

South West Country Zone

Minutes

19 November 2021

**Shire of Dardanup
Council Chambers
1 Council Drive
Eaton**

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South West Country Zone

Meeting to be held at

Shire of Dardanup, Council Chambers, 1 Council Drive, Eaton

Commenced at 9.00am, Friday 19 November 2021

Minutes

1. OPENING AND WELCOME

The Chair, President Cr Tony Dean, opened the meeting at 9:05am.

1.1 Acknowledgement of Country

We, the South West Country Zone of WALGA acknowledge the Nyoongar people, the Traditional Custodians of this land, and pay our respects to their Elders past, present and future.

2. ATTENDANCE AND APOLOGIES

Attendance

Shire of Augusta Margaret River

President Cr Paula Cristoffanini
Ms Stephanie Addison-Brown, Chief Executive Officer non-voting delegate

Shire of Boyup Brook

President Cr Richard Walker *from 9:49am*
Mr Dale Putland, Chief Executive Officer non-voting delegate *from 9:49am*

Shire of Bridgetown-Greenbushes

President Cr John Bookless
Mr Tim Clynych, Chief Executive Officer non-voting delegate

City of Bunbury

Mayor Jaysen de San Miguel
Mr Mal Osborne, Chief Executive Officer non-voting delegate

City of Busselton

Mayor Grant Henley
Mr Mike Archer, Chief Executive Officer non-voting delegate

Shire of Capel

President Cr Doug Kitchen
Mr Gordon MacMile, Chief Executive Officer non-voting delegate

Shire of Collie

President Cr Sarah Stanley
Mr Stuart Devenish, Chief Executive Officer non-voting delegate

Shire of Dardanup	President Cr Michael Bennett Mr Andre Schonfeldt, Chief Executive Officer non-voting delegate
Shire of Donnybrook-Balingup	President Cr Leanne Wringe Mr Ben Rose, Chief Executive Officer non-voting delegate
Shire of Harvey	President Cr Paul Gillett Ms Annie Riordan, Chief Executive Officer non-voting delegate
Shire of Manjimup	Hon President Cr Paul Omodei Mr Andrew Campbell, Chief Executive Officer non-voting delegate
Shire of Nannup	President Cr Tony Dean Mr David Taylor, Chief Executive Officer non-voting delegate
WA Local Government Association Secretariat	Mr Tim Lane, Manager, Strategy and Association Governance (executive officer) Mr Daniel Thompson, Economist
South West Development Commission	Ms Mellisa Teede, Chief Executive Officer
RDA South West	Mr Charles Jenkinson, Director Regional Development
Guests	Dr Chris Berry, Roads Consultant, Local Government Grants Commission Ms Maryanne Baker, Employment Facilitator, Local Jobs Program

Apologies

3. ELECTIONS

3.1 Elections of Chair and Deputy Chair of the South West Country Zone

Pursuant to the WALGA Constitution, the Secretariat shall assume the Chair for conducting the election of office bearers.

Guidelines for elections were distributed to Member Councils via email dated 12 October 2021.

The election for the Chairperson and Deputy Chairperson shall be conducted and the term set at two years expiring in November 2023, in line with the terms of State Council representatives and in sync with Local Government Elections.

Zone Chair

Written nominations were received for the position of Chairperson as follows:

- President Cr Tony Dean
- Hon President Cr Paul Omodei

The executive officer conducted an election for the position on the basis of first past the post.

If two or more candidates receive the same number of votes the executive officer is to draw lots to determine which candidate is elected.

DECLARATION

That President Cr Tony Dean, be elected as Chairperson of the South West Country Zone for the term of 2 years, November 2021 to November 2023.

Deputy Zone Chair

A written nomination has been received for the position of Deputy Chairperson as follows:

- Cr Michael Bennett Shire of Dardanup

DECLARATION

That President Cr Michael Bennett, be elected as Deputy Chairperson of the South West Country Zone for the term of 2 year, November 2021 to November 2023.

3.2 Elections of State Council Representatives and Deputy State Council Representatives to the South West Country Zone

Pursuant to the WALGA Constitution, the Secretariat shall assume the Chair for conducting the election of representatives and deputy representatives to the State Council.

Guidelines for elections were distributed to Member Councils via email dated 12 October 2021.

WALGA incorporates a 24 members State Council with its members derived from Metropolitan and Country Zones. The State Council is chaired by the Association President.

In accordance with sub-clause 9(3) of the WALGA Constitution representatives and deputy representatives to the State Council shall be elected by Zones of the Metropolitan and Country constituencies for two (2) year terms, commencing from the Ordinary Meeting of State Council in December 2021 and concluding at the Ordinary Meeting of State Council two years later.

For the South West Country Zone, there is one representative position on State Council and one deputy representative position. The term is from the Ordinary Meeting of State Council in December 2021 and concluding at the Ordinary Meeting of State Council in December 2023.

State Councillor

The following written nomination has been received for the position of State Council Representative:

- President Cr Tony Dean Shire of Nannup

DECLARATION

That President Cr Tony Dean be elected as State Council Representative of the South West Country Zone to the State Council for the term of 2 years, December 2021 to December 2023.

Deputy State Councillor

The following written nomination was received for the position of Deputy State Council Representative.

- Cr Michael Bennett Shire of Dardanup

DECLARATION

That President Cr Michael Bennett be elected as Deputy State Council Representative of the South West Country Zone to the State Council for the term of 2 years, December 2021 to December 2023.

4. DECLARATIONS OF INTEREST

Nil.

5. ANNOUNCEMENTS

5.1 Attachments

The following were provided as attachments to the agenda:

1. South West Country Zone Minutes 20 August 2021
2. Letter to ABS
3. Federal Election Priorities Brochure
4. Legislative Council regions map
5. WALGA President's Report
6. State Council Agenda – via link only: [State Council Agenda 1 December 2021](#)

6. GUEST SPEAKERS / DEPUTATIONS

6.1 Shire of Dardanup

President Cr Michael Bennett and Mr Andre Schonfeldt

President Cr Michael Bennett and Chief Executive Officer Andre Schonfeldt provided an update to the meeting on priorities and key projects.

NOTED

6.2 Asset Preservation Model

Dr Chris Berry, Roads Consultant, Local Government Grants Commission, DLGSC

Dr Berry provided an overview of the Asset Preservation Model.

In addition, Dr Chris Berry is the author of the book on the history of Local Government in Western Australia 'To Dwell in Unity' which was launched at the recent Local Government convention. Copies of the book will be available for purchase and signing.

President Cr Richard Walker, and Mr Dale Putland arrived at 9:50am.

NOTED

6.3 Local Jobs Program – 11:30am

Maryanne Baker, Employment Facilitator

Maryanne Baker, Employment Facilitator for the South West Region will present to the Zone in relation to the Australian Government's Local Jobs Program.

The Local Jobs Program brings together expertise, resources and access to funding at the local level to support job seekers and their communities in each region. The program has a particular focus on reskilling, upskilling and employment pathways and is part of supporting Australia's economic recovery from the COVID-19 pandemic.

Employment Facilitators are in each region to work with stakeholders on Local Jobs Programs and assist with labour market information which will be presented at the meeting.

NOTED

7. MINUTES

7.1 Confirmation of Minutes from the South West Country Zone meeting held Friday 20 August 2021 (Attachment 1)

The Minutes of the South West Country Zone meeting held on Friday 20 August 2021 were previously circulated to Member Councils and are provided as an attachment to this agenda.

RESOLUTION

Moved: Mayor Grant Henley
Seconded: President Cr Michael Bennett

That the minutes of the South West Country Zone meeting held Friday 20 August 2021 are confirmed as a true and accurate record of the proceedings.

7.1.1 Business Arising

7.1.1.1 – Correspondence

Letter sent to the Australian Bureau of Statistics attached.

Noted

8. ZONE BUSINESS

8.1 Federal Election Priorities

At the August 2021 Zone meeting, the Zone endorsed the formation of a working group to finalise the Federal Election Priorities brochure, as follows:

That the South West Country Zone of WALGA:

1. *Approve spending up to \$2,500 on design and printing of the Election Priorities brochure, and*
2. *Form a working group of the following representatives to guide the Federal Election campaign project on behalf of the Zone:*
 - *President Cr Tony Dean, Shire of Nannup*
 - *President Cr Brian Piesse, Shire of Donnybrook-Balingup*
 - *Mr Mal Osborne, City of Bunbury*

The brochure has been finalised. However, it has been pointed out that the figure in the original document required for the Busselton-Margaret River Airport of \$15m is incorrect. Due to cost escalations stemming from the COVID-19 pandemic, the required funding is now \$25m.

A web version of the document incorporating the updated \$25m figure will be distributed.

Hard copies of the document with the incorrect figure have been printed, however it is recommended that the document be re-printed at a cost of approximately \$515 for 500 copies (40 per Local Government).

As Brian Piesse is no longer an Elected Member, it is recommended that an additional Zone delegate be appointed to the working group. The principal task of the working group will be to identify and write to candidates and other stakeholders in the lead-up to the election.

RESOLUTION

Moved: President Cr Omodei

Seconded: President Cr Bennett

That the South West Country Zone of WALGA:

1. **authorise the Executive Officer to order 500 printed copies of the brochure at a cost of approximately \$515,**
2. **appoint Mayor Jaysen de Miguel, President Cr Paula Cristoffanini to the working group along with ongoing members President Cr Tony Dean and Mr Mal Osborne, and**
3. **authorise the working group to correspond and meet with candidates and stakeholders on the Zone's behalf.**

CARRIED

8.2 South West Future Jobs and Skills Expo

The South West Future Jobs and Skills Expo was held on 28 September 2021 at the Bunbury Regional Entertainment Centre.

The Zone, as a sponsor, had a stall as part of the Expo. Tim Lane and Toby Costanzo from WALGA represented the Zone on the stall and displayed 'slow TV' drone and still footage from the region and had discussions with jobseekers and attendees.

Discussions and questions were generally about job and career opportunities in Local Government, and about a range of other Local Government related matters including elections.

RESOLUTION

Moved: President Cr Sarah Stanley
Seconded: President Cr Michael Bennett

That the South West Country Zone of WALGA note the update in relation to the Zone's sponsorship of the South West Future Jobs and Skills Expo.

8.3 2022 Queens Birthday Public Holiday

Queen's Birthday Public Holiday 2022 alternative dates

The information below was circulated by the DLGSC on 25 October 2021. Discussion is sought as to whether any Local Governments in the South West would be seeking to apply for an alternative date.

The Governor has declared that the Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (Queen's Birthday public holiday) will be observed in 2022 on Monday 26 September.

Local governments may request that the public holiday be celebrated on an alternative day of significance within their districts, instead of the date proclaimed as the public holiday for the rest of the State.

Local governments interested in having an alternative date declared for the Queen's Birthday public holiday in 2022 should provide a written request which contains:

- the boundaries of the area that will be affected by the change (if it is other than the local government's boundaries);*
- the reason/s for the alternative date; and*
- the consultation process undertaken to arrive at the alternative date.*

Written requests should be submitted no later than Friday 24 December 2021 to:

*Ms Christina Eftos
Private Sector Labour Relations Division
Department of Mines, Industry Regulation and Safety
Locked Bag 100
EAST PERTH WA 6892
Email: christina.eftos@dmirs.wa.gov.au*

NOTED

8.4 Legislative Council Reform

Legislation has been introduced to Parliament to give effect to reforms of the Legislative Council. The Bill and Explanatory Memoranda are available [here](#).

The reforms will put into place a whole-state-electorate to elect 37 members of the Council to replace the current six-region system electing six members per region.

The following are the number of eligible electors in each of the six Legislative Council regions, as at the 2021 State Election:

Non-metropolitan regions	Number of electors	Percentage of Total	Metropolitan regions	Number of electors	Percentage of Total
Agricultural	103,378	6.0%	East metro	423,759	24.7%
Mining and Pastoral	69,651	4.1%	North metro	427,779	24.9%
South West	242,983	14.2%	South metro	449,182	26.2%
Total non-metro	416,012	24.2%	Total metro	1,300,720	75.8%

Under the current system, half (18 members) of the Legislative Council are elected from non-metropolitan regions, which make up just under 25 percent of electors. Maps of the current Legislative Council Region are included as an attachment to the agenda.

The reforms follow considerations by a Ministerial Expert Committee, whose final report is available [here](#). The Government's media release in response to the publication of the final report and outlining their proposed reforms is available [here](#).

WALGA put forward a submission to the Ministerial Expert Committee opposing a state-wide electorate and arguing for a commitment to regional and rural representation. WALGA's submission is available [here](#).

The reforms will not be given effect until the next State Election, to be held in March 2025. It will be following the 2025 election when the outcomes of the reforms can be analysed. While the current Legislative Council is elected on a regional basis, it is anticipated that a state-wide electorate will enhance the role of political parties in the electoral process. This is due to the lower quotas required to win seats in a 37-member electorate. For instance, a party receiving around 40 percent of the vote would expect to win close to 40 percent of the seats, being approximately 15 seats, of the 37-member chamber.

There is nothing that can be done from an advocacy perspective to alter the course of the reforms.

From a practical perspective, ensuring or encouraging a regional presence of Members of the Legislative Council is something that will gain further attention in the lead-up to the 2025 election.

The Ministerial Expert Committee addressed this point on page 42 of their [final report](#):

4.3 Facilitating a regional presence of MLCs

Several of the submissions raised concerns about how accessible MLCs would be to electors living in non-metropolitan regions, should the current regional vote-weighting be abolished and replaced with a Whole of State electorate. This is a significant concern, given that the distance between major

regional centres is considerable. While emerging technology can assist in this respect, there is nevertheless value in encouraging MLCs to situate their offices in locations where there is currently no other upper or lower house member of parliament. Even under the current system, where half the MLCs are elected from outside the Perth metropolitan area, there are very few MLCs who are based a considerable distance away from other members of parliament.

There are two potential solutions to this challenge, should a Whole of State electorate be established. The first is to offer additional resources to those MLCs who base themselves a minimum distance from the centre of Perth. For instance, an MLC may be eligible to apply for additional staffing and travel allowances. This may be more effective than the current system of MP allowances, under which there are a number of such allowances available for MLCs who are elected from regional areas, even if they are based in West Perth.

A second solution may be to offer similar resources to MLCs who base themselves a minimum distance from the office location of MLAs. This would ensure that the offices of MLCs complement MLAs rather than duplicate their location.

It is suggested that advocacy could be undertaken with Government, and with the Salaries and Allowances Tribunal, in relation to facilitation of a regional presences of MLCs.

RESOLUTION

Moved: President Cr Paul Gillet

Seconded: President Cr Leanne Wringe

That the South West Country Zone request WALGA to advocate to the Minister for Electoral Affairs and the Salaries and Allowances Tribunal to provide additional allowances to Members of the Legislative Council (MLC), on the proviso they have an office in country areas, to facilitate a regional presence of MLCs.

CARRIED

8.5 Local Government Legislative Reform

Background

The Minister for Local Government, the Hon John Carey, MLA announced Local Government legislative reform initiatives on Wednesday 10 November 2021.

The reform proposals are based on the following six major themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

The reform proposals are based on consultation undertaken over the last five years, and have been developed considering:

- The Local Government Review Panel Final Report (mid 2020)
- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)

- The Victorian Local Government Act 2020 and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions
- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

The information on the reform initiatives can be [found here](#).

The State Government have advised of a 3 month consultation period ending on 4 February 2022.

Comment

Many of the initiatives outlined as a part of this package have been informed by engagement between our Members and the Minister for Local Government. The Local Government sector will welcome the tiered approach to many requirements according to the differing size and scale of Local Governments.

The Local Government sector has been advocating for the following reform initiatives including:

- introduction of a contemporary intervention framework
- greater clarity of roles and responsibilities of Elected Members and Chief Executive Officers
- tiered compliance approach to financial reporting requirements according to size and scale of Local Governments
- model financial statements and fit for purpose financial ratios
- improved processes relating to regional subsidiaries to facilitate collaborative service delivery
- reducing unnecessary red-tape and a more flexible approach to enable resource sharing
- retention of current election cycle for Elected Members, and
- simplification of strategic planning processes and community engagement models.

WALGA will prepare information to the sector analysing the proposals against current sector positions and recommending positions on proposals that currently do not have a formal position. Sector feedback will be requested with a view to providing a sector response to all of the proposals.

RESOLUTION

Moved: President Cr Richard Walker

Seconded: President Cr Michael Bennett

That the South West Country Zone of WALGA note the update in relation to Local Government Legislative Reform.

CARRIED

Meeting adjourned at 10:32am, and resumed at 11:02am.

9. WALGA BUSINESS

9.1 WALGA Status Report

By Tim Lane, Zone Executive Officer

BACKGROUND

Status Report for November 2021 which contains WALGA's responses to the resolutions of previous Zone Meetings.

Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
2021 19 February Zone Agenda Item 7.3 Asset Preservation Model	That the South West Country Zone of WALGA: 1. Supports option one of the options presented 2. Requests that discussion on this issue be referred to Regional Road Groups 3. Request Chris Berry, or an appropriate officer from the WA Local Government Grants Commission, to present to the Zone on the Asset Preservation Model methodology	The WA Local Government Grants Commission has updated the Asset Preservation Model explanatory document, which is now available on the DLGSC website. (https://www.dlgsc.wa.gov.au/docs/default-source/local-government/financial-assistance-grants/walggc---asset-preservation-model---september-2021.pdf?sfvrsn=4fae061c_3) Dr Chris Berry has and continues to provide presentations to Regional Road Groups and Zones on invitation.	November 2021	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
2019 March 22 Zone Agenda Item 7.7 Funding Commitment Towards Strategic Transport Network Infrastructure In South West Western Australia	1. That the South West Zone of WALGA adopts an advocacy position of seeking a commitment to funding from: a. Western Australian State Government; and/or b. Australian Federal Government; and/or c. Private industry to better manage the ever increasing numbers of heavy vehicle haulage and light vehicle users within the south-west (particularly including South Western Highway), including the possibility of re-instating and re-opening the disused South West Railway, as well as the future expansion and improvements of our road networks for the south-west region as part of the investment of our future infrastructure and road networks. 2. That the South West Zone of WALGA requests the WALGA State Council to consider adopting the advocacy position outlined in Recommendation 1, above.	The Infrastructure Policy Team requested that the Association investigate the need for and feasibility of developing a road project advocacy tool to support Local Governments and Zones in their advocacy for specific road developments given the large number of potential projects across the State.	Ongoing	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031
2021 20 August Zone Agenda Item 7.4 Regional Telecommunications	That the South West Country Zone: 1. Notes the Regional Telecommunication Review 2021; and 2. Encourages individual Local Governments to provide input to the WALGA submission.	The WALGA submission to the Regional Telecommunications Review 2021 included input from a broad range of Local Governments and was provided to the Review Committee on 30 September 2021.	November 2021	Ian Duncan Executive Manager Infrastructure iduncan@walga.asn.au 9213 2031

<p>2021 23 April Zone Agenda Item 7.1 Weather Station Upgrade Request</p>	<p>That the South West Country Zone of WALGA:</p> <ol style="list-style-type: none"> 1. Notes the concerns of the Shire of Augusta Margaret River's Bush Fire Advisory Committee in relation the need for accurate weather forecasting. 2. Requests that WALGA write to the Bureau of Meteorology requesting upgrades to the weather stations in the South West Corner to include a weather radar to improve weather forecasting in the Lower South West region. 	<p>WALGA wrote to BOM requesting upgrades to the weather stations in the South West Corner to include a weather radar to improve weather forecasting in the Lower South West region On 2 June 2021 (2/06/21).</p> <p>WALGA wrote to BOM seeking an update on 26 July 2021.</p> <p>BOM provided the following advice:</p> <p>The Bureau of Meteorology manages a large asset base of observational equipment around the country, and values feedback from the community on how it can be improved or optimised. The far South West corner of WA is noted by the Bureau as being of high community importance, along with a few other key locations across Australia.</p> <p>Currently, the Bureau doesn't have Departmental Capital Budget to install new radars, however the QLD and NSW Governments are funding new radar installations in their respective states, which will come online in the coming years.</p> <p>In addition to radars, Automatic Weather Stations (AWS) are also important components to our observing network, and our focus for improvement is on a national upgrade to the AWS network, including the South West of WA. Starting in early 2022, this national AWS upgrade project will improve the resilience, security and reliability of the AWS network, as well as enable more effective and efficient ongoing management and maintenance.</p> <p>Some recent improvements to our observation network in South West WA include:</p> <ul style="list-style-type: none"> - Installation of new radars at Albany and Esperance. - Installation of new Automatic Meteorological Balloon Launching Systems at Albany and Esperance, which improve the level of data that feeds into our computer models, forecasts and warnings. <p>Noting your specific interest in a radar for the far South West, I wanted to provide some broad guidelines for your consideration:</p> <ul style="list-style-type: none"> - Funding for the installation of a new radar, and the ongoing maintenance over a 15-year lifecycle, is in the order of \$16M over 15 years. - The Bureau operates under a rolling 3-year asset replacement program (reviewed quarterly), and so the typical turn-around from securing funding through to a radar becoming operational is of the order of 2 – 3 years (noting that this factors in supply from manufacturer). <p>I hope this helps paint a picture of what our plans and priorities are for observations in South West WA, as well as further options for you to pursue should you desire. Todd Smith, Hazard Preparedness and Response manager, North and West, BOM</p> <p>COMPLETE</p>	<p>November 2021</p>	<p>Nicole Matthews A/Executive Manager, Strategy, Policy and Planning nmatthews@wa.lga.asn.au 9213 2039</p>
<p>2020 25 June Zone Agenda Item 7.1 Regulation of Park Homes / Manufactured Homes / Lifestyle Villages</p>	<p>That the South West Zone 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</p>	<p>State Council Resolution at the September meeting.</p> <p>That WALGA urgently requests the State Government to undertake a full review of the Caravan Parks and Camping Grounds Act 1995 and associated legislation and regulations, to address manufactured homes on caravan park sites.</p>	<p>Ongoing</p>	<p>Nicole Matthews A/Executive Manager, Strategy, Policy and Planning</p>

	<p>short term to the industry, its customers and local governments, and providing time in which more comprehensive regulatory reform can be undertaken.</p>	<p>RESOLUTION 116.4/2020</p> <p>Correspondence and the background information has been sent to the Minister for Local Government for consideration of an urgent review of the <i>Caravan Parks and Camping Grounds Act 1995</i>.</p> <p>A letter has been received from the Minister, stating that <i>"Government is considering a broader review of the regulatory system regarding lifestyle villages; however, its legislative priority will not be considered until after the 2021 election."</i></p> <p>WALGA met with the Minister for Planning's office in April 2021 and raised this as an ongoing issue for the sector.</p> <p>WALGA has subsequently been informed that further amendments to the Camping and Caravan Act and Regulations to address the issue of manufactured park homes remains on the State Governments legislative agenda for this term. (26/05/2021)</p>	<p>nmatthews@walgga.asn.au 9213 2039</p>
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RESOLUTION

Moved: President Cr Mick Bennett

Seconded: Mayor Grant Henley

That:

1. The South West Country Zone WALGA November 2021 Status Report be noted, and
2. The item from February 2019 relating to the Asset Preservation Model to be deleted.

CARRIED

9.2 Review of WALGA State Council Agenda

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 full State Council Agenda can be found via link: [State Council Agenda 1 December 2021](#)

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

Matters for Decision

5.1 Paid Family and Domestic Violence Leave Entitlements

That WALGA:

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

1. highlights that FDVL for employees is an important issue for the sector;
2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year;

3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and
4. opposes the introduction of a new entitlement in modern awards for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU).

5.2 Payment to Independent Committee Members

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

5.3 2021 Annual General Meeting

That:

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

Cost of Regional Development

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

CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

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

Regional Telecommunications Project

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

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

Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. *To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*

That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.

5.4 Review of advocacy positions relating to the Building Act 2011 and Building Regulations 2012

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

1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the *Building Act 2011*.
2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.

3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:
 - a. Quality buildings that are cost efficient.
 - b. Functional, safe and environmentally friendly buildings.
 - c. Good decision making in all aspects of building.
 - d. Efficiency and effectiveness in building management, administration and regulation.
 - e. Openness and accountability with respect to all building matters.
 - f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.
4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.
5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.

WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

5.5 Draft WA Building Surveyors Code of Conduct

That WALGA:

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

Endorse the attached consultation response summary on the draft Code.

RESOLUTION

Moved: President Cr Paul Gillet

Seconded: President Cr Sarah Stanley

That State Council items 5.2 to 5.5 inclusive be supported.

CARRIED

State Council Item 5.1 – Family and Domestic Violence Leave Entitlements

RESOLUTION

Moved: President Cr Sarah Stanley

Seconded: President Cr John Bookless

That in point 4, the word “oppose” be deleted and replaced with the words “does not support”.

CARRIED

Matters for Noting

- 6.1 Local Government Support for Single Use Plastic Bans**
- 6.2 Report Municipal Waste Advisory Council (MWAC)**
- 6.3 WALGA submission on the National Climate Resilience and Adaptation Strategy**
- 6.4 Closing the Gap Update**
- 6.5 Submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians**
- 6.6 Wooroloo Independent Review Letter of Support**
- 6.7 State Budget Outcomes**
- 6.8 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy**
- 6.9 Regional Telecommunications Review 2021**
- 6.10 WALGA submission on Guideline: Native Vegetation Referral, Part V Environmental Protection Act 1986**
- 6.11 WALGA submission on Draft Native Vegetation Policy for Western Australia**
- 6.12 Submission on Cost Recovery Part IV of the Environmental Protection Act 1986 – assessments by the Environmental Protection Authority**
- 6.13 Student Transport Assistance Policy Framework Inquiry – WALGA Submission**

Key Activity Reports

- 7.1.1 Report on Key Activities, Commercial and Communications Unit**
- 7.1.2 Report on Key Activities, Governance and Organisational Services**
- 7.1.3 Report on Key Activities, Infrastructure**
- 7.1.4 Report on Key Activities, Strategy, Policy and Planning**
- 7.2 Policy Forum Report**

RESOLUTION

Moved: Mayor Grant Henley
Seconded: President Cr Sarah Stanley

That the South West Country Zone notes the matters for noting and key activity reports contained in the 1 December 2021 State Council Agenda.

CARRIED

9.3 Item for Noting – Work Health and Safety (WHS) Legislation Update

By Susie Moir, Policy Manager, Resilient Communities

Executive Summary

1. The *Work Health and Safety Act 2020* (WHS legislation) was passed by the West Australian Parliament in November 2020, and is expected to come into effect in January 2022 with the Regulations and transition period still to be finalised.
2. The new WHS legislation introduces a number of new legal terms and concepts, including the term Person Conducting a Business or Undertaking (PCBU). Further, volunteers are now included in the definition of Workers.
3. The Local Government sector has expressed concern with the new WHS legislation, particularly around the implications for the management of volunteer bushfire brigades (BFBs).
4. A Duty of Care may be shared with others, and if more than one person has a duty in relation to the same matter, they must consult, cooperate and coordinate their activities, which adds additional complexity in the case of BFBs.
5. WALGA and LGIS are working to provide support and resources to the sector to assist with the transition to the new WHS legislation.

Background

The *Work Health and Safety Act 2020* was passed by the West Australian Parliament in November 2020, and is expected to come into effect in January 2022 with the Regulations and transition period still to be finalised.

The main changes in the new legislation are:

- The primary duty holder is the 'person conducting a business or undertaking' (PCBU) which is intended to capture a broader range of contemporary workplace relationships;
- A broader definition of 'worker' which specifically includes volunteers, including BFB volunteers;
- Broader and overlapping duties of care attach to those who have the capacity to exercise influence and control over health and safety matters and a duty to consult with other duty holders;
- A positive duty of due diligence for officers of a PCBU; and
- Increased penalties for offences under the WHS legislation and the introduction of industrial manslaughter provisions;

On 31 August WALGA and LGIS delivered a webinar on the new WHS legislation which was attended by more than 140 people from 80 Local Governments. A panel of presenters from LGIS, Department of Fire and Emergency Services (DFES), McLeods Barristers and Solicitors, and the City of Mandurah shared their knowledge and experience in relation to the new legislation, WHS obligations, and BFB volunteer training and management. The webinar is available on the WALGA [website](#) and a FAQ document is being developed jointly by LGIS and DFES. LGIS has also prepared a Volunteer Handbook and CEO Briefing Note on the WHS legislation available on their website.

Comment

WALGA and LGIS are continuing to liaise with DFES and DMIRS on these issues, recognising the need for further information and clarification regarding the implications and requirements of the WHS legislation for the sector's management of bushfire brigade volunteers. Other activities that WALGA is undertaking include:

- Meetings with the Workplace Commissioner Darren Kavanagh and other groups responsible for Volunteer organisations and DFES to discuss the concerns being raised by volunteers and relevant organisations.
 - This was a positive meeting with all wanting to put in place reasonable and practical measures to assist Local Governments and Volunteers. The Workplace Commissioners' department

DMIRS has released [a Guide to Work health and safety for volunteer organisations](#) which WALGA provided feedback on.

- On 12 November DMIRS delivered a webinar for volunteers and volunteer organisations;
- LGIS is obtaining legal advice about which Local Government officers are considered 'officers' for the purposes of the WHS legislation which will be provided to the sector;
- WALGA is developing a scope of works for a WHS consultant to develop additional tools and resources to support the sector; and
- WALGA will advocate to the Minister for the commencement of the WHS legislation for Local Governments to be delayed until June 2022 to allow additional time to ensure that safe work practices are implemented for volunteers.

To inform its advocacy on this and sector emergency management issues more generally, WALGA is also undertaking an Emergency Management Survey of Local Governments to ascertain the sentiment of the sector to their emergency management obligations, and to understand how they are undertaking their management of BFBs. The survey includes questions about the types of additional support that Local Governments require in order to comply with the WHS legislation. Preliminary survey feedback indicates:

- Local Governments need more information on Work Health and Safety and Guidelines and templates to support compliance with the legislation;
- Further work is needed to ensure that Local Governments are well prepared to meet WHS requirements in relation to:
 - Providing up to date Standard Operating Procedures and directives for incident response;
 - Training for use of vehicles and equipment use;
 - Ensuring Bush Fire brigade stations do not present a risk to health and safety; and
 - Providing for volunteer fatigue management and access to welfare services; and
- Local Governments generally feel well prepared in relation to WHS regarding provision of personal protective equipment for volunteers.

RESOLUTION

Moved: President Cr Gillet

Seconded: Paula

That the update on the Work Health and Safety (WHS) legislation be noted.

9.4 WALGA President's Report

The WALGA President's Report was attached to the agenda.

Noted

10. AGENCY REPORTS / PRESENTATIONS

10.1 South West Development Commission

Chief Executive Officer, Mellisa Teede, provided an update to the Zone.

NOTED

10.2 Regional Development Australia – South West

Director of Regional Development, Charles Jenkinson, provided an update to the Zone.

NOTED

10.3 Department of Local Government, Sport and Cultural Industries

Apologies from the DLGSC

11. FINANCIAL REPORT

As at 31 October 2021	Budget	Actual	Comments
	FY	YTD	
	\$	\$	
Opening Cash Balance	9,071	9,071	
Income			
Subscription Income	7,200	7,200	12 @ \$600 each
Total Income	7,200	7,200	
Expenses			
Bank Charges	72	20	12 months @ \$6
Jobs Forum	350	92	Stall equipment hire
Fed Election Brochure	2,500		Invoice of \$2,473.20 received for payment
Total Expenses	2,922	112	
Closing Cash Balance	13,349	16,158	

RESOLUTION

Moved: President Cr Richard Walker

Seconded: President Cr Leanne Wringe

That the Financial Report be received.

CARRIED

12. EMERGING ISSUES

12.1 Designated Area Migration Agreement

Mr Andre Schonfeldt updated the Zone on progress with the Designated Area Migration Agreement.

Noted

12.2 Busselton Margaret River Airport

Mr Mike Archer updated the Zone on the Busselton Margaret River Airport.

Noted

12.3 Softwood Industry Expansion

President Cr Richard Walker updated the Zone on the Shire of Boyup Brook's proposal for small lot forestry to be integrated into current farming operations.

Noted

12.4 Invitations to Future Meetings

NBN have been requested to present at the February 2022 Zone meeting.

Noted

13. DATE, TIME AND PLACE OF NEXT MEETINGS

13.1 2022 Meeting Dates

Meeting dates for 2022 are listed below as endorsed at the August 2021 Zone meeting.

MEETING DATE	HOST LOCAL GOVERNMENT
Friday 18 February 2022	Donnybrook-Balingup
Friday 22 April 2022	Harvey
Friday 24 June 2022	Manjimup
Friday 26 August 2022	Nannup
Friday 25 November 2022	Augusta Margaret River

13.2 Next Meetings

Local Government Reform Special Meeting

A videoconference meeting will be convened in late January to provide input into the State Council Local Government Legislative Reform Submission.

Next Ordinary Meeting

MEETING DATE	HOST LOCAL GOVERNMENT
Friday 18 February 2022	Donnybrook-Balingup

14. CLOSURE

There being no further business the Chair declared the meeting closed at 12:19pm.