENDATION:

That the following the withdrawal of Cr Armstrong from the election to the position of Deputy President there being only sufficient nominations to fill the position, Cr West be elected unopposed as Deputy President to the Central Country Zone for the period commencing immediately upon election at the Ordinary Meeting being held Friday 28 August 2020 and ending in November 2021.

RESOLUTION: **Moved: Cr Hickey** **Seconded: Cr Davis**

That the following the withdrawal of Cr Armstrong from the election to the position of Deputy President there being only sufficient nominations to fill the position, Cr West be elected unopposed as Deputy President to the Central Country Zone for the period commencing immediately upon election at the Ordinary Meeting being held Friday 28 August 2020 and ending in November 2021.

CARRIED

4.2 Election of a Member to the Central Country Zone Executive Committee

Reporting Officer: Helen Westcott, Executive Officer/Returning Officer

Disclosure of Interest: No interest to disclose

Date: 26 August 2020

Attachments: Nil

Background:

The Zone Executive Committee shall consist of a maximum of six persons, being:

- a) President, ex-officio:
- b) Deputy President, ex-officio:
- c) Representative to State Council, ex-officio, if not President or Deputy President: and
- d) three Delegates elected from member councils, as necessary.

With Cr West being elected, unopposed, to the position of Deputy President to the Central Country Zone a ballot will be required to fill the vacant position of Executive Committee Member.

The following process will be followed in regard to the election:

- The President will invite nominations from the floor for the one position;
- Should a ballot be required the following process will be followed:
 - Prior to the ballot nominees for the position will be extended the opportunity to provide a two (2) minute election bid to delegates;
 - The ballot will be conducted as a secret ballot;
 - Each voting delegate to the Central Country Zone will be entitled to cast one (1) vote in the ballot process, with the "first past the post" method of election being used; and
 - The candidates with the greater number of votes will be elected with the result being announced to the meeting.

In the event of a tie between two candidates for the election of the position to the Executive Committee a second ballot will be conducted immediately between those two candidates.

Cr Armstrong was nominated by Cr Conley

Cr Armstrong accepted the nomination

No further nominations

RESOLUTION: **Moved: Cr Conley** **Seconded: Cr Davis**

That Cr Len Armstrong be elected to the Central Country Zone Executive Committee for the period commencing immediately upon election at the Ordinary Meeting held on Friday 28 August 2020 and ending in November 2021.

CARRIED

5.0 GUEST SPEAKERS

Given the uncertainty of whether or not an in-person meeting would be possible no guest speakers were arranged.

5.1 Member Council Comments on Responding to the COVID-19 Pandemic

Reporting Officer: Helen Westcott

Disclosure of Interest: Nil

Date: 11 August 2020

Attachments: Nil

Background:

This meeting of the Zone is the first in-person since a state of emergency was declared in response to the COVID-19 pandemic. It is perhaps the first time many of the Zone's delegates and their CEOs have had the opportunity to reconnect and network with one another.

Executive Officer Comment:

Local Government has shown it is, to use State Government phraseology, "smart, agile and inclusive" in its response to the COVID-19 pandemic.

The Zone meeting presents an ideal opportunity for Councils to share what worked well for them, what they found challenging and what lessons were learned along the way to ensure they are prepared if needed to respond again.

Each Member Council will be offered a 5-minute slot to let other Councils know what they have been doing during the various phases of the pandemic and what future plans they are looking to put in place to assist as communities look to recover.

Meeting Comments:

Each Member Council provided an overview of how they and their communities responded to the COVID-19 Pandemic. Whilst the responses were in general terms similar, particularly around the willingness of communities throughout the Zone to help those residents most in need of support, through the home delivery of food, medicines and checking on their neighbours' wellbeing.

A number of unique challenges faced during "lockdown" (Phases 1 and 2 of the State Government's response plan to the pandemic) were discussed, most notably being the difficulties faced by "border" communities when Development Commission boundaries were used to limit movement and in the delivery of essential services (eg food deliveries). These issues were quickly resolved through the work of the impacted Councils, WALGA and the relevant State Government agencies.

RECOMMENDATION:

That the matter be noted.

RESOLUTION: **Moved: Cr Hickey** **Seconded: Cr West**

That the matter be noted.

CARRIED

6.0 MINUTES

6.1 Confirmation of Minutes from the Zone Meeting held Friday 19 June 2020 (Attachment)

RECOMMENDATION:

That the Minutes of the Meeting of the Central Country Zone held Friday 19 June 2020 be confirmed as a true and accurate record of the proceedings.

RESOLUTION: **Moved: Cr Blight** **Seconded: Cr Mulroney**

That the Minutes of the Meeting of the Central Country Zone held Friday 19 June 2020 be confirmed as a true and accurate record of the proceedings.

CARRIED

6.2 Business Arising from the Minutes of the Zone Meeting held Friday 19 June 2020 (Attachment)

7.8 WALGA President's Report

RESOLUTION: **Moved: Cr Crute** **Seconded: Cr Mulroney**

1. *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.*
2. *That the Central Country Zone write to the WALGA President, Mayor Tracey Roberts JP, to acknowledge and express the Zone's appreciation for all her and the WALGA Staff's work to date, in relation to assisting Local Government during the COVID19 Pandemic.*

CARRIED

A copy of the letter sent by Zone President Cr McGuinness forms an attachment to the meeting agenda.

Noted

6.3 Minutes of the Special Executive Committee Meeting held Monday 6 July 2020 (Attachment)

Presenting the Minutes of the Special Executive Committee Meeting held Monday 6 July 2020

Executive Officer Comment:

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

RECOMMENDATION:

That the Minutes of the Special Meeting of the Central Country Zone Executive Committee held Monday 6 July 2020 be received.

RESOLUTION: **Moved: Cr Blight** **Seconded: Cr Crute**

That the Minutes of the Special Meeting of the Central Country Zone Executive Committee held Monday 6 July 2020 be received.

CARRIED

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| 6.4 Minutes of the Executive Committee Meeting held Wednesday 12 August 2020 (Attachment) |
|--|

Presenting the Minutes of the Executive Committee Meeting held Wednesday 12 August 2020

Executive Officer Comment:

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

RECOMMENDATION:

That the Minutes of the Meeting of the Central Country Zone Executive Committee held Wednesday 12 August 2020 be received.

RESOLUTION: **Moved: Cr Mulroney** **Seconded: Cr Blight**

That the Minutes of the Meeting of the Central Country Zone Executive Committee held Wednesday 12 August 2020 be received.

CARRIED

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

Central Country Zone State Councillor Report

The following comments/notes are provided on the WALGA State Council Meeting held 1 July 2020 to highlight the main points.

4. EMERGING ISSUES

4.1 COVID-19 Pandemic – WALGA Response and an update on the Economic Impact

4.2 Work Health and Safety Bill 2019

Referred by President Cr Karen Chappel, Northern Country Zone

Prepared by Felicity Morris, Governance Advisor

Western Australia is unique in providing that a failure to comply with a health and safety duty, that causes death or serious harm to an individual, may constitute industrial manslaughter (simple) or a level one offence without any requirement for recklessness or negligence. Both of these offences are punishable by imprisonment.

For these reasons, it is suggested that WALGA recommend that the Standing Committee investigate the drafting and interpretation of these offences in the context of Western Australia's Criminal Code, and consider whether the standard imposed in s30B and s31 is appropriate for an offence punishable by imprisonment.

Secondly, it is suggested that WALGA recommend that the Standing Committee ensure there is adequate time following proclamation of the WHS Bill for all industries in Western Australia to transition to the new, harmonised work place safety and health provisions.

Moved: President Cr Karen Chappel

Seconded: President Cr Michelle Rich

That WALGA:

- 1. recommend that the Standing Committee on Legislation investigate the drafting and interpretation of offences in the context of Western Australia's Criminal Code, and consider whether the standard imposed in s30B and s31 is appropriate for an offence punishable by imprisonment; and**
- 2. recommend that the Standing Committee on legislation ensure there is adequate time following proclamation of the WHS Bill for all industries in Western Australia to transition to the new, harmonised work place safety and health provisions.**

RESOLUTION 89.3/2020 CARRIED

4.3 Teacher Housing Availability

Referred by Cr Ronnie Fleay, Great Southern Country Zone

Moved: Cr Ronnie Fleay

Seconded: President Cr Stephen Strange

That WALGA contact the Director General of the Department of Housing to:

- 1. Seek action and acknowledge the extra challenges in attracting and retaining public sector staff in remote and rural areas of the state;**
- 3. Immediately review and address the issue of insufficient GROH housing (and the high cost of subsidised rental) for public sector staff and actively seek and enter into Joint Venture arrangements with Councils to address the shortfall in accommodation;**
- 4. Request that the agencies be requested to engage with WALGA to seek a solution to the current short supply of GROH housing within all regions.**

RESOLUTION 91.3/2020 CARRIED UNANIMOUSLY

This was fleshed out to be inclusive of other GROH housing requirements.

5.4 WALGA JLT Scheme Management Agreement Extension

Moved: Cr Paul Kelly

Seconded: President Cr Karen Chappel

State Council require that:

- a) The terms of existing WALGA JLT/Marsh Scheme Management Agreement be maintained for a further 12 months or until the review actions are completed.**
- b) A contingency planning project be undertaken to ensure the WALGA LGIS insurance service is competitive, resilient and appropriate to serve the needs of Member Councils.**
- c) All other details as to the State Council LGIS review to remain confidential.**

RESOLUTION 95.3/2020 CARRIED

5.5 LGIS Board Minutes – 14 May 2020

Cr Paul Kelly and Mayor Tracey Roberts declared an interest in item 5.5 and left the room at 4:54. President Cr Karen Chappel assumed the Chair.

Moved: President Cr Karen Chappel

Seconded: Cr Julie Brown

That State Council:

- a) Note the Minutes of the LGIS Board meetings held 14 May.**
- b) Approve the Scheme Management fee annual adjustment payable to JLT/Marsh be adjusted to increase by 3% for the 2020/21 financial year on the proviso that it is re-credited to the Scheme by JLT/Marsh.**
- c) Allocate a reciprocal 3% adjustment to remuneration to WALGA from the LGIS scheme for the 2020/21 period so as to maintain parity with the JLT/Marsh allocation.**
- d) The quantum of the additional adjustments to the WALGA remuneration be allocated to the WALGA LGIS contingency planning project.**
- e) Allocate a 0% adjustment to remuneration for LGIS directors for 2020/21.**

RESOLUTION 96.3/2020 CARRIED

5.7 Minutes CEO Performance Review Committee – 10 June 2020

All staff left the room at 4.56pm

Moved: Mayor Logan Howlett

Seconded Mayor Carol Adams

That the Minutes of the CEO Performance Review Committee held 10 June be endorsed.

RESOLUTION 98.3/2020 CARRIED UNANIMOUSLY

The CEO review was a positive outcome in what has been a busy year.

Moved: President Cr Tony Dean

Seconded: President Cr Stephen Strange

That due to the COVID-19 pandemic, WALGA request the Minister for Local Government to extend by six months the requirement for newly Elected Members to undertake training within 12 months.

RESOLUTION 109.3/2020 CARRIED

7.2 WALGA Status Report (Attachment)

Presenting the Status Report for August 2020

RECOMMENDATION:

That the Central Country Zone notes the:

- State Councillor Report; and
- WALGA Status Report.

RESOLUTION:

Moved: Cr Crute

Seconded: Cr Hickey

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 Park Home Approvals and the *Caravan Parks and Camping Grounds Act 1995* (05-018-02-0002 VJ)

WALGA Recommendation

That WALGA requests the State Government to:

1. Urgently amend the *Caravan Parks and Camping Grounds Act 1995* to allow the continued lawful placement of new manufactured homes on caravan park sites until 2030; and
2. Undertake a full review of the *Caravan Parks and Camping Grounds Act 1995* and associated legislation and regulations.

Executive Officer Comment:

This matter was raised by the South West Country Zone at its June 2020 Meeting. At this meeting a report prepared by the City of Busselton highlighted the problems around the controls and management of park homes. The report and discussion on the matter can be found by following the hyperlink shown below:

The Zone resolved to:

Seek WALGA's support to request that the State Government urgently amend the Caravan Parks Legislation to allow the continued lawful placement of new manufactured homes on caravan park sites, until approximately 2030, providing regulatory certainty in the short term to the industry, its customers and local governments, and providing time in which more comprehensive regulatory reform can be undertaken.

To quote from the WALGA State Council Agenda on this item:

- *The State currently regulates the approval and ongoing management of park homes within a caravan park under the Caravan Parks and Camping Grounds Act 1995.*
- *A recent SAT case has highlighted the conflict in the various legislative controls on this form of accommodation.*
- *New Regulations gazetted in March 2020 do not address the fundamental issue of locating park homes within caravan parks, they only provide a temporary solution after the SAT case.*
- *A full review of the Caravan Parks and Camping Grounds Act 1995 and other legislative requirements (i.e. planning and building) is required to enable a more streamlined assessment of park homes in caravan parks, and remove the conflict between the different State legislative requirements.*

The South West Country Zone resolution, which seeks an urgent amendment to the Caravan Parks and Camping Grounds Act 1995 to allow the continued lawful placement of new manufactured homes on caravan park sites, until 2030, is therefore supported.

ZONE COMMENT:

Zone supports the WALGA recommendation.

5.2 Submission on Decision Paper – Swimming Pool and Safety Barrier Control (05-015-02-0010 VJ)

WALGA Recommendation

That the submission on the Decision Paper on Swimming Pool and Safety Barrier Control, be endorsed.

Executive Officer Comment:

In June 2020, a Decision Paper on Swimming Pool and Safety Barrier Control was released to the Local Government sector. The paper followed a report, '*Investigation into ways to prevent or reduce deaths of children by drowning*', released by the Ombudsman in November 2017. The report, tabled in the WA Parliament, contains 25 recommendations, of which 20 were specifically directed to the Building Commissioner, and five were directed to the Department of Mines Industry Regulation and Safety (DMIRS).

On 23 November 2017, the Ombudsman's Report '*[Investigation into ways to prevent or reduce deaths of children by drowning](#)*' was tabled in WA Parliament. The report contains 25 recommendations, of which 20 were specifically directed to the Building Commissioner, and five were directed to the Department of Mines Industry Regulation and Safety (DMIRS).

In January 2019, DMIRS undertook targeted consultation with Local Government through a consultation paper on swimming pool and safety barrier controls. The feedback provided at a Local Government workshop was submitted in March 2019, and this feedback has informed the preparation of a Decision Paper released by the DMIRS in June 2020

A workshop with Local Government Building Surveyors and Swimming Pool inspectors was held on 16 July 2020 to assist in providing feedback on the 16 proposals contained in the Decision Paper, with officers from 33 Local Governments attending the session. None attending were from Member Councils.

The feedback from these officers has assisted in the preparation of WALGA's submission with the submission period closing on 16 September 2020.

In the agenda item, WALGA makes the comment that:

The majority of the proposals within the decision paper are supported, as they align with the feedback provided to DMIRS in 2019.

It is also noted that the proposed changes to the swimming pool barrier inspection process will have resourcing implications for the sector.

ZONE COMMENT:

Zone supports the WALGA recommendation.

5.3 Development Assessment Panels (05-047-01-0016 CH)

WALGA Recommendation

That the findings and recommendations of the *Development Assessment Panels, 2011-20 Review* be endorsed and that WALGA advocate for:

1. The abolishment of the current 'mandatory' mechanism which requires a Development Assessment Panel to act as the decision maker where a proposal has a value of \$10 million or greater, and replace this with an 'opt in' mechanism for all proposals;
2. Raising the Development Assessment Panel threshold from the current \$2 million back to \$3 million; and
3. The Department of Planning, Lands and Heritage to make public comprehensive data related to the performance of the Development Assessment Panel system to improve the transparency of the system.

Executive Officer Comment:

The rationale for the WALGA recommendation is clearly articulated in its Executive Summary on the issue. To quote from the Executive Summary:

- *The Development Assessment Panels (DAPs) system was introduced in July 2011 with the intention of creating a more streamlined planning approval process and to establish a better balance between professional advice and community representation.*
- *The Association undertook a review of the DAP system in 2016 in response to motions from Metropolitan Local Governments calling for the abolition of DAPs, this review found that the DAP system was failing to meet its aims.*
- *The Association has undertaken a further review of the DAP system, looking at the years 2011-2020. This review provides evidence that the DAPs system is still failing to meet its aims and objectives and is in need of further reforms.*

ZONE COMMENT:

Zone supports the WALGA recommendation.

5.4 Air Handling Discussion Paper Part Two (05-031-01-0001 BW)

WALGA Recommendation

That the submission to the Department of Health in response to the Air Handling discussion paper Part Two be endorsed.

Executive Officer Comment:

To quote from the Executive Summary of this agenda item:

- *The Public Health Act 2016 is progressing through a five-stage process of implementation and is currently at Stage 4. All regulations from the previous Health Act 1911 will be repealed*

and replaced with new regulations at the commencement of Stage 5, which is anticipated to commence in 2021.

- The Department of Health previously released a discussion paper on Air Handling where WALGA provided a formal submission supporting the development of new regulations, but noting the need for further detail in the content of the regulations. The Department has now released part two of the discussion paper which provides more detail on the regulations.*
- WALGA's Submission discusses Local Government's preference for air handling enforcement to be centralised with the Department of Health, rather than Local Government as the enforcement agency.*

This paper relates directly to Air Handling Public Health Risks in WA, which WALGA previously made a submission on (Resolution 152.7/2019).

ZONE COMMENT:

Zone supports the WALGA recommendation.

5.5 Local Government Review Panel Final Report (05-034-01-0001 TB)

The Local Government Review Panel Final Report was tabled by the Minister for Local Government after WALGA had prepared the State Council Agenda. WALGA has subsequently prepared a late State Council agenda item which will be considered at the Central Country Zone (the Zone) meeting as a late item.

The report for Agenda Item 5.5 was sent under separate cover.

The Zone considered each of the Local Government Review Panel Recommendations as grouped by WALGA in its report to State Council. The Zone has determined a position in respect to each group of recommendations within the body of the report. At the conclusion of the consideration of the Panel Recommendations a consolidated recommendation has been prepared.

The Executive Officer also advised the meeting that he had received advice from the Executive Officer of Northern Country Zone who had resolved in relation to this matter as follows:

The Northern Country Zone of WALGA requests that the paper be laid on the table until such time as all Zones have had an opportunity to form a considered response.

WALGA carried out an extensive consultation process on Phase 2 of the Local Government Act Review in 2018/19, culminating in sector positions being endorsed by State Council in March 2019. This agenda item considers the Local Government Review Panel's recommendations in the context of the sector's current advocacy positions.

The Minister for Local Government has not considered the Panel's recommendations at this stage and has not requested a consultation process on the report. WALGA is taking the opportunity to obtain a sector opinion on the recommendations to provide to the Minister.

The Recommendations below are subject to Zone input and all Zone recommendations will be collated into a consolidated recommendation that will be provided for State Council consideration at its meeting on 2 September 2020.

Recommendations

1. That WALGA SUPPORT the following Recommendations from the Local Government Review Panel Final Report:

- Recommendations 1, 2, 3, 4, 6 and 7;
- Recommendation 8;
- Recommendation 11;
- Recommendations 12, 13 and 14;
- Recommendation 15;
- Recommendations 16 and 17;
- Recommendation 24;
- Recommendations 25(b) to (f);
- Recommendations 26(b), (d), (e) and (f);
- Recommendations 28, 29, 30, 31, 32(1)(a) to (o) and 32(2)(a);
- Recommendations 33 and 34;
- Recommendations 36 and 37;
- Recommendations 38(c), (d) and (e);
- Recommendations 39, 40, 41(a) to (g) and (i);
- Recommendation 42;
- Recommendations 43 and 44;
- Recommendations 45, 46, 47, 48 and 49;
- Recommendations 50, 51 and 52;
- Recommendation 54;
- Recommendations 55(a), (b), (d), (e), (f), (h) and (i);
- Recommendation 56;
- Recommendation 57;
- Recommendation 59;
- Recommendations 62 and 63;
- Recommendation 64 (c);
- Recommendations 65(a) to (e).

2. That WALGA OPPOSE the following Recommendations from the Local Government Review Panel Final Report:

- Oppose Recommendation 5;
- Oppose Recommendation 19;
- Oppose Recommendations 22 and 25(a);
- Oppose Recommendations 23 and 25(a);
- Oppose Recommendation 26(c);
- Oppose Recommendations 32(2)(b) and (c);
- Oppose Recommendation 35;
- Oppose Recommendations 38(a) and (b);
- Oppose Recommendation 41(h);
- Oppose Recommendations 53(a) and (b);
- Oppose Recommendations 55 (c) and (g);
- Oppose Recommendation 58;
- Oppose Recommendation 60;
- Oppose Recommendation 61;

3. That WALGA **CONDITIONALLY SUPPORT** the following Recommendations from the Local Government Review Panel Final Report as described:

- Recommendations 9 and 10 and but oppose any proposal to remove the poll provisions (Dadour provisions) in Clause 8, Schedule 2.1 of the Local Government Act;
- Recommendation 18 and reiterate WALGA's current advocacy position that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal communities;
- Recommendation 20, 21 and 27 in support of a broad review of the property franchise including a community consultative process;
- Recommendation 26(a) conditional upon a review of the relative benefits and merits of changes to reduce numbers of Elected Members on Council be supported, on the following basis:
 - Populations up to 5,000 – 5 to 7 Councillors (incl. President)
 - Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)
 - Populations above 75,000 – up to 15 Councillors (incl. Mayor);

4. That WALGA carry out further consultation on the following Recommendations from the Local Government Review Panel Final Report:

- Recommendation 22 – All In/All Out Elections;
- Recommendations 64(a) and (b) - WALGA
- Recommendation 65(f) – Transfer of Employee Entitlements

WALGA Executive Summary

- In 2017 the State Government announced a review of the *Local Government Act 1995*.
- Given the breadth of matters covered by the Local Government Act, a staged approach to the review was adopted:
 - Stage one: priority reforms
 - Stage two: wide ranging reforms leading to a new LOCAL Government Act
- This agenda item relates to the Stage 2 reforms. The Department of Local Government carried out a consultation process in 2018/19 where over 3,000 submissions were received.
- The Minister for Local Government appointed an Independent Panel to consider submissions received by the Department of Local Government Sport and Cultural Industries on the review of the Local Government Act in November 2019.
- The Panel's report has made 65 recommendations.
- The Panel's report does not represent Government policy; the Minister for Local Government has stated the report will be considered as part of the Act Review process.
- This agenda item seeks a sector position on the recommendations. The recommendations to support, oppose or seek further consultation or information is proposed in this item.

WALGA Process

The Association recognizes the Report is a high level document that is based on identifying principles that will drive the development of a modern Local Government Act. The Association therefore considered the Report from the perspective of the sector's current advocacy positions.

This Item provides commentary on support for recommendations that met or where similar to adopted advocacy positions. This Item also identifies significant departure from advocacy to the extent that support cannot be recommended without further sector consideration of WALGA's position.

Attachment

The Panel's Report can be found [here](#)

It is recommended that Delegates have access to a copy of the Panel Report at the meeting.

Zone Executive Officer Comment:

In preparing a response to the Local Government Review Panel's Report it should be noted at the outset that the formatting of the report provided made it very difficult to easily provide details of the recommendations that will enable the Zone delegates to have a full understanding of the issues.

The Executive Officer was unable to format the report any better than as provided, so apologies for any shortcomings but it was felt important to provide as much information as possible to assist Zone Delegates in understanding the details of each recommendation (with special thanks to the assistance of the Shire of Wagin for providing a word copy of each of the Panel Report's recommendations).

Report Recommendations

Introduction

- 1. The Panel recommends that the new Act be structured and drafted in such a way as to highlight the key strategic elements set out in Part A of this report, and that further consideration be given to the 'two Acts' options presented in Part A, at least as a transitional measure.**
- 2. The Panel recommends the following statement of intent (vision) for a new Act:
An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.**
- 3. The Panel recommends the adoption of the following objectives for a new Act:**
 - a. Democratic and accountable local government that recognises the diversity of and within Western Australia's communities.**
 - b. Recognition of the specific needs and culture of Western Australia's Aboriginal people.**
 - c. Promotion and improvement of the community's economic, social and environmental well-being.**
 - d. An adaptive and forward-looking legislative framework, which supports and enables councils to provide local leadership for the whole community, and to collaborate with each other and with other key stakeholders at a regional level.**
 - e. Open and transparent community participation in the decisions and affairs of local governments.**
 - f. Enhanced capability of the local government sector, with a focus on continuous improvement and sustainability.**
 - g. Efficient and effective service delivery and regulation that is responsive to current and future community needs.**
 - h. Informed decision-making by local governments which is in the interest of their communities, within a legislative framework that supports balance and certainty in relation to the different interests of their communities.**
 - i. Accountability of local governments to their communities through processes that demonstrate good governance.**
 - j. Support for approaches and opportunities which foster collaboration and cooperation both within the local government sector and across all levels of Government.**

4. The Panel recommends an Act that is considerably shorter, less prescriptive and minimises the use of regulations by establishing clear principles, robust processes, model charters, guidelines and templates.
5. The Panel recognises the diversity of local governments in Western Australia and supports a new Act which is responsive to this but does not recommend the adoption of a multi-tiered legislative framework.

The Role and Functions of Local Government

6. The Panel recommends the inclusion of a statement of the role and principal functions of local governments that makes it clear their basic statutory responsibilities, retaining the overall power of general competency in the current Local Government Act.

Guiding Principles

7. The Panel recommends that the following overarching guiding principles are included in the new Act:

To ensure the system of local government is sustainable, accountable, collaborative and capable, councils should:

- a. Provide democratic and effective representation, leadership, planning and decision- making;
- b. Be transparent and accountable for decisions and omissions;
- c. Be flexible, adaptive and responsive to the diverse interests and needs of their local communities, including the traditional owners of the land;
- d. Consider the long term and cumulative effects of actions on future generations;
- e. Ensure that, as a general rule, all relevant information is released publicly, readily available and easy to understand;
- f. Provide services in an equitable manner that is responsive and accessible to the diverse needs of the community;
- g. Seek to continuously improve service delivery to the community in response to performance monitoring;
- h. Collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services and integrated planning, while maintaining local representation of communities and facilitating community benefit; and
- i. Participate with other councils and with the State and Federal government in planning and delivery of services, setting public policy and achieving regional, State and Federal objectives.

Establishment of a Local Government Commission

8. The Panel recommends:

- a. The Local Government Grants Commission and the Local Government Advisory Board should be combined into a single body responsible to the Minister and named the Local Government Commission, and including the functions of the Grants Commission in accordance with Commonwealth legislation.**
- b. The role of the Local Government Commission should be to:**
 - i. Provide recommendations on major local government boundary changes, amalgamations and other necessary reforms;**
 - ii. Manage the distribution of Commonwealth grant funding to local governments in WA; and**
 - iii. Monitor the overall health and performance of the local government sector by identifying key issues and trends, and advise the Government and sector peak bodies accordingly.**
- c. Members should be appointed to the Local Government Commission on the basis of their skills rather than as representatives.**
- d. The Local Government Commission should consider the financial viability of local governments in making recommendations to the Minister.**
- e. The Minister and sector peak bodies should have the power to refer matters to the Commission for assessment and advice.**
- f. The Commission should play an independent role in monitoring the capacity and the financial health of the sector in collaboration with the Auditor General.**
- g. Minor boundary adjustments where both local governments agree should be handled by the department.**

Enabling Structural Reform

- 9. The Panel supports a legislative framework for a system of local government which promotes local democracy and has the in-built flexibility to enable different models of governance which facilitate community participation, provide for representation of the whole community, and for efficient and effective service-delivery for the community.**
- 10. The Panel recommends that through their Partnership Agreement and the proposed Local Government Commission, State and local government consider options to facilitate structural reform that will strengthen the capacity and resilience of the local government system. Those options should include:**
 - a. Revised processes for boundary changes and mergers.**
 - b. Substantially increased cooperation between local governments through an enhanced model of joint subsidiaries.**
 - c. Provision for the establishment of community boards within local government areas.**
- 11. The Panel recommends an additional legislative option for local governments to establish community boards.**

Expanded Regional Cooperation

- 12. The Panel recommends that the new Act should promote and mandate expanded regional cooperation between local governments by:**
 - a. Making increased collaboration a specific objective and principle.**
 - b. Providing an improved model of joint (regional) subsidiaries that can be used for strategic planning, resource sharing, shared services delivery and commercial enterprises (see also Recommendations 14 and 39).**
 - c. Requiring regional cooperation as part of IPR (see also Recommendation 35).**
- 13. The Panel recommends that consideration also be given to the potential need for a new form of 'regional authority' to enable collaboration on specific issues between governments and with other key stakeholders.**
- 14. The Panel recommends:**
 - a. The regional council model is discontinued.**
 - b. A flexible model of joint (regional) and single (local) subsidiaries be introduced in order to enable:**
 - i. collaboration between local governments; and/or**
 - ii. involvement of local government in economic development including commercial activities.**

Advancing Intergovernmental Cooperation

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

Relations with Aboriginal Peoples and Communities

- 16. The Panel recommends that the new Act recognises the unique status of Aboriginal people as traditional owners of the land and ensures that they are empowered to engage in decision-making in their local communities.**
- 17. The Panel recommends that further consideration is given to the manner of recognition, and the options for inclusion, engagement and shared decision making between local governments and Aboriginal communities, through consultation with the Department of Premier and Cabinet and the Aboriginal Advisory Council of Western Australia, and with reference to practices in other states, the Northern Territory and New Zealand.**
- 18. The Panel recommends further consideration is given to the issue of service delivery by local governments in remote communities, and appropriate adjustments to Integrated Planning and Reporting requirements.**

Elections

- 19. Optional preferential voting be adopted in place of the current first past the post system.**
- 20. The principle of one vote per person be included in the legislation, subject to Recommendation 21 below.**

21. Property franchise voting should be replaced with the requirement for local governments to introduce mechanisms for regular and effective consultation with the business community.
22. Local government elections are held once every four years, two years after but to otherwise accord with the timing of the State election.
23. All local government elections should be overseen by the Western Australian Electoral Commissioner.
24. Provision in the new Act for electronic/online voting to be introduced in the future once the integrity of the process can be assured (including allowing for a pilot).
25. The Panel makes the following further recommendations in relation to elections:
 - a. Postal voting be required, with lodgement of these votes to be allowed in person on and before election day.
 - b. The election process extended to provide more time for the issuing and receipt of postal votes.
 - c. The information local government candidates must provide at nomination should be expanded to ensure that adequate information is given for voters to make an informed decision. Candidate nomination forms should also include declaration of membership of a political party and these forms should be published and available during the election period.
 - d. A caretaker policy should be introduced barring elected members up for re-election from representing the council at events, handing out council grants or donations and moving substantive notices of motion in the period before the election, and a requirement to comply with this policy should be included in the Code of Conduct.
 - e. The donor and the candidate should co-sign each declaration of a gift made.
 - f. Donations via crowd funding platforms should be regulated so far as possible.
26. In respect to elected member representation, the Panel recommends:
 - a. Population should be used to determine the number of elected member positions:
 - i. Population of up to 5,000 – 5 councillors (including President).
 - ii. Population of between 5,000 and 75,000 – 5 to 9 councillors (including Mayor/President).
 - iii. Population of above 75,000 – 9 to 15 councillors (including Mayor).
 - b. Ward boundary reviews, to ensure equitable representation is maintained, should be conducted every four years by the Office of the Electoral Distribution Commissioners, with the support of the WAEC and should be conducted using similar processes and principles that are in place for state electoral boundaries as contained in the *Electoral Act 1907*.
 - c. Current classification bands 3 and 4 should not have multiple wards unless the Local Government Commission permits it in the interests of ensuring local democracy is enabled in certain communities.
 - d. The changes to wards and elected member numbers due to the above recommendations should be phased in.

- e. With the introduction of four-year elections, council elected mayors/presidents should be elected for two-year terms.
- f. No restriction should be placed on the number of terms an elected member or mayor/president can serve.

27. The Panel recommends further consideration should be given to strengthening the provisions of the City of Perth Act to reflect the unique role the City of Perth plays in the development of the State economy. In addition, consultation should be undertaken with the City of Perth and other relevant stakeholders as to whether property franchise voting should be retained in the City of Perth.

Redefinition of Roles and Responsibilities

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

29. The Panel recommends the following as the role of council:
The council —

- (a) considers the diversity of interests and needs of the local community;
- (b) is accountable to the community for the local government's performance;
- (c) ensures adequate opportunities and mechanisms for engagement with the local community;
- (d) ensures the timely development and adoption of the strategic plans, programs and policies of the council and promotes the effective and consistent implementation of these;
- (e) develops and adopts strategic plans and a budget for the local government;
- (f) keeps the local government's resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review;
- (g) provides strategic direction to the CEO in order to achieve high-quality administration and performance of the local government's functions in accordance with the Local Government Act and local government's policies;
- (h) carries out an annual performance review of the CEO and in agreement with the CEO adopts Key Performance Targets for the following year;
- (i) provides a safe working environment for the CEO, officers and councillors;
- (j) reviews annually the delegations of the council; and
- (k) performs such other functions as are given to a council by this Act or any other written law.

30. The Panel recommends the following as the role of councillors:

A councillor —

- (a) without bias represents the current and future interests of all people who live, work and visit the district;**
- (b) provides leadership and guidance to the community in the district;**
- (c) facilitates communication between the community and the council;**
- (d) accurately represents to the community the policies and decisions of the council;**
- (e) participates in the development of strategic plans;**
- (f) must be prepared to –**
 - (i) participate with an open mind in the local government’s decision-making processes;**
 - (ii) be an active and contributing member of the council; and**
 - (iii) make considered and well-informed decisions;**
- (g) makes all reasonable efforts to acquire and maintain the skills necessary to perform the role of councillor; and**
- (h) performs such other functions as are given to a councillor by this Act or any other written law.**

31. The Panel recommends the following as the role of the mayor/president:

In addition to the responsibilities of a councillor, the mayor or president —

- (a) provides leadership and guidance to the community in the whole district;**
- (b) carries out civic and ceremonial duties on behalf of the local government;**
- (c) acts as the principal spokesperson on behalf of the council and explains and upholds the decisions of the local government;**
- (d) encourages good working relations between councillors, and between the council and the CEO;**
- (e) provides guidance to councillors about what is expected of a councillor including in relation to:**
 - (i) the role of a councillor;**
 - (ii) the councillor code of conduct; and**
 - (iii) standing orders**
- (f) liaises with the CEO on the local government’s affairs and the performance of its functions;**
- (g) presides at meetings in accordance with this Act;**
- (h) leads the development of strategic plans;**
- (i) promotes partnerships between the council and key stakeholders;**
- (j) leads and facilitates the presentation of the annual Council budget;**
- (k) initiates the annual performance appraisal of the CEO; and**

- (l) performs such other functions as are given to the mayor or president by this Act or any other written law.**

32. The Panel recommends the following as the functions of the CEO:

(1) The CEO's functions are to —

- (a) advise and assist the council in relation to the functions of a local government under this Act and other written laws;**
- (b) ensure that timely and accurate advice and information is available to the council so that informed decisions can be made;**
- (c) ensure that the mayor and other councillors are given the administrative and professional support necessary to effectively discharge their role;**
- (d) advise the council on appropriate forms of community engagement;**
- (e) advise and consult the mayor and council on the development and implementation of the strategic plans, programs, strategies and policies of the council;**
- (f) prepare, in consultation with the mayor and council, the draft budget;**
- (g) ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner;**
- (h) conduct the day-to-day management of the local government in accordance with the strategic plans, programs, strategies and policies of the council;**
- (i) ensure the effective and efficient management of the local government in a way that promotes —**
 - (i) the effective, efficient and economical management of public resources;**
 - (ii) excellence in service delivery; and**
 - (iii) continual improvement;**
- (j) maintain systems to enable effective planning and accurate reporting of the financial and service performance of the local government to the council and community;**
- (k) speak publicly on behalf of the local government when approved by the mayor or president to do so;**
- (l) be responsible for the employment and management of local government employees, except with respect to the position of CEO, through management practices that —**
 - (i) promote equal employment opportunities;**
 - (ii) are responsive to the local government's policies and priorities; and**
 - (iii) provide a safe working environment;**
- (m) ensure the local government complies with this Act and any other written law;**
- (n) ensure that records, proceedings and documents of the local government are**

properly kept for the purposes of this Act and any other written law; and

(o) perform any other function specified or delegated by the council or imposed under this Act or any other written law as a function to be performed by the CEO.

(2) The CEO must inform and consult the council when determining, or making, significant changes to –

(a) the organisational structure for the staff of the local government; or

(b) the processes, terms or conditions that are to apply to the appointment of senior executive officers; or

(c) the appraisal scheme that is to apply to senior executive officers.

Community Engagement and Governance

33. The Panel recommends that the following community engagement principles should be included in the new Act:

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

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

35. The Panel recommends the Annual Electors' Meeting is replaced by an Annual Community Meeting whereby:

- a. As a minimum, councils provide information on their achievements and future prospects;**
- b. Councils report on the local government's financial performance and performance against relevant Council Plans;**

- c. Both the mayor/president and the Chair of the Audit Committee address the meeting;
- d. There is ample time for questions; and
- e. Wider community participation is encouraged through different delivery mechanisms.

Enhanced Integrated Planning and Reporting

36. The Panel recommends the following IPR Principles are included in the new Act:

- a. Councils plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services to meet the diverse needs of the local community;
- b. Strategic planning identifies and incorporates, where appropriate, regional, State and Federal objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- c. Strategic planning addresses the community's vision;
- d. Strategic planning takes into account the resources needed for effective implementation;
- e. Strategic planning identifies and addresses the risks to effective implementation; and
- f. Strategic planning is a key accountability tool that provides for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.

37. The Panel recommends:

- a. IPR be given greater prominence in the new Act as the centrepiece of 'smart' planning and service delivery.
- b. The new Local Government Commission and the department should take steps to improve understanding and skills across the sector to ensure consistent implementation of IPR requirements.
- c. IPR provisions in the Act should be expanded to include the issues currently covered in the regulations (suitably updated in accordance with these recommendations).
- d. IPR provisions and guidelines should be amended to, amongst other things –
 - i. Highlight the central goal of advancing community well-being (economic, social, cultural and environmental).
 - ii. Replace the current requirement for a Strategic Community Plan with a more flexible framework for 'Community Strategies'.
 - iii. Reframe Corporate Business Plans as broader 'Council Plans' prepared by each incoming council.
 - iv. Mandate deliberative community engagement in the preparation of both Community Strategies and Council Plans.
 - v. Require a 'regional issues and priorities' section within Council Plans, to be prepared in consultation with neighbouring/nearby local governments.
- e. Provision should be made for a baseline reporting system as part of the IPR framework, and local governments should be required over time to report against a wider range of performance measures covering financial

management, service delivery, governance and community wellbeing.

- f. Annual reports should include a statement of performance against the objectives, programs and projects set out in Community Strategies and Council Plans.
- g. The Audit, Risk and Improvement Committee (see Recommendations 53 and 54) should monitor the local government's performance in implementing the IPR framework, including compliance with relevant statutory obligations, and report its assessment to the community (for example, as an addendum to the council's annual report and/or as a statement to the Annual Community Meeting proposed in Recommendation 35).
- h. That all IPR plans be reviewed every four years (to align with the new election cycle), two years or one year depending on the plan.

Minimum Service Levels

38. The Panel recommends:

- a. As a minimum, local governments must seek to identify and provide, or offer, to all its citizens, a minimum level of services to meet statutory obligations.
- b. The Minister should have the power to direct a local government if it fails to provide or offer these services.
- c. The new Act should incorporate financial sustainability principles which also link to the IPR framework.
- d. Local government services and programs should be aligned to the IPR framework.
- e. Local governments conduct regular reviews of services and service levels including community consultation.

Local and Joint Subsidiaries

39. The Panel recommends local governments should continue to play an active role in economic development at both local and regional levels. The IPR framework should encourage local governments to be cognisant of State Government plans when developing strategies for economic development.

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

41. The Panel recommends that 'beneficial enterprises' not be introduced as a new mechanism for local government commercial activities, but that instead an updated and more flexible subsidiary model should provide for the following:

- a. Local government autonomy to establish a single or joint subsidiary to:
 - i. Carry out any scheme, work or undertaking on behalf of the council;
 - ii. Manage or administer any property or facilities on behalf of the council;
 - iii. Provide facilities or services on behalf of the council; and/or
 - iv. Carry out any other functions on behalf of the council.
- b. The subsidiary to be established through a charter.
- c. The charter to be certified by an independent and suitably experienced legal

practitioner as within power and National Competition Policy.

- d. Public notice of the proposal to establish the subsidiary to ensure that there are no private operators that would be significantly disadvantaged.**
- e. The subsidiary to be able to undertake commercial activities (within the limits of competitive neutrality and a thorough risk assessment).**
- f. The subsidiary to have the ability to acquire, hold, dispose of or otherwise deal with property.**
- g. Dividends able to be paid to member local governments.**
- h. The requirement for employees of the subsidiary to be employed under the same award or agreement conditions as the relevant local government/s and within the jurisdiction of the Western Australian Industrial Relations Commission.**
- i. No requirement for ministerial approval at the outset, but reserve powers for the Minister for Local Government to intervene if issues arise should be included.**

42. The Panel recommends local governments should utilise the subsidiary models and, as a general rule, should not form entities outside this, such as under the Associations Incorporation Act, except as a means of establishing or maintaining partnerships with other local or regional organisations in those instances where the local government is not the dominant party.

Modernise Financial Management

43. The Panel recommends the following financial management principles be included in the new Act:

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

44. Having regard to the need for sound financial decision-making and accountability, the Panel recommends the following:

- a. Local governments should be required to adopt or justify departures from a model investment policy to the Audit, Risk and Improvement Committee and relevant State Government Agency.**

- b. Local governments should be able to use freehold land to secure debt.**
- c. Debt should not be used for recurrent expenditure except in an emergency situation.**
- d. Notice should continue to be required to be given for borrowings not included in the local government's annual budget.**
- e. Building upgrade finance is permitted for specific purposes such as cladding, heritage and green improvements.**
- f. Local governments should adopt program budgeting to more clearly show the actual cost of delivering a service or undertaking an activity.**
- g. Local governments should report on the percentage of their expenditure spent on local businesses in their annual report.**

Procurement

- 45. The Panel recommends that local government procurement thresholds, rules and policies are, where applicable, aligned with the State Government, including (but not limited to):**
 - a. Tender threshold (currently \$250,000);**
 - b. Procurement rules and methods for goods and services under the tender threshold;**
 - c. Procurement policies, including sustainable procurement, procuring from disability enterprises, buy local (where 'local' refers to Western Australia or a specific region of the state determined by the local government) and Aboriginal businesses; and**
 - d. Using TendersWA as the primary tender platform.**
- 46. The Panel recommends the development of a model procurement policy for all local governments. If a local government chooses to deviate from the policy it should to be required to explain its reasoning to the responsible State Government agency.**
- 47. The Panel recommends enhancing legislation to regulate and guide the establishment and management of panel contracts.**
- 48. The Panel recommends a requirement for local governments to have an open register of local businesses with local governments determining what is considered 'local' to their community.**
- 49. The Panel recommends breaches of the local government procurement rules to be referred to the Office of the Independent Assessor to use the appropriate powers under the new Local Government Act.**

Rating and Revenue

50. The Panel recommends:

- a. Rate capping should not be introduced.**
- b. Local governments should be required to develop and publish a rates and revenue strategy, that would amongst other things replace the need to have fees and charges set in the annual budget.**
- c. The Economic Regulatory Authority (ERA) should be asked to undertake a review of the rating system, including a thorough examination of the case for the current wide range of exemptions.**
- d. The current rates exemptions should be retained until after the ERA review.**
- e. Property owners seeking an exemption should be regularly required to prove they meet the criteria for an exemption.**
- f. Local governments should charge a separate waste charge applying to all properties which have a waste service, including exempt properties.**
- g. The Valuer General should be asked to undertake a review of the rating methodology with the aim of smoothing out significant fluctuations in valuations.**

51. The Panel recommends that local governments should be able to set reasonable fees and charges according to a rating and revenue strategy, with the oversight of the Audit, Risk and Improvement Committee.

52. The Panel recommends that local governments and State Government apply cost recovery principles when setting fees and charges.

Enhanced Accountability and Self-Regulation

53. The Panel recommends the role of audit committees be expanded to become Internal Audit, Risk and Improvement Committees and:

- a. The majority of the Committee members, including the Chair, should be independent of the local government and should be drawn from a suitably qualified panel.**
- b. To address the impost on small local governments, the committee could be established on a regional basis.**

54. The Panel recommends the main roles of the Audit, Risk and Improvement Committee should include:

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

Renewed Focus on Integrity

55. In relation to governance, the Panel recommends:

- a. Meeting procedures are standardised across all local governments, allowing for both a committee system and a public briefing system.**
- b. Elected members should be required to lodge a declaration of interest as well as a confirmation of impartiality prior to meetings.**
- c. Elected members who believe that they are unable to maintain impartiality on a particular matter should be permitted to withdraw from that part of the meeting provided a quorum is maintained.**
- d. All votes should be recorded in the minutes on each motion with details of how each councillor voted.**
- e. As a minimum, audio recordings of public parts of council meetings should be available on the local government's website when the minutes become available, with livestreaming to be encouraged.**
- f. CEO contracts should be standardised and consistent with the Public Sector Commission's policy and relevant conditions for public sector employees.**
- g. CEO contracts should be no more than five years and after two terms the local government must readvertise the position.**
- h. The department should facilitate additional oversight in the recruitment and management processes of CEOs. This could include representation on the selection panel and/or screening of applicants.**
- i. Primary and Annual Returns should include disclosure of membership of political parties and associations likely to be seen as exerting an influence on decision-making.**

Expanded Requirements for Training and Professional Development

56. The Panel recommends the following in relation to training:

- a. New CEOs (including CEOs moving to a substantially larger local government) should be required to undertake training and ongoing professional development as recommended by the selection panel.**
- b. There should be compulsory induction training and ongoing professional development for all councillors, including specific programs for mayors and presidents.**
- c. Training modules for all councillors should include in-depth material on IPR and land use planning.**
- d. The Minister should have discretion to exempt completion of training within the stipulated time on compelling grounds.**
- e. Expanded use of peer review and support should be encouraged both to help improve the performance of individuals and local governments.**

A New Early Intervention Framework

57. The Panel recommends that there should be an early intervention framework of

monitoring to support local governments. The department should have additional powers to appoint and support the monitor with councils responsible for the direct costs of the monitor.

58. The Panel recommends the Minister should have the power to direct local governments and make declarations in respect to the Local Government Act during a declared state of emergency.

Establishment of an Office of the Independent Assessor

59. The Panel recommends establishing an Office of the Independent Assessor that should:

- a. Be an independent body to receive, investigate and assess complaints against elected members and undertake inquiries. This removes the CEO from being involved in processing and determining complaints.
- b. Be a statutory appointment by the Governor.
- c. Upon assessment, refer the complaint back to the council (behaviour-related), the State Administrative Tribunal (SAT) (serious breaches), or to another appropriate body (such as, Corruption and Crime Commission, Public Sector Commission, Ombudsman) according to the subject of the complaint.
- d. Replace the Standards Panel by investigating and making determinations on Rules of Conduct breaches. SAT will determine the penalties.
- e. Amongst other powers, have the power to investigate, to order compulsory mediation and to deal with abuses of process.
- f. Be required to notify the CEO and council of any matters on a confidential basis.

60. The Panel recommends consideration should be given to the appropriate recognition and management of complaints by an elected member against a CEO or other senior officer, with one option for these to be investigated by the Office of the Independent Assessor.

Classification Bands

61. The Panel recommends:

- a. The new Act should set principles for determining classification bands for local governments.
- b. These classification bands should be used by the Salaries and Allowances Tribunal for determining councillor and CEO payments, as well as providing a framework for distinguishing between local governments in relation to other matters.

Local Laws

62. The Panel recommends the increased harmonisation of local laws through the development of model local laws and deemed provisions.
63. The Panel recommends requiring local governments to justify to the Joint Standing Committee on Delegated Legislation any variation from the model or deemed provisions.

64. In relation to WALGA, the Panel recommends:

- a. WALGA not be constituted under the new Act;
- b. A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and
- c. Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.

Operational Provisions

65. The Panel also identified the following operational matters to be considered when drafting the new Act:

- a. The powers of entry in the current Local Government Act should be retained.
- b. The current evidence requirements in legal proceedings should be retained, however the requirement for the CEO to certify the documents should be removed. This should be delegated and the range of items that can be certified expanded after consultation with local governments.
- c. The new Act should be updated to reflect the modern signing of contracts.
- d. A more streamlined ability to dispose of impounded goods needs to be developed for the new Act.
- e. The new Act should enable councillors and members of the community (in the case of public questions and deputations) to remotely participate in council and committee meetings.
- f. Employment entitlements for local government employees should be transferrable across all three levels of Government.

WALGA Comment

The following comment is a comparison of State Council's record of advocacy on matters raised in the Local Government Review Panel Final Report:

CLEAR LEGISLATIVE INTENT

Recommendations 1 to 7 – Introduction and Role and Functions of Local Government

Local Government Act Reference: Part 1

Recommendation 1 proposes a strategic approach to the consideration of the Report recommendations.

Recommendation 2 introduces a new statement of intent that will explain the legislations purpose:

An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.

Recommendation 3(a) to (j) proposes objectives for the legislative framework 'to support Local Governments having the agility, adaptability and flexibility to respond to changing community expectations and technology'.

Recommendation 4 proposes a shorter, less prescriptive Act that minimizes the use of regulations in favour of a principles-based approach.

Recommendation 5 proposes recognition of the diversity of Local Governments however it does not support a multi-tiered (size and scale) legislative framework.

Recommendation 6 proposes upholding the power of general competence predicated in the current Local Government Act.

Recommendation 7 (a) to (i) proposes guiding principles for sustainable, accountable, collaborative and capable Local Governments.

WALGA Comment – WALGA advocacy supports many of the proposals in Recommendations 1 to 7, principally that the Local Government Act Review be based on a 'Principles over Prescription' approach that avoids red tape and 'declutters' the extensive regulatory regime that currently exists¹ (Recommendations 3 and 4) and maintaining the general competence principle² (Recommendation 6) which frees Local Governments to make any decision that does not conflict with statute or common law. Recommendation 7 aligns with WALGA advocacy for enabling legislation.³ Recommendation 5 is unsupportive of WALGA advocacy that promotes a size and scale compliance regime⁴ and it is recommended that WALGA maintain its current advocacy for a Local Government Act that is reflective of the differences and diversity of Local Governments in Western Australia.

WALGA Recommendation

Support Recommendations 1, 2, 3, 4, 6 and 7. Oppose Recommendation 5

Executive Officer Comment:

Recommendation 5, which is opposed, by WALGA reads as follows:

The Panel recognises the diversity of local governments in Western Australia and supports a new Act which is responsive to this but does not recommend the adoption of a multi-tiered legislative framework.

The Zone has previously supported the concept of a *size and scale compliance regime*.

ZONE COMMENT:

Zone supports the WALGA recommendation.

AN AGILE SYSTEM

Recommendations 8 to 11 - Structural Reform

Local Government Act Reference: Part 1; Section 2.1(2) and Schedule 2.1, cl. 8

Recommendation 8 proposes to combine the Local Government Grants Commission and Local Government Advisory Board to form a Local Government Commission, with roles assigned that will engender a strategic approach to its operation including monitor the performance and financial health of the sector, the latter in collaboration with the Office of the Auditor General, in addition to traditional functions such as distributing Commonwealth grant funding to Local Governments and boundary changes. Establishment of the Commission under this strategic framework will require skills-based appointments rather than by representation.

Recommendations 9 and 10 supports a legislative framework that is flexible, responsive and resilient and capable of facilitating community participation. There are also specific proposals for structural reform including revised processes for boundary changes and mergers, enhanced model of joint subsidiaries (see Recommendation 14) and provision for the establishment of community boards. Commentary associated with Recommendation 9 sees flaws in the current poll provisions found in

¹ State Council Resolution 06.3/2019 Items 1, 1(b) and 1(e)

² State Council Resolution 06.3/2019 Item 1(a)

³ State Council Resolution 60.3/2019 Item 1(d)

⁴ State Council Resolution 06.3/2019 Item 1(c)

Clause 8 of Schedule 2.1 ('Dadour provisions') as being '*...unduly restrictive when Local Governments need to adapt to changing circumstances*'.

Recommendation 11 proposes the potential to establish community boards, with reference to examples of successful international models. While community boards might be formed in response to mergers or for use by large Local Governments to devolve certain responsibilities to community representatives, the proposal makes clear that the overall responsibility for decision-making and authority will rest with the 'parent' Local Government. See also Recommendation 33 'Community Engagement'.

WALGA Comment – WALGA does not have an advocacy position in relation to Recommendation 8 'Local Government Advisory Board' and this may be a matter for sector consultation. Recommendations 9 and 10 propose a legislative framework that has similar themes to WALGA's advocacy that the Local Government Act Review promote a flexible, principles-based legislative framework⁵.

WALGA has a long-standing advocacy position for the retention of the Dadour provisions that give electors a right to demand a poll on recommended amalgamations⁶. This advocacy is tied to the principle that the Dadour provisions are the ultimate expression of community support or rejection of amalgamation proposals. Although not a specific recommendation, the commentary appears contradictory to the general themes expressed throughout the Report for increased opportunities for community consultation⁷. The community board proposal in Recommendation 11 is similar to WALGA advocacy for community engagement that is based on principle rather than prescription⁸.

WALGA Recommendation:

Support the general intent of Recommendations 8 and 9. Oppose any proposal to remove the poll provisions (Dadour provisions) in Clause 8, Schedule 2.1 of the Local Government Act. Support Recommendation 11.

Executive Officer Comment:

There is merit in the creation of a single body such as proposed by the Review Panel. One of the Zone's Joint Executive Officers has previously worked for the WA Local Government Grants Commission and during that witnessed the important role the Commission's data base and expertise provided to the Local Government Advisory Board when it undertook work associated with boundary changes and amalgamations of local governments. A single body would provide a means for more efficient use of resources.

Whilst there may be a need to expand the skills base of the single entity it is argued that a working knowledge of local government is vitally important when determining financial assistance grants which would remain a major focus of the Local Government Commission's work. For this reason, membership to the body, should not deviate too far from that laid out in the *Local Government Grants Act 1978*.

The Local Government Commission, if established, may also be considered as an appropriate "vehicle" to have responsibility of the Emergency Services Levy.

The cost in the creation and operation of a Local Government Commission as recommended by the Review Panel should continue to be the responsibility of the State Government.

WALGA's advocacy position with respect to retaining the poll provisions (the "Dadour" provisions) is noted, however the sector must appreciate that in the modern environment some structural reform or boundary changes for the local government sector will be proposed and it will become increasingly difficult to defend retention of these provisions within any new Act.

That said, ensuring meaningful community consultation is critical to any attempt to undertake structural reform.

⁵ State Council Resolution 06.3/2019 at 1(b)

⁶ State Council Resolution 06.3/2019; 121.6/2017; 108.5/2014

⁷ For example, Recommendations 9, 10(c), 11, 33, 34, 35

⁸ State Council Resolution 06.3/2019

ZONE COMMENT:

Zone supports the WALGA recommendation subject to the following conditions:

- a) The Emergency Services Levy receipt and distribution being included as one of the functions of the Local Government Commission; and
- b) The Local Government Commission include two current elected members.

Recommendations 12, 13 and 14 - Expanded Regional Cooperation

Local Government Act Reference: Part 3, Division 4

Recommendations 12 and 13 promotes expanding opportunities for regional cooperation between Local Governments under improved regional subsidiaries model for shared services, and through a new form of regional authority for specific issues. Recommendation 14 proposes an end to the regional council model in favour of regional cooperation models set out in the previous recommendations.

WALGA Comment – WALGA has a strong advocacy history in support of regional subsidiaries⁹ and is disappointed that the complexity of the existing legislative provisions means that no regional subsidiaries have formed since the Act amendment of 2016. WALGA has independently developed a revised version of regulations that limits unnecessary compliance without diluting transparency and accountability of regional subsidiaries, and therefore welcomes recommendations that will facilitate regional cooperation under this model.

WALGA is cognisant that regional councils are often formed for a singular purpose, most commonly waste management, yet compliance obligations are generally equivalent to that of a Local Government. It is current WALGA advocacy that the compliance obligations of regional councils should be reviewed¹⁰. It appears the recommendations will create a suitable opportunity for the transition of regional councils to a model more suitable to the participant Local Governments.

WALGA Recommendation

Support Recommendations 12, 13 and 14.

Executive Officer Comment:

The Zone Executive Officers were involved in the work that underpinned the original private members bill introduced by the Hon Max Trenorden to introduce regional subsidiaries into the Local Government Act. Whilst the then Minister for Local Government eventually introduced new government legislation it was disappointing that so much of the potential benefits of the regional subsidiaries legislation was impacted by the onerous regulations that were introduced.

Recommendation 12, if adopted, will mandate expanded regional cooperation between local governments. This is not what the original private Members bill envisaged. It was always premised on a voluntary partnership between local governments.

Any changes to the regional subsidiaries legislation to make it a more flexible should be strongly supported. Local governments need to determine whether they want expanded regional cooperation to be mandated.

ZONE COMMENT:

Zone supports the WALGA recommendation on the condition that it advocates for regional cooperation to remain voluntary and not be mandated as recommended in the Review Panel's Recommendation 12.

⁹ State Council Resolutions 121.6/2017; 106.6/2016; 94.4/2011; 114.5/2010

¹⁰ State Council Resolution 06.3/2019

Recommendation 15 - State Local Government Partnership Agreement

Local Government Act Reference: Section 3.18

Recommendation proposes a set of principles for intergovernmental relations that makes clear Local Government's role and obligations as part of a broader system of government.

WALGA Comment – WALGA's advocacy is for a communication and consultation protocol that ensures a consultation process precedes regulatory or compliance changes that affect the sector¹¹. The current Partnership Agreement signed in 2017 is currently under review.

Section 3.18 'Performing executive functions' includes apparently similar objectives to Recommendation 15, whereby a Local Government considers matters such as; integration and coordination; avoidance of inappropriate duplication; and effective and efficient management of services and facilities that may also be provided by the State and Commonwealth. This creates adequate space for the general competence principle to apply when a Local Government considers the range and scope of its executive functions, services and facilities.

WALGA Recommendation

Support Recommendation 15.

Executive Officer Comment:

Whilst the principles set out what should be occurring it is not always been the case that state government agencies have honoured the "spirit" of ensuring adequate consultation on major changes that affect local government is undertaken.

That said, if the new Act includes wording to underpin the State Local Government Partnership there is a greater likelihood of the partnership becoming stronger and more meaningful.

ZONE COMMENT:

Zone supports the WALGA recommendation.

INCLUSIVE LOCAL DEMOCRACY

Recommendations 16 and 17 - Relations with Aboriginal Peoples and Communities and Recommendation 18 - Service Delivery in Remote Communities

Local Government Act Reference: Not mandated

Recommendations 16 and 17 contemplate a Local Government Act that includes recognition of the unique status of Aboriginal peoples and inclusion of mechanisms for consultation and engagement. Recommendation 18 recommends further consideration of service delivery to remote communities through improved integration with Integrated Planning and Reporting requirements.

WALGA Comment – WALGA's advocacy recognises and respects Aboriginal cultural practices and places through development of Reconciliation Action Plans¹², and is supportive of efforts to improve the living conditions and governance in Aboriginal communities.¹³

There are 287 discrete Aboriginal communities in WA accommodating approximately 17,000 Aboriginal people spanning 26 Local Government districts. It is therefore inevitable that service delivery considerations are coordinated with State and Federal Government departments and agencies with relevant responsibilities, to mitigate against cost-shifting responsibility to individual Local Governments with limited financial capacity.

WALGA adopted the advocacy position that '*the State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities*'¹⁴.

¹¹ State Council Resolution 2.1/2012

¹² State Council Resolution 118.5/2012

¹³ State Council Resolution 64.3/2014

¹⁴ State Council Resolution 06.3/2019 at 1(f)

The commentary associated with Recommendation 18 raises a necessary discussion regarding service delivery to remote Aboriginal communities but lacks detail on how the inter-governmental responsibilities and funding arrangements associated with efficient and timely service delivery can be better achieved.

WALGA Recommendation

Support Recommendations 16 and 17, and reiterate WALGA's current advocacy position in relation to Recommendation 18, that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal communities.

Meeting Comment:

Member Councils queried the need for the Local Government Act to include recognition of the unique status of Aboriginal peoples when the matter is covered within existing legislation that the Local Government Act is subservient to.

Member Councils also believed that the Panel's recommendation if included in any new legislation would potentially be divisive.

ZONE COMMENT:

RESOLUTION: **Moved: Cr Blight** **Seconded: Cr Davis**

That the Central Country Zone advise WALGA that it:

- a. Opposes the Review Panel's Recommendations 16 and 17 as the recommendations are considered divisive and unnecessary; and**
- b. Supports the Review Panel's Recommendation 18.**

CARRIED

Recommendation 19 - Optional Preferential Voting

Local Government Act Reference: Section 4.69, 4.74 and Schedule 4.1

The Report recommends a system of voting that better represents the community's preference for candidates that is not currently delivered by a first past the post system, where a candidate does not require a clear majority of votes to be elected.

WALGA Comment – WALGA's advocacy position supports the current 'first past the post' system. WALGA has previously opposed other forms of voting¹⁵ and the system of proportional preferential voting was briefly introduced to the Local Government Act for one election cycle before being repealed and returned to first past the post voting in 2009¹⁶.

WALGA Recommendation

Oppose Recommendation 19 and any alternative voting system in favour of retaining the first past the post system.

Executive Officer Comment:

The Executive Officer believes that further research into the benefits or otherwise with respect to preferential voting should be undertaken before a position is "landed upon". The information provided within the Review Panel's report does not provide sufficient information as to why "first past the post" is not the preferred model but neither does it provide any conclusive evidence that the preferential voting is a superior means for conducting an election.

ZONE COMMENT:

The Zone conditionally supports WALGA's opposition to the Review Panel's Recommendation 19, requesting that further research into voting methodologies be undertaken before a final WALGA position is determined.

¹⁵ State Council Resolutions 185.2/2007 and 427.5/2008

¹⁶ *Local Government Amendment (Elections) Act 2009*

Recommendations 20, 21 and 27 - Review of Property Franchise

Local Government Act Reference: Sections 4.30 → 4.35; Section 4.66

Recommendation 20 proposes mandating one vote per person, which is currently prescribed in Section 4.65 albeit in the context of the property franchise. Recommendation 21 proposes discontinuing enrolment entitlement through ownership or occupation of rateable property. Property franchise claims result in enrolment on the Owner's and Occupiers Roll, forming the second limb of voter entitlement alongside the Residents Roll.

The Expert Panel proposes increasing participation, consultation and involvement of business owners and operators by Local Governments including mechanism such as business advisory groups.

Recommendation 27 recommends consultation be undertaken to determine whether the property franchise continue within the City of Perth, in concert with a review of the *City of Perth Act 2016*. Currently, Part 4 of the Local Government Act applies to the election of council members of the City of Perth, and Section 20 of the *City of Perth Act 2016* applies to the election of the Lord Mayor.

WALGA Comment – WALGA has not adopted an advocacy position relevant to the recommendations.

It is recommended that support be given to a broad consultative process with Local Governments, the business sector, communities and relevant stakeholders to assess whether or not owners and occupiers of rateable property should have a right to vote in a modern democratic electoral system.

WALGA Recommendation

Conditionally Support Recommendations 20, 21 and 27 in support of a review of the property franchise including a broad community consultative process.

Executive Officer Comment:

The Executive Officer notes that the adoption of Recommendations 20, 21 and 27 could give rise for the potential for party politics to become established in Local Government.

ZONE COMMENT:

Zone supports the WALGA Recommendation conditional on sector wide community consultation around the proposal to remove owners and occupiers of rateable property right to vote.

Recommendation 22 - All In/All Out 4 Year Election Cycle

Local Government Act Reference: Section 4.5

Recommendation 22 proposes Elected Members be elected at the same time, every four years. This aligns with the election of State Parliamentarians. An acknowledged detriment is the potential loss of corporate knowledge due to non-election of experienced councillors, whereas benefits include potential increased participation by candidates and electors and reduced election costs to Local Governments.

WALGA Comment – There is no WALGA advocacy position relevant to this proposal. It is therefore recommended that the sector be consulted and the resultant views be considered in developing WALGA's advocacy position.

WALGA Recommendation:

That the sector be consulted prior to WALGA considering its advocacy position in relation to Recommendation 22.

Executive Officer Comment:

There is limited information in the Panel Report on the logic for this recommendation. The Executive Officer believes there is the potential to destabilize local governments with the all in/all out concept every 4 years. It also opens up greater potential for political parties to endorse candidates for local government elections.

ZONE COMMENT:

The Zone does not support Review Panel Recommendation 22 which reads as follows:

Local government elections are held once every four years, two years after but to otherwise accord with the timing of the State election.

Recommendations 23, 24 and 25(a) – Conduct of Elections

Local Government Act Reference: Section 4.20 and 4.61

Recommendation 23 is that the Western Australian Electoral Commission (WAEC) take responsibility for all Local Government elections, with the consequence that a Local Government CEO will no longer be the Returning Officer of first resort. Recommendation supports electronic/online voting. Recommendation 25(a) adds to the currently mandated role of the WAEC by proposing all elections are by postal voting, ending the option on in-person voting.

WALGA Comment – WALGA advocates for an end to the WAEC's enshrined monopoly on the conduct of postal elections by amending legislation to permit third parties to be service providers of postal elections¹⁷.

WALGA Recommendation:

Support Recommendation 24; Oppose Recommendations 23 and 25(a); WALGA reiterate its position that third parties be permitted as service providers for postal elections.

ZONE COMMENT:

Zone supports WALGA Recommendation.

Recommendations 25(b) to (f) - Other Election Proposals

Recommendation (b) proposed the extension of the election process to optimise participation. Recommendation 25(c) 'Candidate Nomination Information' is adapted from a model similar to Victorian legislation that requires candidates to respond to a set of questions prescribed by regulation in the form of a statutory declaration. Recommendation 25(d) – Caretaker Policies are increasingly evident in Local Government; in 2016, WALGA committed to develop the currently-available template Caretaker Policy¹⁸.

Recommendation 25(e) seems to reflect current legislation¹⁹ and Recommendation (f) identifies the prospect that potential donations can be crowdfunded in the absence of a gift declaration and this is likely to undermine integrity of the election process.

WALGA Recommendation:

Support Recommendations 25(b) to (f)

ZONE COMMENT:

Zone supports WALGA Recommendation subject to Review Panel Recommendation 25(d) being opposed which reads as follows:

A caretaker policy should be introduced barring elected members up for re-election from representing the council at events, handing out council grants or donations and moving substantive notices of motion in the period before the election, and a requirement to comply with this policy should be included in the Code of Conduct.

¹⁷ State Council Resolution 06.3/2019

¹⁸ State Council Resolution 16.1/2016

¹⁹ Regulations 30B and 30CA of the *Local Government (Elections) Regulations*
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Recommendation 26(a) - Elected Member Numbers Based on Population

Local Government Act Reference: Section 2.17

The Report proposes the following structures for Elected Member positions on Council:

- (i) Population up to 5,000 – 5 Councillors (incl. President)

This proposal will capture approximately 81 Local Governments (1 metro, 80 non-metro)

- (ii) Population between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)

This proposal will capture approximately 47 Local Governments (19 metro, 28 non-metro)

- (iii) Population above 75,000 – 9 to 15 Councillors (incl. Mayor)

This proposal will capture approximately 11 Local Governments (10 metro, 1 non-metro)

WALGA Comment – WALGA adopted an advocacy position in 2011 opposing a previous proposal to reduce the number of Elected Members to between 6 and 9²⁰. At the time, WALGA requested a proper examination of the relative benefits and merits of any proposal to reduce numbers of Elected Members be conducted. There is still merit in reviewing numbers on Council and the proposal is worthy of consideration although limiting populations of up to 5,000 to a fixed number of 5 Councillors lacks the flexibility that is easily resolved by extending the maximum number of Councillors to 7.

WALGA Recommendation:

Conditionally Support Recommendation 26(a) conditional upon a review of the relative benefits and merits of changes to reduce numbers of Elected Members on Council be supported, on the following basis:

- (i) Populations up to 5,000 – 5 to 7 Councillors (incl. President)
- (ii) Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)
- (iii) Populations above 75,000 – up to 15 Councillors (incl. Mayor)

ZONE COMMENT:

The Zone conditionally supports Review Panel Recommendation 26(a) subject to a review of the relative benefits and merits of the number of Elected Members on Council being determined on the following basis:

- (i) Populations up to 75,000 – 5 to 9 Councillors (incl. Mayor/President)
- (ii) Populations above 75,000 – up to 15 Councillors (incl. Mayor)

Recommendation 26(b) to (f) – Wards, Mayor/President Election and Term Limits

Local Government Act Reference: Part 2 and Part 4; Schedule 2.2

Recommendation 26 (b) to (f) proposes a number of adjustments associated with Recommendation 8 - Local Government Advisory Board/Local Government Commission. These proposals include:

- Recommendation 26(b) - system of ward boundary reviews;
- Recommendation 26(c) - discontinuance of ward boundaries for Band 3 and 4 Local Governments;
- Recommendation 26(d) - phasing in of proposals under Recommendation 26(a);
- Recommendation 26(e) - continuance of two year election cycle for Council-elected Mayors/Presidents; and
- Recommendation 26(f) - no limits to be placed on terms Elected Members and elected Mayor/President can serve.

WALGA Comment – Recommendation 26(e) aligns with WALGA advocacy that Local Governments retain the right to determine whether the Mayor / President will be elected by the Council or the community.²¹ WALGA has not adopted advocacy positions specific to the remaining proposals however Recommendation 26(c) conflicts with the general competence principle and the current self-determination inherent in the current ward review system. WALGA supports the ability for all Local Governments, not merely those in Band 3 and 4, to consider the merits of its system of representation

²⁰ State Council Resolution 08.1/2011 – 'Reject the reduction in the number of Elected Members to between 6 and 9, and request the Minister engage the Department of Local Government in research to determine the relative benefits and merits of the proposal prior to further discussion with the Local Government sector'

²¹ State Council Resolution 06.3/2019; 121.6/2017

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and election on the basis of community of interest; physical and topographical features; demographic trends; economic factors and the ratio of Councillors to electors in the various wards.²²

WALGA supports the general intent of Recommendation 8 and similar support is proposed to the exclusion of Item (c).

WALGA Recommendation:

Support Recommendations 26(b), (d), (e) and (f). Oppose Recommendation 26(c).

Executive Officer Comment:

The question to be asked is whether ward boundary reviews should be undertaken every 4 years or would it be more appropriate every 8 years? In many local governments there would be little or no change to the number of electors in each ward so it may be more relevant if the need to undertake a review only occurs every 8 years or if sooner when the number of electors varies by say 10% over the average of all wards.

ZONE COMMENT:

Zone supports WALGA Recommendation.

Recommendations 28 to 32 - Redefinition of Roles and Responsibilities

Local Government Act Reference: Sections 2.7, 2.8, 2.10 and 5.41

Recommendation 28 sets the scene for Recommendations 29 to 32 by suggesting revised statements of roles and responsibilities that are specific to address the following issues:

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

WALGA Comment – Recommendations 28, 29, 30 and 31 are supported. Recommendations 32(1)(a) to (o), and 32(a) are supported. WALGA opposes Council involvement in matters relating to senior employees²³ as this conflicts with the role of the CEO as employing authority of all employees under Sec. 5.41(g) of the Local Government Act.

Recommendations 32(2)(b) and (c) are opposed. These recommendations seek to perpetuate ongoing Council involvement in matters relating to senior employees. WALGA points out that Regulation 9(1) of the *Local Government (Rules of Conduct) Regulation* was amended on 15 August 2020 to remove reference to Councillor involvement in administration where authorised by the Council to undertake that task.

This amendment directly relates to past findings such as the City of Canning Inquiry 2014, where the Inquirer noted this Regulation was used to involve Council in a matter directly related to the CEO's employing authority functions:

*'Reg. 9(1) of the Local Government (Rules of Conduct) Regulations 2007 is a rule of conduct, and is not, by itself, a source of authority for intervention by the Council in Administration activities.'*²⁴

WALGA Recommendation:

Support Recommendations 28, 29, 30, 31, 32(1)(a) to (o) and 32(a).

²² How to conduct a review of wards and representation for local governments with and without a ward system – Department of Local Government, Sport and Cultural Industries - October 2017, Page 6

²³ State Council Resolution 123.6/2017

²⁴ Report of the Panel of Inquiry into the City of Canning, May 2014 at 9.53
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Oppose Recommendations 32(2)(b) and (c) to conclusively ensure that a Council cannot involve itself in the functions of the Chief Executive Officer as set out in Section 5.41 of the Local Government Act.

ZONE COMMENT:

Zone supports WALGA Recommendation.

Recommendations 33 and 34 – Community Engagement and Governance

Local Government Act Reference: Sections 2.7, 2.8, 2.10 and 5.41

Recommendation 33 proposes a range of community engagement principles, and Recommendation 34 proposes a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making.

WALGA Comment – WALGA advocates that Local Governments adopt a Community Engagement Policy, with each Local Government to implement the most appropriate means of engagement²⁵.

WALGA Recommendation: Support Recommendations 33 and 34.

ZONE COMMENT:

Zone supports WALGA Recommendation.

Recommendation 35 – Annual Engagement with Electors

Local Government Act Reference: Sections 5. 27

Recommendation 35 proposes a lesser version of the opportunity already available to electors but poorly attended historically. This raises the prospect that, in the absence of the opportunity to move motions at meetings, the proposed annual meeting will follow a similar trend.

WALGA Comment – WALGA advocates that Elector's General Meetings should not be compulsory, on the basis that there is adequate opportunity for the public to participate in the affairs of the Local Government through attendance at Council Meetings, participating in public question time, requesting special electors' meetings etc²⁶.

WALGA Recommendation:

Oppose Recommendation 35 and seek amendment to the Act to ensure Electors' General Meetings are not compulsory.

Executive Officer Comment:

Local Government has been calling for the removal of the need to hold Annual Electors' Meetings. That is not to say a local government cannot hold a meeting if it so wishes but given that electors can attend all meetings of Council and ask questions there seems to be little point in continuing with the outdated concept of holding an annual meeting.

ZONE COMMENT:

Zone supports WALGA Recommendation.

²⁵ State Council Resolution 06.3/2019

²⁶ State Council Resolution 06.3/2019; 121.6/2017; 09.1/2011

SMART PLANNING AND SERVICE DELIVERY

Recommendations 36 and 37 - Enhanced Integrated Planning and Reporting

Local Government Act Reference: Section 5.56; Local Government (Administration) Regulations Part 5, Division 3

Recommendation 36 and 37 propose enhanced Integrated Planning and Reporting principles and provisions and that Audit, Risk and Improvement Committee monitor performance against baseline measures including financial management, service delivery and community well-being.

WALGA Comment – WALGA has supported the Integrated Planning and Reporting framework dating back to the Systemic Sustainability Study of 2008 and broadly supported the regulatory amendments introduced in 2011.

WALGA Recommendation:

Support Recommendations 36 and 37

Executive Officer Comment:

Whilst the sector has embraced the need for the Integrated Planning and Reporting (IPR) Framework the question that arises is what will the additional burden be in complying with any amendments to the IPR provisions that encompass working cooperatively through regional subsidiary arrangements as currently proposed by the Review Panel.

ZONE COMMENT:

Zone conditionally supports WALGA Recommendation, subject to further consultation on the impact to the sector of Review Panel Recommendation 37d(v) which reads:

“Require a ‘regional issues and priorities’ section within Council Plans, to be prepared in consultation with neighbouring local governments.”

Recommendations 38(a) and (b) – Minimum Service Levels

Local Government Act Reference: Section 3.18

Recommendations 38(a) and (b) are separated for independent consideration due to the potential for extensive consequences to the Local Government sector. Recommendation 38(a) proposes a minimum level of service delivery established as a statutory obligation, and Recommendation 38(b) proposes a qualified reserve power whereby the Minister for Local Government responds to a failure to deliver the minimum services by issuing an enforceable direction.

WALGA Comment: WALGA’s closest advocacy positions to Recommendation 38 is ‘principles over prescription’ together with upholding the General Competence Principle²⁷. Recommendation 38(a) appears intended to create a commonality of service delivery that is potentially measurable across the sector, with service delivery outcomes either legislated or directed by the Minister for Local Government. This approach is anathema to the General Competence Principle that permits Local Governments to independently determine appropriate levels of service.

It is noted that continuance of the General Competence Principle is supported in Recommendation 6, but the contradictory nature of Recommendation 38(a), that determination of some services will be taken out of the hands of Local Governments and their communities, is neither identified nor examined in the Report.

Recommendation 38(b) is intended as a qualified reserve power however the associated commentary includes reference to directions relating to a natural disaster or a pandemic. The Local Government sector’s experiences during the COVID-19 pandemic did not bring to light any deficiency in the capacity of the State Government to manage issues arising from a pandemic that would requiring the Minister for Local Government to assume emergency direction powers – see also Recommendation

²⁷ State Council Resolution 06.3/2019 Items 1(a) and (b); 120.6/2017
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58. WALGA advocates that the State Government ensure there is proper provision for resources required to fulfil any legislated responsibility²⁸.

WALGA Recommendation:

Oppose Recommendation 38(a) and (b) and reiterate support for Recommendation 6 'General Competence Principle'.

ZONE COMMENT:

Zone supports WALGA Recommendation.

Recommendations 38(c), (d) and (e) – Service Levels and IPR

Local Government Act Reference: Section 5.56; Part 5, Division 3 Local Government (Administration) Regulations

Recommendations 38(c), (d) and (e) propose a range of measures to align financial sustainability principles and services and programs to the integrated planning and reporting framework, and to conduct regular service delivery reviews including community consultation.

WALGA Comment: WALGA supported the introduction of the Integrated Planning and Reporting 'planning for the future' provisions and the above recommendations broadly align with current level of maturity in community consultation processes and examination of service delivery leading to the development of Strategic Community Plans and Corporate Business Plans.

WALGA Recommendation:

Support Recommendations 38(c), (d) and (e)

ZONE COMMENT:

Zone supports WALGA Recommendation.

Recommendations 39 to 42 - Local & Joint Subsidiaries

Local Government Act Reference: Part 3, Division 4

Recommendation 39 proposes Integrated Planning and Reporting frameworks be cognisant of State Government plans when developing strategies for economic development.

Recommendation 40 proposes the new Local Government Act provide freedom for commercial activities, linking with Recommendation 41 which, whilst recommending against a beneficial enterprise model, makes positive recommendations for the support of commercial activities under an updated subsidiary model required to observe competitive neutrality principles. Recommendation 42 supports the use of regional subsidiary models unless qualified by the requirement to form an entity where the Local Government is not the dominant party.

WALGA Comment – It is noted that Recommendation 41(a) to (i) details the elements required for a flexible subsidiary model, including a proposal under 41(h) that employees of a subsidiary fall within the jurisdiction of the WA Industrial Relations Commission. This conflicts with current WALGA advocacy that such a transfer is conditional upon modernisation of the State system to be more consistent with the Federal industrial relations system²⁹.

WALGA has a long-held advocacy position for the creation of Beneficial Enterprises³⁰ with support for a vehicle for commercial activity ('Council-controlled organisations') dating back to WALGA's Systemic Sustainability Study 2008³¹.

²⁸ State Council Resolution 06.3/2019 Item 1(f)

²⁹ State Council Resolution 78.5/2018

³⁰ State Council Resolutions 06.3/2019; 121.6/2017; 107.5/2010; 114.5/2010

³¹ *The Journey: Sustainability into the Future* - Action 21, Page 49

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WALGA Recommendation:

Support Recommendations 39, 40, 41(a) to (g) and (i) and 42. Oppose Recommendation 41(h).

Executive Officer Comment:

Panel Recommendation 41(h) which is opposed by WALGA, in addition to referring to the WA Industrial Relations Commission, also proposes that *to be employed under the same award or agreement conditions as the relevant local government/s*. This part of the recommendation has not been addressed by WALGA.

ZONE COMMENT:

Zone support WALGA Recommendation subject to clarification on its position relating to the employment conditions of employees of a subsidiary.

Recommendations 43 and 44 - Modernise Financial Management

Local Government Act Reference: Part 6; Local Government (Financial Management) Regulations

Recommendation 43 proposes a modern set of principles to modernise financial management.

Recommendation 44 proposes a selection of measures in support of sound financial decision-making.

WALGA Comment – WALGA supports the general intent of the recommendations, aligning as they do with a number of advocacy positions³² including:

- Conduct a complete review of financial management provisions
- Freehold land be used to secure debt
- Enable Building Upgrade Finance

WALGA notes that the Report of the Inquiry into the City of Perth makes a number of recommendations³³ relating to financial management of all Local Governments including:

- Recommendation 188 : Establishment of Financial Management Instructions;
- Recommendation 189 : The 'WA Accounting Manual' dated September 2012 be reviewed and updated;
- Recommendation 190 : The format of format of the annual budget and financial report be prescribed for consistency across local government'

WALGA Recommendation:

Support Recommendations 43 and 44

ZONE COMMENT:

Zone supports WALGA Recommendation.

Recommendation 45 to 49 - Procurement

Local Government Act Reference: Section 3.57; Local Government (Functions and General) Regulations Part 4

Recommendation 45 proposes procurement thresholds, rules and policies be more closely aligned with the State Government. Recommendation 46 proposes a model Procurement Policy be adopted by all Local Governments. Recommendations 47 and 48 propose enhancing panel contracts and encouraging local business to register as local content providers. Recommendation 49 introduces the prospect that breaches of procurement rules be referred to an Independent Assessor for investigation.

WALGA Comment – WALGA has consistently supported the alignment of the tender threshold with that of the State Government³⁴ and broadly supports the principle that suppliers of goods, services and works competing for contracts will benefit where procurement processes across State and Local

³² State Council Resolution 06.3/2019

³³ City of Perth Inquiry Report, Volume 3, Page 83

³⁴ State Council Resolution 06.3/2019

Government has more similarities than differences. These proposals will also assist recent endeavours of both State and Local Government to enhance opportunities for local and regional suppliers to access contracts and boost local economies in the post COVID-19 recovery phase.

WALGA Recommendation:

Support Recommendations 45, 46, 47, 48 and 49

Executive Officer Comment:

Panel Recommendation 45 provides *that local government procurement thresholds, rules and policies are, where applicable, aligned with the State Government.*

The Review Panel's Report does not cover how or indeed whether local government will be consulted by the State Government when it decides to change the procurement "rules". This raises the question of how autonomous Local Government is going to be when it comes to managing its affairs.

ZONE COMMENT:

Zone supports WALGA Recommendation subject to further explanation by the State Government on how Local Government will be consulted prior to changes to State Government procurement rules.

Recommendations 50, 51 and 52 - Rating and Revenue

Local Government Act Reference: Part 6; Local Government (Financial Management) Regulations

Recommendation 50(a) opposes rate capping and 50(c) proposes a broad review of rate exemptions available under Section 6.26(2) of the Local Government Act in recognition of the limitation this places on capacity to raise revenue. Further proposals include development and publication a Local Governments rates and revenue strategies (50b) and a review by the Valuer General of rating methodologies (50 g). Recommendation 51 aligns with the current provisions in Sec 6.17 of the Local Government Act which requires the setting of fees and charges to consider; the cost of providing the service; importance of the service to the community; and the price of alternative providers might charges for similar service.

Recommendation 52 recommends cost recovery principles be adopted when Local Government and State Government set fees and charges.

WALGA Comment – WALGA's advocacy opposes rate capping³⁵ and there is long-standing support for a review of general rate exemption provisions and charitable land use rate exemptions³⁶ initially examined by the Local Government Advisory Board in 2005³⁷. WALGA also supports a review of the basis of rates³⁸ and this may be incorporated in Recommendation 50(g).

WALGA's advocacy position in relation to Recommendation 52 is that Local Government to be empowered by legislation to set fees and charges for all services it provides in favour of the current arrangement whereby many fees and charges are determined by State Government legislation³⁹.

The Office of the Auditor General regularly audits State Government fee-setting in line with Government policy:

It is general government policy that fees should fully recover the cost of providing related services. If fees under-recover costs, this could mean the general public is subsidising customers, while over-recovery could mean customers are being charged too much. Any under or over-recovery of costs requires approval from the Minister or authority from legislation, respectively.⁴⁰

³⁵ State Council Resolution 06.3/2019; 96.6/2015; 118.7/2015 incl. Rate Setting Policy Statement

³⁶ State Council Resolution 06.3/2019; 122.6/2017; 118.7/2015; 5.1/2012

³⁷ Local Government Advisory Board's Inquiry into the Operation of Section 6.26(2)(g) of the Local Government Act 1995 – November 2005

³⁸ State Council Resolution 06.3/2019; 123.6/2017

³⁹ State Council Resolution 06.3/2019; Metropolitan Local Government Reform Submission 2012

⁴⁰ Report 13 'Fee-setting by the Department of Primary Industries and Regional Development and Western Australia Police Force' December 2019 - Executive Summary, Page 3

WALGA's long-held concern is that the State Government's policy is inadequately applied to Local Government service delivery (town planning fees, building fees, dog and cat registration etc) and Local Governments experience a net revenue loss due to inherent issues of:

- Lack indexation
- Lack from regular review
- Lack a transparent methodology in setting of fees and charges

WALGA Recommendation:

Support Recommendations 50, 51 and 52; continue to advocate for legislation that empowers Local Governments to set fees and charges for all services it delivers.

ZONE COMMENT:

Zone supports WALGA Recommendation.

ACCOUNTABILITY, SELF-REGULATION AND INTEGRITY

Recommendations 53 and 54 - Accountability and Self-Regulation

Local Government Act Reference: Part 7 (Audit); Local Government (Audit) Regulations

Recommendation 53 recommends an expanded Audit, Risk and Improvement Committee with Recommendation 53(a) and (b) proposes that skills-based independent members hold the majority of numbers, and the Chair, of the Committee, and regional committees be formed to offset potential increased costs.

Recommendation 54 proposes an expanded role for the Audit, Risk and Improvement Committee including an audit plan approach focussing on compliance, risk (including procurement), financial management, fraud control, governance and delivery of plans.

WALGA Comment – WALGA's advocacy supported the Office of the Auditor General WA conducting Local Government finance and performance audits⁴¹. The self-regulation themes within Recommendation 54 are supported, however Recommendation 53(a) and (b) proposals for a majority of independent members, potentially drawn from a panel of approved suppliers or shared through regional cooperation arrangements, does not include a benefits analysis and there is no evidence the regional cooperation approach will lessen internal audit costs particularly for rural and regional Local Governments.

WALGA Recommendation:

Oppose Recommendation 53(a) and (b). Supports Recommendation 54.

ZONE COMMENT:

Zone supports WALGA Recommendation.

MEETING ADJOURNMENT

12.27pm Meeting adjourned for lunch

1.08pm meeting resumed after lunch and moved back to consider Recommendation 20, 21 and 27 and then proceeded to the Recommendation 55.

Recommendation 55 – Integrity and Governance

Local Government Act Reference: Part 7 (Audit); Local Government (Audit) Regulations

Recommendation 55(a) to (i) propose a range of governance measures to improve integrity, oversight and public participation.

WALGA Comment – Recommendations (f), (g) and (h) align with the Department of Local Government, Sport and Cultural Industries current development of Mandatory CEO Standards for Recruitment, Performance Review and Termination (associated with the *Local Government*

⁴¹ State Council Resolution 7.1/2018
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Amendment Legislation Act 2109) and it is likely this body of work will continue to be dealt with independent of this Report. WALGA's current advocacy position includes opposition to item (g), the mandatory readvertising of the CEO position upon completion of two five year terms.⁴²

The proposal under item (c), permitting elected members unable to maintain impartiality to withdraw from a meeting and not vote, is clearly unworkable where the meeting quorum comes under threat and is opposed.

WALGA Recommendation:

Support Recommendation 55(a), (b), (d), (e), (f), (h) and (i). Oppose Recommendations 55 (c) and (g).

ZONE COMMENT:

Zone supports WALGA Recommendation.

Recommendation 56 – Training and Development

Local Government Act Reference: Section 5.126 and Regulations 35 and 36 of the Local Government (Administration) Regulations

Recommendation 56 updates the recently introduced Elected Member training provisions.

WALGA Recommendation:

Support Recommendation 56

ZONE COMMENT:

Zone supports WALGA Recommendation.

Recommendation 57 and 58 – Early Intervention Framework

Local Government Act Reference: Part 8

Recommendation 57 proposes an early intervention framework whereby the Department of Local Government, Sport and Cultural Industries works with Local Governments to improve performance, governance and compliance. Recommendation 58 proposes the Minister for Local Government should have powers to direct Local Governments and make declarations during a declared state of emergency.

WALGA Comment – WALGA does not have advocacy positions in relation to either recommendation. Recommendation 38(b) introduced commentary on this topic and it is reiterated the Local Government sector's experiences during the COVID-19 pandemic did not bring to light any deficiency in the capacity of the State Government to manage issues arising from the pandemic that would require providing the Minister for Local Government with additional emergency powers. A matter of this significance should be considered in the broad context of the State Government's assessment its capacity to respond during the present state of emergency period, rather than dealt with piecemeal in a review of the Local Government Act.

WALGA Recommendation:

Support Recommendation 57. Oppose Recommendation 58.

ZONE COMMENT:

Zone supports WALGA Recommendation.

⁴² State Council Resolution 145.7/2019
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Recommendations 59 and 60 – Office of the Independent Assessor

Local Government Act Reference: Part 8; Section 5.41

Recommendation 59 (a) to (f) proposes conditions upon which an Office of the Independent Assessor might be established, including taking the functions of the Local Government Standards Panel.

Recommendation 60 proposes consideration of managing complaints by Elected Members against a CEO or other senior officer, with potential complaints be investigated by the Independent Assessor.

WALGA Comment – WALGA has a long-standing advocacy position for improvement to the operational efficiency of the Local Government Standards Panel.⁴³

The proposal in Recommendation 59 to create the Office of the Independent Assessor resonates in some regard with Recommendation 323, 324 and 325 of the Report of the Inquiry into the City of Perth.⁴⁴

Recommendation 60 has the potential to overlay with other statutory provisions relating to employment law, and it is unclear whether the Report has considered the appropriateness of a proposal which will permit individual Elected Members, rather than the Council acting collectively as the employing authority, to instigate actions relating to a CEO's performance. Similarly, it is current practice that all complaints relating to other local government employees fall within the function of the CEO as the employing authority under Section 5.41(g) of the Act.

WALGA Recommendation:

Support Recommendation 59. Oppose Recommendation 60.

ZONE COMMENT:

Zone supports WALGA Recommendation.

OTHER MATTERS

Recommendation 61(a) and (b) – Classification Bands

Local Government Act Reference: Schedule 2.2

Recommendation 61(a) proposes the principles for determining classification and for Local Governments should be set out in the new Act, and Recommendation 61(b) states that once established they be utilized by the Salaries and Allowances Tribunal to determine Councillor and CEO allowances and remuneration.

WALGA Comment – WALGA has a long-standing advocacy position in relation to appropriate levels of remuneration for Elected Members.⁴⁵ The commentary accompanying Recommendation 61(b) informs the rationale for removing the classification band process from the *Salaries and Allowances Act 1975* to the *Local Government Act 1995* is to provide a broader application of the band system to other matters including whether a Local Government should have wards. This ties Recommendation 61(a) and (b) to Recommendation 26(c) that has the intent of discontinuing wards in Band 3 and 4 Local Government, which WALGA does not support.

WALGA Recommendation:

Oppose Recommendation 61.

Executive Officer Comment:

Member Councils need to determine a position on this matter.

⁴³ State Council Resolution 43.2/2011

⁴⁴ City of Perth Inquiry Report Recommendations Pp. 108 - 110

⁴⁵ State Council Resolution 06.3/2019; WALGA Submission to the Salaries and Allowances Tribunal – 21 February 2019

ZONE COMMENT:

The matter is left for discussion and decision.

Zone support WALGA Recommendation.

Recommendations 62 and 63 - Harmonisation of Local Laws

Local Government Act Reference: Section 3.5 to 3.17

Recommendations 62 and 63 propose increased harmonisation of Local Laws by developing model Local Laws and deemed provisions, with Local Government responsible for justifying any departure or variation from the models or provisions.

WALGA Comment – WALGA advocates for improvements to the current local law-making process and independent local law scrutiny conducted by Parliament's Delegated Legislation Committee⁴⁶. Consistent Models and deemed provisions will greatly enhance certainty in the local law-making process whilst ensuring the right for Local Governments to argue for and justify departures and variances that suit local conditions, issues and needs.

WALGA Recommendation:

Support Recommendations 62 and 63

ZONE COMMENT:

Zone supports WALGA Recommendation on the condition that a local government can determine what local laws it wishes to adopt and not be "forced" to adopt local laws that are of no value to the community.

Recommendation 64 - WALGA

Local Government Act Reference: Section 9.58

Recommendation 64 recommends the following in respect to WALGA;

- (a) WALGA not be constituted under the new Act;
- (b) A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and
- (c) Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.

WALGA Comment – From the Local Governments sector perspective it is critical to retain WALGA's services status in the legislation and regulations relating to the Preferred Supplier Program and the Insurance service, as these programs provide significant savings for the Local Government sector.

In respect to whether WALGA's establishment is referenced in the Local Government Act, it is appropriate for the Association to obtain legal advice on any negative consequences this may have.

WALGA Recommendation:

Support recommendation 64 (c) for WALGA services retention in the Local Government Act relating to the Preferred Supplier Program and the Local Government Insurance Service. Further advice required in respect to recommendation 64 (a) and (b).

ZONE COMMENT:

Zone supports WALGA Recommendation.

Recommendation 65 – Operational Provisions

Local Government Act Reference: Various

⁴⁶ State Council Resolution 06.3/2019
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Recommendation 65 (a) to (f) proposes a number of operational matters for future consideration.

WALGA Comment – The proposals align with WALGA’s advocacy to the extent that the new Local Government Act be based on a flexible, principles-based legislative framework that avoids red tape and ‘de-clutters’ the current extensive regulatory regime.⁴⁷

There is general support is therefore for these operational provisions, however Recommendation 65(f) – transfer of employee entitlements across all three levels of Government – though well intended is highly likely to raise extensive legal, industrial and financial ramifications prior to being capable of implementation. Further research and industrial consideration is therefore inevitable.

WALGA Recommendation:

Support Recommendations 65(a) to (e). Conditionally support Recommendation 65(f) pending further research and industrial consideration.

ZONE COMMENT:

Zone supports WALGA Recommendation.

RECOMMENDATION:

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

CONSENSUS RESOLUTION

That the WALGA Recommendation relating to the Local Government Review Panel Final Report Recommendations be amended to read:

1. That WALGA SUPPORT the following Recommendations 1, 2, 3, 4, 6 and 7.
2. That WALGA OPPOSE Recommendation 5.
3. That WALGA SUPPORT Recommendations 8 and 11 subject to the following conditions:
 - a) The Emergency Services Levy receipt and distribution being included as one of the functions of the Local Government Commission; and
 - b) The Local Government Commission include two current elected members.
4. That WALGA OPPOSE Recommendations 9 and 10.
5. That WALGA SUPPORT Recommendations 12, 13 and 14 on the condition that WALGA advocates for regional cooperation to remain voluntary and not be mandated as recommended in the Review Panel’s Recommendation 12.
6. That WALGA SUPPORT Recommendation 15.
7. That WALGA OPPOSE Recommendations 16 and 17 as the recommendations are considered divisive and unnecessary.
8. That WALGA SUPPORT Recommendation 18.
9. That WALGA CONDITIONALLY OPPOSE Recommendation 19 requesting that further research into voting methodologies be undertaken before a final WALGA position is determined.
10. That WALGA CONDITIONALLY SUPPORT Recommendations 20, 21 and 27 subject to sector wide community consultation around the proposal to remove owners and occupiers of ratable property right to vote.

⁴⁷ State Council Resolution 06.3/2019 Items 1(b) and (e)
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11. That WALGA OPPOSE Recommendation 22.
12. That WALGA OPPOSE Recommendations 23 and 25(a).
13. That WALGA SUPPORT Recommendation 24.
14. That WALGA OPPOSE Recommendation 25(d) which reads:
A caretaker policy should be introduced barring elected members up for re-election from representing the council at events, handing out council grants or donations and moving substantive notices of motion in the period before the election, and a requirement to comply with this policy should be included in the Code of Conduct.
15. That WALGA SUPPORT Recommendation 25(b), (c), (e) and (f).
16. That WALGA CONDITIONALLY SUPPORT Recommendation 26(a) subject to a review of the relative benefits and merits of the number of Elected Members on Council being determined on the following basis:
 - (i) Populations up to 75,000 – 5 to 9 Councillors (incl. Mayor/President)
 - (ii) Populations above 75,000 – up to 15 Councillors (incl. Mayor)
17. That WALGA SUPPORT Recommendation 26(b), (d), (e) and (f).
18. That WALGA OPPOSE Recommendation 26(c).
19. That WALGA SUPPORT Recommendations 28, 29, 30, 31, 32(1)(a) to (o) and 32(2)(a).
20. That WALGA OPPOSE Recommendation 32(2)(b) and (c) to conclusively ensure that a Council cannot involve itself in the functions of the Chief Executive Officer as set out in Section 5.41 of the Local Government Act.
21. That WALGA SUPPORT Recommendations 33 and 34.
22. That WALGA OPPOSE Recommendation 35 and seek amendment to the Act to ensure Electors' General Meetings are not compulsory.
23. That WALGA CONDITIONALLY SUPPORT Recommendations 36 and 37 subject to further consultation on the impact to the sector of Review Panel Recommendation 37d(v) which reads:
"Require a 'regional issues and priorities' section within Council Plans, to be prepared in consultation with neighbouring local governments."
24. That WALGA OPPOSE Recommendation 38(a) and (b) and reiterate support for Recommendation 6 '*General Competence Principle*'.
25. That WALGA SUPPORT Recommendations 38(c), (d) and (e).
26. That WALGA SUPPORT Recommendations 39, 40, 41(a) to (g) and (i) and 42.
27. That WALGA OPPOSE Recommendation 41(h) subject to clarification on its position relating to the employment conditions of employees of a subsidiary.
28. That WALGA SUPPORT Recommendations 43 and 44.

29. That WALGA SUPPORT Recommendations 45, 46, 47, 48 and 49 subject to further explanation by the State Government on how Local Government will be consulted prior to changes to State Government procurement rules.
30. That WALGA SUPPORT Recommendations 50, 51 and 52 and continue to advocate for legislation that empowers Local Governments to set fees and charges for all services it delivers.
31. That WALGA OPPOSE Recommendation 53(a) and (b)
32. That WALGA SUPPORT Recommendations 53 (except parts (a) and (b)) and 54.
33. That WALGA SUPPORT Recommendations 55(a), (b), (d), (e), (f), (h) and (i).
34. That WALGA OPPOSE Recommendations 55 (c) and (g).
35. That WALGA SUPPORT Recommendation 56.
36. That WALGA SUPPORT Recommendation 57.
37. That WALGA OPPOSE Recommendation 58.
38. That WALGA SUPPORT Recommendation 59.
39. That WALGA OPPOSE Recommendation 60 and 61.
40. That WALGA SUPPORT Recommendation 62 and 63.
41. That WALGA SUPPORT Recommendation 64 (c) for WALGA services retention in the Local Government Act relating to the Preferred Supplier Program and the Local Government Insurance Service. Further advice required in respect to recommendation 64 (a) and (b).
42. That WALGA SUPPORT Recommendations 65(a) to (e).
43. That WALGA CONDITIONALLY SUPPORT Recommendation 65(f) pending further research and industrial consideration.

CARRIED

RESOLUTION: Moved: Cr Mulroney Seconded: Cr Crute

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

CARRIED

RESOLUTION: Moved: Cr Blight Seconded: Cr Crute

That the Central Country Zone and WALGA reserves the right as accorded in the State Local Government Partnership Agreement to the period of 12 weeks consultation on any legislative change that affects the sector.

CARRIED

The Meeting then moved to Item 7.7- WALGA President's Report

7.4 Review of WALGA State Council Agenda - Matters for Noting/Information (Attachment)

6.1 COVID-19 Pandemic – Update (Nicole Matthews: COVID-19 Coordinator)

Please note: This report provides a COVID-19 update since 3 August 2020.

Recommendation

That this updated COVID-19 information be noted.

Executive Summary

- At the time of writing the COVID-19 pandemic in WA remains under control, with only 5 active cases and no evidence of community transmission.
- Based on health advice Phase 5 of the State Government Roadmap has been further delayed until at least 24 October 2020, and the Perth Royal Show has been cancelled.
- Widespread, unknown source community transmission in Victoria has resulted in the re-imposition of Stage 3 and 4 restrictions in that State and a further downward revision in GDP and national employment forecasts.
- Learnings from Victoria are informing the WA Government's outbreak preparedness.
- State Recovery Plan announcements are being made progressively, with region plans released for the Kimberley, Wheatbelt, Great Southern, Mid-West, Gascoyne, Peel and Goldfields-Esperance.
- WALGA has undertaken local economic impact analysis for each Local Government Area to assist in operational and strategic planning decision making. Each Local Government CEO and Mayor or President has been provided with a tailored analysis pack for its area. A tailored report your Regional Development Area is attached.

Background

COVID-19 in WA

The COVID-19 pandemic in Western Australia remains under control with only 5 active cases (all in quarantine) and no evidence of community transmission. Notwithstanding this, the State Government is continuing to prepare for outbreaks or a 'second wave' of COVID-19, with learnings from the situation in Victoria informing that process.

Further restrictions on entry to Western Australia have also been implemented, including a requirement for truck drivers entering Western Australia to show evidence of having received a negative COVID-19 test result in the previous five days or to take a test within 48 hours.

On 18 August the Premier announced a third delay to the commencement of Phase 5 of the roadmap to easing restrictions, based on the latest health advice. Phase 5, which was originally scheduled to commence on July 17 now has a tentative start date of Saturday 24 October. A final decision on this timeline will be made earlier in October.

The Premier also announced the cancellation of the Royal Show due to the health risk posed by the large number of visitors and indoor venues, as well as number of high frequency contact surfaces that, if somehow COVID-19 was present, would lead to a significant outbreak.

State Recovery Plan

Further initiatives have been announced as part of the State COVID-19 Recovery Plan, including for tourism, local manufacturing, infrastructure, health, police, schools and TAFE, renewable energy, sport, culture and the arts. Region plans have been released for the Kimberley, Wheatbelt, Great Southern, Mid-West, Peel, Gascoyne and Goldfields-Esperance. Information on these and other Recovery Plan announcements can be found at <https://inthisitogether.wa.gov.au/>.

COVID-19 Economic Impact

The Victorian shutdown has seen further downward revisions to GDP and employment forecasts provided by the Commonwealth Treasurer in the Economic and Fiscal Update on 23 July:

- Real GDP in the September quarter will shrink by between \$7 billion and \$9 billion
 - 80% of this economic cost, \$6 - \$7 billion, is expected to be in Victoria;
 - the remainder arises from the broader impact on confidence in other states and supply chain impacts from the shutdown of certain industries in Victoria.
- The combined effect on GDP of the previous Victorian restrictions through the September quarter are expected to be in the order of \$10 - \$12 billion, detracting 2.5% from quarterly real GDP growth.
- National unemployment is expected to exceed the forecast peak of 9.25% and may instead peak closer to 10%.
- The effective rate of unemployment (which accounts for people not looking for work and those on zero hours) which had fallen to just over 11% will increase again to high 13%.

Australian Bureau of Statistics figures indicate that during the months of June and July, the WA economy recovered almost half of the 95,000 jobs lost due to the COVID-19 pandemic.

WALGA COVID-19 Local Economic Impact Analysis

WALGA has prepared tailored economic impact reports for each Local Government in WA to assist them as they develop COVID-19 recovery plans and initiatives. Each Local Government has been provided analysis on:

- How employment in different industries has been impacted in their Local Government Area since the start of the pandemic;
- The proportion of their Local Government Area's labour force that were accessing the JobSeeker subsidy in March, April, May and June;
- The proportion of organisations within their Local Government Area that were accessing the JobKeeper subsidy in April and May; and
- The overall economic impact of COVID 19 in their Local Government Area, relative to other Local Governments Areas and regions.

This information will assist Local Governments to:

- Inform their response and recovery activities and stimulus measures to ensure they are appropriately targeted;
- Anticipate and plan for the financial impact of ratepayers (residents and businesses) requiring access to hardship measures for their rates, or for potential changes in fees and services revenue; and
- Engage key stakeholders, such as regional Chambers of Commerce, businesses, community groups and not for profits and other key bodies and institutions, so that these organisations can use the information within this report as an input into their own decision making and planning.

A tailored report for your Regional Development Area is attached.

WALGA will continue to update this analysis as new data is released and is seeking to partner with State Treasury to further inform and broaden this analysis by incorporating other key economic and social data.

WALGA's analysis has also been provided to the State Recovery Controller, Sharyn O'Neill and the Minister for Local Government. WALGA understands that the Minister will table a summary of this analysis for consideration at an upcoming meeting of the State Disaster Council, chaired by the Premier.

Executive Officer Comment:

For any questions on the contents of the attached report for the Wheatbelt Region, please contact WALGA's Policy Manager - Economics, Nebojsa Franich, on nfranich@walga.asn.au or 0417 917 748.

- 6.2 Planning and Development Amendment Act 2020 (06-03-01-0001 VJ)
- 6.3 Australian Fire Danger Rating System (AFDRS) Program (05-024-03-0035 EDR)
- 6.4 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008) RNB

7.5 Review of WALGA State Council Agenda - Organisational Reports

7.1 Key Activity Reports

- 7.1.1 Report on Key Activities, Commercial and Communications (01-006-03-0017 ZD)
- 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, Strategy, Policy and Planning (01-006-03-0014 MJB)

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 Economic Development Policy Forum

There have been no Policy Forum meetings since the last State Council meeting due to the COVID-19 pandemic.

7.7 WALGA President's Report (Attachment)

The Zone Chair to invite WALGA President, Mayor Tracey Roberts JP, to present her 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: Cr Blight** **Seconded: Cr West**

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

1.47pm Mayor Tracey Roberts and Mr Nick Sloan left the meeting

8.0 FINANCE

Nil

9.0 ZONE REPORTS

9.1 Zone President's Report

Cr Brett McGuiness

9.2 Local Government Agricultural Freight Group (LGAFG)

Cr Katrina Crute

9.2.1 Minutes of Local Government Agricultural Freight Group Meeting Friday 10 July 2020 (Attachment)

Presenting the Minutes of Local Government Agricultural Freight Group Meeting Friday 10 July 2020.

The next meeting of the Group is scheduled for Friday 2 October 2020.

RECOMMENDATION:

That the Minutes of the Local Government Agricultural Freight Group Meeting held Friday 10 July 2020 be received.

RESOLUTION: **Moved: Cr Crute** **Seconded: Cr Blight**

That the Minutes of the Local Government Agricultural Freight Group Meeting held Friday 10 July 2020 be received.

CARRIED

9.2.2 Local Government Agricultural Freight Group Delegate's Report

Local Government Agricultural Freight Group Meeting 10 July 2020

Teleconference meeting

- **Movement of Agricultural Machinery – Following Motion was passed:**

That the WA Local Government Association be advised that the Group supports a review of the pilot requirements for the movement of oversize agricultural machinery on regional distributor and State roads outside of the metropolitan area (Orange Zone) to enable the movement to be without the need for a licensed heavy vehicle pilot from the point of entry on an Orange Zone road to the nearest local government through road or for a distance of 5 km, whichever is the greater.

- **Speed Limit for Tractors – Following Motion was passed**

That the WA Local Government Association be requested to prepare a discussion paper on the speed limits on public roads of tractors and self-propelled agricultural machinery for consideration by the Group.

Emailed Received "To All Local Government Agricultural Freight Group Members & Delegates Ian Duncan has provided the following advice with regard to (a) pilot requirements for the movement of overwidth agricultural machinery and (b) speed limit on tractors and self-propelled agricultural machinery on public roads.

The Agricultural Pilot matter was on the State Road Funds to Local Government Advisory Group (SAC) agenda for the meeting yesterday. In the absence of a compelling case for change, which we don't have, Main Roads advised delegates that the risk analysis supports the current 1km maximum distance on regional distributors without a licenced pilot.

Mal Shervill is across the tractor speed limit matter with AVAC. I would need to convince the Infrastructure Policy team that a discussion paper on this matter is a high priority. I don't think many Local Governments drive tractors extensive distances on the road – but suggest that this would have to be the justification. There is potentially a road safety benefit (to following traffic) if tractors are travelling closer to the speed of other traffic.

I have since emailed Robert Dew back, querying why a discussion paper won't be prepared based on the request from LGAFG as the representatives of the AG Region.

- **Tier 3 Rail Network – Engineering Assessment – Following Motion was passed.**

- (a) **That Group supports the engineering assessment of the condition of the Tier 3 rail lines commissioned by the State Government; and**
- (b) **That an invitation be made to Hon Darren West MLC to attend the next meeting of the Group to provide further information and details of the engineering assessment of the condition of the Tier 3 rail lines.**

- **Revitalising Agricultural Region Freight Strategy**

RARF Strategy has now been released and can be viewed on Department of Transport's website.

I welcome your feedback, suggestions or concerns whether by phone or email.

Katrina Crute
sp@brookton.wa.gov.au

RECOMMENDATION:

That the report provided by Cr Crute be received.

RESOLUTION: **Moved: Cr Mulroney** **Seconded: Cr Turton**

That the report provided by Cr Crute be received.

CARRIED

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| 9.3 Great Southern District Emergency Management Committee (DEMC) (Attachment) |
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President Leigh Ballard

Presenting a Communiqué released following a meeting of the Great Southern District Emergency Management Committee held Wednesday 1 July 2020.

RECOMMENDATION:

That the Communiqué released following a meeting of the Great Southern District Emergency Management Committee held Wednesday 1 July 2020 be received.

RESOLUTION: **Moved: Cr Weise** **Seconded: Cr Mulroney**

That the Communiqué released following a meeting of the Great Southern District Emergency Management Committee held Wednesday 1 July 2020 be received.

CARRIED

10.0 ZONE BUSINESS - MEMBER COUNCIL MATTERS

10.1 Final Report of the Inquiry into the City of Perth

Reporting Officer: Helen Westcott

Disclosure of Interest: Nil

Date: 20 August 2020

Attachments: Nil

Background:

On 29 June 2018 the Minister for Local Government, Hon David Templeman MLA, following the suspension of the Perth City Council, announced the appointment of Mr Tony Power to conduct a formal inquiry into the City of Perth.

The final report of the Inquiry, completed in June 2020 was tabled in State Parliament on Tuesday 11 August 2020. The report can be accessed from the State Parliament website (Report 3550).

The Minister for Local Government's media release following the release of the Report can be accessed by following the hyperlink shown below:

<https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/08/City-of-Perth-report-a-wakeup-call-for-local-government-Minister.aspx>

The primary purpose of the panel inquiry was to investigate the operation and affairs of the City of Perth between October 2015 and March 2018 and to consider if there was a failure to provide good governance, the prospects of any failures continuing, and any steps required to restore good governance.

The final report details the widespread cultural and systemic failings in both the council and the administration. Failings have been attributed to poor governance and poor decision-making at many levels and a lack of integrity and teamwork in the City's leadership.

The final report contains a total of 341 recommendations, 215 which relate to the City and importantly, a further 126 that provide significant learnings for the entire local government sector.

Executive Officer Comment:

The report has been tabled in order that Member Councils can commence discussion on the 126 recommendations that have potential impact for the sector as a whole, especially as the Minister has commented that findings from the Report will inform the second phase of the Local Government Act review.

Scheduled to attend the Zone meeting, the WALGA President and CEO may wish to provide any commentary around the Report.

The matter is presented for discussion and decision.

MOTION: Moved: Cr Mulroney Seconded: Cr Blight

That the Central Country Zone Executive Committee consider the recommendations and report back to the Zone.

MOTION LOST

11.0 ZONE BUSINESS - OTHER BUSINESS/URGENT BUSINESS

Nil

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.)

Nil

13.0 MEMBERS OF PARLIAMENT

Hon Martin Aldridge MLC, Member for Agricultural Region

14.0 OTHER REPRESENTATIVES REPORTS

14.1 Department of Local Government, Sport and Cultural Industries (Attachment)

The following report was prepared from an email sent by Jodie Holbrook Director Local Government Policy & Engagement, Department of Local Government, Sport and Cultural Industries to all Zone Executive Officers on Tuesday 25 August 2020.

DLGSC has launched the Community Resilience Scorecard with Minister Templeman and research partners Catalyse and Local Government Professionals.

Webinar link https://www.youtube.com/watch?v=gwcq_SL5Cfq

Full report <https://dlgsc.wa.gov.au/departments/publications/publication/markyt-community-resilience-scorecard-results>

As part of the brief, the final report was dis-aggregated into 10 reports based on the Regional Development Commissions. The report for the Wheatbelt forms an attachment to the meeting agenda. To quote from Jodie's email:

These plans provide an important social lens and legitimacy to the WA Recovery Plan at a regional level. The reports highlight what the community would like local government to prioritise;

*economic recovery
local employment opportunities
community health and well being
local infrastructure*

Importantly, the development commission reports reflects alignment with WA State Recovery Plan and regional recovery sub plans.

We would be happy to arrange a presentation tailored for your Zone to discuss the outcomes of the report, research methodology or analysis with our research partner Catalyse.

The update from DLGSC for this round of Zone meetings can be found by accessing the hyperlink shown below.

<https://mailchi.mp/dlgsc/local-matters-august-2020-1096582>

The Community Resilience Scorecard is also featured in the Local matters Newsletter.

Jodie's email also covers the review of the State Local Government Partnership Agreement. To quote again from her email:

The signatures of the agreement will commence the review of the partnership agreement to conclude in December 2020. Further advice is found in the WALGA State Council agenda in the organisation update Governance report page 45. DLGSC will seek feedback across government agencies and LG Professional WA and WALGA will discuss their respective members.

14.2 Wheatbelt Development Commission

Executive Officer Comment:

It is disappointing to note that both the Wheatbelt Development Commission and Main Roads WA have not been represented at recent meetings of the Zone. In respect to the past two in-person meetings both agencies have been invited (CEO for the Wheatbelt Development Commission and Regional Manager for Main Roads) through the normal process however at the time of writing the agenda neither agency has responded to the invitation.

Both agencies are integral to the work of local government and it is suggested the Zone President write to the Minister for Transport and Chair of the Wheatbelt Development Commission to express the Zone's disappointment and concern at the lack of attendance at Zone meetings by a representative from the agencies.

RECOMMENDATION:

That the Zone President write to the Minister for Transport and Chair of the Wheatbelt Development Commission to express the Zone's disappointment and concern at the lack of attendance at Zone meetings by a representative from the agencies.

RESOLUTION:

Moved: Cr Crute

Seconded: Cr McBurney

That the Zone President write to the Minister for Transport and Chair of the Wheatbelt Development Commission to express the Zone's disappointment and concern at the lack of attendance at Zone meetings by a representative from the agencies.

CARRIED

14.3 Regional Development Australia (RDA) Wheatbelt (Attachment)

Ms Mandy Walker, Director Regional Development RDA Wheatbelt

14.4 Main Roads WA

Refer to Agenda Item 14.2

15.0 DATE, TIME AND PLACE OF NEXT MEETING

Central Country Zone Executive Committee - Wednesday 11 November 2020 (Teleconference)

Central Country Zone Meeting - Friday 27 November 2020 (TBD)

16.0 CLOSURE

Prior to closing the meeting Cr McGuinness thanked for the Shire of Kulin for its hospitality.

There being no further business the Chair declared the meeting closed at 2.09pm

DECLARATION

These minutes were confirmed by the Executive Committee of the Central Country Zone at the meeting held on Friday 27 November 2020

Signed _____

Person presiding at the meeting at which these minutes were confirmed