

State Council

Agenda

5 July 2023

NOTICE OF MEETING

Ordinary meeting no. 3 of 2023 of the Western Australian Local Government Association (WALGA) State Council to be held at ONE70, LV1, 170 Railway Parade, West Leederville on Wednesday, 5 July 2023 beginning at 4:15pm.

1. ATTENDANCE & APOLOGIES

1.1. Attendance

Members	WALGA President - Chair WALGA Deputy President, Central Metropolitan Zone Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone North Metropolitan Zone Northern Country Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	President Cr Karen Chappel JP Cr Paul Kelly Cr Ken Seymour President Cr Phillip Blight Cr Helen Sadler Cr Catherine Ehrhardt Cr John Daw President Cr Laurene Bonza President Cr Cheryl Cowell President Cr Stephen Strange President Cr Chris Pavlovich Cr Chris Mitchell JP Cr Les Price Cr Frank Cvitan JP Cr David Lagan Cr Russ Fishwick JP President Cr Moira Girando President Cr Michelle Rich Mayor Peter Long Mayor Patrick Hall Mayor Ruth Butterfield Cr Doug Thompson Mayor Carol Adams OAM Mayor Logan Howlett JP President Cr Tony Dean
Ex Officio	Local Government Professionals WA President	Ms Annie Riordan
Secretariat	Chief Executive Officer Executive Director Member Services Executive Manager Advocacy Executive Manager Infrastructure Executive Manager Policy Chief Financial Officer Manager Governance and Procurement Executive Officer Governance	Mr Nick Sloan Mr Tony Brown Ms Narelle Cant Mr Ian Duncan Ms Nicole Matthews Mr Rick Murray Mr James McGovern Ms Kathy Robertson

1.2. Apologies

The Rt. Hon. Lord Mayor – City of Perth	Lord Mayor Basil Zempilas
---	---------------------------

2. ACKNOWLEDGEMENT OF COUNTRY

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Noongar People, where WALGA is located and we acknowledge and pay respect to Elders past and present.

WALGA is committed to supporting the efforts of WA Local Governments to foster respectful partnerships and strengthen relationships with local Aboriginal communities.

3. ANNOUNCEMENTS

4. MINUTES

4.1. Minutes of the State Council meeting held 3 May 2023

RECOMMENDATION

That the Minutes of the WALGA State Council meeting held on [Wednesday, 3 May 2023](#) be confirmed as a true and correct record of proceedings.

4.1.1 Business arising from the Minutes of the State Council meeting held 3 May 2023

4.2. Flying Minute – Submission for 2023 State Wage Case

RECOMMENDATION

That the [Flying Minute – Submission for 2023 State Wage Case](#) be confirmed as a true and correct record of proceedings.

4.2.1 Business arising from the Flying Minute – Submission for 2023 State Wage Case

5. DECLARATIONS OF INTEREST

Pursuant to our Code of Conduct, State Councillors must declare to the Chair any potential conflict of interest they have in a matter before State Council as soon as they become aware of it.

6. EMERGING ISSUES

Notification of emerging issues must be provided to the Chair no later than 24 hours prior to the meeting.

7. MATTERS FOR DECISION

- As per matters listed
- Items Under Separate Cover to State Council only

8. POLICY TEAM AND COMMITTEE REPORTS

- 8.1 Environment and Waste Policy Team Report
- 8.2 Governance and Organisational Services Policy Team Report

- 8.3 Infrastructure Policy Team Report
- 8.4 People and Place Policy Team Report
- 8.5 Municipal Waste Advisory Council (MWAC) Report

9. MATTERS FOR NOTING / INFORMATION

- As per matters listed

10. ORGANISATIONAL REPORTS

10.1 Key Activity Reports

- 10.1.1 Report on Key Activities, Advocacy Portfolio
- 10.1.2 Report on Key Activities, Infrastructure Portfolio
- 10.1.3 Report on Key Activities, Member Services Portfolio
- 10.1.4 Report on Key Activities, Policy Portfolio

10.2 President's Report

RECOMMENDATION

That the President's Report for July 2023 be received.

10.3 CEO's Report

RECOMMENDATION

That the CEO's Report for July 2023 be received.

10.4 Ex Officio Reports

- 10.4.1 The Rt. Hon. Lord Mayor Basil Zempilas is an apology for this meeting.
- 10.4.2 LG Professionals WA President, Annie Riordan, will provide the LG Professionals Report to the meeting.

11. ADDITIONAL ZONE RESOLUTIONS

To be advised following Zone meetings.

12. DATE OF NEXT MEETING

The next ordinary meeting of the WALGA State Council will be a Regional meeting hosted by the Great Southern Country Zone at the Shire of Katanning on Wednesday, 13 September 2023.

13. CLOSURE

Table of Contents

7. MATTERS FOR DECISION	5
7.1 Review of Urban Forest Advocacy Position	5
7.2 State Planning Policy 3.7 Bushfire	8
7.3 Reforming WA Disability Legislation Submission	21
7.4 Landfill Bans Advocacy Position	31
7.5 Audit Experience Survey Results Summary and Advocacy Position	33
7.6 Amendments to WALGA's Constitution.....	37
8. POLICY TEAM AND COMMITTEE REPORTS.....	92
8.1 Environment and Waste Policy Team Report.....	92
8.2 Governance and Organisational Services Policy Team Report	94
8.3 Infrastructure Policy Team Report	95
8.4 People and Place Policy Team Report.....	96
8.5 Municipal Waste Advisory Council (MWAC) Report.....	97
9. MATTERS FOR NOTING / INFORMATION.....	99
9.1 Flying Minute – Submission to 2023 State Wage Case.....	99
9.2 Environmental Protection Amendment Regulations 2022: Consultation Response	103
9.3 Local Government Performance Monitoring Project.....	105
9.4 Street Lighting Tariffs.....	107
9.5 2023-24 Federal and State Budgets	109
9.6 Update on the Commencement of the <i>Aboriginal Cultural Heritage Act 2021</i>	112
9.7 State Award Variations Impacting on Local Governments.....	115
10. ORGANISATIONAL REPORTS.....	119
10.1 Key Activity Reports.....	119
10.1.1 Report on Key Activities, Advocacy Portfolio	119
10.1.2 Report on Key Activities, Infrastructure Portfolio.....	122
10.1.3 Report on Key Activities, Member Services Portfolio	124
10.1.4 Report on Key Activities, Policy Portfolio	128
STATUS REPORT ON STATE COUNCIL RESOLUTIONS.....	133

7. MATTERS FOR DECISION

7.1 Review of Urban Forest Advocacy Position

By Chris Hossen, Policy Manager, Planning and Building

WALGA RECOMMENDATION

That WALGA endorse a new Advocacy Position 4.6 Urban Forest as follows:

To promote the growth of Western Australia's urban forest the State Government should:

- 1. Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.**
- 2. In consultation with Local Government:**
 - a. Develop an Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:**
 - i. an overall tree canopy target for the Perth and Peel regions,**
 - ii. robust and contemporary data to inform decision making,**
 - iii. funding mechanisms to support growth in urban canopy.**
 - b. Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:**
 - i. an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development.**
 - ii. prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities.**
 - iii. consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.**
- 3. Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.**
- 4. Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.**

Executive Summary

- It is proposed that the 2017 Advocacy Position 4.6 Urban Forestry be replaced with a new position that reflects Local Governments' urban forest advocacy priorities.
- The new position has been prepared in collaboration with the officers of the Local Government Urban Forest Working Group and has been endorsed by both the People and Place Policy Team and Environment and Waste Policy Team at a special joint meeting on 31 May 2023.

Attachments

- [Issues Paper: Local Government Approaches to Tree Retention](#)
- [New Urban Forest Advocacy Position](#)

Policy Implications

WALGA's existing [Advocacy Position](#):

4.6 Urban Forestry

Local Government supports advocacy and work to further prevent the loss of urban tree canopy, including the Association's collaboration with the State Government and consultation

with Local Government, to develop policies to support Local Governments' efforts to maintain and grow tree canopy cover.

The proposed new Urban Forest Advocacy Position is attached.

Background

Trees and other vegetation in urban areas provide significant social, economic, and environmental benefits to the community. The retention and growth of a healthy, resilient and diverse urban canopy is a shared responsibility across State and Local Governments, landholders, industry and the community. In most urban areas across Western Australia there has been a decline in canopy cover, particularly on private land. This loss of cover is a significant issue for Local Governments and impacts local biodiversity, visual amenity, urban heat and public health.

State and Local Governments have in recent years made policy and regulatory changes to retain trees in response to declining canopy cover on private land. The '[Better Urban Forest Planning](#)' guide released in collaboration with the Department of Planning, Lands and Heritage, the Western Australian Planning Commission and WALGA in 2018 outlined the scope of the issue and controls available to Local Governments to mitigate canopy tree loss. Since that time, the loss of canopy trees has continued and both State and Local Governments have introduced measures to preserve and enhance urban canopy, including on private land.

These changes to Western Australia's planning framework recognise that retaining trees on private land is a priority for retaining and growing urban canopy. However, in almost all circumstances development approval is not currently required for the removal of canopy trees, and therefore land can be cleared prior to lodging a development application.

In this context, many Local Governments in Western Australia have implemented measures to retain existing trees on private land and enable future canopy growth. Currently a patchwork of approaches towards tree retention are used such as local planning policies and local planning scheme provisions which require the planting of replacement trees where established 'significant' trees are removed during development.

WALGA has completed a significant body of policy and advocacy work to support Local Governments with their urban forest planning and management, including:

- The 'Better Urban Forest Planning' guide (2018);
- Coordination of the Local Government Urban Forest Working Group (31 Local Governments);
- Issues Paper: Local Government Approaches to Tree Retention (2022); and
- The Urban Forest Conferences in 2021 and 2023.

Several key advocacy priorities have been identified through this work:

- The need for more considered and coordinated management of this issue by the State Government. There is no coordinated response to the loss of canopy trees nor lead agency to manage the issue across Government. Experience in other Australian jurisdictions, such as New South Wales, highlights the benefit of coordination across State agencies. The need for a lead agency and State Urban Forest Strategy was identified by Infrastructure WA in their State Infrastructure Strategy which was supported by WALGA in our submission.
- Perth currently has the lowest canopy cover of all major Australian cities, currently 22 urban Local Governments have committed to canopy targets between generally 20-30% canopy cover. This is consistent with other State's targets for their urban areas. As shown in other jurisdictions setting a City-wide target facilitates between coordination between State and Local Government, and would help bring the State in line with Local Government targets.
- There is a need for continued engagement and education to increase community awareness of the issues associated with canopy tree loss and the benefits of retention of vegetation. Local Governments are currently undertaking this work in response to the recommendations of their respective Urban Forest Strategies. There is a no guidance and messaging from State Government on this issue.

- That the current state planning system is lacking in guidance, policy mechanism and regulatory tools to adequately protect significant canopy trees. Various Local Governments are seeking to address this void through statutory measures to retain existing trees on private land. However, due to the centralised nature of the state planning framework there is a need for the State to contemporary legislative and policy mechanisms in consultation with Local Government to enable the protection and growth of urban forest, in both greenfield and in-fill settings.

Comment

WALGA's 2017 Advocacy Position 4.6 Urban Forestry is outdated and does not reflect the sector's current urban forest advocacy priorities for legislative, regulation and policy change to manage the impacts of declining canopy and urban heat in their communities

It should be noted that the proposed positions are consistent with WALGA's successful 2023-2024 State Budget Submission, which secured \$3.75m over two years for an Urban Greening Grant program for Local Governments.

The proposed positions have been informed by feedback from the Local Government Urban Forest Working Group.

On 31 May 2023, the People and Place Policy Team and the Environment and Waste Policy Team jointly endorsed the proposed new Urban Forest Advocacy Position and supported it being presented to State Council for endorsement.

7.2 State Planning Policy 3.7 Bushfire

By Chris Hossen, Policy Manager, Planning and Building

WALGA RECOMMENDATION

That WALGA endorse the submission on *State Planning Policy 3.7 Bushfire* and the *Planning for Bushfire Guidelines*.

Executive Summary

- *State Planning Policy 3.7 Bushfire* (SPP3.7) directs how land use and planning proposals should address bushfire risk in Western Australia. It applies to all land designated as bushfire prone, which is approximately 93% of the state.
- The Department of Planning, Lands and Heritage has released a revised version of SPP3.7 and *Planning for Bushfire Guidelines* for public comment.
- Future changes to the *Map of Bush Fire Prone Areas* are planned that will create a revised mapping standard for lower risk areas, such as significantly built-up urban areas.
- The revised SPP 3.7 and Guidelines propose a nuanced response compared to the existing policy framework, with the intent of better reflecting the type of planning or development proposal and the level of bushfire risk.
- WALGA's submission generally supports the revised SPP3.7 and Guidelines. The more nuanced policy response better reflects the level of bushfire risk across the State and is a positive evolution of policy design. Several matters of concern and technical comments are raised in the submission.
- The public comment period closes on Monday, 17 July 2023.

Attachments

- WALGA submission on State Planning Policy 3.7 Bushfire
- Planning for Bushfire Guidelines
- [State Planning Policy 3.7 Bushfire and Planning for Bushfire Guidelines](#)

Policy Implications

WALGA's submission affirms with the following [WALGA Advocacy Positions](#):

6.1 Planning Principles

All legislation and policy which deals with planning and development must:

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

6.2 Planning Reform

The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system.

6.5 Bush Fire Hazard Mitigation and Planning

State Council supports state-wide, minimum bushfire mitigation standards, specifically to:

- *Give legislative effect to bushfire guidelines*
- *Improve guidance on design of subdivision and buildings*
- *Provide policy guidance, model subdivision and development conditions*
- *Establish an accreditation system for BAL assessments*
- *Establish a training and education program.*

The Local Government sector does not support the Department of Fire and Emergency Services' transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bush Fire Management Plans, when the condition has been requested by DFES. The sector requires adequate and effective consultation on any review of the model subdivision condition relating to clearance.

Background

In response to the findings and recommendations of Mr Mick Keelty AO in, *A Shared Responsibility: The Report of the Perth Hills Bushfire February 2011 Review*, the State Government released a suite of planning bushfire reforms in late 2015, including *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and supporting Guidelines. WALGA supported these reforms.

In response to ongoing concerns raised by the stakeholders, including WALGA and Local Governments about the implementation of these reforms and the operation of SPP3.7, in 2018 State Government instigated a review of the effectiveness of the bushfire policy framework undertaken by Dr Tony Buti MLA. The culmination of this work was a report titled, *Bushfire Planning and Policy Review: A Review into the Western Australian Framework for Planning and Development in Bushfire Prone Areas* (the Review). In response to the recommendation and findings of the Review the State Government announced an *Action Plan for Bushfire Framework Review 2019*, that included a comprehensive review of SPP3.7, the Guidelines and regulatory instruments related to bushfire.

Comment

WALGA broadly supports the intent and approach proposed in SPP3.7, which takes a more nuanced policy approach that better reflects the level of bushfire risk across the State, while maintaining the policy intent to preserve life and property as paramount consideration. WALGA previously raised concerns that reviews of the planning for bushfire risk policy framework have been undertaken in a fragmented and piecemeal manner. Thus, the release of SPP3.7 after a comprehensive and thorough review process is welcomed.

The revised SPP 3.7 and the Guidelines incorporates several proposed modifications, including:

- a stronger emphasis on considering bushfire requirements in early planning stages
- new policy provisions to apply to different categories on the Map of Bush Fire Prone Areas
- introduction of an assessment of the broader landscape surrounding a development site, as a means of demonstrating locations with an unacceptable level of bushfire risk
- an outcomes-based approach to facilitate improved flexibility and understanding by decision-makers
- clearer guidance and a more user-friendly structure by segmenting the Guidelines into sections based on the planning stage
- clearer guidance on the preparation of bushfire management plans.

WALGA's submission was informed by direct engagement with Local Governments, previous endorsed submissions, and the Association's advocacy positions.

The submission highlights key comments and concerns of the sector as well as several detailed technical comments. The public comment period closes on Monday, 17 July.

Item 7.2 State Planning Policy 3.7 Bushfire
Attachment 1 - WALGA submission on State Planning Policy 3.7 Bushfire

WALGA Submission

State Planning Policy 3.7: Planning for Bushfire Protection and Guidelines

June 2023

Introduction

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of 139 Local Governments in Western Australia, comprising 1,215 Elected Members and approximately 22,600 Local Government employees, as well as over 2.5 million constituents of Local Governments in Western Australia.

Western Australian Local Governments are diverse in:

- size, ranging from less than 1.5 to over 370,000 square kilometres,
- population, just over 100 to more than 224,000 people,
- the number of staff employed, from less than 10 to over 1000,
- revenue received, which in 2019-20 ranged from just over \$2 million to just over \$226 million.

WALGA welcomes the opportunity to provide feedback on the draft *State Planning Policy 3.7 Bushfire* (SPP3.7 (2023)) and *Planning for Bushfire Guidelines* (the Guidelines).

WALGA has previously raised its concerns that reviews of the planning for bushfire risk policy framework has been undertaken in a piecemeal manner. The release of SPP3.7 (2023) and the Guidelines after a comprehensive and thorough review is therefore welcomed. This approach is consistent with intent of the State Government's *Bushfire Framework Review 2019* and the findings and actions of *Bushfire Planning and Policy Review: A Review into the Western Australian Framework for Planning and Development in Bushfire Prone Areas* (*Bushfire Planning and Policy Review*).

WALGA has welcomed the engagement with the Local Government sector during the development of SPP3.7 (2023) and the ongoing desire by the Department of Planning, Lands and Heritage (DPLH) to work with stakeholders on the continued improvement of this important policy area.

WALGA's response has been informed by direct engagement with Local Governments, previous endorsed submissions, and the Association's following advocacy positions:

6.1 Planning Principles

All legislation and policy which deals with planning and development must:

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

6.2 Planning Reform

The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system.

6.5 Bush Fire Hazard Mitigation and Planning

State Council supports state-wide, minimum bushfire mitigation standards, specifically to:

- *Give legislative effect to bushfire guidelines*
- *Improve guidance on design of subdivision and buildings*
- *Provide policy guidance, model subdivision and development conditions*

Item 7.2 State Planning Policy 3.7 Bushfire

Attachment 1 - WALGA submission on State Planning Policy 3.7 Bushfire

- *Establish an accreditation system for BAL assessments*
- *Establish a training and education program.*

The Local Government sector does not support the Department of Fire and Emergency Services' transferring of responsibility to the Local Government sector for the clearance of a subdivision condition for Bush Fire Management Plans, when the condition has been requested by DFES.

The sector requires adequate and effective consultation on any review of the model subdivision condition relating to clearance.

General Comments

WALGA broadly supports the intent and approach proposed in SPP3.7 (2023). The establishment a more nuanced policy response that better reflects the level of bushfire risk across the State is appropriate and is a positive evolution of policy design, while still maintaining the policy intent to preserve life and property as paramount consideration.

WALGA's submission is provided in DPLH's detailed submission form, which is attached, with key comments and recommendations included below.

Changes to the Bushfire Prone Area Map

The proposed future changes to the *Map of Bushfire Prone Areas* (Bushfire Prone Map) to create a revised mapping standard for lower risk areas, such as significantly built-up urban areas, to reflect the reduced risk of bushfire in these locations is supported.

WALGA has previously supported changes to the bushfire planning framework that sought to create nuanced policy responses based on context and risk level. The proposed changes build on amendments to the Bushfire Prone Map made in September 2019 to exclude smaller managed parcels of vegetation from the central metropolitan planning region. These changes were consistent with the intent of the Bushfire Planning and Policy Review.

The flagged changes are currently limited to areas within the urban built up areas of Perth, Mandurah and greater Bunbury. However, the Bushfire Planning and Policy Review recommended a multi-layered Bushfire Prone Map that recognised the different fire behaviours in grassland areas and the need to map these separately with moderated planning requirements.

As identified in the Bushfire Planning and Policy Review areas where the predominant vegetation type is grassland have lower risk profiles that areas of woodland and forested areas. The proposed changes to the map will see planning proposals in grassland areas, such as towns within broad acre farming areas, subject to a full assessment under SPP3.7 (2023) and the Guidelines and does not recognise the fundamental difference in risk level such areas experience compared to woodland and forest classified areas.

Consistent with the intent of the Bushfire Planning and Policy Review, WALGA supports grassland areas being included in Stage 2 of the review of the Bushfire Prone Map and SPP3.7 (2023) so appropriate policy provisions for predominate grassland areas that reflect the level of risk experienced in these areas can be established.

Outcomes Based Approach

SPP3.7 (2023) introduces policy outcomes that specify the role of planning and development to the overall objectives of the policy. These objectives are references within the elemental sections of the Guidelines and support assessment against the various deemed-to-comply and performance pathways.

Item 7.2 State Planning Policy 3.7 Bushfire

Attachment 1 - WALGA submission on State Planning Policy 3.7 Bushfire

The current version of bushfire planning framework has poor connection between the performance criteria of the Guidelines and the intent and objectives of SPP3.7. The performance principles are overly prescriptive in their wording, limiting their applicability.

WALGA supports the inclusion of policy outcomes in SPP3.7 (2023) as they will support innovative and solutions focused decision making, particularly on complex constrained sites, while still allowing Local Governments to rely on the precautionary principle where they are not satisfied risk is suitably addressed. Several minor comments on the policy outcomes are included in the attached detailed submission form.

DFES Referrals

The current SPP3.7 and SPP3.7 (2023) both require a decision maker to refer a proposal to the Department of Fire and Emergency Services (DFES) in certain circumstances.

Historically DFES has taken an approach of refusing to support any proposal that sought to utilise a performance principle-based assessment to address the intent and objectives of the policy.

While the approach taken by DFES is understood in the context of their organisations mandate, utilisation of performance principles by an applicant is supported by SPP3.7 and may, if justified by a suitably qualified individual, be an appropriate pathway to meet the objectives of the policy.

SPP3.7 (2023) provides for a stronger and clearer link between the elemental outcomes of the Guidelines and the policy outcomes and policy intent. As mentioned above, this is supported.

WALGA respects DFES' right to provide independent referral responses to development proposals. However, Local Governments as decision makers are required to judge proposals on their merits within the bounds of the planning framework and planning law. Outcomes based solutions are a legitimate pathway open to applicants and are supported by SPP3.7 (2023). Local Governments rely on referral agencies such as DFES to aid them in good decision making, and the continuation of current referral practices will not aid decision makers in this endeavour.

Regulation of Bushfire Assessors

The State Government currently operates a Bushfire Accreditation Framework for organisations seeking recognition as an accrediting body to provide accreditation schemes for bushfire assessors. This scheme establishes three levels of bushfire assessor and links accreditation level to certain tasks within the planning for bushfire framework.

WALGA supported the establishment of the accreditation system, as it is vital that only suitably qualified individuals undertake work related to the preparation of supporting documentation required under bushfire planning framework.

Local Governments have reported various concerns with the current accreditation system, including assessors operating beyond the accredited level, and individuals without appropriate qualifications lodging supporting documentation with development applications. As the bushfire assessor profession is not managed or regulated through legislation, Local Governments can only report such behaviour and activities to the authorised accredited body and have limited recourse to reject plans and reports lodged by unqualified individuals.

Item 7.2 State Planning Policy 3.7 Bushfire

Attachment 1 - WALGA submission on State Planning Policy 3.7 Bushfire

This issue is highlighted in SPP3.7 (2023), which includes a footnote that states:

‘It is strongly recommended that an appropriately qualified bushfire practitioner prepares any necessary bushfire management plan and bushfire emergency plan.’

WALGA supports the regulation of the bushfire assessor profession through legislation means to ensure that only suitably qualified individuals are legally able to undertake such work. Regulation will allow the State Government to audit, penalise, and remove registration of individuals breaching the conditions of their regulation and further allow planning decision makers to refuse report and plans where they are not satisfied that the work has been prepared by a suitable person.

Conclusion

WALGA appreciates the opportunity to provide comment on the SPP 3.7 (2023) and the Guidelines and looks forward to further engagement with the Local Government sector for the review of the Bushfire Prone Map later this year.

Should you wish to discuss this response, please contact Chris Hossen, Policy Manager, Planning and Building at chossen@walga.asn.au or 9213 2056.



Item 7.2 State Planning Policy 3.7 Bushfire
Attachment 2 - Planning for Bushfire Guidelines

PUBLIC CONSULTATION: DRAFT STATE PLANNING POLICY 3.7 BUSHFIRE AND GUIDELINES FOR PLANNING IN BUSHFIRE PRONE AREAS

View the documents for consultation:

- [Draft State Planning Policy 3.7: Bushfire \(SPP 3.7\)](#)
- [Planning for Bushfire Guidelines](#)

This survey is divided into the following sections:

Section 1	Submitter's details
Section 2	Key changes to SPP 3.7 and the Guidelines
Section 3	Additional comments

Section 1 Submitter's details

Questions	Notes
What is your name?	Chris Hossen
What is your email address?	planning@walga.asn.au
What region are you from?	Metropolitan Central
What is your interest in the SPP 3.7? If other, please state	Industry
Are you responding on behalf of an organisation? If yes, please name organisation.	Yes
Submissions may be published as part of the consultation process. Do you want your name removed from your submission if published?	No
<p>Please note: All agencies involved in the Action Plan for Bushfire Framework Review 2019 will have access to the feedback received during this consultation process. Your submission will be shared with Department of Fire and Emergency Services and Department of Mines, Industry Regulation and Safety.</p>	

Please note that you do not have to answer every question in the survey, just the questions relevant to you.

Section 2 - Key changes to SPP 3.7 and the Guidelines

Question 1 – Do you support a different policy response for urban built-up locations that have a lower level of risk to life and/or property as a result of a bushfire?	
Reference	<ul style="list-style-type: none"> • What is Area 1 and Area 2 on the draft Map of Bush Fire Prone Areas? • Section 2 – Supporting regulatory framework • Section 2.1 – draft Map of Bush Fire Prone Areas (page 2)
Response	<i>Conditional support</i>
Comments	<p>WALGA has previously supported changes to the bushfire planning framework that sought to create nuanced policy responses based on context and risk level.</p> <p>This approach is consistent with the recommendations of the Bushfire Planning and Policy Review.</p> <p>WALGA supports grassland areas being included in Stage 2 of the review of the Bushfire Prone Map and SPP3.7 (2023) so appropriate policy provisions for predominate grassland areas that reflect the level of risk experienced in these areas can be established.</p>

Question 2 – The policy introduces Broader Landscape Assessment for Element 1. Do the acceptable solutions and the broader landscape methodology provide enough information to make an informed assessment or decision?	
Reference	<ul style="list-style-type: none"> • What is a Broader Landscape Assessment (BLA) for Element 1: Location? • Section 3.2.1 - Figure 3 (page 7) • Section 3.2.1 - Assessing bushfire risk in the planning context (pages 7 and 8)
Response	<i>Conditional support</i>
Comments	<p>WALGA supports the inclusion of a Broader Landscape Assessment for Element 1.</p> <p>Clarification is required on why only vulnerable tourism land-uses that seek to apply an outcomes-based approach will require the preparation of a Broader Landscape Assessment (BLA). The nature of many tourism land-uses presents a strong case for a BLA to occur to inform overall suitability of the proposals in a broader context.</p> <p>WALGA has made comments in relation to the need to expand Area 1 to include predominate grassland areas of the State, expansion of Area 1 would remove the need for a BLA to occur in many circumstances. Where is it arguably unnecessary.</p>

Question 3 – Do you support the provision of a planning pathway where development in Bushfire Attack Level (BAL)-40 and BAL-Flame Zone (FZ) may be acceptable?	
Reference	<ul style="list-style-type: none"> • Will development be acceptable in BAL-40/BAL-FZ? • SPP 3.7 Section 7.2.2 • Draft Guidelines – Section 7.2 (page 27) • Draft Guidelines - Section 8.1.2 (page 34)
Response	<i>Conditional support</i>
Comments	<p>SPP3.7 (20023) retains the general presumption against locating or intensifying development in BAL-40 and BAL-Flame Zone. This is supported.</p> <p>However, there are situations where a decision maker may wish to support such a proposal. The proposed inclusion of a clearer pathway with additional applicant justifications is supported. The additional criteria are robust and will assist that decision makers in assessing the merits of high-risk proposals against the intent and objectives of the policy.</p>

Item 7.2 State Planning Policy 3.7 Bushfire
Attachment 2 - Planning for Bushfire Guidelines

	<p>S. 8 of SPP3.7 (2023) should be amended to state that proposals in BAL40 and BAL-FZ require referral of the proposal to DFES.</p> <p>Minor comments on provisions related to this topic are provided below.</p>
--	--

Question 4 – Do you support the inclusion of a new section on commercial, industrial and community uses?	
Reference	<ul style="list-style-type: none"> Why do the draft Guidelines include new provisions for commercial, industrial, and community uses? Guidelines - Section 8 - Development – Commercial, industrial and community uses (page 33)
Response	<i>Conditional support</i>
Comments	The approach in the Guidelines to split the various applications and the land uses into separate sections is supported. This improves the readability of the Guidelines and will aid assessment by Local Governments.

Question 5 – Do you support applying draft SPP 3.7 and the Guidelines only at the subdivision and structure plan stage to proposed lots designated as bushfire prone?	
Reference	<ul style="list-style-type: none"> Where will the draft SPP 3.7 and Guidelines apply? Guidelines - Section - 1.2 - How the Guidelines apply (page 1)
Response	<i>Do not support</i>
Comments	WALGA supports the application of the Policy at the earliest opportunity in the planning framework and supports graduated policy responses with appropriate levels of detail to inform decision makers.

Question 6 – Do you support the change from a performance-based approach to an outcomes-based approach?	
Reference	<ul style="list-style-type: none"> Why has the draft SPP 3.7 and Guidelines introduced an outcomes-based approach? Guidelines - Section - 3.2.3 Addressing the bushfire protection criteria (page 8)
Response	<i>Support</i>
Comments	<p>WALGA supports the inclusion of policy outcomes in SPP3.7 (2023) as they will support innovative and solutions focused decision making, particularly on complex constrained sites, while still allowing Local Governments to rely on the precautionary principle where they are not satisfied risk is suitably addressed.</p> <p>Several minor comments on the policy outcomes are included in the attached detailed submission form.</p>

Question 7 – The draft Guidelines have been restructured to address different planning stages to improve useability. Do you support this change?	
Reference	<ul style="list-style-type: none"> Why do the draft Guidelines look different to version 1.4? Guidelines - Table of Contents
Response	<i>Support</i>
Comments	<p>The restructuring is a significant improvement on the current Guidelines and will make it easier to interpret for decision makers and applicants.</p> <p>The increased use of examples and images is also supported and makes the Guidelines a more user-friendly document.</p>

Section 3 – Additional comments

Do you have any additional comments or feedback on specific sections or provisions of draft SPP 3.7 and the Guidelines?

When making a submission please:

- Include the section or page number to which your comment relates
- Clearly state your opinion and the reasons for your opinion
- Outline alternatives or solutions to your area of interest
- Provide any additional information to support your comments.

A submissions table is provided to help you.

Please note the draft Map of Bush Fire Prone Areas has been released to assist in the discussions on the draft SPP 3.7 and Guidelines. DFES will be seeking formal feedback separately on the draft Map following the closure of the DPLH consultation on the draft SPP 3.7 and Guidelines.

If you require more information regarding the draft Map and the future DFES consultation process, please refer to the DFES website at <https://www.dfes.wa.gov.au/hazard-information/bushfire/bushfire-prone-areas>.

Section	Page	Support Conditional Support Do not support No position	Provision	Comment
1		Support	Policy Intent	<p>The inclusion of a more nuanced policy intent is supported. The intent acknowledged that there are multiple policy pathways to preserve life and property, while still placing the preservation of life as paramount.</p> <p>While the impact of the new intent will unclear until tested, the working provides a clear indication of the attempt by DPLH to develop policy focused on good outcomes instead of policy designed to fit into rigid prescriptive intent.</p>
5		Comment	Policy Objectives	<p>5.1: delete the word future from the sentence.</p> <p>5.2: This objective talks to managing the risk of bushfire. However, the intent of the policy talks to avoiding, managing and mitigating bushfire risk. There could be a stronger link to the intent of the policy in this objectives.</p>
6			Policy Outcomes	<p>See comments in attached letter for comments on Policy Outcomes.</p> <p>Note the use of the word 'all' in the chapeau of the list in this section. Noting that this would depend on the requirements of the guidelines.</p> <p>There chapeau of the list in this section is missing a modal verb at its end that clearly states the obligation of proposal</p>

Item 7.2 State Planning Policy 3.7 Bushfire
Attachment 2 - Planning for Bushfire Guidelines

				types in this section. The word should, shall or must should be included to connect the chapeau to the list grammatically.
9		Support	Precautionary Principle	<p>The updated precautionary principle is supported.</p> <p>The proposed wording is more succinct than the current wording and should aid decision makers.</p>
1.2		Comment	How the Guidelines Apply	<p>The last part of this section provides examples of when SPP3.7 and the Guidelines may not apply. The inclusion of this list is of use to decision makers but is not an exhaustive list and decision makers have the discretion to exclude other types of development from partial or complete application.</p> <p>To provide certainty for applicants and Local Governments, it is suggested that the Guidelines be amended to include reference to Local Governments being able to develop a Local Planning Policy to guide discretion making in such situations and clarify when they would be willing to exclude certain types of development.</p> <p>Regarding the last 'dot point' of this section. WALGA does not support the inclusion of family day care and bed and breakfasts from the provisions of this policy or suggestions that this may be appropriate.</p> <p>Note: Bed and Breakfast land-use definition is proposed to be removed as part of the State Governments Short Term Rental Accommodation reforms.</p>
2.2		Planning Requirements in Bushfire Prone Areas	Comment	Include the words 'and amendment' after region schemes.
5.1.2		Hazard Separation	Comment	This section related to Strategic Planning proposals, Suggest deletion of references to driveways, tennis courts, sports areas and footpaths. These are unlikely to be known at this stage of the planning process.
6.6		Staged Development	Comment	Last paragraph. Suggest replacing the word 'suggested' with 'preferred'.
7.22		Conditional Support	Infill (residential) subdivision within areas designated Area 1 on the Map of Bushfire Prone Areas	The understanding of this provision would be improved by the inclusion of a graphic or figure showing an example.
8.11		Comment	Design Consideration	Last paragraph related to incidental 'open air' land uses. Amend to clarify that these areas should not be used for the storage of hazardous goods.

8.14		Comment	Certain Class 9 Buildings and the Building Code of Australia	<p>There is a new performance requirement and deemed to satisfy provisions in NCC 2022 for certain Class 9 buildings in bushfire prone areas. The deemed to satisfy provisions will only apply to a building located in an area subject to a Bushfire Attack Level (BAL) not exceeding BAL—12.5 (therefore BAL Low and 12.5) Everything above that will require a performance solution. It should be noted that in some cases where the building is occupied by people who may be unable to readily evacuate the building prior to a bushfire the design must address the following-</p> <ul style="list-style-type: none"> a. reduce the risk of an untenable indoor environment for occupants during a bushfire event. b. be provided with vehicular access to the site to enable firefighting and emergency personnel to defend or evacuate the building; and c. have access to a sufficient supply of water for firefighting purposes on the site and d. provide safe access within the site and building (including carparking areas), as well as safe egress after the bushfire event. <p>Applicants and designers will need to be aware of this to ensure it is addressed in the early design phase because design changes once Development Approval is given may be difficult and costly.</p> <p>NCC 2022 is in effect in WA from 1 May 2023 however, with transitional arrangements applicants can opt to use NCC 2019 until 1 May 2025. This will most likely be the case for Class 9 buildings where it will be difficult or expensive to meet the new bushfire requirements.</p>
10		Comment		<p>The roles and responsibilities of stakeholders and agencies have been expanded and clarified from the current version of the Guidelines. This is welcomed and supported.</p>
Appendix A3 Table 4		Support	Explanatory Notes	<p>WALGA is pleased that the vehicle access technical arrangements for public roads, perimeter roads refer to the applicable local standard.</p> <p>Previous proposals that sought to create a new design standard for public roads in bushfire prone areas were strongly opposed by WALGA. It is pleasing that these concerns have been reflected in the advertised version of the Guidelines.</p>

Item 7.2 State Planning Policy 3.7 Bushfire
 Attachment 2 - Planning for Bushfire Guidelines

Appendix A3 Figure 9		Comment		Clarify if street trees can be included within the traversable verge in urban circumstances. The current design of the horizontal clearance implies that no infrastructure such as streetlights, power poles or trees would be able to be places in these areas. Clarification of this is required and should be incorporated into the figures..
Appendix A3.3 No-Through Roads		Comment		Clarification of where it is appropriate for no-through roads to be longer than 200m is supported. This provides for a common-sense policy response to a known issue.

THANK YOU FOR YOUR FEEDBACK

7.3 Reforming WA Disability Legislation Submission

By Alina Hobson, Policy Officer Community

WALGA RECOMMENDATION

That WALGA endorse the submission to the Department of Communities relating to the *Consultation Paper – Reforming WA Disability Legislation*.

Executive Summary

- In March 2023, the Department of Communities (DoC) released the consultation paper 'Reforming WA Disability Legislation'.
- DoC is developing new disability legislation for Western Australia, largely driven by the State Disability Strategy 2020-2030 and the recommendations of the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*.
- Under the current *Disability Services Act 1993* (DSA), Local Governments are legislated to implement Disability Access and Inclusion Plans (DAIPs).
- WALGA has consulted with the sector and developed a submission with 11 key recommendations.
- The recommendations make the case for additional measures to support Local Governments implement DAIPs to deliver enhanced access and inclusion outcomes within local communities through standardized governance, training, support and funding.

Attachments

- WALGA Submission: Reforming WA Disability Legislation
- [Consultation Paper: Reforming WA Disability Legislation, March 2023](#)
- [State Disability Strategy 2020-2030](#)

Policy Implications

This submission aligns with WALGA's existing [Advocacy Position](#):

3.4 Disability:

The Local Government sector is committed to creating inclusive communities where people with disabilities have the same opportunities as other community members to access information, facilities and services provided by Council.

Background

The *Disability Services Act 1993* (DSA) is the primary legislation in WA pertaining to disability services. Under the DSA, Local Governments are legislated to implement Disability Access and Inclusion Plans (DAIP) that set out objectives across seven key outcome areas.

In December 2020, the State Disability Strategy 2020-2030 (the Strategy) was released, setting out the vision to protect, uphold and advance the rights of people with disability living in WA. The Strategy is supported by a two-year Action Plan which sets the priority action to undertake the legislated renewal of the DSA, "*renew and refresh the approach to strengthening outcomes from mandated access and inclusion planning*". In addition, the State transitioned to the National Disability Insurance Scheme (NDIS) in December 2017, with the previous disability services systems operating under the DSA.

The current consultation process (stage one), running between March and June 2023, is focused on information gathering to support the development of the new legislation. The Department granted WALGA an extension until 10 July 2023 to ensure feedback from the sector can follow the ordinary State Council process.

In March 2023, WALGA established an Access and Inclusion Reference Group comprising Local Government staff with experience and knowledge in delivering disability access and inclusion, to guide the development of the submission. The Reference Group built on the existing experience and knowledge of the WA Local Government Access and Inclusion Network group, comprising over 60 Local Government representatives.

WALGA and DoC co-facilitated two forums for Local Government:

- An online information session on Thursday, 20 April, attended by 27 Local Government representatives; and
- An engagement workshop on Thursday, 27 April, attended by 13 Local Government representatives.

Further opportunity for feedback will occur during stage two of the consultation when it is anticipated that a Green Bill will be released. Timeframes for stage two are yet to be announced.

Comment

Consultation has demonstrated that the Local Government sector is supportive of WA disability legislation reform, given the pivotal role the sector plays in improving standards for people with disability and its commitment to creating inclusive communities. The submission makes 11 recommendations, identifying additional measures that would enable Local Government to further enhance access and inclusion outcomes to ensure people with disability are equally able to participate and contribute to community life.

Key themes from the recommendations include:

- **Simplify the principles** within the DSA, to be concise without losing intent.
- **Additional support for regional Local Governments** to ensure adequate resourcing to deliver access and inclusion outcomes to the same standard as metropolitan Local Governments.
- Providing a framework (i.e. code of conduct) that sets **clear safeguarding standards to protect people with disability** – noting Local Government are obliged to provide adequate care to all service users, despite not being considered disability service providers.
- **Defining the term ‘ill-treatment’** and implementing a centralised point to report care and neglect concerns of a person not under the care of a service and reducing the resource implication on Local Governments.
- **Additional support to Local Government to implement and review their DAIPs.** Areas for improvement include:
 - availability of guidance material to support delivery of DAIPs;
 - need for regional Local Governments to be further supported; and
 - funding to accelerate initiatives to improve access standards within communities
- **Increasing collaboration between State and Local Government**, including better engagement processes on actions, targets and timeframes that directly impact Local Government.

**Item 7.3 Reforming WA Disability
Legislation Submission**

Attachment - WALGA Submission:
Reforming WA Disability Legislation



Reforming WA Disability Legislation Submission

June 2023

1. Executive Summary and Recommendations

1.1 Summary of Recommendations

Recommendation 1

The Principles as defined in the *Disability Services Act 1986* should be amended to be more concise without losing their intent:

- Principles 2 and 5 should be combined
- Principles 6 and 7 should be combined

Recommendation 2

The Department of Communities to provide additional supports for regional Local Governments to ensure they are adequality resourced to deliver access and inclusion outcomes to the same standard as metropolitan Local Governments.

Recommendation 3

Department of Communities to provide a standardised disability awareness training program to enhance knowledge of access and inclusion within Local Governments.

Recommendation 4

The Department of Communities develop a framework (i.e. code of conduct) that sets clear safeguarding standards to protect people with disability Local Governments can share and promote.

Recommendation 5

The term 'ill-treatment' to be defined in the legislation.

Recommendation 6

The Department of Communities to provide a centralised point to report care and neglect concerns of a person not under the care of a service provider.

Recommendation 7

An online resource hub be developed to share best practice resources, templates and case study showcases to support the delivery of Disability Access and Inclusion Plans.

Recommendation 8

The *Disability Services Act 1993* be amended to include provisions that support delivery of Access and Inclusion Plans through regional partnerships.

Recommendation 9

The State Government to provide funding to support the effective delivery of Disability Access and Inclusion Plans by Local Governments.

Recommendation 10

Local Governments to be engaged effectively throughout the implementation and evaluation of the State's Disability Strategy, particularly around objectives that they are responsible for implementing.

Recommendation 11

The *Disability Services Act* to include provisions that support Local Governments to incorporate Disability Access and Inclusion objectives within overarching strategic plans, (e.g., Access and Inclusion Plans or Strategic Community Plans), to enable alignment and efficiencies, rather than require a standalone Disability Access and Inclusion Plan as currently prescribed by the *Disability Services Act*.

2. Introduction

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of 139 Local Governments in Western Australia, comprising 1,222 Elected Members and approximately 22,600 Local Government employees, as well as over 2 million constituents of Local Governments in Western Australia.

Western Australian Local Governments vary greatly in:

- size, ranging from less than 1.5 to over 370,000 square kilometres,
- population, just over 100 to more than 220,000 people,
- the number of staff employed, from less than 10 to over 1000,
- in revenue received, which in 2019-20 ranged from just over \$2 million to just over \$225 million.

This submission responds to the [Consultation Paper – Reforming WA disability legislation](#) released by the Department of Communities in March 2022 to support the reform of WA disability legislation. The Local Government sector is committed to creating inclusive communities where people with disabilities have the same opportunities as others to contribute and participate in community life, including access to information, facilities and services.

With Local Governments legislated under the *Disability Services Act 1993* (DSA) to implement Disability Access and Inclusion Plans (DAIP's), many are leading the way in delivering initiatives that go beyond minimal standards for the benefit of their communities. For example, many Local Governments strive to increase opportunities for people with disability to participate in everyday activities through development of Changing Place facilities and improving beach access by providing additional beach matting and beach wheelchairs.

The Local Government sector supports the reform of the DSA as an enabler of enhanced community outcomes to ensure people with disability are equally able to participate and contribute to community life. The reform provides an opportunity for the provision of increased support and funding to allow Local Governments to implement DAIP's that deliver successful outcomes.

2.1 Sector Consultation

In March 2023 WALGA established an Access and Inclusion Reference Group of Local Government staff with experience and knowledge in delivering disability access and inclusion to guide the development of this submission.

WALGA and the Department of Communities co-facilitated two forums for Local Government:

- An online information session on Thursday 20 April, attended by 27 Local Government representatives; and
- An engagement workshop on Thursday 27 April, attended by 13 Local Government representatives.

WALGA also supports and participates in the WA Local Government Access and Inclusion Network group, comprising of over 60 Local Government representatives. The purpose of this group is to share peer to peer advice and learnings, offer support and encouragement, explore opportunities for partnership and collaboration between Local Governments.

This submission was endorsed by WALGA State Council on 5 July 2023.

2.2 Relevant WALGA Advocacy Positions

3.4 Disability

The Local Government sector is committed to creating inclusive communities where people with disabilities have the same opportunities as other community members to access information, facilities and services provided by Council.

(State Council Resolution October 2011 – 126.5/2011)

3. Responses to Consultation Paper

3.1 Principles applicable to, and the safeguarding of, people with disability

Principles

The DSA reflects the [United Nations Convention on the Rights of Persons with Disabilities](#) in Schedule 1 in the 'Principles applicable to people with disability'.

Local Government's consider that the Principles as defined in the DSA are convoluted and open to different interpretation. While the intent of the Principles is supported and should be maintained, feedback received was that the number of Principles should be reduced by combining those that have a similar intent and that they should be simplified. The Principles should also be simplified and more specific and be aligned with the seven Disability Access and Inclusion outcome areas prescribed by the DSA.

Feedback from regional Local Government was that Principle 9, which provides that '*people with disability who reside in country areas have a right, as far as is reasonable to expect, to have access to similar services provided to people with disability who reside in the metropolitan area*', requires review.

Many regional Local Governments face particular challenges with respect to the delivery of services and facilities due to their large geographic areas, smaller rate bases and revenue opportunities as compared to Local Governments in metropolitan areas, as well as difficulties in attracting and retaining staff.

Feedback from these Local Governments indicates that delivering on Principle 9 requires a more holistic approach and should be considered in conjunction with other State strategies and initiatives (such as grant programs and the WA Housing Strategy 2020-2030). Local Governments strongly support the principle that regardless of place of residence, people with disability should have equal access to engage and participate in community life. Regional Local Governments are responsible for the delivery of this principle and it is not something that they can deliver without collaboration and support from other levels of Government.

Recommendation 1

The Principles as defined in the *Disability Services Act 1986* should be amended to be more concise without losing their intent:

- Principles 2 and 5 should be combined
- Principles 6 and 7 should be combined

Recommendation 2

The Department of Communities to provide additional supports for regional Local Governments to ensure they are adequately resourced to deliver access and inclusion outcomes to the same standard as metropolitan Local Governments.

Safeguarding

The State Disability Strategy recognises that safeguards to protect people with disability are a priority for the WA Government. Although Local Governments are generally not considered disability service, they too deliver services that are designed to be accessed by all members of the community, including people with disability.

Item 7.3 Reforming WA Disability Legislation Submission

Attachment - WALGA Submission: Reforming WA Disability Legislation

Local Governments therefore play a role in safeguarding people with disability through their complaint handling mechanisms and advocacy for and on behalf of their communities.

Local Governments are often the first point of contact for the local community, and receive feedback, compliments and complaints about many aspects of community life. With size and resourcing varying greatly between Local Governments, so too do their complaint handling mechanisms. Feedback provided by Local Governments supported the provision of free standardised disability awareness training to support Local Governments to standardise their complaint handling mechanisms.

Local Governments are frequently called upon to provide guidance on best practice safeguarding standards to external stakeholders, including local businesses, event organisers and contractors. Local Governments are supportive of sharing knowledge and information with their communities, while balancing their own resourcing constraints and operational requirements. It is recommended that the Department of Communities provide a framework (i.e. code of conduct) that sets clear safeguarding standards to protect people with disability Local Governments to share and promote.

Recommendation 3

Department of Communities to provide a standardised disability awareness training program to enhance knowledge of access and inclusion within Local Governments.

Recommendation 4

The Department of Communities develop a framework (i.e. code of conduct) that sets clear safeguarding standards to protect people with disability Local Governments can share and promote.

Care and Neglect

People with disability often require care and support from other people as part of everyday life, making them vulnerable to ill-treatment or neglect. Although Local Governments are not classified as disability support providers, they do provide facilities and services that any community member can access (including people with disability), and therefore have an obligation to provide adequate care to everyone accessing their services.

The DSA currently recognises ill-treatment as an offence but does not provide a definition of the term. Feedback indicated support for future legislation to define the term 'ill-treatment'.

The DSA refers to ill-treatment as an offence caused by *a person or service provider*, however instances have been reported to Local Governments where a person with disability is being neglected due to the absence of receiving any support, that is, because there is no *person or service provider* to provide support. Local Governments find themselves holding responsibility to support such individuals in the absence of any systems to escalate such matters. This places additional resource pressures on individual councils. A structure needs to be developed to provide an escalation point for such circumstances.

Recommendation 5

The term 'ill-treatment' to be defined in the legislation.

Recommendation 6

The Department of Communities to provide a centralised point to report care and neglect concerns of a person not under the care of a service provider.

3.2 Access and Inclusion

As the level of government closest to the community, Local Government can deliver positive impacts for people living with disability, within the objectives set out by the DSA. The DSA requires all Local Governments to develop, implement and review a Disability Access and Inclusion Plan that sets objectives across 7 key outcome areas. This requires significant level of collaboration across all areas within a Local Government, which is a complex and resource intensive task.

Item 7.3 Reforming WA Disability Legislation Submission

Attachment - WALGA Submission: Reforming WA Disability Legislation

Local Government feedback indicates that improvement to the legislation relating to access and inclusion would support Local Governments to build on achievements made thus far and further improve the lives of people living with disability.

Areas for improvement identified by Local Government include:

- Availability of guidance material to support the delivery of Disability Access and Inclusion Plans
- More support for regional Local Governments to deliver Access and Inclusion Plans
- Funding to accelerate improvements
- Increased collaboration between State and Local Government.

Availability of guidance material to support the delivery of Access and Inclusion Plans

Local Governments identified that resources made available by the Department of Communities to support delivery of Disability Access and Inclusion Plans have been considerably reduced since the Disability Service Commission merged with the Department of Communities in 2017. Without access to resources Local Governments are expected to deliver outcomes without State Government guidance. There is support for an online resource hub to be made available to provide best practices documents and standardised templates.

More support for regional Local Governments to deliver Access and Inclusion Plans

There is significant variation amongst the 139 WA Local Governments, including the number of staff employed (ranging from 10 to over 1000) and the revenue received (ranging from \$2 million to just over \$225 million in 2019-2020). This level of diversity impacts the services Local Government are able to provide, with smaller Local Governments still expected to deliver the same key strategic outputs, such as a Disability Access and Inclusion Plan. Not only do most regional Local Governments have less resources (financial and capacity), but they are also faced with additional barriers such as staff attraction and retention and availability of affordable housing. Additional support is required for these Local Governments to ensure they are able to deliver the same standard of access and inclusion outcomes, including funding for staff resources, building upgrades and provisions to support a regional partnership approach to delivering Disability Access and Inclusion Plans.

Funding to accelerate improvements

Providing an environment that ensures all people are able and feel welcome to participate in their communities requires delivery across all seven outcome areas within Disability Access and Inclusion Plans. The financial investment to deliver across all outcomes areas requires the prioritisation of initiatives, resulting in delaying of improvements. Although Local Government continues to deliver access improvements, State Government funding support is required to accelerate their efforts. Priority areas for funding include:

- Initiatives to improve the physical environment, e.g. beach access
- Staff Disability Awareness training programs
- Support to develop and deliver Disability Access and Inclusion Plans (e.g. engaging an access consultant).

Increased collaboration between State and Local Government

There is a lack of State Government engagement with Local Government has been highlighted through the State's Disability Strategy Implementation Plan which set significant targets for Local Government without consultation. A comprehensive engagement process needs to be established to ensure Local Governments are consulted regularly, effectively and with reasonable timeframes.

Recommendation 7

An online resource hub be developed to share best practice resources, templates and case study showcases to support the delivery of Disability Access and Inclusion Plans.

Recommendation 8

The *Disability Services Act 1993* be amended to include provisions that support delivery of Access and Inclusion Plans through regional partnerships.

Recommendation 9

The State Government to provide funding to support the effective delivery of Disability Access and Inclusion Plans by Local Governments.

Recommendation 10

Local Governments to be engaged effectively throughout the implementation and evaluation of the State's Disability Strategy, particularly around objectives that they are responsible for implementing.

Recommendation 11

The *Disability Services Act* to include provisions that support Local Governments to incorporate Disability Access and Inclusion objectives within overarching strategic plans, (e.g., Access and Inclusion Plans or Strategic Community Plans), to enable alignment and efficiencies, rather than require a standalone Disability Access and Inclusion Plan as currently prescribed by the *Disability Services Act*.

4. Conclusion

WALGA thanks the Department of Communities for its efforts to further understand Local Government operations and for providing additional time for WALGA to engage with our members in developing this submission.

WALGA looks forward to working with the Department to ensure that WA's Disability Legislation supports people with disability to have an equal opportunity to participate in community life.

Appendix: WALGA Engagement

Access and Inclusion Reference Group Members

City of Cockburn	City of Fremantle
City of Nedlands	City of Mandurah
City of Stirling	City of Belmont

Online Information Session Participants, Thursday 20 April

City of Vincent	Shire of Peppermint Grove
City of Joondalup	City of Nedlands
Shire of Mundaring	Shire of Derby / West Kimberley
Shire of Wyndham East Kimberley	City of Busselton
Shire of Murray	City of Stirling
Town of Cambridge	City of Belmont
City of Canning	City of Karratha
City of Perth	Shire of Harvey
City of Rockingham	City of Fremantle
Shire of York	City of Wanneroo
City of Melville	City of Armadale
City of Greater Geraldton	Shire of Lake Grace
Town of Cambridge	City of Albany
Shire of Denmark	City of Mandurah

Engagement Workshop Participants, Thursday 27 April

City of Mandurah	City of Karratha
City of Fremantle	City of Armadale
City of Kalamunda	City of Nedlands
City of Joondalup	City of Stirling
City of Swan	City of Cockburn
City of Perth	City of Melville

7.4 Landfill Bans Advocacy Position

By Rebecca Brown, Manager, Waste and Environment

WALGA RECOMMENDATION

That WALGA endorse the following Landfill Ban Advocacy Position:

Landfill bans are not supported in the absence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.

Executive Summary

- The State Government has committed to delivering a state-wide E-waste ban to landfill by 2024, with the aim of improving management and recycling of e-waste produced by households and businesses across the State.
- Consultation has occurred on the proposed ban and a WALGA Submission on this matter was endorsed by State Council in March 2023.
- A key recommendation of this and previous WALGA Submissions is that any material subject to landfill bans must be covered by a fully effective product stewardship scheme prior to ban implementation.
- Without effective product stewardship arrangements in place for items covered under landfill bans, the burden of managing the product at end of life falls disproportionately to Local Governments.
- A new advocacy position is proposed that makes it clear that landfill bans are not supported in the absence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.
- A contemporary and clear advocacy position on landfill bans will enable WALGA to strongly discourage this policy approach and advocate to the Government for the range of conditions necessary to increase resource recovery and reduce disposal of material to landfill.

Policy Implications

WALGA does not currently have a formal position on landfill bans, however WALGA has made recommendations on this issue in previous submissions as far back as 2006.

Previous submissions

WALGA's 2006 Submission on the environmental, social and economic impacts of potential landfill bans on household packaging, building products and organic waste made the following recommendation:

Any future investigations into a potential ban to landfill for any material type only be undertaken as a part of a multi-tool approach incorporating Extended Producer Responsibility programmes and other appropriate policies and mechanisms.

WALGA's 2022 [Submission on the Stewardship for Consumer and Other Electrical and Electronic Products](#) made the following recommendation:

WALGA does not support a landfill ban for e-waste in the absence of a fully effective product stewardship scheme for products which would be subject to the ban.

WALGA's March 2023 [Submission on the WA E-Waste to Landfill Ban](#) reiterated the position that *comprehensive and effective product stewardship schemes must be implemented for products subject to the e-waste landfill ban prior to the ban taking effect.*

Background

The State Government made an election commitment to deliver a state-wide e-waste landfill ban by 2024, with the aim of improving management and recycling of e-waste produced by households and businesses across the State. The Department of Water and Environmental Regulation released a [Consultation Paper](#) on the proposed e-waste landfill ban in January 2023.

The WA Government has not used landfill bans extensively, however they are used in other several other jurisdictions. The only existing landfill ban in WA is the tyre exclusion zone, which prohibits the landfilling of tyres in and around the Perth metropolitan area. The unintended consequence of the tyre exclusion zone is that tyres are transported outside this area and landfilled.

Comment

The proposed Advocacy Position is consistent with, and formalises recommendations in previous WALGA submissions to make it clear that landfill bans are not supported in the absence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.

Without effective product stewardship arrangements in place for items covered under landfill bans, the burden of managing the product at end of life falls disproportionately to Local Governments.

A contemporary and clear advocacy position on landfill bans will enable WALGA to strongly discourage this policy approach and advocate to the Government for the range of conditions necessary to increase resource recovery and reduce disposal of material to landfill.

This Advocacy Position has been endorsed by the Environment and Waste Policy Team and the Municipal Waste Advisory Council.

7.5 Audit Experience Survey Results Summary and Advocacy Position

By Tony Brown, Executive Director Member Services

WALGA RECOMMENDATION

That:

1. State Council note the Audit Experience Survey Results Summary; and
2. WALGA advocate to the Office of the Auditor General (OAG) to reform the audit process for Local Governments by seeking:
 - a. Audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied.
 - b. That the OAG review the requirements for pre-audit information with a view to reducing the need for additional information where possible;
 - c. That the OAG review their costing formulae for Local Government audits and show constraint in audit cost increases;
 - d. That the OAG provide a breakdown on the cost of the audit and justification for any variance to the estimate to the Local Government as part of the final billing process;
 - e. That auditors be required to improve their communication and information management and avoid repeated requests for information that has already been provided;
 - f. That Local Governments only be required to communicate with contract Auditors (*unless the OAG is directly auditing the Local Government*) and the onus be placed on the contract Auditors to confirm their advice with the OAG before instructing the Local Government; and
 - g. In-conjunction with the Department of Local Government, Sport and Cultural Industries, review the application of Fair Value principles in the context of the audit.

Executive Summary

- In April, WALGA in partnership with LG Professionals WA conducted a survey of the Local Government sector to seek feedback on the annual audit process.
- A range of views were captured in the feedback, both positive and negative.
- The responses highlighted five key emerging issues in the audit process:
 - timeframe and delays;
 - additional workload on Local Government staff;
 - cost;
 - inconsistent advice from contract Auditors and the OAG; and
 - asset valuation requirements.
- WALGA and LG Professionals will continue to work with the OAG to reform the audit process in line with sector feedback, with a particular focus on those issues above.

Attachment

- [Audit Experience Survey Results Summary](#)

Policy Implications

WALGA's current [Advocacy Position](#) in relation to audits was endorsed in 2019 and updated in 2022:

2.2.2 Local Government Audit Structure

Local Government audits carried out by the Office of the Auditor General should take into account the following:

1. *Constraint on the audit cost increases*
2. *Audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied.*

3. *Request the Office of the Auditor General include in the “Audit Results Report” for each financial year, a report on the effectiveness and additional value to Local Governments that the responsibility of Financial Audits being assigned to the Office of the Auditor General has provided.*
4. *Request the Minister for Local Government to provide a formal commitment that Performance Audits carried out by the Office of the Auditor General are the financial responsibility of the State Government.*
5. *Local Government Annual Financial Audits should be completed by the 31 October each year, so that Local www.walga.asn.au 26 Governments can reasonably comply with legislative provisions for Annual Reports and Elector Meetings.*
6. *Completion of Local Government Annual Financial Audits should not be delayed to enable completion of financial audits of a third party entity to which the Local Government is a participant or member, on the basis that each Local Government and Regional Local Government is a separate and independent entity and Australian Accounting standards equity accounting provisions already apply.*
7. *Audit issues should be raised with a Local Government no more than four weeks from submission of the Annual Financial Statements to the Office of the Auditor General.*
8. *Requests the OAG to review the accounting treatment for road assets transferred from Local Government to Main Roads WA, as the approach applied in 2020/21 resulted in significant distortion of operating results for Local Government in the year in which the transfer occurs.*

Background

Responsibility for financial auditing of Local Governments in WA transitioned from the Department of Local Government, Sport, and Cultural Industries to the Office of the Auditor General (OAG) with the proclamation of the *Local Government Amendment (Auditing) Act 2017*.

Since this time, there have been a range of comments and criticisms of the audit experience from the Local Government sector. To improve the audit performance of auditors and the audit outcomes for individual Local Governments, this criticism needed to be corralled and formalised in discussions with the OAG.

To this end, WALGA and LG Professionals WA partnered in April 2023 to conduct a survey of the Local Government sector seeking feedback in relation to the annual audit process.

The survey was designed to enable the Associations to provide consistent and constructive advice to the OAG. The OAG is supportive of the process and welcomes this contribution from the peak bodies to inform their continued improvement.

The survey was marked confidential and only aggregated data and anonymous commentary will be utilised in any published commentary.

Comment

The survey was distributed to all 139 Local Governments. 91 responses were received.

The survey was comprised of 17 questions, most of which were framed as a statement asking respondents to answer in one of five ways:

1. Strongly disagree;
2. Disagree;
3. Neutral;
4. Agree; or
5. Strongly agree.

Strong positive feedback was received in relation to the readiness of Local Government staff to answer queries as they arose during the audit¹ and to complete all audit preparation requirements

¹ Question 5, *Local Government staff were well prepared to answer audit queries as they arose during the conduct of the audit* – 57% agreed and 26% strongly agreed.

prior to the site audit visit². There was also a very high level of respect and appreciation amongst respondents for the professionalism of the audit staff.³

At the opposite end of the spectrum, the estimated audit costs⁴ were largely considered unreasonable⁴ and the audit was often not completed in the scheduled timeframe⁵.

Mixed responses were received in relation to questions about audit staffs' Local Government knowledge,⁶ and whether or not the audit experience was better than the previous 2020/21 audit.⁷ Respondents noted in both questions that audit staff appeared more knowledgeable and better trained than the previous year, making the process easier and more timely. However, operational awareness of audit staff was still flagged as a potential area for improvement.

Overall, the responses to the survey highlight five key emerging issues for the OAG to address in the annual audit process:

1. Timeframe and delays

Over 50% of respondents either disagreed or strongly disagreed that “*the audit was completed in the scheduled timeframe*”.⁸ Comments from respondents suggested disruptions to the timeframe were caused by consecutive periods of leave taken by the Auditors and OAG staff, difficulties with asset valuations and collection of information. One respondent noted that the Auditors continually asked for more information from Local Government staff but refused to acknowledge the delays these requests were causing or allowing for any flexibility in the times allocated.

2. Additional workload on Local Government staff

Similar to the comments above, 60% of respondents either agreed or strongly agreed that “*there was additional workload placed on Local Government staff during the conduct of the audit, beyond the tasks anticipated in the pre-audit preparation advice*”. Only 15% of respondents disagreed or strongly disagreed with this statement. Respondents noted that the tasks expected of Local Government staff “far exceeded” what was anticipated, and this led to a “very high workload” for staff and a strain on resources. Unclear instructions, poor communication and being asked to answer the same question multiple times were cited by respondents as causes for the additional workload.

3. Cost

Almost half of respondents either disagreed or strongly disagreed with the statement that “*the estimated audit costs were reasonable, given the Audit Brief and the comparative cost of previous audits*”.⁹ Comments from some respondents reported that the costs were more than twice that incurred prior to the OAG assuming responsibility for Local Government auditing. There was also feedback about a lack of transparency from the OAG in its failure to provide a cost breakdown.

In terms of the actual cost of the audit, only two respondents indicated that the final cost was less than the estimated cost, with a significant amount of respondents indicating the actual cost was higher than the estimated. The average difference between the estimated and actual was an increase of around \$12,000, with the biggest difference being \$40,000.

² Question 6, *All audit preparation requirements requested by the auditor were provided prior to the audit site visit* – 49% agreed and 25% strongly agreed.

³ Question 10, *The audit staff conducted themselves professionally during the audit* – 52% agreed and 29% strongly agreed.

⁴ Question 4, *The estimated audit costs were reasonable, given the Audit Brief and the comparative cost of previous audits* – 24% disagree, 27% strongly disagree and 28% neutral.

⁵ Question 9, *The Audit was completed in the scheduled timeframe* – 22% disagree and 30% strongly disagree.

⁶ Question 7, *The audit staff had adequate Local Government knowledge and awareness to assist them in performing the audit* – 35% either disagreed or strongly disagreed, versus 55% agreed or strongly agreed.

⁷ Question 16, *Compared to the 2020/21 audit, did you observe any improvement to the 2021/22 audit process that was worth nothing?* – This question asked for comments only.

⁸ Question 9, *The Audit was completed in the scheduled*

⁹ Question 4, *The estimated audit costs were reasonable, given the Audit Brief and the comparative cost of previous audits*

4. Inconsistent advice from contract Auditors and OAG

Whilst a majority of respondents either agreed or strongly agreed that “*consistent advice was received from both contract Auditors and the OAG*”,¹⁰ several comments indicated that when inconsistent advice was received it led to confusion, delays and frustration. One respondent suggested that requiring the Local Government to only communicate with the contract Auditors, and not also the OAG, would avoid these outcomes. In this scenario, it would be up to the contract Auditors and the OAG to be on the same page in terms of the advice given, and this in turn would reduce “inconsistent advice or information from both parties”.

5. Asset Valuation Requirements

There were a number of comments throughout the survey raising the need for simplification and clarification on the Fair Value asset valuation requirements. In response to question 11 about the consistency of advice from the contract Auditors and the OAG, one respondent noted that the advice received was good “apart from the issue of the valuation of assets”.

A similar comment appears in question 14 where a respondent has sought clarification and guidance about “the timing of infrastructure revaluation and what mechanisms, beside management judgement, [are] in place to show how we have made the decision”. Feedback on the handling of the asset valuation process can also be seen in a comment in question 8 which suggests that “more thought needs to be given between the LG Sector and the OAG.”

Drawing on the above key issues, WALGA will be working with the OAG to achieve the following improvements to the audit process:

- Audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied.
- That the OAG review the requirements for pre-audit information with a view to reducing the need for additional information where possible;
- That the OAG review their costing formulae for Local Government audits and show constraint in audit cost increases;
- That the OAG provide a breakdown on the cost of the audit and justification for any variance to the estimate to the Local Government as part of the final billing process;
- That auditors be required to improve their communication and information management and avoid repeated requests for information that has already been provided;
- That Local Governments only be required to communicate with contract Auditors (*unless the OAG is directly auditing the Local Government*) and the onus be placed on the contract Auditors to confirm their advice with the OAG before instructing the Local Government; and
- That the application of Fair Value principles be reviewed in the context of the audit.

These advocacy positions reflect the key findings of the Audit Experience Survey and broadly align with WALGA’s current advocacy positions.

¹⁰ Question 11, *Consistent advice was received from both contract auditors and the OAG*

7.6 Amendments to WALGA's Constitution

By Tony Brown, Executive Director Member Services

WALGA RECOMMENDATION

That State Council endorse putting two items to the 2023 Annual General Meeting that:

1. propose a new Constitution to give effect to the alternate governance model as per the attached; and
2. amend the Constitution to retain the current governance model with necessary changes, as per the attached mark-up.

VOTING REQUIREMENT: 75% SPECIAL MAJORITY

Executive Summary

- At its last meeting, State Council resolved for two sets of constitutional changes to be developed for consideration by State Council, with the intention that Members would consider both sets of amendments at the 2023 Annual General Meeting:
 - One set to give effect to the alternate model, as per the [Best Practice Governance Review Final Report](#); and
 - A second set to refine the current Constitution to address inconsistencies and other issues while maintaining the current governance model.
- The constitutional changes have been prepared by legal firm, Jackson McDonald.
- Amendments to the [Association Constitution](#) require both a special (75 percent) majority at State Council and a special (75 percent) majority at a General Meeting of Members.
- Consequently, if the proposed sets of amendments are endorsed by State Council, they will be put to the 2023 Annual General Meeting on Monday, 18 September.

Attachments

- WALGA Constitution – proposed new Constitution to give effect to alternate model
- WALGA Constitution (marked up) – proposed amendments (retaining current model)

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the [2022 Annual General Meeting](#) (AGM), the Steering Committee put forward a [Consultation Paper](#) for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its [Final Report](#) and recommendation to State Council in February 2023.

At the meeting on [1 March](#) this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on [3 May](#). At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

- a. *Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and*
- b. *Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.*

Comment

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a special (75 percent) majority at an AGM or Special General Meeting.¹¹ Consequently, if the proposed sets of amendments are endorsed by State Council, they will be put to the 2023 AGM on Monday, 18 September.

As per State Council's resolution from [3 May](#), Members will be presented with two sets of constitutional changes at the 2023 AGM.

Assistance was sought from legal firm, Jackson McDonald to prepare the new constitution for the alternate model.

It is intended that the item recommending a new Constitution to give effect to the alternate model ("Set 1") will be presented first, as only one version of the Constitution can be endorsed.

If that item does not receive 75 percent approval from Members, the item recommending amendments to the *current* Constitution but otherwise maintaining the current governance model ("Set 2") will be presented.

If Set 1 is successfully passed by a special majority of Members, Set 2 will not be put to the vote.

¹¹ [Association Constitution](#), clause 29

The following sets out the detail around the two versions of the constitutional amendments.

Set 1: Alternate Model

The following provides a summary of the governance structure under the Alternate Model, as established in Set 1:

Body	Composition and Term	Role
Board	<p>Minimum of 8 up to a maximum of 11 Board members:</p> <ul style="list-style-type: none"> • President of State Council • Deputy President of State Council • 6 members elected from and by State Council members (3 from Metropolitan; 3 from Country) • Up to 3 ‘independent’ members appointed by the Board for their skills which can include Elected Members. State Council members are not eligible. <p>Board members elected for a 2 year term; maximum Board Tenure Limit is 8 years (4 terms).</p> <p>The President and Deputy President is limited to 2 terms, maximum limit of 4 years. This maximum is in addition to the Board Tenure Limit, which means a person serving as President or Deputy President (or both) could be a Board member for up to 16 years.</p>	<p>The President is the Chair and the Deputy President is the Deputy Chair.</p> <p>The Board is responsible for the overall governance of WALGA, strategic direction, financial oversight, approving the annual budget, appointing the CEO etc.</p> <p>The Board must consult with State Council before changing boundaries of the Constituencies and/or allocating Ordinary Members to Zones and Constituencies.</p> <p>All Board members have a deliberative vote and it makes decisions by simple majority vote, except to change the powers of the Association, or representation or voting rights on State Council or the number of Zones, which requires an Absolute Majority decision of both the Board and State Council. Amending the Constitution requires an Absolute Majority decision of the Board, before being put to Members. The Board will meet at least 6 times per year.</p>
State Council	<p>26 State Council members:</p> <ul style="list-style-type: none"> • The President elected from and by the 24 State Council Representatives (Ex officio). • 12 elected by and from Metropolitan Zones • 12 elected by and from Country Zones • The President of Local Government Professionals Australia WA (Ex-officio) – does not have a right to vote. <p>The Deputy President is elected from amongst and by the 24 State Council members from the alternative constituency to the President. (That is, if the President is from a Metropolitan Zone, the Deputy will be elected from the 12 Country Zone representatives).</p> <p>Once the President is elected, the Zone that they were elected to represent, appoints a replacement to State Council. The primary State Council members elected by the Zones are the primary State Council members, the deputies may attend the State Council meetings and vote if the primary representative is unable to attend.</p>	<p>The President chairs State Council meetings but does not have a deliberative vote (has a casting vote).</p> <p>State Council elects the President, Deputy President and members to the Board.</p> <p>State Council considers matters referred to it by the Board for consultation or approval.</p> <p>State Council decisions are made by voting as per the current process.</p> <p>State Council will meet at least 3 times per year.</p> <p>State Council and the Board composition is based upon the principle that there should be equal representation from both Constituencies.</p>

	<p>Only primary State Council members are eligible to be elected to the Board. State Council members are not eligible to be appointed as an independent Board member. State Council members are elected for a two year term. There is no tenure limit for State Council members.</p>	
<p>Zones</p>	<p>There are:</p> <ul style="list-style-type: none"> • 5 Metropolitan Zones; and • 12 Country Zones. <p>The boundaries of the Zones (i.e. Metropolitan v Country) are determined by the Board (in consultation with State Council) and documented in the Corporate Governance Charter.</p> <p>The Zones comprise of representatives from Ordinary Members as determined by the Board (in consultation with State Council).</p> <p>The number of Zones and the number of representatives that may be elected by a Zone to State Council are determined by an Absolute Majority decision of both the Board and State Council.</p>	<p>The Zones elect members to State Council, as follows:</p> <ul style="list-style-type: none"> • Each Country Zone elects one primary representative and one deputy representative to State Council. • In the Metropolitan constituency: <ul style="list-style-type: none"> ○ The North Zone elects 3 primary representatives and a deputy for each to State Council. ○ The South Zone elects 3 primary representatives and a deputy for each to State Council. ○ The other 3 Zones each elect 2 primary representatives and a deputy for each to State Council.

Set 2: Amended Current Model

The proposed amendments to the Constitution in Set 2 will provide necessary changes, but otherwise retain the current governance model. The proposed changes are intended to fix some inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted in 2001, as well as to address some potential issues that have been raised by State Council.

- There are several proposed amendments to the definitions contained in clause 2 Interpretation. In particular:
 - the inclusion of new definitions for “General Meeting”, “Ordinary Meeting” and “Special Meeting”; and
 - the refinement of the current definitions for “Constituency”, “Country Constituency” and “Metropolitan Constituency” to move away from defining boundaries by way of the Metropolitan Region Planning Scheme.
- The deletion of clause 9(2) in light of clause 12(2)(b), which empowers State Council to decide the “allocation or change in allocation of any representation or voting rights on the State Council”, rather than Members. Similarly, clause 14(3) to be amended to again empower State Council to decide the number of Zones, rather than the Members at a General Meeting.
- A new reason for disqualification has been included in clause 22(k) that refers to a State Councillor, Deputy State Councillor, President or Deputy President vacating their office once they become a candidate for election to a State or Federal Parliament “on or after the date the election writ is issued”. This addition was prompted by State Council discussions in [September 2021](#) which resulted in similar changes to the Corporate Governance Charter.
- The deletion of clause 33(1)(c) as it deals with a non-Constitutional topic.
- In Schedule One, the meaning of subclause (f) was unclear and so has been deleted.
- The Register of Delegate Powers, Authorities, Discretions and Duties in Schedule Two has been amended to only include those powers as referred to in the Constitution, with those other powers to be captured in the Corporate Governance Charter.
- Finally, there has been a general tidy up of defined terms throughout the Constitution (that is, terms that are defined in clause 2 and require capitalization).

Transition Process

If Set 1 is passed at the AGM in September, the transition process from the current governance model to the new model will not begin until the first meeting of State Council in December. The key change will be the election and formation of the new Board.

Following the Local Government elections in October, Councils will meet and elect Zone Delegates, then the Zones will meet in November as usual to elect representatives and deputy representatives to State Council.

At the meeting of the new State Council on 6 December, the President and Deputy President will be elected along with six Board members (three Country and three Metropolitan). Then, at the first meeting of the newly elected Board, they will consider up to three independent member positions (if required) and the process for appointment.

The current WALGA President and Deputy President will remain in those positions until the State Council meeting on 6 December. The term for current State Councillors will conclude on 5 December (being the day before the December meeting),¹² with those State Councillors elected during the November round of Zone meetings commencing on 6 December.¹³

A new schedule (Schedule 3) will be inserted if Set 1 is approved which contains the Transitional Provisions.

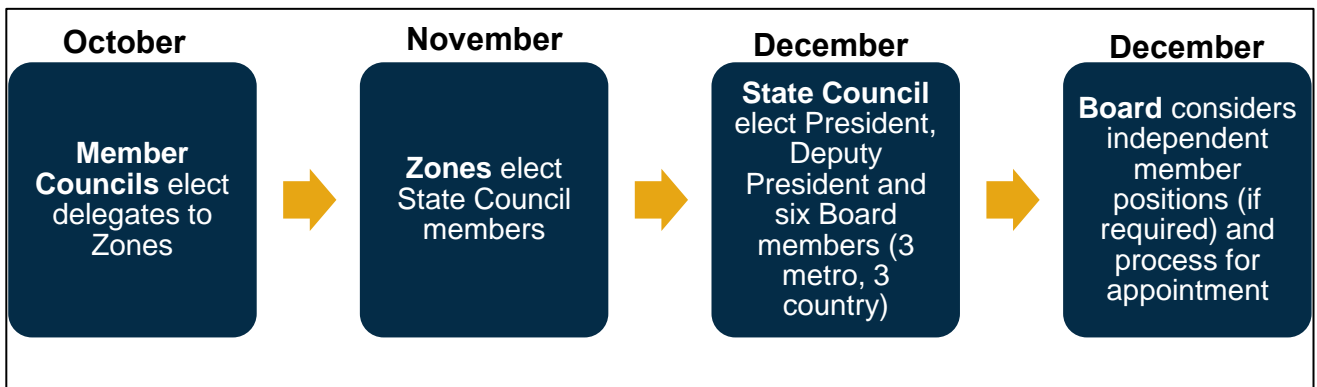


Figure 1: Alternate Model election timeline

If Set 1 does not reach the requisite 75 percent approval from Members at the AGM, Set 2 will be presented for consideration. If Set 2 is approved, the election process will remain unchanged. Councils will elect Zone Delegates in October, who will then meet in November and elect representatives to State Council. The President and Deputy President will continue in their positions until the first ordinary meeting of State Council in March 2024,¹⁴ at which point an election will be held for both positions.

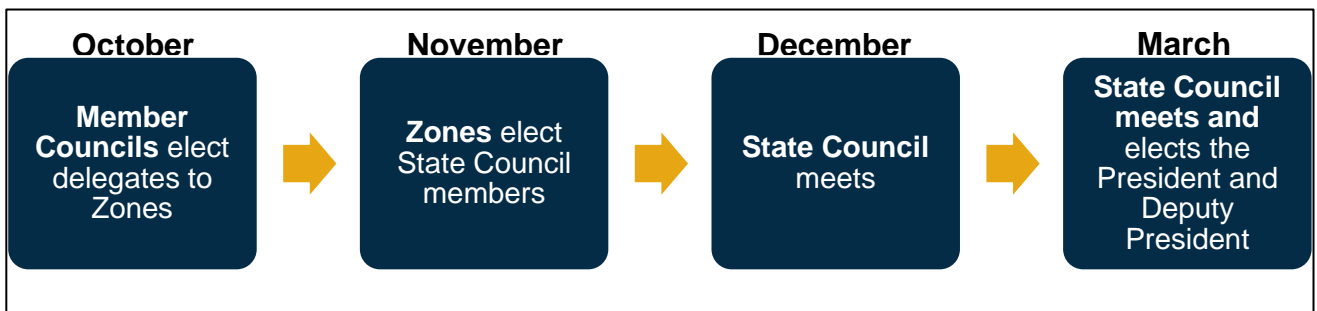


Figure 2: Amended current model election timeline

¹² [Association Constitution](#), clause 9(3)

¹³ [Association Constitution](#), clause 9(3)

¹⁴ [Association Constitution](#), clauses 17(2) and 18(2)

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution:
proposed new Constitution to give effect
to alternate model (Set 1)



Association Constitution

Adopted: 7 August 2001
Amended: 8 August 2004
6 August 2006
5 August 2007
6 August 2011
7 August 2013
3 August 2016
1 August 2018
20 September 2021
18 September 2023

Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association (dissolved in August 2003), the Country Urban Councils' Association (dissolved in August 2002) and the Local Government Association (dissolved in August 2003).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.

1. NAME

The name of the Association is "**Western Australian Local Government Association**".

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

"Absolute Majority" means, in relation to the Board, State Council or any General Meeting of the Association, a majority comprising enough of the Board Members, State Council Representatives or Delegates for the time being for their number to be more than 50% of the number of voting positions of Board Members, State Council Representatives or Delegates (whether Present and voting or not);

"Annual General Meeting" means the meeting convened under clause 22 of this Constitution;

"Association" means Western Australian Local Government Association (WALGA);

"Associate Member" means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(7) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(11); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(10);

"Board" means the governing board of the Association established under clause 9;

"Board Member" means a member appointed or elected to the Board;

"Board Member Representative" means a State Council Representative elected to the Board under clause 18A or clause 19;

"Chief Executive Officer" means the Chief Executive Officer of the Association;

"Code of Conduct" means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all Board Members and State Council Representatives.

"Commissioner" means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act;

"Constituency" means either or both of the Country Constituency and the Metropolitan Constituency (as the case may require);

"Corporate Governance Charter" means the instrument approved by the Board and used to implement good governance policies, procedures and practices;

"Councillor" has the same meaning as under the Local Government Act except that it includes a mayor or president elected by electors and includes a Commissioner;

"Country Constituency" means the Ordinary Members as are grouped within the geographical area of the State of Western Australia as determined by the Board (in consultation with State Council), the details of which are contained in the Corporate Governance Charter;

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

“Delegate” means a Councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or at a Zone meeting pursuant to clause 14 of this Constitution;

“Deputy President” means the Deputy President for the time being of the Association;

“Ex-officio” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“General Meeting” means an Annual General Meeting or a Special General Meeting (as the case requires).

“Independent Board Member” means a person appointed to the Board under clause 9(4);

“In Writing” means notice provided by posting or transmission in electronic form;

“Life Members” means those persons admitted as Life Members of the Association in accordance with sub-clause 5(9) of this Constitution;

“Local Government” means an entity constituted under Part 2 of the Western Australian Local Government Act;

“Local Government Act” means the Western Australian *Local Government Act 1995*;

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia;

“Member” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone with sub-clauses 5(5), 5(6) and 14(2).

“Metropolitan Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia as determined by the Board (in consultation with State Council), the details of which are contained in the Corporate Governance Charter;

“Ordinary Meeting of the Board” means one of the six scheduled meetings of the Board referred to under clause 10(1);

“Ordinary Meeting of the State Council” means one of the three scheduled meetings of the State Council referred to under clause 12(1);

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Local Government created pursuant to a merger or amalgamation of existing Local Governments that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer;

“Secretariat” means the staff of the Association appointed from time to time by the Chief Executive Officer or, in the case of the Chief Executive Officer, by the Board;

“Special General Meeting” means the meeting convened under clause 23 of this Constitution.

“Special Majority” means, in relation to any General Meeting of the Association, a majority comprising enough of the Delegates for the time being for their number to be at least 75% of the total number of Delegates (whether Present and voting or not);

“Special Meeting of the Board” means any Board meeting that is not an Ordinary Meeting of the Board;

“Special Meeting of the State Council” means any State Council meeting that is not an Ordinary Meeting of the State Council;

“Simple Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the the State Council Representatives or Delegates for the time being for their number to be more than 50% of the number of State Council Representatives or Delegates that are Present;

“State Council” means the advisory policy council established pursuant to clause 11;

“State Council Representative” means a member on the State Council elected or appointed by the Constituencies in accordance with the provisions of sub-clauses 11(1) and 11(2) (or 17(4) as applicable) as the primary representative (and not as the deputy representative);

“Transitional Provisions” means those provisions of this Constitution appearing in Schedule Three;

“WALGA” means the Western Australian Local Government Association constituted under section 9.58 of the Local Government Act; and

“Zone” means a geographically based subdivision containing Ordinary Members and incorporated within a Constituency as determined under clause 14(3) and reflected in the Register of Zone Membership referred to in sub-clause 14(9).

(2) In this Constitution:

- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
- (b) words meaning persons include natural persons, corporations and associations; and
- (c) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;
- (c) to speak on behalf of Local Government in Western Australia;
- (d) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (e) to provide services to Local Government in Western Australia;
- (f) to promote Local Government issues of importance by involvement with national bodies;
- (g) to do all and any such other things as in the opinion of the Board may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and

- (h) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may be paid or otherwise distributed, directly or indirectly, to Members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clauses 10(6) and 12(5).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the Local Government Act including, but without limitation, power to:
- (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;
 - (c) sue and be sued; and
 - (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
- (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all Local Governments.
- (3) Ordinary Membership shall be immediately conferred upon any new Local Government created by the merger of existing Local Governments that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Local Government of that new Local Government have been paid.
- (4) An Ordinary Member shall belong to either the Metropolitan Constituency or the Country Constituency, but not both.
- (5) Subject to clause 5(6), the membership of Ordinary Members to Zones shall be determined from time to time by the Board in consultation with State Council.

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (6) The Board, on application from an Ordinary Member and in consultation with State Council, may resolve to permit an Ordinary Member to be a member of an alternate Constituency. In considering any application made pursuant to this subclause, the Board shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two Constituencies. The Board may (in consultation with State Council) approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The Board from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members may be admitted from time to time through a decision of the Board.
- (11) Any person or organisation seeking admission as an Associate Member shall make written application to the Chief Executive Officer. The Board or its delegate shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.
- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon:
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or
 - (b) non-payment by a Member of the required subscription within three months of the date fixed by the Board for subscriptions to be paid, unless the Board decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.
- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the Board, including such other Committees as the Board may deem expedient pursuant to clause 21.

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (2) The Budget shall be submitted to the Board for approval not later than 31 July prior to the financial year to which it relates.

8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the Board.
- (2) Subscription levels shall be submitted for approval by the Board together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the Board may decide having regard to all relevant circumstances.

9. THE BOARD

- (1) The Board is the governing board of the Association, responsible for the management and affairs of the Association.
- (2) The Board may exercise all of the powers of the Association except those which must, under this Constitution, be exercised by the State Council or the Members at a General Meeting.
- (3) The Board must consist of a minimum of 8 and a maximum of 11 members, comprising the following:
 - (a) The President;
 - (b) The Deputy President;
 - (c) 3 Board Member Representatives elected by State Council from amongst State Council Representatives from the Metropolitan Constituency;
 - (d) 3 Board Member Representatives elected by State Council from amongst State Council Representatives from the Country Constituency; and
 - (e) up to 3 eligible Independent Board Members appointed by the Board from time to time on the basis of their skills, experience or background.
- (4) In respect of the appointment of an Independent Board Member, the Board may determine its own procedures and:
 - (a) a State Council Representative is not eligible to be appointed;
 - (b) a Councillor or, subject to clause 9(4)(a), any other person is eligible to be appointed, subject to meeting any additional eligibility criteria, qualification or experience requirements determined by the Board (if any); and
 - (c) the person appointed, holds office for a term of two years from the date of their appointment, and subject to this clause and clause 9(5), is eligible for re-appointment.
- (5) An Independent Board Member may not serve as an Independent Board Member for more than four consecutive terms.
- (6) A Board Member Representative, the President and Deputy President is elected by State Council for a term as determined under clauses 16 – 19.
- (7) A deputy representative of a Zone as elected to State Council is not eligible to be elected as a Board Member Representative.
- (8) Subject to clauses 9(9) and 9(10), a Board Member Representative may not serve as a Board Member Representative for more than four consecutive terms.

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (9) A person serving as the President or Deputy President may not serve in that role for more than two consecutive terms, but for the avoidance of doubt, may serve two consecutive terms as President and two consecutive terms as Deputy President.
- (10) The Board tenure limit for a Board Member Representative is separate and in addition to the tenure limit for the role of the President or Deputy President.

10. BOARD PROCEEDINGS

- (1) The Board must meet together for the dispatch of business not less than six times in each calendar year.
- (2) Ordinary Meetings of the Board shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (3) Special Meetings of the Board shall be called by the Chief Executive Officer by providing notice to Board Members of the date, time, place and purpose of the meeting upon the written request of the President or at least three Board Members.
- (4) Each Board Member Present shall be entitled to exercise one (1) deliberative vote on any matter considered by the Board (including the person presiding at the meeting).
- (5) Subject to clauses 10(6), 10(7) and 29(1), any resolution put forward at a Board meeting must be passed by a majority of Board Members Present.
- (6) The following resolutions shall not be passed by the Board unless they receive an Absolute Majority of the Board and of State Council:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the number of Zones.
- (7) In the event of there being an equality of votes in respect of a matter considered by the Board, the person presiding at the meeting does not have a casting vote.
- (9) At any meeting of the Board, at least 50% of Board Members in office (rounded up to the nearly whole number), Present and entitled to vote shall form a quorum.
- (10) The President shall preside at all meetings of the Board.
- (11) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the Board.
- (12) In the absence of both of the President and Deputy President, or if they are unwilling or unable to preside, the Board shall choose a Board Member to preside at the Board meeting.
- (13) The Board must establish a Corporate Governance Charter.

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (14) The Board must establish a Code of Conduct to which all Board Members and State Council Representatives must comply.
- (15) Subject to this Constitution, the Board Members Present at a Board meeting may determine the procedure and order of business to be followed at the Board meeting.
- (16) The Board is responsible for establishment and review of the processes which are to be applied by the Zones to determine the election of their representatives and deputy representatives to the State Council.

11. STATE COUNCIL

- (1) The State Council is to be a policy advisory council. Members of the State Council are:
 - (a) 12 Councillors elected as primary representatives from amongst the Delegates to the Zones of the Metropolitan Constituency;
 - (b) 12 Councillors elected as primary representatives from amongst the Delegates to the Zones of the Country Constituency;
 - (c) The President (Ex-officio); and
 - (d) The President of Local Government Professionals Australia WA (Ex-officio).
- (2) The primary State Council Representatives and deputy representatives to the State Council shall be elected by Zones of the Constituencies from amongst the Delegates to the Zones (in accordance with the procedures set out in the Corporate Governance Charter) for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (3) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the Constituencies elect their primary representatives and deputy representatives to the State Council.
- (4) A deputy representative elected from amongst the Delegates to that Zone to act in the capacity of a primary representative unable to attend a meeting of the State Council shall exercise all rights of that representative at a State Council meeting, except that a deputy representative is not eligible to be elected as a Board Member Representative.
- (5) If for any reason, a primary representative or deputy representative is unable to hold office for the full period for which the primary representative or deputy representative was appointed to State Council, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a primary representative or deputy representative. The primary representative or deputy representative so appointed shall hold office on State Council for the balance of the term of the primary representative or deputy representative originally elected.
- (6) The State Council must conduct the elections for President, Deputy President and the Board Member Representatives, from amongst State Council Representatives in accordance with the provisions in this Constitution and ensure an equal representation from the Constituencies,

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

at the first Ordinary Meeting of State Council following the biennial Local Government elections.

12. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than three times in each calendar year.
- (2) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (3) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Council Representatives of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of State Council Representatives.
- (4) Each State Council Representative shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any Ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
- (5) Except as provided in this clause, all motions at a State Council meeting shall be passed by a Simple Majority of the State Council Representatives, or by their deputy representatives, Present and entitled to vote. The following resolutions shall not be passed by the State Council unless they receive an Absolute Majority of State Council:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the number of Zones.
- (6) At any meeting of the State Council, thirteen (13) State Council Representatives Present and entitled to vote shall form a quorum.
- (7) The President shall preside at all meetings of the State Council.
- (8) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (9) In the absence of the President and Deputy President, or if they are unwilling or unable to preside, the State Council shall choose a State Council Representative to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (10) State Council shall adopt Standing Orders that will apply to all meetings.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The Board may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The Board may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the Board determines and as set out in the Corporate Governance Charter or in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the Board.
- (3) Subject to the control of the Board, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.
- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the Metropolitan and Country Constituencies.
- (2) Subject to clause 5(6), the membership of Ordinary Members to Zones shall be determined from time to time by the Board in consultation with State Council.
- (3) The number of Zones shall be determined from time to time by the Board and State Council under clauses 10(6)(c) and 12(5)(c) accordingly.
- (4) Each Ordinary Member of a Zone shall be entitled to be represented by a Delegate or Delegates elected or appointed by the Member to represent its interests. Zones shall determine the number of Delegates to which each Member is entitled to be represented by on the Zone.
- (5) The term of a person who is a Delegate of an Ordinary Member of a Zone expires when the person:
- (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the Local Government Act.

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (6) The management and affairs of the Zone shall be vested in the Delegates that are elected or appointed to the Zone by each Member of the Zone.
- (7) The functions of each Zone shall be:
 - (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (8) An application for change in membership between Zones may only be made by the Member seeking to change its membership and with the approval of the receiving Zone.
- (9) Applications for changes in membership between Zones shall be determined by the Board (in consultation with State Council). In considering such applications, the Board shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected by the application and the views of State Council. The Board (in consultation with State Council) may approve or refuse any application, advising accordingly and including any reason therefore.
- (10) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by the Board. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (11) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.
- (12) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (13) An Associate Member of a Zone may not:
 - (a) nominate a delegate for election to any office of the Zone;
 - (b) participate in an election held for any office bearer of the Zone; or
 - (c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

Any election, other than to elect the President or Deputy President, held by the Association shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the post";
- (d) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are –
 - (i) the candidate who receives the greatest number of votes; and
 - (ii) the candidate who receives the next highest number of votes; and
 - (iii) the candidate who receives the next highest number of votes, and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section (d) or (e) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be Present to determine which candidate is elected.

17. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

An election to elect the President or Deputy President shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the-post";
- (d) the candidate who receives the greatest number of votes is elected;
- (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
- (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
- (g) when the meeting resumes, an election will be held in accordance with sub-sections (a), (b), (c) and (d);
- (h) if two or more candidates receive the same number of votes so that sub-section (d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be Present to determine which candidate is elected.

18. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect the President from amongst the primary State Council Representatives.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for President and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections. .
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected as a State Council Representative.

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (4) The Constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same Zone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, subject to clause 19(6), that person shall not hold office as President beyond two (2) full consecutive terms.

19. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate Constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate Constituency to the incumbent President will be eligible to be elected.

20. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its State Council Representatives, provided the Deputy President represents the alternate Constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for Deputy President and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections. .
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, subject to clause 19(6), that person shall not hold office as Deputy President beyond two (2) full consecutive terms.

21. BOARD MEMBER REPRESENTATIVES

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, and the election of the Deputy President pursuant to clause 18 of this Constitution, the State Council shall elect 6 Board Member Representatives from amongst its State Council Representatives, provided that 3 are from the Metropolitan Constituency and 3 are from the Country Constituency.
- (2) The Board Member Representatives shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for the Board Member Representatives and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) Prior to expiration of a term of office, a Board Member Representative may seek re-election for a consecutive term.

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (4) Where a Board Member Representative seeks and is re-elected for a consecutive term, subject to clause 19(9), that person shall not hold office as Board Member Representative beyond four (4) full consecutive terms.

22. VACANCY – PRESIDENT, DEPUTY PRESIDENT AND BOARD MEMBER REPRESENTATIVES

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternative Constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate Constituency to that of the President.
- (6) A State Council Representative elected to fill a vacancy of President or Deputy President pursuant to this clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.
- (7) If a Board Member Representative is elected to fill a vacancy of President or Deputy President pursuant to this clause 19, their position as a Board Member Representative is declared vacant.
- (8) If the office of a Board Member Representative becomes vacant or if for any other reason the Board Member Representative is unable to take or hold office, then the State Council shall meet to elect from among their number a Board Member Representative who shall hold the office for the balance of the term of the Board Member Representative replaced, provided the new Board Member Representative represents the same Constituency as the Board Member Representative who is being replaced.
- (9) A State Council Representative elected to fill a vacancy of Board Member Representative pursuant to this clause 19 shall still be eligible for election for a subsequent four (4) full consecutive terms.

23. VACATION OF OFFICE

A person shall cease or be disqualified from being a Board Member, a representative or deputy representative on the State Council or from being President or Deputy President of the Association, if that person:

- (a) dies;
- (b) except in respect of an Independent Board Member, ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the Local Government Act;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive Ordinary Board or Ordinary State Council meetings (as applicable);
- (h) except in respect of an Independent Board Member, is a member of a Local Government that ceases to be a member of the Association;
- (i) except in respect of an Independent Board Member, is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuance of sub-clause 17(4);
- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the Local Government Act; or
- (k) is a candidate for election to State or Federal Parliament on or after the date the election writ is issued.

24. COMMITTEES AND SUB-COMMITTEES

- (1) The Board may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
 - (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a decision of the Board pursuant to sub-clause 10(6) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the Board.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the Board.
- (4) Subject to the Corporate Governance Charter, each Committee shall elect a Chair from the members of the Committee.

25. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the Board, provided that such date occurs prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (3) At an Annual General Meeting, greater than one half of the Delegates of Ordinary Members who are eligible to vote and are Present constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - (b) confirmation of minutes from last Annual General Meeting;
 - (c) adoption of President's annual report;
 - (d) consideration of annual financial statements; and
 - (e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the Board or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.
- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the Board considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the Board may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the Board and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the Board is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

26. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the Board or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify the nature of the

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.

- (3) At a Special General Meeting, greater than one half of the Delegates of Ordinary Members who are eligible to vote and are Present constitute a quorum.
- (4) Where the Board considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the Board may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the Board and the reasons for that decision.
- (5) Notwithstanding the provisions of sub-clause (4), the Board is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

27. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) Delegates.
- (2) A Delegate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association.
- (3) A Delegate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a Delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the General Meeting at which the proxy is to be exercised and shall be signed by the Delegate or by the Chief Executive Officer of the Ordinary Member that nominated the Delegate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a Simple Majority of the Ordinary Members' Delegates or by a duly authorised proxy vote exercised on their behalf.

28. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all proceedings of all General Meetings, Board meetings and State Council meetings to be taken and then to be entered within 30 days after the holding of each General Meeting, Board meeting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- (2) The President must ensure that the minutes taken of a General Meeting, Board meeting or State Council meeting under sub-clause (1) are checked and signed as correct by the person who presided at the General Meeting, Board meeting or State Council meeting to which those minutes relate or by the person who presides at the next succeeding general meeting, Board meeting or State Council meeting, as the case requires.
- (3) When minutes have been entered as correct under this clause, they are, until the contrary is proved, evidence that:
 - (a) the General Meeting, Board meeting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
- (c) all appointments or elections purporting to have been made at the meeting have been validly made.

29. AUDIT

- (1) At least once a year the Board shall cause the Association's accounts to be audited by a person or persons appointed by the Board or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

30. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the Board, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the Board may deem appropriate.
- (3)
 - (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a decision of the Board.
 - (b) The Board on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

31. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the approval of the Board and every use of that common seal must be recorded in the minutes of the Board meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer and any Board Member.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the Board from time to time decides.

32. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) An Absolute Majority resolution at any meeting of the Board; and
- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a majority of not less than 75% of Delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
- (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

33. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the Board on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the Board meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by decision of the Board.

34. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
 - (a) a Member and another Member; or
 - (b) a Member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the Board having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the Board may decide, being not less than three (3), who shall be drawn from amongst the following:
 - (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government; or
 - (d) such other persons as the Board considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (6) The panel, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985 (WA)* and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.

Item 7.6 Amendments to WALGA's Constitution

Attachment 1 - WALGA Constitution: proposed new Constitution to give effect to alternate model (Set 1)

- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.
- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.

35. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The Board shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.

36. TRANSITIONAL PROVISIONS

- (1) The Transitional Provisions shall apply in accordance with their terms as if set out in this Constitution in full.
- (2) In the case of any inconsistency between the Transitional Provisions and any other provision of this Constitution, the Transitional Provisions will prevail.
- (3) The Transitional Provisions shall have continuing force and effect in accordance with their terms.

SCHEDULE ONE

REGISTER OF POWERS

The powers of the Association on incorporation are the:

- (a) advocacy of Federal and State matters;
- (b) progression of Legislative Review;
- (c) management and pursuit of Local Government Act matters;
- (d) management and pursuit of Industrial (Labour) Relations matters;
- (e) direction of the Secretariat and management of the Association's offices; and
- (f) instigation of all things necessary to pursue and achieve the objectives of the Association.

In construing the above powers the following terms shall have the meanings set out opposite them:

- "Federal Affairs" means all matters from time to time under consideration by the Australian Local Government Association and all matters concerned with aspects of Federal legislation including all inter-governmental finance questions between Federal and State Governments but shall not extend to the intra-state distribution of grants;
- "Industrial (Labour) Relations" includes all issues concerned with conditions of employment within Local Government whether award or otherwise, personnel practices and training;
- "Legislative Review" means any review or proposed review of existing or proposed legislation whether State or Federal unless the Board resolves that it is of relevance only to one of either the metropolitan or country constituencies;
- "Local Government Act matters" means all questions pertaining to the provisions of the Local Government Act.

The above powers and definitions may be added to, amended, modified or substituted from time to time in accordance with clause 4 of the Constitution.

SCHEDULE TWO

**REGISTER OF DELEGATED POWERS,
AUTHORITIES, DISCRETIONS AND DUTIES**

Date	Committee/Person	Detail on Delegations
2 December 2015	Chief Executive Officer	<p>Chief Executive Officer delegated the authority to admit or refuse organisations seeking Associate Membership to WALGA on the basis that such organisations are:</p> <ul style="list-style-type: none"> • organisations constituted by Local Governments such as Regional Councils, Voluntary Regional Councils and Alliances; • not-for-profit organisations that can demonstrate a link or relationship with the Local Government sector, or • Government agencies, including Government Trading Entities.
4 December 2002	President Deputy President Chief Executive Officer	<p>Affixation of the Common Seal</p> <ul style="list-style-type: none"> • Affixation of the Association's common seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval; • In instances where obtaining prior approval is impractical, authority to affix the common seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; • A regular report be submitted to State Council "for noting" outlining all instances where the common seal has been used without prior resolution; and • WALGA give priority to preparing an appropriate instrument of delegation.
6 February 2002 6 June 2007 (Updated)	Honours Panel	<p>Honours Panel</p> <ul style="list-style-type: none"> • Overseeing the Association's annual Honours Program with delegated power from the State Council during the entire process. • Adjudicating in the selection of recipients for Association Honours and the Local Government Medal, annually. • Recommending, where appropriate, the conferral of alternative Association Honours where it is concluded that a nominated candidate is better suited to a different award category than the one they were originally nominated for. • Overseeing the annual budget set for the Association's Honours Program. • Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians. • Reviewing the Honours Policies and supporting documentation as deemed necessary.

SCHEDULE THREE TRANSITIONAL PROVISIONS

1. For the purposes of these Transitional Provisions:

“Effective Date” means 18 September 2023 OR the date of the Annual General Meeting at which the Members approved the amendments to this Constitution.

“Transition Date” means 6 December 2023 OR the date that the first Ordinary Meeting of State Council is held in December 2023 following the biennial Local Government elections.

2. These Transitional Provisions come into effect on and from the Effective Date.
3. With respect to those holding constitutionally recognised offices as at the Effective Date, the following provisions shall apply:
 - (a) Subject to clause 3(b) of this Schedule, the members of State Council remain in office until the day immediately before the Transition Date.
 - (b) The President and Deputy President remain in office until the newly formed State Council (as referred to in clause 4 of this Schedule) conducts its election on the Transition Date.
4. The election by the Zones for the primary State Council Representatives and deputy representatives to the State Council from amongst the Delegates to the Zones under clause 11(2) of the Constitution, shall be conducted in November 2023 to form the new State Council to take office on the Transition Date.
5. The Board is constituted at the conclusion of the elections conducted at the first Ordinary Meeting of State Council held on the Transition Date.
6. On and from the Effective Date until the close of the first Ordinary Meeting of State Council held on the Transition Date, all references to the Board, and its role, powers and functions as specified in the Constitution, are to be read as references to the State Council and may be exercised by State Council, and State Council remains the governing body of the Association during this period.
7. The Corporate Governance Charter and State Council Standing Orders in effect as at the Effective Date, remain in effect until the Transition Date. Upon the Transition Date:
 - (a) the Board is deemed to have approved the Corporate Governance Charter; and
 - (b) the State Council approves State Council Standing Orders,

to apply on and from the Transition Date, as tabled at the meeting, which have been amended to be consistent with the amendments made to the Constitution and to the governance structure of the Association.

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 – WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)



Association Constitution

Adopted: 7 August 2001

Amended: 8 August 2004

6 August 2006

5 August 2007

6 August 2011

7 August 2013

3 August 2016

1 August 2018

20 September 2021

[18 September 2023]

Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association (dissolved in August 2003), the Country Urban Councils' Association (dissolved in August 2002) and the Local Government Association (dissolved in August 2003).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

1. NAME

The name of the Association is ***“Western Australian Local Government Association”***.

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

“Absolute Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of voting positions of representatives or delegates (whether present and voting or not);

“Annual General Meeting” means the meeting convened under clause 22 of this Constitution;

“Association” means Western Australian Local Government Association (WALGA);

“Associate Member” means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(~~67~~) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(~~911~~); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(9);

“Chief Executive Officer” means the Chief Executive Officer of the Association;

“Code of Conduct” means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all State Council members.

“Commissioner” means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act ~~1995~~;

“Constituency” means the Country Constituency and the Metropolitan Constituency (as the case may require)~~such country and metropolitan groupings of Ordinary Members as the Association for the time being, may determine;~~

“Corporate Governance Charter” means the instrument approved by State Council and used to implement good governance policies, procedures and practices;

“Councillor” has the same meaning as under the Local Government Act ~~1995~~ except that it includes a mayor or president elected by electors and includes a Commissioner ~~appointed under section 2.6(4) or section 2.36A(3) of the Local Government Act 1995;~~

“Country Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia ~~not included within the boundaries of the Metropolitan Region Planning Scheme, as determined by State Council, the details of which are contained in the Corporate Governance Charter;~~

“Country Shire Councils’ Association” means ~~the Country Shire Councils’ Association constituted under section 9.58 of the Local Government Act 1995;~~

“Country Urban Councils’ Association” means ~~the Country Urban Councils’ Association of Western Australia constituted under section 9.58 of the Local Government Act 1995;~~

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

“Delegate” means a ~~e~~Councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or ~~en~~-at a Zone meeting pursuant to clause 14 of this Constitution;

“Deputy President” means the Deputy President for the time being of the Association;

“Ex-officio” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“General Meeting” means an Annual General Meeting or a Special General Meeting (as the case requires);

~~**“Governance Charter”** means the written policy document that clearly defines the respective roles, responsibilities and authorities of the President, State Council members (individually and collectively) and the Chief Executive Officer in setting the direction, management and control of the Association.~~

“In Writing” means notice provided by posting or transmission in electronic form;

“Life Members” means ~~those members of the Association referred to in sub-clause 5(1) and~~ those persons admitted as Life Members of the Association in accordance with sub-clause 5(89) of this Constitution;

“Local Government” means an entity constituted under Part 2 of the Western Australian Local Government Act ~~1995~~;

“Local Government Act” means the Western Australian *Local Government Act 1995*;

~~**“Local Government Association WALGA”** means the Western Australian Local Government Association of Western Australia constituted under section 9.58 of the Local Government Act 1995;~~

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia;

“Member” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone by State Council in accordance with sub-clause 14 (2) ~~;~~ ~~or~~
- ~~a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation;~~

“Metropolitan Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia ~~within the Metropolitan Region Planning Scheme, as determined by State Council, the details of which are contained in the Corporate Governance Charter;~~

“Ordinary Meeting” means one of the four scheduled meetings of the State Council referred to under clause 10(1);

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Council Local Government

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

created pursuant to a merger or amalgamation of existing Councils Local Governments that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer

“Representative” means a member on the State Council elected or appointed by the country and metropolitan constituencies in accordance with the provisions of sub-clause 9(1) and 9(3);

“Secretariat” means the staff of the Association appointed from time to time by the Chief Executive Officer or, in the case of the Chief Executive Officer, by State Council ~~and includes the Chief Executive Officer~~;

“Special General Meeting” means the meeting convened under clause 23 of this Constitution.

“Special Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be at least 75% of the number of representatives or delegates (whether present and voting or not);

“Special Meeting” means any State Council meeting that is not an Ordinary Meeting of the State Council;

“Simple Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of representatives or delegates that are present;

“State Council” means the governing board of the Association established pursuant to clause 9; ~~and~~

“WALGA” means the Western Australian Local Government Association constituted under section 9.58 of the Local Government Act 1995; and

“Zone” means a geographically based subdivision containing Ordinary Members and incorporated within a country and metropolitan constituency. The country and metropolitan zones are set out in the Register of Zone Membership referred to in sub-clause 14(8).

(2) In this Constitution:

- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
- (b) words meaning persons include natural persons, corporations and associations; and
- (d) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- (e) to speak on behalf of Local Government in Western Australia;
- (f) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (i) to provide services to Local Government in Western Australia;
- (j) to promote Local Government issues of importance by involvement with national bodies;
- (k) to do all and any such other things as in the opinion of the State Council may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and
- (l) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clause 12(3).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the *Local Government Act 1995* including, but without limitation, power to:
 - (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;
 - (c) sue and be sued; and
 - (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
 - (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all ~~Western Australian~~ Local Governments.

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- (3) Ordinary ~~m~~Membership shall be immediately conferred upon any new ~~Council~~Local Government created by the merger of existing ~~Councils~~Local Governments that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor ~~Councils~~Local Government of that new ~~Council~~Local Government have been paid.
- (4) An Ordinary Member shall belong to either the ~~m~~Metropolitan ~~e~~Constituency or the ~~e~~Country ~~e~~Constituency, but not both.
- (5) Subject to subclause (54), if an Ordinary Member has land both within and outside the Metropolitan Region Planning Scheme (MRPS), if the greater land area is in the MRPS, it will be deemed to be in the metropolitan constituency, otherwise it will be deemed to belong to the country constituency; or
- (6) State Council, on application from an Ordinary Member, may resolve to set aside the general rule prescribed in subclause (54) and permit an Ordinary Member to be a member of an alternate constituency. In considering any application made pursuant to this subclause, State Council shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two constituencies. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The State Council from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members may be admitted from time to time on a simple majority resolution of the State Council.
- (11) Any person or organisation seeking admission as an Associate Member shall make written application to the Chief Executive Officer. The State Council or its delegate shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.
- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon:
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- (b) non-payment by a Member of the required subscription within three months of the date fixed by the State Council for subscriptions to be paid, unless the State Council decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.
- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the State Council, including such other Committees as the State Council may deem expedient pursuant to clause 21.
- (2) The Budget shall be submitted to the State Council for approval not later than 31 July prior to the financial year to which it relates.

8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the State Council.
- (2) Subscription levels shall be submitted for approval by the State Council together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the State Council may decide having regard to all relevant circumstances.

9. STATE COUNCIL

- (1) The State Council is to be the governing board of the Association, responsible for the management and affairs of the Association. Members of the State Council shall include:
- (a) 12 Councillors elected as representatives from amongst the ~~e~~D~~e~~legates to the Zones of the ~~m~~M~~e~~tropolitan ~~e~~C~~e~~onstituency;
 - (b) 12 Councillors elected as representatives from amongst the ~~e~~D~~e~~legates to the Zones of the ~~e~~C~~e~~ountry ~~e~~C~~e~~onstituency;
 - (c) The President (ex-officio); and
 - (d) The President of Local Government Professionals Australia WA (ex-officio).

~~(2) The metropolitan constituency and country constituency shall determine the allocation of representational positions on State Council between the Zones within each respective constituency.~~

- (3) Representatives and deputy representatives to the State Council shall be elected by Zones of the ~~metropolitan and country e~~C~~e~~onstituencies from amongst the ~~e~~D~~e~~legates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (4) The State Council shall be the body responsible for establishment and review of the processes which are to be applied by the Zones of the metropolitan and country constituencies to determine the election of their representatives and deputy representatives to the State Council.
 - (5) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the ~~metropolitan and country c~~onstituencies elect their representatives and deputy representatives to the State Council.
 - (6) A deputy representative elected from amongst the delegates to that Zone to act in the capacity of a representative unable to attend a meeting of the State Council shall exercise all rights of that representative.
 - (7) If for any reason, a representative or deputy representative is unable to hold office for the full period for which the representative or deputy representative was appointed, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a representative or deputy representative. The representative or deputy representative so appointed shall hold office for the balance of the term of the representative or deputy representative originally elected.

10. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than four times in each year.
- (2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
- (3) At any meeting of the State Council, thirteen (13) representatives present and entitled to vote shall form a quorum.
- (4) The President shall preside at all meetings of the State Council.
- (5) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (6) In the absence of the President and Deputy President, or if they are unwilling or unable to preside, the State Council shall choose a representative of the State Council to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- (7) The State Council shall establish a Corporate Governance Charter as the instrument to be used by State Council in implementing good governance policies, procedures and practices.
- (8) The State Council shall establish a Code of Conduct to which all State Council members must comply.
- (9) State Council shall adopt Standing Orders that will apply to all meetings.

11. NOTICE OF STATE COUNCIL MEETINGS

- (1) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (2) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Councillors of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of the representatives to the State Council.

12. RESOLUTIONS OF STATE COUNCIL

- (1) Except as provided in this clause, all motions concerning the affairs of the Association shall be passed by a simple majority of the representatives of the State Council or by their deputy representatives.
- (2) The following resolutions shall not be passed unless they receive a ~~Special Majority of not less than 75% of representatives~~ of the State Council or by their deputy representatives:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the membership of Ordinary Members to Zones.
- (3) The annual budget, including annual subscriptions, shall not be adopted unless passed by an absolute majority of representatives of the State Council or by their deputy representatives.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The State Council may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The State Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the State Council determines and the scope of which are set out in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the State Council.
- (3) Subject to the control of the State Council, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the ~~m~~Metropolitan and ~~e~~Country ~~e~~Constituencies.
- (2) The membership of Ordinary Members to Zones shall be determined from time to time by State Council.
- (3) The number of Zones shall be determined from time to time by ~~the Ordinary Members of the Association at a Special or Annual General Meeting~~ State Council.
- (4) Each Ordinary ~~m~~Member of a Zone shall be entitled to be represented by a ~~e~~Delegate or ~~e~~Delegates elected or appointed by the ~~m~~Member to represent its interests. Zones shall determine the number of ~~e~~Delegates to which each ~~m~~Member is entitled to be represented by on the Zone.
- (4a) The term of a person who is a ~~e~~Delegate of a ~~m~~Member of a Zone expires when the person:
 - (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the *Local Government Act 1995*.
- (5) The management and affairs of the Zone shall be vested in the ~~e~~Delegates that are elected or appointed to the Zone by each ~~m~~Member of the Zone.
- (6) The functions of each Zone shall be:
 - (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (7) An application for change in membership between Zones may only be made by the ~~m~~Member seeking to change its membership and with the approval of the receiving Zone.
- (8) Applications for changes in membership between Zones shall be determined by the State Council. In considering such applications, State Council shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- by the application. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (9) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by State Council. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (10) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.
- (11) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (12) An Associate Member of a Zone may not:
- (a) nominate a delegate for election to any office of the Zone;
 - (b) participate in an election held for any office bearer of the Zone; or
 - (c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

Any election other than to elect the President or Deputy President held by the Association shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the post";
- (d) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are –
 - (i) the candidate who receives the greatest number of votes; and
 - (ii) the candidate who receives the next highest number of votes; and
 - (iii) the candidate who receives the next highest number of votes,and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section (d) or (e) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

1716A. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

An election to elect the President or Deputy President shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of “first-past-the-post”;
- (d) the candidate who receives the greatest number of votes is elected;
- (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
- (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
- (g) when the meeting resumes, an election will be held in accordance with sub-sections (a), (b), (c) and (d);
- (h) if two or more candidates receive the same number of votes so that sub-section (d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

187. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect a President from amongst those of its members that are representatives from the Zones of the metropolitan and country constituencies or were originally elected to State Council in that capacity.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The President's term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected by the metropolitan or country constituencies as a representative on the State Council.
- (4) The metropolitan or country constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same zZone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

197A. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.

2018. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its ~~m~~Metropolitan and ~~e~~Country representatives, provided the Deputy President represents the alternate ~~e~~Constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The Deputy President's term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

2119. VACANCY – PRESIDENT AND DEPUTY PRESIDENT

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19 (5) will be conducted for the office of Deputy President from amongst representatives of the alternative ~~e~~Constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate ~~e~~Constituency to that of the President.
- (6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.

2220. VACATION OF OFFICE

A person shall cease or be disqualified from being a representative or deputy representative on the State Council or from being President or Deputy President of the Association, ~~or from attending State Council in an ex-officio capacity,~~ if that person:

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- (a) dies;
- (b) ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the *Local Government Act 1995*;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive ordinary State Council meetings;
- (h) is a member of a Local Government that ceases to be a member of the Association;
- (i) is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuence of sub-clause 17(4); ~~or~~
- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the *Local Government Act 1995*; or
- (k) is a candidate for election to State or Federal Parliament on or after the date the election writ is issued.

2321.

COMMITTEES AND SUB-COMMITTEES

- (1) The State Council may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
 - (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a resolution of the State Council pursuant to sub-clauses 12(2) or 12(3) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the State Council.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the State Council.
- (4) Subject to the Corporate Governance Charter, ~~E~~each Committee shall elect a Chair from the members of the Committee.

2422. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the State Council, provided that such date occurs prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- (3) At an Annual General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - (b) confirmation of minutes from last Annual General Meeting;
 - (c) adoption of President's annual report;
 - (d) consideration of annual financial statements; and
 - (e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the State Council or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.
- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the State Council is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

2523. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the State Council or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify the nature of the business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.
- (3) At a Special General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present constitute a quorum.
- (4) Where the State Council considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association,

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.

- (5) Notwithstanding the provisions of sub-clause (4), the State Council is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

2624. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) ~~e~~D~~e~~legates.
- (2) A ~~e~~D~~e~~legate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association.
- (3) A ~~e~~D~~e~~legate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the general meeting at which the proxy is to be exercised and shall be signed by the ~~e~~D~~e~~legate or by the Chief Executive Officer of the Ordinary Member that nominated the ~~e~~D~~e~~legate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a ~~s~~S~~i~~mple ~~m~~M~~a~~jority of the Ordinary Members' ~~e~~D~~e~~legates or by a duly authorised proxy vote exercised on their behalf.
- (5) At any Annual General Meeting or Special General Meeting of the Association, greater than one half of the ~~e~~D~~e~~legates who are eligible to vote must be present to form a quorum.

2725. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all proceedings of all ~~g~~G~~e~~neral ~~m~~M~~e~~etings and State Council meetings to be taken and then to be entered within 30 days after the holding of each ~~g~~G~~e~~neral ~~m~~M~~e~~eting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- ~~(2) The President must ensure that the minutes taken of a general meeting or State Council meeting under sub-clause (1) are checked and signed as correct by the person who presided at the general meeting or State Council meeting to which those minutes relate or by the person who presides at the next succeeding general meeting or State Council meeting, as the case requires.~~
- (~~2~~3) When minutes have been entered ~~and signed~~ as correct under this clause, they are, until the contrary is proved, evidence that-
 - (a) the ~~g~~G~~e~~neral ~~m~~M~~e~~eting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

2826. AUDIT

- (1) At least once a year the State Council shall cause the Association's accounts to be audited by a person or persons appointed by the State Council or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

2927. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the State Council, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the State Council may deem appropriate.
- (3)
 - (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a resolution of the State Council.
 - (b) The State Council on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

3028. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the approval of the State Council and every use of that common seal must be recorded in the minutes of the State Council meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer, the President and the Deputy President.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the State Council from time to time decides.

3129. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) A resolution at any meeting of the State Council on the receipt of a ~~s~~Special ~~m~~Majority ~~of not less than 75%~~ of representatives or by their deputy representatives; and
- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a Special ~~m~~Majority ~~of not less than 75% of d~~Delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:
 - (a) 75% of Ordinary Members who are eligible to vote are present or represented; and

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

329. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the State Council on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the State Council meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by resolution of State Council.

331. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
 - (a) a member and another member; or
 - (b) a member and the Association; ~~or~~
 - ~~(c) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.~~
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the State Council having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the State Council may decide, being not less than three (3), who shall be drawn from amongst the following:
 - (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government; or
 - (d) such other persons as the State Council considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (6) The panel, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985 (WA)* and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.

- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.

- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.

342. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The State Council shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.

SCHEDULE ONE

REGISTER OF POWERS

The powers of the Association on incorporation are the:

- (a) advocacy of Federal and State matters;
- (b) progression of Legislative Review;
- (c) management and pursuit of Local Government Act matters;
- (d) management and pursuit of Industrial (Labour) Relations matters;
- (e) direction of the Secretariat and management of the Association's offices; and
- ~~(f) appointment of delegates in the case of joint appointment from amongst the metropolitan and country constituencies; and~~
- ~~(g)~~ instigation of all things necessary to pursue and achieve the objectives of the Association.

In construing the above powers the following terms shall have the meanings set out opposite them:

- “Federal Affairs” means all matters from time to time under consideration by the Australian Local Government Association and all matters concerned with aspects of Federal legislation including all inter-governmental finance questions between Federal and State Governments but shall not extend to the intra-state distribution of grants;
- “Industrial (Labour) Relations” includes all issues concerned with conditions of employment within Local Government whether award or otherwise, personnel practices and training;
- “Legislative Review” means any review or proposed review of existing or proposed legislation whether State or Federal unless the State Council resolves that it is of relevance only to one of either the metropolitan or country constituencies;
- “Local Government Act matters” means all questions pertaining to the provisions of the Local Government Act.

The above powers and definitions may be added to, amended, modified or substituted from time to time in accordance with clause 4 of the Constitution.

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

SCHEDULE TWO

**REGISTER OF DELEGATED POWERS,
AUTHORITIES, DISCRETIONS AND DUTIES**

Date	Committee/Person	Detail on Delegations
2 December 2015	Chief Executive Officer	<p>Chief Executive Officer delegated the authority to admit or refuse organisations seeking Associate Membership to WALGA on the basis that such organisations are:</p> <ul style="list-style-type: none"> organisations constituted by Local Governments such as Regional Councils, Voluntary Regional Councils and Alliances; not-for-profit organisations that can demonstrate a link or relationship with the Local Government sector, or Government agencies, including Government Trading Entities.
1 June 2014	Chief Executive Officer	<p>Authorisation of Expenditure</p> <p>Authorising all expenditures as approved in the budget, subject to:</p> <ul style="list-style-type: none"> all Chief Executive Officer compensation, outside of normal monthly remuneration being authorised by the President; and all business-related expenses paid to the Chief Executive Officer being authorised or ratified by the President
27 March 2019	Chief Executive Officer	<p>Reallocations of Budget</p> <p>Subject to compliance with budgetary policies / limitations set by State Council, the CEO may reallocate budget allocations between activity areas up to a maximum amount of \$20,000 between State Council meetings, with such amendments to be reported to the next meeting of the Finance and Services Committee detailing the amount and reasons.</p>
4 December 2002	President Deputy President Chief Executive Officer	<p>Affixation of the Common Seal</p> <ul style="list-style-type: none"> Affixation of the Association's common seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval; In instances where obtaining prior approval is impractical, authority to affix the common seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; A regular report be submitted to State Council "for noting" outlining all instances where the common seal has been used without prior resolution; and WALGA give priority to preparing an appropriate instrument of delegation.
6 February 2002 6 June 2007 (Updated)	Finance and Services Committee Insurance Board Municipal Waste Advisory Council Honours Panel Selection Committee	<p>Finance and Services Committee</p> <p>On behalf of State Council, and in accordance with any policies, directions or limitations set by State Council, undertake the following functions:</p> <ul style="list-style-type: none"> Determining key directions in relation to the establishment and/or development of new and current business opportunities that result in the delivery of outputs which enhance the financial and operational capacity of members and the Association. Adoption of business plans for the Association's service delivery units that deliver the key objectives within the Association's Strategic Plan, with regular monitoring of outcomes against agreed performance indicators. Oversee the financial management of the Association, including the recommendation of a draft annual Governance Budget to State Council, long term financial planning, monitoring/assessment of financial reports, approving and/or recommending budgetary reallocations to State Council, committing or reallocating reserve funds for special purposes, and auditing and presentation of the Association's annual accounts. Internal audit including monitoring/assessing compliance against financial and asset management and internal control policies. Oversee the delivery of business development, business management, human resource management and information management and corporate services.

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

		<ul style="list-style-type: none"> • Establish a risk governance structure which ensures that management has implemented sound risk management policies and procedures across the Association, and which is regularly reviewed. • Establish risk management and internal control performance indicators that are regularly evaluated through internal and external audit processes. • Regularly report to State Council on the key activities and major decisions of the Committee. <p>Local Government Self Insurance Schemes Board</p> <ul style="list-style-type: none"> • To provide the overall strategic direction of the Schemes. • To recommend the appointment of the Scheme Manager to State Council. • To monitor the financial performance of the Schemes. • To ensure the compliance of the Schemes with the law • To ensure the proper management of risk. • Communicating between the Scheme Manager and Stakeholders. • To establish business plans for the Schemes with ongoing review. • To establish performance indicators and set achievable targets in consultation with the Scheme Manager. • To monitor the performance of the Scheme Manager's management of Scheme operations against key performance indicators. • To require the Scheme Manager to put forward policy recommendations on key operational issues for the Services, including reinsurance, deductibles, level of contributions, levels of policy cover, investments, provisioning (reserves), risk management, rehabilitation etc, and to adopt policies on these issues and keep them under review. • To make procedural determinations on process which are to be followed for the resolution of major claims. • To satisfy itself that satisfactory reinsurance cover has been obtained for the Schemes for each Fund year. • To accept members into the Schemes, with authority to place conditions for admission to membership, with authority for the Board to delegate this power to the Scheme Manager. • To consider the advice of the Scheme Manager and make determinations on the levying of additional contributions on the Scheme Members where the Board considers such action to be necessary, and on the disbursement of surpluses. • To consider the advice of the Scheme Manager and make determinations on the application of penalty loadings or other directives to members of the Schemes who have failed to comply with reasonable risk management standards or taken on additional risk exposures. • To approve annual budgets, financial statements and annual reports for the Schemes. • To appoint Scheme bankers, actuaries, auditors, legal panels, investment advisors and other service providers as required. • To consider actuaries reports and set reserves. • To consider auditors reports. • To review the findings of Scheme performance reviews and customer satisfaction surveys. • To adopt and keep under review Scheme Rules and Policy Wordings. • To undertake such inquiries and seek such reports and information on the Schemes operations as the Board deems fit. • To satisfy itself that the Scheme Manager maintains appropriate professional indemnity, public liability and other appropriate insurance policies that indemnify WALGA and the Schemes against Scheme Manager negligence.
--	--	--

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

		<p>Municipal Waste Advisory Council (MWAC)</p> <p>Representing the Western Australian Local Government Association in all matters relating to municipal waste management through delegation of appropriate powers and expenditure of budgeted funds, except the powers to acquire, hold and dispose of real property; borrow money; and set subscription levels. This delegation is further defined by the following:</p> <ul style="list-style-type: none">• Decisions consistent with an existing formal Policy Statement of the Association can be made without reference to State Council.• Decisions on issues where there is not an existing formal Policy Statement of the Association, may be made without prior reference to State Council – all decisions of this nature will be referred to State Council as soon as practicable for endorsement.• Changes to the membership and voting entitlements of the Municipal Waste Advisory Council must be adopted by State Council prior to taking effect. <p>The objectives of the Municipal Waste Advisory Council Strategic Plan as amended from time to time define the primary areas of activity of the Council. The objectives of the current Strategic Plan are:</p> <ul style="list-style-type: none">• Maintain MWAC as a credible, active and effective peak body in the area of waste management;• Facilitate and encourage cooperative linkages between Local, State and Federal Government, Regional Councils, Industry and the Community.• Promote economically sound, environmentally safe and socially acceptable waste management and minimisation strategies.• Represent Local Governments' view on waste management issues.• Coordinate and initiate research on waste management issues. <p>Honours Panel</p> <ul style="list-style-type: none">• Overseeing the Association's annual Honours Program with delegated power from the State Council during the entire process.• Adjudicating in the selection of recipients for Association Honours and the Local Government Medal, annually.• Recommending, where appropriate, the conferral of alternative Association Honours where it is concluded that a nominated candidate is better suited to a different award category than the one they were originally nominated for.• Overseeing the annual budget set for the Association's Honours Program.• Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians.• Reviewing the Honours Policies and supporting documentation as deemed necessary. <p>Selection Committee</p> <ul style="list-style-type: none">• Oversee the nominations and selection processes in accordance with the objectives and framework endorsed by the State Council.• Call for and assess nominations for vacancies on Boards and Committees on the basis of objective selection criteria.• Ensure that all steps in the selection process are completed before existing appointments to Boards and Committees expire.• Make advisory recommendations to the State Council concerning the selection of applicants for vacancies on Boards and Committees which have been previously identified by State Council as being of strategic importance to the Association, including providing reasons for recommendations.• For vacancies on boards and committees that have been identified as the highest strategic priority to Local Government, institute a process of formal interviews in the selection of candidates to ensure that the best person for the vacancy is recommended to State Council.• Resolve upon preferred applicants for vacancies on Boards and Committees which have not been identified by State Council as being of strategic importance to the Association, including providing reasons for decision.• Provide routine reports to State Council on the exercise of all delegated decision making authority concerning the selection process.• Establish key performance indicators and set achievable targets for the Association's selection process.• Review the process for the selection of applicants for vacancies on Boards and Committees and the delegations provided to the Selection Committee annually or biennially.
--	--	---

Item 7.6 Amendments to WALGA's Constitution

Attachment 2 - WALGA Constitution (marked up) – proposed amendments (retaining current model) (Set 2)

		<ul style="list-style-type: none"> • Develop and implement measures to increase the awareness and understanding of the selection process amongst the Association's membership. •
1 October 2002	Selection Committee	<p>Nominations for Boards and Committees</p> <p>That the President be given authority to co-opt persons for vacancies where no nominations were received.</p>
4 December 2002	<p>Local Government Self Insurance Schemes Board</p> <p>Joint Venture Management Committee</p>	<p>Local Government Self Insurance Schemes</p> <p>In relation to the roles, relationships and responsibilities between the LGIS Management Committee and the Local Government Self Insurance Schemes Board:</p> <ul style="list-style-type: none"> • The name of the LGIS Management Committee be formally amended to 'Joint Venture Management Committee'. • The roles for the Local Government Self Insurance Schemes Board be: <ul style="list-style-type: none"> — providing the overall strategic direction of the Schemes; — recommending appointment of the Scheme Manager to State Council; — monitoring/evaluating Scheme Manager performance; — monitoring the financial performance of the Schemes; — ensuring compliance of the Schemes with the law; — the proper management of risk; and — communicating between the Scheme Manager and Stakeholders. • The roles for the Joint Venture Management Committee be: <ul style="list-style-type: none"> — policy oversight for the Municipal Insurance Broking Service (MIBS); — monitoring the market share achieved by MIBS, by Council and by insurance type; and — development of new insurance services or the enhancement of existing services and presenting such proposals to the WALGA Finance and Services Committee. — All responsibility for managing the contractual relationship between the Association and JLT reside with the WALGA Finance and Services Committee. — All relevant documentation be amended accordingly to reflect these changes. — Membership to the Joint Venture Management Committee comprise the President and CEO of WALGA or their nominees, the CEO or nominee of JLT and another senior officer of JLT.

8. POLICY TEAM AND COMMITTEE REPORTS

8.1 Environment and Waste Policy Team Report

By Nicole Matthews, Executive Manager Policy

RECOMMENDATION

That State Council note the matters considered by the Environment and Waste Policy Team.

The Environment and Waste Policy Team includes the following subject areas:

- *Climate change*
- *Native vegetation and biodiversity*
- *Biosecurity*
- *Water resources*
- *Sustainability*
- *Waste management*

This Report provides an update on matters considered, since the last State Council meeting, by the Environment and Waste Policy Team at its meetings held on 2 May and 31 May 2023.

1. Matters for State Council Decision

1.1 Landfill Bans

The Policy Team considered and recommended State Councils endorsement of the proposed Policy Position on Landfill Bans (see [Agenda Item 7.4](#)).

1.2 Matters Referred by Zones

Avon-Midland Country Zone referred comments regarding clearing permits and recommending a fee to lodge an appeal against the grant, conditions or amendment of a clearing permit. The Policy Team noted the recommendation from the Zone but decided that WALGA should not advocate for the introduction of a fee in relation to clearing permit appeals. The Policy Team noted WALGA's policy priority to support Local Governments to deliver on their statutory obligations related to native vegetation clearing, including development of a strategic biodiversity offset framework as part of the implementation of the State Native Vegetation Policy. WALGA provided additional feedback to the Zone which is included in the Zone Status report.

The North Metropolitan Zone requested a report on the progress of community batteries from WALGA. WALGA has provided the Zone with information on Round 1 of the [ARENA Community Battery Funding](#). The Zone has been encouraged to invite Western Power and Synergy, who are undertaking community battery installation across WA, to attend the next Zone meeting to directly address the issues raised.

1.3 Updates provided

The following updates were noted:

- **Australian Renewable Energy Agency (ARENA) EV charging infrastructure funding application:** WALGA is finalising the Expression of Interest to submit to ARENA for consideration at its 7 June Panel meeting (Note: this has now been lodged). This project:
 - Has the commitment of 22 Local Governments, representing 58% of the Western Australian population, to accelerate the transition to BEVs.
 - Will require 112 AC and 35 DC dual outlet chargers.
 - Will see the purchase of 121 light BEVs, and software for charging infrastructure, at a cost of \$7.11 million, by the 22 participating Local Governments.

- Will accelerate these Local Governments transition to BEV's by an average of 2 years and provide the infrastructure to assist Local Governments into the medium and long term phases of their transition plans. The participating Local Governments have a fleet of over 900 vehicles.
- Has secured a \$1 million State Government funding commitment to this project, which has been used to reduce the funding requested from ARENA.
- Is seeking ARENA funding of \$4.22 million, to contribute towards the purchase and installation of the charging infrastructure.
- Has a total project budget of \$12.128 million and if funded, will be implemented from January 2024 to June 2025.
- **Biosecurity and Agriculture Management Act (BAM Act) Review** has developed a draft submission on the proposed reforms for sector feedback **by 26 June 2023**. The draft submission provides analysis against the [WALGA Biosecurity advocacy position](#), endorsed by State Council in December 2023 and on anticipated benefits or issues of the proposed reforms. The draft submission will be provided as an item for Zones' consideration in the June round of meetings. As well as providing comments to WALGA, Local Governments are being strongly encouraged to [respond directly](#) to DPIRD by 30 June.
- **Polyphagous Shot Hole Borer (PSHB)**: The quarantine zone for the PSHB has expanded and now covers the majority of the metropolitan area. To ensure Local Governments are informed regarding the potential implications of the PSHB and their legislative requirements, WALGA is hosted an online information session on Tuesday 9 May. WALGA is also engaging with the Department of Primary Industries and Regional Development to ensure the sector is informed, and engaged, ahead of any further changes to the quarantine zone.
- **Draft State Waste Infrastructure Plan**: The Department of Water and Environmental Regulation has released the draft [Western Australia State Waste Infrastructure Plan](#) for comment, with consultation open until 23 June 2023. WALGA hosted an online information session on Wednesday 31 May for Local Governments to provide feedback on a draft Submission.
- **Urban Forest**: In 2022 WALGA, through the Urban Forest Working Group, developed an Issues Paper: *Local Government Approaches to Tree Retention*.
 - The Issues Paper identified the key challenges faced by Local Government using existing measures for tree retention and explored opportunities for further measures. In July 2022, a briefing was provided to the Environment and Waste Policy Team on the key legal issues identified. WALGA has recently completed a procurement process for the legal advice on these issues, appointing McLeods, and anticipates provision of the advice within 3 months.
 - Local Governments will be able to 'buy-in' to the legal advice for a nominal fee. Based on the success of the coastal planning legal advice project, WALGA anticipates at least 50 Local Governments will purchase the advice, representing a \$1m saving for the sector compared to each Local Government seeking the advice individually.
 - The findings of the advice will be used to inform WALGA's ongoing advocacy around urban forest, assist Local Governments in updating their planning frameworks to improve protections for existing significant trees.

At the meeting on 31 May 2023, the Environment and Waste Policy Team considered an item on updating the Urban Forest Policy advocacy position in conjunction with the People and Place Policy Team (see [Agenda Item 7.1](#)).

8.2 Governance and Organisational Services Policy Team Report

By Tony Brown, Executive Director Member Services

RECOMMENDATION

That State Council:

1. retain, without amendment, Advocacy Positions:
 - (a) 2.1.10 Recovery of Rates and Service Charges; and
 - (b) 2.5.31 Annual Electors' General Meetings;
2. delete Advocacy Position 2.5.25 Attendance at Council Meetings by Technology; and
3. notes that the Governance and Organisational Services Policy Team endorsed the WALGA 2023 State Wage Case submission.

The Governance and Organisational Services Policy Team includes the following subject areas:

- Employee Relations
- Governance
- Strategy and Association Governance
- Training
- Regional Capacity Building / Local Government Reform

This Report provides an update on matters considered, since the last State Council meeting, by the Governance and Organisational Services (GOS) Policy Team at its meetings held on 12 April and 3 May 2023.

1. Matters for State Council Decision

The GOS Policy Team provides recommendations regarding three [Advocacy Positions](#) for State Council's decision.

1.1 Advocacy Position 2.1.10 Recovery of Rates and Service Charges

Policy Team Comment: Amendment of s.6.56 of the *Local Government Act 1995* has not been addressed in the current Local Government Amendment Bill 2023 and the matter is therefore unresolved. **Recommend State Council retain Advocacy Position 2.1.10 Recovery of Rates and Service Charges**

1.2 Advocacy Position 2.5.25 Attendance at Council Meetings by Technology

Policy Team Comment: This advocacy position has been achieved through the *Local Government (Administration) Amendment Regulations 2022*, implemented in November 2022, which included provisions that enable Council Members to individually attend by electronic means up to half the council or committee meetings held within any 12 month period. **Recommend State Council delete Advocacy Position 2.5.25 Attendance at Council Meetings by Technology**

1.3 Advocacy Position 2.5.31 Annual Electors' General Meetings

Policy Team Comment: The Minister for Local Government has not included or proposed a provision in the current Local Government Act Reform proposals that would give effect to this advocacy position. **Recommend State Council retain Advocacy Position 2.5.31 Annual Elector's General Meetings**

2. Matters for State Council Noting

The GOS Policy Team endorsed the WALGA 2023 State Wage Case submission at its meeting held on 3 May, subject to the submission including an example of the street lighting costs.

8.3 Infrastructure Policy Team Report

By Ian Duncan, Executive Manager Infrastructure

RECOMMENDATION

That State Council note the matters considered by the Infrastructure Policy Team.

The Infrastructure Policy Team includes the following subject areas:

- *Roads and paths*
- *Road safety*
- *Transport*
- *Freight*
- *Utilities (including telecommunications and underground power)*

This Report provides an update on matters considered, since the last State Council meeting, by the Infrastructure Policy Team at its meeting held on 3 May 2023.

1. Matters for State Council Decision

Nil

2. Matters for State Council Noting

The Infrastructure Policy Team noted the expanding number of activities and prioritised:

- Developing effective responses to barriers and challenges to achieving timely and on-budget deliver of funded road projects in conjunction with Regional Road Groups;
- Revising and providing updated tools, model policies and advice to Local Governments concerning heavy vehicle cost recovery, including options available to Councils considering extending access to concessional mass vehicles;
- Improving the implementation and effectiveness of Disaster Recovery Funding Arrangements, noting that there are currently three on-going inquiries or reviews initiated by the Commonwealth, and a need to resolve implementation issues with the Department of Fire and Emergency Services;
- Addressing management of road works during Total Fire Bans.

8.4 People and Place Policy Team Report

By Nicole Matthews, Executive Manager Policy

RECOMMENDATION

That State Council note the matters considered by the People and Place Policy Team.

The People and Place Policy Team includes the following subject areas:

- *Community*
- *Emergency Management*
- *Planning and Building*

This Report provides an update on matters considered, since the last State Council meeting, by the People and Place Policy Team at its meetings held on 3 May and 31 May 2023.

1. Matters for State Council Decision

At the meeting on 3 May, the People and Place Policy Team Policy Team noted the request from the Goldfields Esperance Country Zone on Advocacy on Building Issues and endorsed actions to be undertaken by WALGA Secretariat.

At the meeting on 31 May, the People and Place Policy Team:

- In conjunction with the Environment and Waste Policy Team, endorsed a new Urban Forest advocacy position for consideration by State Council (see [Agenda Item 7.1](#));
- Endorsed the WALGA submission on Consistent Local Planning Schemes and an updated Planning Reform advocacy position for consideration by State Council via the Flying Minute process;
- Noted a matter referred from Peel Country Zone on the establishment of a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) Taskforce and endorsed actions to be undertaken by WALGA Secretariat, including the preparation of a discussion paper on the matter; and
- Endorsed the WALGA submission to the Department of Communities on Reforming WA Disability Legislation (see [Agenda Item 7.3](#)).

2. Matters for State Council Noting

At the meeting on 3 May, the People and Place Policy Team:

- Received a presentation from the Planning and Building Team on Non-Residential Car Parking Requirements – Draft Interim Guidance;
- Received a presentation from the Planning and Building Team on Local Government Planning and Building Performance for the 2022-23 reporting year (see [Agenda Item 9.3](#));
- Received an update from the Planning and Building Team on WALGA's work on planning fees and charges; and
- Received an update from the Planning and Building Team on Urban Forest.

8.5 Municipal Waste Advisory Council (MWAC) Report

By Rebecca Brown, Manager Waste and Recycling

WALGA RECOMMENDATION

That State Council note the resolutions of the 19 April 2023 Municipal Waste Advisory Council.

Executive Summary

- This item summaries the proceedings of the Municipal Waste Advisory Council (MWAC) meeting held on Wednesday, 19 April.
- Copies of MWAC Agendas and Minutes are available from WALGA staff on request.

Matters for Decision

Submission on WA Container Deposit Scheme Expansion

A [Discussion Paper](#) has been released on expanding the scope of the eligible containers covered by the WA Container Deposit Scheme. The scope of the proposed expansion includes glass wine and spirit bottles, and beverage containers up to 3L.

The draft Submission supports the expansion of the Scheme and proposes that plain and milk alternatives also be included. The Draft Submission was circulated for Local Government consultation during March, with general support received. WALGA has also been appointed to a Department of Water and Environmental Regulation Working Group focusing on the expansion of the Scheme.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Submission on *Discussion Paper: Container Deposit Scheme – Expanding the Scope of Eligible Beverage Containers.*

Moved: Cr Price
Seconded: Cr Johnson

CARRIED

Policy Position Landfill Bans

The Department of Water and Environmental Regulation released a [Consultation Paper](#) on the proposed e-waste landfill ban. The State Government made an election commitment to deliver a state-wide ban by 2024, with the aim of improving management and recycling of e-waste produced by households and businesses across the State.

A Submission on DWER's Consultation Paper was circulated for State Council and MWAC endorsement out of session following Local Government engagement. A key recommendation of the Submission is that any material subject to landfill bans be covered by a fully effective product stewardship scheme prior to ban implementation. This item is included in the State Council [Agenda item 7.4](#).

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Policy Position:

Landfill bans are not supported in the absence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.

Moved: Cr Price
Seconded: Cr Johnson

CARRIED

Matters for Discussion

MWAC discussed the following matters:

- Release of the draft [State Waste Infrastructure Plan](#): The draft Plan is open for consultation until 23 June 2023. The draft Plan has been developed to guide decision making for the planning and development of waste infrastructure in Western Australia and focuses on the built waste and recycling infrastructure needed to achieve 2030 State Waste Strategy targets. MWAC provided initial feedback on the Draft to inform the development of the WALGA Submission.
- *Review of Waste Policy Statements*: WALGA has 8 Waste Management related [Policy Statements](#) in place with publication dates ranging from 2003 to 2018. While much of the content is still relevant, the statements need to be reviewed to ensure currency of references and information as well as consistency of approach. The proposed schedule for review was agreed:
 - In progress: Household Hazardous Waste and Waste Management Education (consider revisions June Officer Advisory Group (OAG)/MWAC)
 - Initial Review June OAG/MWAC: Waste management data and information management (consider revisions August OAG/MWAC)
 - Initial Review August OAG/MWAC: Standards for Recycled Organics Applied to Land (consider revisions October OAG/MWAC)
 - Initial Review October OAG/MWAC: Waste Levy Policy statement (consider revisions December OAG/MWAC).
 - Reviewed in 2024: Container Deposit Systems, Extended Producer Responsibility and Waste management legislation.
- Packaging Product Stewardship and national advocacy on flexible plastic recycling.
- WALGA's investigations into e-cigarette disposal options and the regulatory framework for used and disposal of these products and advocacy underway.
- Contingency Planning for waste management, including the development of a Mutual Assistance Memorandum of Understanding (MoU) for Local Governments and WALGA Preferred Suppliers of waste fleet.
- Waste management and biosecurity, including:
 - working with Department of Primary Industries and Regional Development (DPIRD) on undertaking preparedness activities for any disposal requirements resulting from Foot and Mouth Disease (FMD), such as landfill capacity and resourcing, logistics and communications as part of a coordinated emergency response.
 - the expansion of the Quarantine Area, for the invasive Polyphagous Shot-hole Borer, impacts 25 Local Government FOGO, GO and verge collections.

9. MATTERS FOR NOTING / INFORMATION

9.1 Flying Minute – Submission to 2023 State Wage Case

By Davina Hunter, Employee Relations Service Manager

WALGA RECOMMENDATION

That State Council note the WALGA 2023 State Wage Case submission, as endorsed by State Council via Flying Minute.

Executive Summary

- Annually, the Western Australian Industrial Relations Commission (WAIRC) in Court Session issues a decision setting the WA minimum wage.
- WALGA has an opportunity to file a submission with the WAIRC containing Local Government specific information and economic data for the WAIRC to consider when making its decision.
- The provision of a submission is important because Local Governments are now the second largest employer in the State industrial relations (IR) system (after the State Government) and the decision issued may impact on Local Government employee wages.
- State Council endorsed the WALGA 2023 State Wage Case submission by way of Flying Minute on 15 May.

Attachment

- [WALGA submission for the 2023 State Wage Case](#)

Policy Implications

This submission does not affirm, amend or create a new policy position. The purpose of this submission is to provide the WAIRC with Local Government relevant economic information to consider when deciding on increases to the State minimum wage and State awards. These increases may in turn affect the pay rates Local Governments provide their employees.

Background

1. On 1 January 2023 the State and Federal Governments legislated for WA Local Governments and Regional Councils to be State system employers which required approximately 80% of the sector to transition from the Federal IR system to the State IR system.
2. Local Governments are now the second largest employer of employees in the State IR system, after State Government employees.
3. Annually the Western Australian Industrial Relations Commission issues a State Wage Case General Order (State Wage Order) in June which sets the WA minimum wage for adults, apprentices and trainees, and adjusts wage rates under the State awards.
4. The State Wage Order now applies to all Local Governments and Regional Councils in WA (with the exception of the Shire of Christmas Island and the Shire of Cocos (Keeling) Islands).
5. Local Governments must ensure that the wages paid to employees are the same as, or higher than, the State minimum wage. As a general rule, many Local Governments provide much higher rates of pay than the State minimum wage which is important for the attraction and retention of staff.
6. All interested persons and organisations have an opportunity to provide a submission to the WAIRC by 17 May 2023 regarding what minimum wage should be set. The call for submissions is published on the WAIRC website [here](#) and the WAIRC wrote to WALGA on 21 February 2023

advising of the opportunity to provide a submission should WALGA wish to do so. This notification is based on WALGA's request to the WAIRC last year to be kept abreast of new applications and opportunities to provide submissions given the transition of Local Governments to the State IR system.

7. The call for submissions was made public on the WAIRC's website and published in The West Australian Newspaper. An email alert was also sent to Local Governments about this on 27 April 2023.
8. The organisations which usually file submissions for the State Wage Order include the WA Minister for Industrial Relations, UnionsWA, the Chamber of Commerce and Industry WA and the WA Council of Social Service. The first three organisations listed are section 29(1)(b) parties under the *Industrial Relations Act 1979* (WA) (IR Act) which means they have the power under the IR Act including to (among other things) refer matters to the WAIRC and they are served with new applications made to the WAIRC for general orders, award variations, new industrial agreements, etc. Division 3 of the IR Act contains the rights and obligations of the WAIRC and the section 29(1)(b) parties for the State Wage Order.
9. These organisations which file submissions provide extensive economic data for the WAIRC to consider when setting the State minimum wage. The WAIRC also considers the minimum wage rate set by the Federal Fair Work Commission (FWC) before releasing its decision. Previous submissions can be viewed on the WAIRC website [here](#).
10. On the basis that the Chief Commissioner of the WAIRC wrote to WALGA about the State Wage Case it is likely that it considers that the views of the Local Government sector may be of assistance to the making of the State Wage Order (see s. 51BA(1)(a) of the IR Act).
11. The provision of a short submission from WALGA will provide the WAIRC with Local Government specific economic data to consider when setting the minimum wage. The submission has been drafted by the WALGA Economics team and the Employee Relations team.

WAIRC considerations when determining the State Wage Order

12. In making its decision, the WAIRC is required to consider the need to:
 - a. ensure that Western Australians have a system of fair wages and conditions of employment; and
 - b. meet the needs of the low paid; and
 - c. provide fair wage standards in the context of living standards generally prevailing in the community; and
 - d. contribute to improved living standards for employees; and
 - e. protect employees who may be unable to reach an industrial agreement; and
 - f. encourage ongoing skills development.
13. The WAIRC is also required to consider:
 - a. the state of the economy of Western Australia and the likely effect of its decision on that economy and, in particular, on the level of employment, inflation and productivity in Western Australia; and
 - b. to the extent that it is relevant, the state of the national economy; and
 - c. to the extent that it is relevant, the capacity of employers as a whole to bear the costs of increased wages, salaries, allowances and other remuneration; and
 - d. the need to ensure that the Western Australian award framework represents a system of fair wages and conditions of employment; and
 - e. relevant decisions of other industrial courts and tribunals; and
 - f. any other relevant matters.

Historic WAIRC wage increases

14. The historic increases to the State minimum wage and award rates determined by the WAIRC are set out in the below table.

WAIRC State Wage Order Increases wage	1 July 2022	<ul style="list-style-type: none"> The State minimum adult wage increase: \$40.90 per week (or 5.25%) to \$819.90 per week. WA award rate increase: Rates below \$887.40 per week will increase by \$40.90 per week and award rates above \$887.40 per week will increase by 4.65%
	1 July 2021	2.5%
	1 January 2021	1.75%
	1 July 2019	\$20.00 per week
	1 July 2018	\$18.00 per week
	1 July 2017	\$16.00 per week
	1 July 2016	\$15.80 per week
	1 July 2015	\$14.00 per week
	1 July 2014	\$20.00 per week
	1 July 2013	\$18.20 per week
	1 July 2012	\$20.60 per week

Impact of the State Wage Order on Local Governments

15. In the table below we have set out how the State Wage Order affects Local Governments and their industrial agreements and awards. An award is a document setting out minimum terms and conditions of employment for a particular industry or occupation. An industrial agreement is a collective agreement negotiated between an employer and unions.

	Impact on awards / transitional award	Impact on industrial agreements
Local Governments that transitioned from the Federal IR system to the State IR system <u>on 1 January 2023</u>	<p>The wages in the Local Government Industry Award 2020 Industrial Agreement (LGIA IA) must be higher than the State minimum wage.</p> <p>Currently, the wage rates in the LGIA IA are higher than the State minimum wage. This comparison will need to be done again when the 2023 State Wage General Order is issued in June.</p>	<p>The wages in an industrial agreement must be higher than the State minimum wage.</p> <p>Local Governments need to undertake their own assessment of their industrial agreement wage rates against the State minimum wage rates.</p>
Local Governments that operated in the State IR system <u>before 1 January 2023</u>	<p>The wages in the Local Government Officers' (Western Australia) Award 2021 (LGO Award) and the Municipal Employees (Western Australia) Award 2021 (ME Award) must be higher than the State minimum wage. *Currently there is an issue with level 1 wage rates</p>	<p>The wages in an industrial agreement must be higher than the State minimum wage.</p> <p>Local Governments need to undertake their own assessment of their industrial agreement wage rates against the State minimum wage rates.</p>

	<p>under the ME Award (see below).</p> <p>The award rates will increase when the 2023 State Wage General Order is issued in June.</p>	
--	---	--

16. *Local Governments applying the ME Award: Currently the level 1 wage rate in clause 16.1 of the ME Award is lower than the State minimum wage. This means Local Governments must not apply the level 1 rates directly from the ME Award, they must apply the State minimum wage which is currently \$819.90 per week.

How Local Governments determine wage increases for employees

17. The wage increase applied to employee wages (with the exception of the CEO) should be determined in the following ways:
- a. An industrial agreement contains a wage increase which must be applied to employees;
 - b. An award contains a wage increase which must be applied to employees (where employees are paid the minimum award rate and are not subject to an industrial agreement);
 - c. A policy or annual decision which links an employee wage increase to the WAIRC State Wage Increase or FWC Federal wage increase, Consumer Price Index (CPI), Wage Price Index (WPI) or another economic indicator.

Comment

WALGA’s submission provides an opportunity for the Local Government sector to influence minimum wage and award pay rates, which in turn impacts on wages paid to Local Government employees. The organisations which traditionally make State Wage Case submissions provide extensive economic data for WA (in particular the State Government). The provision of Local Government specific background and economic data will assist the WAIRC to consider the Local Government sector in its decision.

The Governance and Organisational Services Policy Team provided input into this submission and recommended endorsement.

State Council considered and endorsed this submission by way of Flying Minute on 15 May.

9.2 Environmental Protection Amendment Regulations 2022: Consultation Response

By Chris Hossen, Policy Manager, Planning and Building

WALGA RECOMMENDATION

That State Council note the consultation response to the Environmental Protection Amendment Regulations 2022.

Executive Summary

- In March 2023, the Department of Water and Environmental Regulation (DWER) released the draft Environmental Protection Amendment Regulations 2022 (draft Regulations) for public comment.
- The draft Regulations propose classes of region and local planning scheme amendments that would be exempt from the requirement to refer all planning scheme amendments to the WA Environmental Protection Authority (EPA) to determine if formal environmental impact assessment is required.
- The draft Regulations are generally consistent with submissions made by WALGA to DWER in 2020 and the Department of Planning, Lands and Heritage (DPLH) in 2021.
- WALGA's response included several recommendations to align the Regulations more closely with WALGA's recent submissions.
- The consultation response was endorsed by the People and Place Policy Team and submitted to DWER on 14 April 2023.

Attachment

- [Consultation Response on Environmental Protection Amendment Regulations 2022](#)

Policy Implications

The submission aligns with WALGA's existing [Advocacy Positions](#) and previous submissions to the *Environmental Protection Act 1986* in 2020 and Planning Reform Phase 2 in 2021:

6.1 Planning Principles

All legislation and policy which deals with planning and development must:

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

6.2 Planning Reform

The Local Government sector supports the underlying principles of planning reform and the continuing focus of streamlining the planning system.

Background

Planning authorities are required by state legislation to refer all regional and local planning scheme amendments to the WA Environmental Protection Authority (EPA) to determine if the planning scheme amendment should be formally assessed under the *Environmental Protection Act 1986*. If the EPA determines that the scheme amendment may have a significant environmental impact, the EPA can require the proponent of the amendment to prepare a formal environmental impact assessment.

Hundreds of planning scheme amendments are referred to the EPA to determine each year. Many of these have no environmental impact and most amendments do not require formal environmental impact assessment, which unnecessarily increases the time and resources taken to process planning scheme amendments.

WALGA has recognised that there is substantial scope to identify classes of scheme amendments that should not be referred to the EPA. In 2020, WALGA advocated for changes to the EPA's planning scheme amendment referral process in its submission on the proposed *Environmental Protection Act 1986* (EP Act) amendments, and in 2021, WALGA advocated for these changes in its submission on Planning Reform Phase 2.

In March 2023, DWER released draft Regulations proposing classes of region and local planning scheme amendments that would not need to be referred to the EPA for public comment by 14 April 2023.

Comment

The draft Regulations propose classes of region and local planning scheme amendments that would not need to be referred to the EPA. Given that Local Governments do not process *region* planning scheme amendments, and all region planning scheme amendments are referred to Local Governments by DPLH for comment, WALGA's consultation response focused on the proposed regulations that would affect *local* planning scheme amendment processes.

The proposed local planning scheme amendment class definitions are generally consistent with WALGA's previous submissions and provide a useful level of detail to help Local Government officers determine if a local planning scheme amendment should be referred to the EPA.

WALGA's consultation response included several recommendations to align the Regulations more closely with WALGA's recent submissions. These amendments include:

- An expanded scope of local planning scheme amendment classes to include two additional types of basic scheme amendment that have no environmental risk and should not need to be referred to the EPA for review.
- Removing the proposed density coding class given that this class does not reflect community concerns (or WALGA's [Advocacy Position](#)) related to the loss of urban forest canopy. If the mechanisms recently introduced into the state planning framework are proven effective and efficient in preserving urban forest canopy, such as those included in the Medium Density Housing Code, this class could be included through a future review of the Regulations.
- Removing the definition of "minor amendment" due to inconsistencies with terminology used in other state regulations.
- Three measures to support a smooth transition to the new Regulations, achieve quality control and refine the amendment classes in the future:
 1. Information sessions for Local Government officers;
 2. A review within one year of the Regulations coming into effect, to assess the effectiveness of the new Regulations;
 3. Establishing an electronic submission form for scheme amendments to, at a future point, allow the EPA to more easily identify additional scheme amendment classes to include in the Regulations.
- Establish an automated notification system that notifies Local Governments of an EPA decision following review of the scheme amendment by the EPA given that Local Governments have indicated that they are not always advised by the EPA when it has completed a scheme amendment review.

Importantly, if Local Governments are unsure of whether a scheme amendment fits within the classes included in the Regulations, Local Governments will be able to contact the EPA for advice or formally refer the amendment to the EPA for a decision.

The consultation response was prepared in March, provided to the People and Place Policy Team for endorsement on 3 April and was lodged with DWER on 14 April.

9.3 Local Government Performance Monitoring Project

By Chris Hossen, Policy Manager, Planning and Building

WALGA RECOMMENDATION

That State Council note the results of the 2021-22 Local Government Performance Monitoring Project.

Executive Summary

- WALGA initiated the Local Government Performance Monitoring Project in 2018. WALGA has continued and expanded the Project producing subsequent Reports in 2019, 2020, 2021 and 2022.
- 36 Local Governments participated in the Project this year. These Local Governments are home to approximately 80% of Western Australia's population and between 2001 and 2021 accounted for 83% of the state's total population growth.
- The 2021-22 data shows that Local Governments have maintained high performance in undertaking their planning and building functions.
- They provide a strong indication of how the Local Government sector in Western Australia is performing in the areas of strategic and statutory planning and building regulation. In 2022, process and technological improvements were undertaken to improve how the data is conveyed and presented. The findings of the Project are incorporated into an online interactive dashboard publicly available through the WALGA website.

Attachments

- [2023 Key Indicator Snapshot](#)
- [Performance Monitoring Dashboard](#)

Background

The Local Government Performance Monitoring Project (the Project) and associated Local Government Performance Monitoring Report (the Report) was initiated by the Growth Alliance Perth and Peel (GAPP) group and WALGA in 2018 in response to a 2016 Property Council report, Benchmarking Greater Perth Local Governments. The Property Council report, which was critical of the planning performance of 29 Local Governments in the Greater Perth area, contained a number of inaccuracies and selective use of data.

The Project and Report have been undertaken annually since that time, with the number of participating Local Governments increasing from 11 to 36 in 2021-22. The process of collecting and reporting data has also been refined and improved. The Performance Monitoring Dashboard, now in its second year, provides a collated view of all participating Local Governments across the six years of Project reporting, and allows Local Governments to analyse and compare performance by year, region or against individual Local Governments. The use of the dashboard reduces project costs and reporting times and allows for a faster expansion of the Project.

The dashboard is not intended to be a comparison of individual Local Government performance, however it allows individual Local Governments to draw comparisons between themselves and other Local Governments, which may be useful for those who may have similar development pressures and resourcing.

Comments

36 Local Governments participated in the 2023 project: the Cities of Albany, Armadale, Bayswater, Belmont, Bunbury, Busselton, Canning, Cockburn, Fremantle, Gosnells, Greater Geraldton, Joondalup, Kalamunda, Karratha, Kwinana, Mandurah, Melville, Nedlands, Perth, Rockingham, South Perth, Stirling, Subiaco, Swan, Vincent, Wanneroo; the Towns of Bassendean, East Fremantle,

Port Hedland and Victoria Park; and, the Shires of Augusta-Margaret River, Broome, Mundaring, Nannup, Northam and Serpentine Jarrahdale.

These Local Governments are home to approximately 80% of Western Australia's population and between 2001 and 2021 accounted for 83% of the state's total population growth. Collectively they provide a strong indication of how the Local Government sector in Western Australia is performing in the areas of strategic and statutory planning and building regulation. The relatively low variance collectively and within most of the individual performance indicators suggests that the performance may be reflective of the Local Government sector as a whole, although there are exceptions.

Key findings from 2023:

- Determined 65,544 applications (development applications, subdivision referrals and building permits) by Local Governments, a 12% increase on the previous year,
- 89% of all applications were determined or responded to within statutory timeframes,
- 99% of all development applications were approved,
- 98% of all development applications were determined under delegated authority
- 20 Local Governments are currently reviewing their Local Planning Scheme
- Local Governments continue to have concerns with the length of time to receive consent to advertise and final endorsement for Local Planning Schemes,
- For scheme amendments, on average:
 - Local Governments finalised 67 scheme amendments in 2021/2022, with each taking an average of 20 months to complete, an increase of 2 months from 2020/21
 - 47% of the time taken to complete scheme amendments could be attributed to State Government processes, aligning with the 47% average over the 6 years of reporting.

WALGA will continue to utilise this information to inform policy development, advice and advocacy in relation to any legislation, policy or regulations prepared by the State which affect the planning and building functions of Local Government.

WALGA is also encouraging additional Local Governments to participate in the 2022-23 financial year reporting period.

9.4 Street Lighting Tariffs

By Dana Mason, Manager Economics

WALGA RECOMMENDATION

That State Council note the update on the 2023-24 street lighting tariffs.

Executive Summary

- In May 2023, Western Power provided its Price List to the Economic Regulation Authority (ERA) for approval, which included a proposed 43.85% increase for street lighting tariffs.
- The proposed increase would apply to the costs paid by Synergy to access Western Power's network, which are a large component of the final tariff paid by Local Governments to Synergy.
- WALGA responded quickly to the proposed increase, with the WALGA CEO and President writing to the ERA, Minister for Energy and Minister for Local Government, expressing the sector's strong concerns about the magnitude of the unjustified and unexpected increase.
- Local Governments also wrote directly to the ERA and spoke publicly on the impact the proposed increase would have on their communities.
- The ERA rejected the proposed increase, instead approving a 7.5% increase in the network component of the streetlight tariff for 2023-24, in line with their forecast of the average increase in network charges.
- In making its decision, the ERA acknowledged Local Governments' concerns on streetlighting tariffs.
- Local Governments can expect to see street lighting costs rise by 4.8% in 2023-24, in line with the approved tariff increase set out in the State Budget Papers.

Attachment

- [Letter to the ERA](#)
- [Letter to Minister for Housing; Lands; Homelessness; Local Government](#)
- [Letter to Minister for Mines and Petroleum, Energy, Corrective Services and Industrial Relations](#)
- [ERA Statement](#)
- [WALGA Media Statement](#)

Background

On 27 April, the ERA published the draft Western Power price list for 2023-24. Western Power proposed to increase prices for streetlighting by an average of 43.85% from 1 July 2023.

The tariff paid by Local Governments to Synergy or Horizon Power is set by the Government through the State Budget process. However, the price paid by Synergy to Western Power for streetlighting is an important consideration, if Synergy is to be able to recover its costs, including the electricity, through the tariff.

WALGA wrote to the Chair of the ERA to express the Local Government sector's strong concerns regarding the magnitude of the proposed increase, which had not been justified by Western Power and was unexpected by Local Governments. Similar concerns were also raised with the Minister for Energy and the Minister for Local Government.

WALGA also encouraged Local Governments that would be significantly impacted to contact the ERA and their Local Member of Parliament to raise their concerns, including the financial impact of the proposed increase. A number of Local Governments wrote to the ERA to raise their concerns and also raised their concerns publicly.

The ERA published its [decision on Western Power's 2023/24 price list](#) on 17 May 2023. The ERA rejected the proposed 43.85% increase to the streetlight tariff, instead approving a 7.5% increase in the network component of the streetlight tariff for 2023-24, in line with their forecast of the average

increase in network charges. In making its determination the ERA acknowledged the concerns raised by WALGA, along with many Local Governments (see attached statement).
Steve Edwell, Chair of the ERA acknowledged:

It is important for local governments to understand what network costs are driving increases in streetlighting tariffs and have reasonable notice of any changes. The ERA will be working with Western Power and the Local Government Association to resolve streetlight tariffs subsequent to this year increase.

The 2023-24 State Budget set out a 4.8% increase in the streetlighting tariff.

Comment

While ultimately the ERA's decision is based its own assessment of Western Power's proposal, WALGA's advocacy on this issue ensured the ERA was well informed and that the impacts on street lighting customers were taken into consideration.

Success on this issue is also attributable to the Local Governments that wrote directly to the ERA, made formal representations to State Members of Parliament and spoke publicly on the impact the proposed increase would have on their communities.

This is an important outcome for the sector which highlights the importance of an independent regulator having oversight of network costs imposed on Local Government.

It is worth noting the following from the ERA determination:

The ERA has concerns about Western Power's estimate of streetlight costs and considers that further review is needed of the proposed costs, in conjunction with streetlight customers, to ensure that the cost is calculated correctly and only includes the efficient costs directly related to the provision of streetlight services.

WALGA will work with the ERA and Western Power over the coming year to represent the sectors interests on future street lighting tariff increases and to ensure that the sector can prepare and budget for any expected increases.

9.5 2023-24 Federal and State Budgets

By Daniel Thomson, Economist

WALGA RECOMMENDATION

That State Council note the update on the 2023-24 Federal and State Budgets and impacts on Local Government.

Executive Summary

- The Federal and State Budgets were handed down on 9 and 11 May 2023.
- The Federal Budget retained its commitment to a number of important programs for Local Government but there were few new spending announcements.
- The State Budget provided funding for a number of important areas identified in WALGA's State Budget Submission.

Attachments

- [WALGA Federal Budget 2023-24 Highlights](#)
- [WALGA State Budget 2023-24 Highlights](#)
- [WALGA State Budget Submission 2023-24](#)

Background

Federal Budget

On Tuesday, 11 May 2023 the Federal Treasurer, Jim Chalmers, handed down the 2023-24 Budget, focused on cost of living relief to households and delivering on the Government's spending priorities without adding to inflationary pressures.

The other key focus of the Federal budget was fiscal restraint with a surplus predicted for 2022-23, which will be the first in 15 years.

Cost of living was a centrepiece of the budget, with \$14.6 billion in relief provided for households over the next four years. A range of measures have been announced to take pressure off costs, including energy bill relief for households and small businesses, reduced costs for healthcare and medicines, childcare support and rent assistance.

The Budget also focussed on healthcare and aged care. The headline announcement in this area included \$5.7 billion over five years to strengthen Medicare by tripling bulk billing incentives (for children under 16, pensioners and other concession card holders). More than 250,000 aged care workers will receive a 15% increase in salaries and there is an expansion in the number of urgent care clinics.

Other key areas of spending were directed towards addressing disadvantage and strengthening the economy through development of the renewable energy industry and addressing skills shortages.

State Budget

On Thursday, 11 May 2023 the State Government handed down the 2023-24 Budget. The primary focus of the Budget was on cost of living relief in addition to investments in infrastructure, health and housing, the commitment to reaching net zero emissions and diversification of the economy. A surplus of \$3.3 billion was forecast for 2023-24 with the budget in surplus across the forward estimates.

WALGA attended the Budget lockup to analyse the impact of the Budget on Local Government. The WALGA President and CEO provided a summary of the Budget to Mayors, Presidents and CEOs on the evening of the Budget, with detailed analysis available on the WALGA website and newsletters over the following week.

For Local Governments, the Budget allocated funding in a number of areas identified in the WALGA 2023-24 State Budget Submission:

- \$3.75 million to deliver a grant program over 2023-24 and 2024-25 to **increase tree canopy cover** and improve biodiversity within Western Australia's urban centres.
- An additional \$15 million for the **Community Sport and Recreation Facilities Fund**, which will be spent over 2023-24 and 2024-25, bringing the Fund to \$20 million for these two years respectively.
- Confirmation of the State Government's ongoing funding commitment to the **State Road Funds to Local Government** to assist Councils with the management of the local road network.
- Additional expenditure of \$77 million over the forward estimates for the ongoing operational costs associated with the **Aboriginal Cultural Heritage Act 2021** and to fund Local Aboriginal Cultural Heritage Services.
- Increased expenditure for **regional health and mental health initiatives** of \$342 million, including the continuation of the Mental Health Emergency Telehealth Service and additional investment in WA Health's regional workforce.
- An additional \$12 million for the **Regional Development Assistance Program** from 2023-24 to 2026-27 for residential, industrial, commercial and tourism-related land and infrastructure projects.
- \$3.6 million in 2023-24 to assist with **mid-tier transport planning**.
- \$5.5m to the Department of Planning, Lands and Heritage to integrate climate adaptation into policy and planning frameworks.
- \$300,000 to develop a business case to support a Stage 2 Infrastructure Australia proposal for a Western Australian **coastal hazard adaptation program**.
- An additional \$1.1 million will be spent in 2023-24 for the Department of Fire and Emergency Services to continue the consolidation of existing emergency services legislation into a new **Emergency Services Act**.

The Budget also contained funding for a number of other initiatives of importance to Local Governments:

- An additional \$61.6 million is provided over the forward estimates period to address demand for **Government Regional Officer Housing (GROH)**.
 - This includes \$40.9 million to acquire new dwellings and purchase land for future construction and \$19.7 million to refurbish 133 existing GROH properties.
 - \$1.1 million will also be spent on a comprehensive review and reform of the GROH program.
- \$11.3 million is provided over 2022-23 to 2024-25 (jointly funded by the State and Commonwealth Governments) for infrastructure projects that will increase the **State's organic waste processing capacity**.
- \$81.7 million is allocated to upgrade and maintain the State's **emergency radio network** and equipment used by frontline officers including police officers and firefighters.
- \$24.4 million has been provided to permanently appoint 29 dedicated **disaster recovery officers**.
- An additional \$175 million will be spent in 2024-25 (jointly funded by the Commonwealth and State Governments) to continue **safety treatments on regional roads** to reduce run-off crashes.
- Over 2022-23 and 2023-24, an additional \$20.7 million will be spent on the **regional airfares cap**.
- An additional \$52.5 million for **Family and Domestic Violence services** in metropolitan and regional Western Australia.
- \$24.4 million is provided over 2022-23 to 2026-27 to implement initiatives approved as part of **Planning Reform Phase Two**.
 - This includes the centralised assessment of Development Contributions Plans, implementing Development Assessment Panel Reforms and the establishment of a permanent determination pathway for State and regionally significant developments.

The Budget also contains estimates for regulated fees and charges:

- Street lighting tariffs are projected to increase by 4.8% across the forward estimates, well below Western Power's 43.85% proposal.
- On May 17, the ERA approved a 7.5% increase in the network component of the streetlight tariff for 2023-24, in line with their forecast of the average increase in network charges.

Comment

Federal Budget

For Local Governments, the Federal Budget retained its commitment to a number of important funding programs. However, there was little by way of new spending announcements.

It is disappointing the Government did not deliver on its commitment to a fair and reasonable increase in Financial Assistance Grants. This year, \$3.1 billion has been provided for Financial Assistance Grants funding, with WA to receive \$376.9 million. Financial Assistance Grants now represent 0.5% of total Commonwealth Tax revenue, down from 0.52% in 2022-23.

The Government has indicated that it will continue to work with states in relation to the financial sustainability of the Local Government sector, including advancing 75 per cent of funding "earlier than would usually occur".

State Budget

WALGA was pleased that the State Budget directed funding towards a number of important areas which were identified by Local Governments through the State Budget Submission and other ongoing policy and advocacy work.

In particular, the State Budget which contained funding for a number of important areas identified by the sector, including funding for the Urban Greening Grants Program, Government Regional Officers Housing and the Community Sport and Recreation Facilities Fund.

WALGA was disappointed no additional funding was allocated to the Community Emergency Services Manager (CESM) Program. The program is designed to bolster Local Government emergency management capability to support their communities in the preparation, response and recovery from emergency events such as bushfires and flooding.

In coming weeks, WALGA will commence planning for its 2024-25 State Budget Submission.

9.6 Update on the Commencement of the *Aboriginal Cultural Heritage Act 2021*

By Hannah Godsave, Senior Policy Advisor Community

WALGA RECOMMENDATION

That State Council note the update on the *Aboriginal Cultural Heritage Act 2021*.

Executive Summary

- The *Aboriginal Cultural Heritage Act 2021* (ACH Act), which replaces the *Aboriginal Heritage Act 1972*, comes into effect on 1 July 2023.
- Since 2018, WALGA has undertaken extensive consultation and communication with the sector in relation to the development of the ACH Act, and undertaken advocacy on behalf of the sector, including three State Council endorsed submissions during the 2022 Co-Design process.
- WALGA's advocacy resulted in significant improvements to the activity categories, with consideration now given to many every day and emergency works that Local Governments undertake.
- WALGA's 2023-24 State Budget Submission called for funding for the establishment and ongoing functioning of the new ACH system with respect to Aboriginal Cultural Heritage Council, Local Aboriginal Cultural Heritage Services (LACHS) and Local Governments.
- The WALGA President has written to the Minister for Aboriginal Affairs, requesting additional support for Local Governments in the implementation of the new legislation.
- In May and June 2023 the Department of Planning, Lands and Heritage (DPLH) is delivering education workshops throughout the State to support implementation of the new legislation, including a Local Government specific session co-hosted with WALGA on 10 May.
- WALGA will monitor the impact of the ACH Act on Local Governments and will continue to advocate for ongoing support to enhance Local Government knowledge and capability with respect to implementing the new legislation.

Attachment

- [Letter from WALGA President to the Minister for Education, Minister for Aboriginal Affairs, and Minister for Citizenship and Multicultural Interests, 1 June 2023](#)
- [WALGA ACH Act Submissions](#)

Policy Implications

WALGA's existing [Advocacy Position](#):

3.1.4 Aboriginal Cultural Heritage Act 2021 and South West Native Title Settlement

WALGA acknowledges Noongar people as the traditional owners of the South West Region.

Local Government is supportive of conserving and protecting the State's Aboriginal cultural heritage. WALGA supports the introduction of the Aboriginal Cultural Heritage Act 2021 which will provide a modern framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage and recognises the fundamental importance of Aboriginal cultural heritage to Aboriginal people.

The State Government must ensure that:

1. *The legislation balances the need to protect Aboriginal cultural heritage with the requirement for Local Government to undertake activities in a timely and affordable manner;*

2. *The implementation and ongoing operation of the legislative system for the protection of Aboriginal cultural heritage is adequately resourced to ensure that all parties have the capacity, capability and resources to discharge their statutory obligations;*
3. *Support is provided to Local Governments to ensure that they have the resources, capacity and capability to comply with a complex legislative framework;*
4. *Local Governments have the ability to deliver essential infrastructure works and emergency activities efficiently and effectively in order to maintain public safety;*
5. *regional local Aboriginal people are actively engaged in the Local Aboriginal Cultural Heritage Services (LACHS) groups; and*
6. *The various Prescribed Body Corporates (PBCs) be required to actively seek out local regional members to be included in the consultation and decision making process.*

Background

The ACH Act replaces the current *Aboriginal Heritage Act 1972* from 1 July 2023. The ACH Act will provide a contemporary legislative framework for the identification, protection, and management of Aboriginal cultural heritage across WA. While Aboriginal cultural heritage is already protected under the current 1972 legislation, the main difference in the ACH Act is with respect to the approvals process for undertaking works that impact Aboriginal cultural heritage.

Key features of the ACH Act include:

- An updated definition of Aboriginal cultural heritage;
- New structures for the management of Aboriginal cultural heritage, including Local Aboriginal Cultural Heritage Services (LACHS) as a central point of contact for proponents, and the Aboriginal Cultural Heritage Council (ACH Council) to oversee the system;
- A tiered land use assessment and approvals system that focuses on consultation and agreement making between Traditional Owners and land users:
 - This is based around the classification of [activities into tiers](#), depending on the level of ground disturbance;
 - Each tier has a corresponding process, and activities are classified as tier 1, tier 2, tier 3, or exempt;
 - Land users will be required to negotiate agreements with Traditional Owners for any activities considered medium to high ground disturbance that may harm Aboriginal cultural heritage;
 - Activities involving minimal or low ground disturbance will benefit from a streamlined approval pathway, encouraging proponents to avoid or minimise impacts;
- The establishment an online Aboriginal cultural heritage directory of information and documents relevant to Aboriginal cultural heritage (expected to go live on 1 July);
- Provisions for the establishment of Protected Areas; and
- The establishment of new penalties and offences for breaches of the ACH Act.

Since 2018, WALGA has undertaken the following advocacy and capacity building activities in relation to the development of the ACH Act:

- Developed five State Council endorsed submissions – most recently WALGA’s Phase Three submission which was endorsed by State Council on 23 December 2022. WALGA’s submissions to the 2022 co-design process can be viewed [here](#).
- DPLH Director General Anthony Kannis and staff presenting to State Council in September 2022.
- Provision of formal feedback to DPLH twice via correspondence and a survey response.
- Co-delivered 10 place-based online workshops to contribute to the preliminary work in developing the activity categories in 2021.
- Convened the Local Government Aboriginal Heritage Reference Group, which has included representation from 26 Local Governments.
- Co-delivered five information sessions and webinars with DPLH to facilitate consultation with, and provide information to, Local Governments.

- Advocated for funding for the establishment and ongoing functioning of the new Aboriginal heritage system, with respect to the ACH Council, Local ACH Services (LACHS) and Local Governments in the [2023-24 WALGA Budget Submission](#) and meetings with the Minister for Aboriginal Affairs.

On 10 May 2023, WALGA and DPLH co-hosted an Aboriginal Cultural Heritage Education Session for the sector. The session was attended by 80 Local Government representatives from across the State. The [presentation](#) and [recording](#) of the workshop are available for Local Governments to access.

Throughout May and June 2023, DPHL is undertaking education workshops throughout the State to support implementation of the new legislation. Sessions being held in late June include Albany, Carnarvon, and Merredin. Local Governments can register to attend [here](#).

In May 2023 DPLH engaged a consultant to undertake an ACH demand analysis survey, which WALGA shared with Local Governments. 38 Local Governments responded to the survey, which demonstrated that the sector is experiencing significant uncertainty with respect to understanding the implications of the new ACH Act. Concerns raised related to uncertainty about activity categories, increased costs, resourcing and capability gaps in Local Government, delays, impacts to grant funding timeframes, high demand for consultants, lack of training resources, and lack of established LACHS upon commencement at 1 July.

Comment

WALGA's advocacy on ACH has highlighted that the ACH Act needs to balance the protection of Aboriginal cultural heritage with the requirement for Local Government to deliver essential infrastructure works and emergency activities efficiently and effectively to maintain public safety and comply with their numerous other legislative responsibilities. Conversations around the activity categories were a key theme of the consultation sessions, reflective of minimal consideration of the works undertaken regularly by Local Government, such as maintenance works, early in the co-design process.

WALGA's advocacy resulted in significant improvements to the activity categories, with consideration now given to many every day and emergency works that Local Governments undertake. This includes the exemption of activities such as:

- Maintaining existing infrastructure that does not involve disturbance to ground beyond that which was disturbed during the construction;
- Maintenance of waterways and coastlines to rectify accretion and erosion of natural material; and
- An emergency management activity intended to prevent imminent loss of life, prejudice to the safety, or harm to the health, of persons or animals.

WALGA's submissions highlighted the need for the Aboriginal Cultural Heritage Council and Local Aboriginal Cultural Heritage Services and Local Governments to be adequately resourced to enable them to respond to applications for permits and management plans pursuant to the new legislation. [The State Government has announced \\$77million investment](#) into the ACH system which will further support the successful implementation of the ACH Act.

The WALGA President wrote to the Minister for Aboriginal Affairs on 1 June 2023 to call for support for Local Governments through the provision of a dedicated Local Government ACH Act Facilitator, training, guidance materials, additional DPLH regional officers and an extension of grant funding project timeframes.

9.7 State Award Variations Impacting on Local Governments

By Davina Hunter, Employee Relations Service Manager

WALGA RECOMMENDATION

That State Council note the update on the State award variation applications currently before the Western Australian Industrial Relations Commission.

Executive Summary

- On 1 January 2023, a majority of Local Governments and Regional Councils were required to transition from the Federal industrial relations (IR) system to the State IR system due to a change in State legislation.
- Both the Federal and State IR systems have awards covering Local Government employers and employees. Awards are documents which set out the minimum terms and conditions of employment for a particular industry or occupation.
- There are a number of State awards that cover Local Governments however these awards contain outdated and unclear language, are very difficult to consistently interpret and are not reflective of the needs of a modern Local Government workforce.
- This is unlike the Federal Local Government Industry Award 2020 (Federal Award) which has been consistently reviewed and updated since 2009.
- Unfortunately, the State Government and the unions did not support a legislated State award modernisation process before Local Governments were mandated to operate in the State IR system. Further, the transitional legislation does not provide for the Federal Award to permanently transition to the State IR system.
- The Western Australian Municipal, Administrative, Clerical and Services Union of Employees (commonly also known as the WA Branch of the ASU) ([ASU](#)) made an application in February 2023 to amend the State Local Government awards without employer consultation.
- Further, the Western Australian Industrial Relations Commission (WAIRC) is reviewing the scope clauses of a number of State awards which potentially cover Local Governments, in addition to the two State Local Government awards.
- WALGA has commenced representing the sector and individually named Local Governments in the various applications before the WAIRC regarding proposed amendments to the State awards.
- This item for noting provides an update on the status of these applications and outlines the engagement methods WALGA will be using to seek feedback from the sector on these important employment issues.

Background and Comment

Amendments to the two State Local Government awards

1. On 27 February 2023 the ASU filed two applications to amend the Local Government State awards, namely the:
 - (a) [Local Government Officers' \(Western Australia\) Award 2021](#) (LGO Award); and
 - (b) [Municipal Employees \(Western Australia\) Award 2021](#) (ME Award)(together the 'State LG Awards').
2. These ASU applications are primarily seeking to introduce *Fair Work Act 2009* (Cth) terms and conditions into the State LG Awards and add some other additional employment conditions.
3. WALGA believes that the current ASU claims before the WAIRC are just the beginning of a full award amendment process. Noting that the ASU has canvassed at least two further award

amendment applications including one to amend the classification and pay structure of the State LG Awards.

4. In addition, WALGA believes that the current ASU applications have created an opportunity for the Local Government sector to actively participate in an award modernisation/amendment process which is vital to the sector for several reasons, including:
 - (a) The State LG Awards contain the minimum standards for the Local Government sector which may form the basis for Local Government workforces' terms and conditions or industrial agreement negotiations – and therefore any amendments may have an impact on wage costs.
 - (b) The State LG Awards have not been significantly amended for some 24 years and contain definitions, occupation titles and terms that are no longer relevant to current Local Government workforces.
 - (c) The State LG Awards contain terms and conditions which were removed or amended as part of the Fair Work Commission award modernisation process which created the Federal Award in 2009.
 - (d) Although transitional Local Governments¹⁵ with new State instruments¹⁶ do not have to currently apply the State LG Awards – this status will change if a new agreement is negotiated or from 1 January 2025¹⁷.
 - (e) The enhanced bargaining power of the unions in the State industrial relations system.
5. In 2022 WALGA sought feedback from the Employee Relations (ER) Sector Reference Group which confirmed the sector's view that the State LG Awards require significant amendment and updating.
6. A collective employer approach to State award modernisation is vital to be effective in negotiations with the unions and this can be facilitated by the WALGA ER team which has daily contact with human resources (HR) and industrial relations (IR) professionals and managers across the sector.
7. Further, the WALGA ER team has significant experience and history of representing Local Governments in the Federal award modernisation process and continues to review all Fair Work Commission applications impacting on the Federal Award.
8. After writing to Local Governments to seek their feedback on the ASU's initial applications, WALGA prepared and filed a preliminary response with the WAIRC on 31 March 2023 which requests that the WAIRC program a State LG Awards modernisation/amendment process. WALGA ER representatives will be representing Local Governments in the WAIRC when a conference is scheduled in July 2023.

Amendments to other State awards impacting on Local Governments

9. The recent amendments to the *Industrial Relations Act 1979 (WA)* (IR Act) provide the WAIRC with powers to amend the scope of private sector awards on its own motions under section 37C of the IR Act.
10. On 20 April 2023 WALGA was notified by the WAIRC and by the Department of Mines, Industry Regulation and Safety that the WAIRC was reviewing the scope clauses of a number of State awards which may impact on Local Governments.

¹⁵ **Transitional Local Governments** means the Local Governments and Regional Councils that are named in Schedule 4 to the [Industrial Relations \(General\) Regulations 1997 \(WA\)](#) (IR General Regulations) and which were required to operate in the State industrial relations system from 1 January 2023.

¹⁶ **new State instrument** is defined in the [Industrial Relations Act 1979 \(WA\)](#) and includes the Local Government Industry Award 2020 (old federal award) and a Fair Work Commission enterprise agreement if either applied to a declared employer or employee before the transition.

¹⁷ Due to the operation of regulation 8 of the IR General Regulations.

11. The State awards currently being reviewed under section 37C of the IR Act which are relevant to Local Governments include the Cleaners and Caretakers Award, 1969 (CC Award), the Restaurant, Tearoom and Catering Workers' Award (RTC Award) and the Metal Trades (General) Award (MTG Award).
12. It has also been flagged with WALGA that there are a number of other State awards relevant to Local Governments which will be the subject of a scope clause review in the near future.
13. The CC Award, the RTC Award and the MTG Award refers to Local Government and includes a handful of Local Governments as a party to those awards. This has resulted in potential dual coverage for certain Local Government occupations and a lack of clarity of State award coverage for employees.
14. On 31 May 2023 WALGA attended a Conference at the WAIRC to discuss proposed amendments to the scope of the CC Award, the RTC Award and MTG Award. Following the Conference WALGA has been consulting with the Local Governments that are named parties to these awards.
15. Based on initial sector feedback, WALGA will be seeking to remove circumstances of possible dual coverage and consolidate Local Government industry conditions. This will be done with the aim of ensuring Local Government employees are covered by as few State awards as possible to mitigate disputes over award coverage and interpretation, union demarcations and potential compliance issues.
16. WALGA will continue to consult with those named Local Governments and the sector and prepare submissions and advocate in the WAIRC regarding the proposed award amendments.

WALGA's sector engagement strategy

17. WALGA is establishing a new State Award Working Group comprised of Local Government employees with responsibility for managing employment conditions. For example, HR and IR professionals or relevant managers. A key priority of the Group will be to raise anticipated issues to work towards sector solutions.
18. The purpose of the State Award Working Group is for WALGA to seek feedback from the group about:
 - (a) The unions current and future claims to amend the State LG Awards.
 - (b) The amendments to the State LG Awards that are required by Local Government employers – including to develop an employer log of claims.
 - (c) The standard terms and conditions of employment in the Local Government sector.
 - (d) The constraints of the Local Government sector. For example, a Local Government's capacity to pay.
19. The other groups WALGA will consult include:
 - (a) Local Governments that are named respondents to any applications filed with the WAIRC relating to State awards
 - (b) CEOs
 - (c) HR Managers
 - (d) ER Sector Reference Group
 - (e) Growth Alliance Perth & Peel Group
20. The methods WALGA will use to engage with the sector include:
 - (a) Email alerts titled 'State Award Modernisation Alerts'
 - (b) Surveying
 - (c) Webinars, in person meetings and events
 - (d) Emails and phone calls to CEOs and key HR contacts
 - (e) Updates on the WALGA website
 - (f) The WALGA People and Culture Network LinkedIn Group

- (g) Preparation of regular State Council Agenda items and presentation at a future State Council Strategic Forum.
- 21. When engaging with the relevant stakeholder groups WALGA ER will provide its professional views on award terms, proposed award drafting and the application of the IR Act and other State employment legislation to enable stakeholders to provide informed feedback on proposed amendments to the State LG Awards.
- 22. WALGA ER will consult as widely as possible. However, if there are divergent views on an issue WALGA ER will advocate for the position that is supported by the majority of the sector.

10. ORGANISATIONAL REPORTS

10.1 Key Activity Reports

10.1.1 Report on Key Activities, Advocacy Portfolio

By Narelle Cant, Executive Manager Advocacy

RECOMMENDATION

That State Council note the Key Activity Report from the Advocacy Portfolio to the July 2023 State Council meeting.

The Advocacy Portfolio comprises the following work units:

- *Marketing*
- *Communications*
- *Media*
- *Member Engagement*
- *Government Relations*
- *Events*

The following outlines the activities of the Advocacy Portfolio since the last State Council meeting.

Media

There have been 72 mentions (separate stories) of WALGA in April and May.

The dominant media story during this two-month period was Western Power's submission to the Economic Regulation Authority (ERA) and its request to hike street lighting tariffs by nearly 44%. This story ran heavily across all media for 48 hours.

The West Australian 'broke' this story and featured comments from WALGA President Cr Karen Chappel. A WALGA media statement was then released condemning Western Power's unjustified price hike request.

The issue featured prominently across all three news mediums – newspapers, radio, and television – with comments from Cr Chappel in *The West Australian* newspaper, *The West* online, the *Geraldton Guardian*, and Channel Seven, Nine and Ten's evening bulletins. Cr Chappel was interviewed on both 6PR and ABC Morning radio programs with comments running on news bulletins on ABC, 6PR and MMM throughout the day.

Following the ERA decision to reject Western Power's proposed street light price hike two weeks later, Cr Chappel was interviewed on the 6PR Drive program, with comments also running prominently in *The West* online, *Perth Now* website, *Perth Now* suburban newspapers, *Geraldton Guardian*, *Augusta-Margaret River Times* and on ABC Radio bulletins in the regions.

Cr Chappel was interviewed for GWN's evening news bulletin following a State Government announcement on 19 May that regional Local Government's had been granted a tender exemption to retain GP services. Comments from Cr Chappel also ran on MMM Regional Radio.

The first tranche of Local Government Reforms passed through the WA Parliament and comments from Cr Chappel ran in *The Echo* (Swan / Midlands region) newspaper.

The State Government Pre-Budget announcement that funding had been restored to the Community Sporting and Recreation Facilities Fund (CSRFF) saw comments from Cr Chappel run on MMM Regional news.

An Op Ed by Cr Karen Chappel on the two-year anniversary of Tropical Cyclone Seroja ran in the *Geraldton Guardian* Newspaper on 14 April.

Advocacy: ERA

Upon discovering Western Power's proposal to the ERA for a massive increase in street lighting tariffs, WALGA swung into campaign/advocacy mode.

An email was sent from WALGA CEO Nick Sloan to all Local Government CEOs advising of the situation and encouraging all Local Governments to write to the ERA to voice their objection. WALGA also wrote to the CEO of the ERA, opposing the proposed tariff price hike.

President Cr Karen Chappel wrote to Local Government Minister John Carey and Energy Minister Bill Johnston strongly condemning Western Power's proposed street lighting tariff price hike.

A successful media campaign (detailed above) then followed.

Federal Budget Advocacy and Communications

WALGA supported ALGA in their Federal Budget initiatives campaign throughout April and May in the lead up to the Federal Budget.

Following the Federal Budget being handed down on 9 May, an email detailing the key Budget initiatives most relevant to Local Government in WA was distributed to all CEOs and Elected Members that evening.

A dedicated 2023 Federal Budget page on the WALGA website was also established.

State Budget Advocacy and Communications

Throughout April, and the first week of May, WALGA continued to promote various funding requests included in its State Budget Submission through social media channels in the lead up to 11 May. Following the State Budget being handed down, WALGA released a media statement highlighting its successful Budget advocacy including funding for the Urban Canopy Grant program and increased funding to the CSRFF.

Members were provided with timely information on the Budget that evening, via a special edition of LG Direct, and on the WALGA website, which hosted information on topics of Urban Forest, Housing and Homelessness, CSRFF, Regional Health, Climate Action, Tariffs, Fees and Charges, Aboriginal Heritage and Emergency Management.

The web page also contained general budget analysis relevant to Local Governments.

Local Government Election Campaign

WALGA and the Department of Local Government, Sport & Cultural Industries have partnered to deliver a two-phased marketing campaign in the lead up of the 2023 Western Australia Local Government elections.

WALGA's role with the project has included contributing \$50,000 towards the campaign, preparing the marketing campaign project brief, and engaging the successful agency.

The first phase of the campaign will include raising community awareness of the value of Local Government.

The second phase will be geared around increased engagement and voter participation with a targeted digital campaign rolled out across a number of platforms. The overall goal is to encourage

increased voter participation by 3% focusing on Generation Z (18-24 years), Millennials (25-44), Culturally and Linguistically Diverse (CALD), and First Nations groups.

WALGA Conference 2023

Planning for the WALGA Local Government Convention 2023 and Supplier Showcase 2023 is well underway.

The Convention will be held from Sunday, 17 – Tuesday, 19 September, and includes the Mayors and Presidents Forum on Sunday and The Heads of Agencies Breakfast on Monday.

The theme this year is Local Futures and this year's Convention will explore how Local Governments can enact and drive change for the benefit of their communities and the diversity of solutions that can emerge when you start local.

The [Convention and Supplier Showcase website](#) has been launched, including the online registration page. Futurist, Dominic Thurbon, is this year's Convention keynote speaker. Michelle Payne, Australia's first and only female jockey to win the Melbourne Cup, will share stories about her life and racing experiences at the Convention breakfast and Gihan Perera, futurist and author, will speak at the Mayors and Presidents Forum.

The Convention program includes sessions on Active Mobility, Regional Housing, and diversity in Local Government.

WALGA's inaugural Supplier Showcase will be held from Tuesday, 19 – Wednesday, 20 September. The event will feature WALGA's preferred suppliers showcasing the latest innovations across service industries, such as transport and waste management.

Three prospectuses for Sponsorship; the Convention Exhibition; and Supplier Showcase are now open to WALGA's key stakeholders and suppliers.

10.1.2 Report on Key Activities, Infrastructure Portfolio

By Ian Duncan, Executive Manager Infrastructure

RECOMMENDATION

That State Council note the Key Activity Report from the Infrastructure Portfolio to the July 2023 State Council meeting.

The Infrastructure Portfolio comprises the following work units:

- Roads
- Funding
- Urban and Regional Transport
- Utilities
- Road Safety

The following outlines the activities of the Infrastructure Portfolio since the last State Council meeting.

Roads

Condition Assessment of Roads of Regional Significance

The Australian Road Research Board (ARRB) have completed the visual condition survey covering strategically significant roads (ROADS 2040) in the Wheatbelt Region. All data has now been delivered and uploaded to the individual RAMM databases for each Local Government. It is proposed to survey the South West Region in the next phase of this project which is scheduled to begin in the fourth quarter of this year. Local Governments in the South West will be updated as the project progresses.

Local Government Transport and Roads Research and Innovation Program

WALGA and Main Roads have recently commenced three major research projects in key areas of focus for Local Governments. The three projects are to develop 1) a Local Government guideline for sustainable road construction practices in WA, 2) a guideline for the selection and implementation of low-cost road safety improvements on rural roads, and 3) a practical guide to the timely sealing for Local Government roads. The projects will support the uptake of best practice in these areas in the Local Government sector and are forecast to be completed by mid-2023 and webinars will be held to introduce the guides.

Funding

State Road Funds to Local Government Agreement

Signing the new State Road Funds to Local Government Agreement, endorsed by State Council in May has been delayed as a result of Mark McGowan's resignation in late May. The 2023/24 Local Roads Program and associated funding has been endorsed by the State Road Funds to Local Government Advisory Committee (SAC) and is proceeding operationally without delay.

Multi-Criteria Assessment (MCA) Model Revisions

Work has continued to harmonise the MCA models used by Regional Road Groups to prioritise project proposals. The proposed changes reflect the new focus areas of the State Roads Funds to Local Governments Agreement, while still allowing for flexibility to recognise the significant differences between regions. The review processes for each region will commence in June/July/August 2023 with the intent of delivering a revised MCA model in each region for assessment of 2025/26 projects.

Business Case for Safety Improvement to High Speed Sealed Local Government Roads

The Association worked with consultants from ARRB and staff from RAC and Main Roads WA to develop the business case for investment to improve the safety performance on high speed sealed

Local Government roads. Single vehicle, run-off road type crashes are the responsible for the majority of crashes resulting in fatalities and serious injuries and their frequency can be reduced by application of proven treatments. Infrastructure Australia has been engaged. It is planned to complete this work by the end of the financial year.

Utilities

Streetlighting

Western Power published a 2023/24 Price List for approval by the Economic Regulation Authority in May that included a proposed 43.85% increase in street lighting tariffs. Successful advocacy by WALGA and members opposing this change is detailed in a separate Agenda item. The actual tariff increases are now expected to be 4.8% for most lighting types in the Synergy service area and 5.9% in the Horizon service area. There remains significant advocacy work to do with the electricity distributors, retailers and Economic Regulation Authority concerning the streetlight services provided, including the proposed replacement LED lamps, cost models and tariffs.

Most Local Governments in the Synergy service area will receive a credit adjustment for overcharging in 2021 and 2022 due to the streetlighting asset database not being up to date.

Underground Power

WALGA has been formally invited to represent Local Governments at the Targeted Underground Power Program steering committee. A Reference Group of representatives from the twelve Local Governments with proposed projects in the coming four years was established by WALGA and two meetings held to date. This Reference Group provides input to the program design and delivery arrangements and facilitates shared learnings between participants specifically concerning cost recovery models, community engagement and agreements.

Road Safety

Road Safety Ratings for Local Government Roads Project

WALGA and the UWA Western Australian Centre for Road Safety Research project team has developed a new tool, prepared draft guidelines to support the development of safety ratings for Local Government roads and completed a pilot project with seven Local Governments. Additionally, work has also commenced on the development of an electronic application for use on desktop computers and tablets. Refinements to the tool and application are underway and the final tool is expected to be completed by mid-2023.

10.1.3 Report on Key Activities, Member Services Portfolio

By Tony Brown, Executive Director Member Services

RECOMMENDATION

That State Council note the Key Activity Report from the Member Services Portfolio to the July 2023 State Council meeting.

The Member Services Portfolio comprises the following work units:

- Association and Corporate Governance
- Commercial Contract Services
- Commercial Development
- Commercial Management
- Employee Relations
- Governance and Procurement
- Training

The following outlines the activities of the Member Services Portfolio since the last State Council meeting.

The following outlines the activities of the Member Services Portfolio since the last State Council meeting.

Commercial

Preferred Supplier Program Development

During the April to June 2023 quarter, 16 suppliers have been invited into Request for Tender processes following referral from Members. All PSP contracts are developed through a Tender process. A breakdown of Request for Tender activity is as follows:

Preferred Supplier Panel	Number of suppliers invited
PSP001 Information and Communication Technologies	3
PSP002 Engineering Environmental & Technical Consultancy	3
PSP003 Professional Consultancy Services	1
PSP005 Leisure, Cultural and Community Services	1
PSP007 Waste and Energy	1
PSP008 Workplace Goods and Services	2
PSP009 Roads, Infrastructure & Depot Services	3
PSP010 Parks and Gardens	2

Additionally, there are currently eight Extra Category evaluation and assessment processes in progress to prequalify current suppliers to additional supply categories.

Construction and Built Environments

WALGA will host a briefing to share information about the new Construction contracts and guidance on the legal structure that has been developed. The event will be held on Monday, 19 June and will include a presentation from Herbert Smith Freehills, the legal firm who drafted the new construction contracts.

Employee Relations

State Wage Case 2023

The Western Australian Industrial Relations Commission (WAIRC) issues a State Wage Case General Order (State Wage Order) annually in June which sets the WA minimum wage for adults, apprentices and trainees, and adjusts wage rates under the State awards. The State Wage Order now applies to all Local Governments in WA (with the exception of the Shire of Christmas Island and the Shire of Cocos (Keeling) Islands). Local Governments must ensure that the wages paid to employees are the same as, or higher than, the State minimum wage. As a general rule, many Local Governments provide much higher rates of pay than the State minimum wage which is important for the attraction and retention of staff.

WALGA staff prepared a short submission which were filed with the WAIRC on 17 May 2023 on behalf of the Local Government sector. Please refer to [Agenda item 9.1](#) for further details.

WAIRC Amendments to the Scope of Private Sector State Awards

The recent amendments to the *Industrial Relations Act 1979* (WA) (IR Act) provide the WAIRC with powers to amend the scope of private sector awards on its own motions under s.37C of the IR Act.

There are a number of State awards, separate to the two Local Government State awards (the Local Government Officers' Award (Western Australia) 2021 and the Municipal Employees Award (Western Australia) 2021) which mention Local Governments or include Local Governments as a party to those awards. This has resulted in potential dual coverage for certain Local Government occupations and a lack of clarity of State award coverage for employees.

On 31 May WALGA attended a Conference at the WAIRC to discuss proposed amendments to the scope to the Cleaners and Caretakers Award, 1969, Restaurant, Tearoom and Catering Workers' Award and the Metal Trades (General) Award. WALGA will continue to consult with named Local Governments and the sector, and continue to prepare submissions and advocate on behalf of the sector regarding the proposed award amendments. The ultimate aim of WALGA's advocacy is to have two State Local Government awards that apply to Local Governments to the exclusion of all other State awards so there is clarity for employers and employees on award coverage and terms and conditions of employment.

Breakfast Seminar and Webinar

On 23 May the ER team hosted a breakfast seminar on the topic of "Active bystanders: empowering your employees." With the recent changes to legislation dealing with sexual harassment and bullying there is an increasing focus on ensuring that all employees are empowered and given the tools and confidence to speak up, intervene and act when they see inappropriate behaviour in the workplace. Topics that were covered during the presentation included why active bystanders are important, how to be an active bystander and supporting employees "in the moment" and after an incident of harassment or inappropriate behaviour. The seminar attracted 32 attendees. A webinar was held on the same topic for Regional Local Governments that couldn't travel to WALGA for the event, and the webinar had 24 registered attendees.

Governance and Procurement

Regional GP Services

WALGA State Council at its meeting held September 2021 endorsed an [Advocacy Position](#) – Tender Exemption General Practitioner Services, as follows:

WALGA advocates for the inclusion of a tender exemption for General Practitioner (GP) services under Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996, to support Local Governments to secure and retain necessary primary health care services for their communities.

The Minister for Local Government engaged with WALGA and a range of Local Government Presidents and CEOs through roundtable meetings on this proposal. The Minister has advised of the following position he has implemented.

***“Recognising the importance of obtaining value for money in a competitive way in the initial procurement of medical services, an exemption is proposed from the requirement to seek public tenders where a Local Government is extending, varying, or renewing a contract. This will make it easier for Local Governments to vary and extend contracts relating to the provision of medical services.*”**

This will require a Council report to be prepared and presented, setting out the basis for making the decision. This is consistent with other decision-making and reporting processes currently undertaken by Local Governments.”

However, Local Governments will still need to go through a public tender process when first engaging a General Practitioner. “

Between 35 and 40 Local Governments in regional Western Australia currently subsidise a local GP service in their community. This is an advocacy success for the Local Government sector.

In respect to the tender for first engaging a GP, WALGA is preparing a template tender document to assist Local Governments and General Practitioners in responding to a tender.

The Local Government Function and General regulations were amended and was gazetted on 19 May 2023.

Guide to Engaging with Solicitors

A new WALGA resource providing guidance on the relationship between Local Governments and solicitors, the types of work solicitors may be asked to do, and guidance on the drafting of a set of instructions to solicitors when seeking advice has been produced.

The Guide includes information on:

- When to seek legal advice
- How to choose a legal practice
- Preparing the request for advice
- Cost disputes & complaints
- Legal professional privilege
- Service performance management

A Webinar on this subject will be provided in the coming months.

Local Government Amendment Act 2023

The Local Government Amendment Act 2023 received assent in May, however very few of the provisions have commenced at the time of writing. The priority of the Government will be to commence Act provisions and introduce new regulations relating to the election process and this is expected by the end of June 2023.

Two specific amendments will not commence for the 2023 elections:

- Caretaker Provisions are planned to commence in time for the 2025 Local Government elections; and
- Owner Occupier roll amendments that will introduce new provisions requiring specific ‘right of occupancy’ legal instruments that will determine enrolment eligibility also to be introduced for the 2025 elections.

WALGA is also collaborating with the WA Electoral Commission and Department of Local Government, Sport and Cultural Industries in practical election preparations including planning for a state-wide Candidate Information Briefing, delivery of in-house candidate briefings organised by Local Governments and a webinar on the Owners and Occupiers Roll.

Training

CPP30719 Certificate III in Waste Management

WALGA staff are currently finalising the training and assessment resources for the Certificate III in Waste Management to add to our Registered Training Organisation (RTO) scope of registration. We are planning to start delivering this qualification as a Traineeship and Fee for Service around September 2023.

Safety Representative Course with DMIRS

WALGA Training is now registered with the Department of Mines, Industry Regulation and Safety (DMIRS) to deliver the Safety Representative Course. Over the coming weeks, we hope to start promoting this training service to our members across WA.

LGA30120 Certificate III in Local Government

The Certificate III in Local Government is now up and running with 19 students currently enrolled and working their way through their studies. WALGA has also received future enquires and bookings for our April, July and October 2023 intakes. The training team is working hard to ensure excellent student support and responsive replies to all enquiries. The feedback so far has been excellent with students and their supervisors impressed with the quality of our training materials.

Elected Member Training

Council Member Essential Training has slowed down, which is typical for this time of the year whilst Professional Development and the workshops associated with the Diploma of Local Government – Elected Member are in full swing, with many Elected Members keen to graduate at this year's 2023 WALGA Convention.

Officer Training – Short Courses

Officer enrolments have been steady with particular interest in our Governance courses, capturing ongoing legislative changes and extending our course offerings to include a new Delegation and Authorisation course.

10.1.4 Report on Key Activities, Policy Portfolio

By Nicole Matthews, Executive Manager Policy

RECOMMENDATION

That State Council note the Key Activity Report from the Policy Portfolio to the July 2023 State Council meeting.

The Policy Portfolio comprises the following work units:

- Economics
- Environment and Waste
- Planning and Building
- Resilient Communities

The following outlines the activities of the Policy Portfolio since the last State Council meeting.

Economics

Response to the Federal and State Budgets

Both the Federal and State Budgets were handed down in May and contained important information about spending priorities over the coming year. WALGA responded to both Budgets by analysing the detail and preparing a timely communication to Members outlining the key areas of interest to the sector.

WALGA's Economics team attended the State Budget Industry Briefing where the budget was provided to attendees several hours before it was handed down. Attendees also had access to Treasury officials who were available to respond to any queries on budget initiatives or details.

It was pleasing that funding was provided for a number of initiatives put forward in WALGA's 2023-24 State Budget Submission. Further information can be found at [Agenda Item 9.5](#).

Economic Development Tools and Templates

In response to feedback from Members, WALGA has recently commenced a program of work to assist Local Governments with best practise economic development.

The focus of this work will be:

- Updating the 2019 WALGA Economic Development Framework to incorporate feedback provided by WALGA members in the 2022 Economic Development focus groups and the latest research on local economic development principles and best practise
- Creation of an Economic Development Strategy template and guidelines for use
- Creation of a business case template and guidelines for use

These materials are expected to be available on the WALGA website in July.

In coming months, WALGA will also be developing a series of case studies to showcase innovative and successful examples of local economic development activities.

Environment and Waste

Waste Levy Increase and Strategy Review

On Friday 26 May, the Government announced an increase to the Waste Avoidance and Resource Recovery Levy (WARR Levy), effective 1 July 2024. This increase will see the Levy \$85/tonne for any waste generated or landfilled in the Perth Metropolitan area. The Government also flagged a consultation on the expansion of the Levy's geographic coverage. [WALGA's Policy Statement](#) on the

WARR Levy does not support any expansion of the Levy's coverage. The five year rolling schedule for the Levy, which the Government also announced, meets WALGA's [Policy Priorities](#) of providing the sector with more certainty on the trajectory of the Levy.

The Government has also announced the first stage of the Review of the WA Waste Avoidance and Resource Recovery Strategy, with the release of a [Directions Paper](#) for comment. There is a 6 week consultation period for the Directions Paper, with feedback due by 11 July.

The next stage of the review will be consultation on a Draft Waste Strategy with a minimum of 12 weeks for consultation. The review is in line with the legislative requirements, in the Waste Avoidance and Resource Recovery Act, to review the Strategy every 5 years.

Gascoyne Environment & Waste Summit

On Thursday 11 May 2023, representatives from State and Local Government, the private sector and the community met in Denham, Shark Bay to discuss the key waste and environment challenges and opportunities for the Gascoyne region.

Some of the key themes that were raised included the interconnected nature of the environment and waste challenges in the region, the opportunity for innovation, the need to listen to and respect country and the importance of collaboration and sharing information across the region.

WALGA would again like to thank the sponsors who made the event possible, the Shire of Shark Bay, Gascoyne Development Commission, Waste Authority and Containers for Change.

Natural Resource Management Grants Released

[Eligible Local Governments](#) can apply for funding from WALGA's Local Biodiversity and Native Vegetation Management Project, supported by the State NRM Program. This is one off grant funding, and technical assistance, to support Local Governments in the South West of Western Australia.

Funding is available for Ecological assessments of Local Government managed lands, development of a Local Biodiversity Strategy and development and adoption of local planning policy on native vegetation and biodiversity. The Funding Guidelines and the Application Form is available from the [WALGA Website](#), with applications closing on 21 July 2023.

Biosecurity and Agriculture Management Act (BAM Act) Review – Stage three

The final stage of the BAM Act Independent Review has been released, with comments due Friday 30 June. The [Stage 3 Discussion Paper](#) has been informed by the feedback provided to the Independent Review from stakeholders including Local Government. The Discussion Paper identifies nine key themes and recommended options to address each of the areas.

Key proposed changes to the current biosecurity management arrangements:

- The establishment of a formal biosecurity body, with representatives from all biosecurity system participants, to provide strategic leadership for biosecurity through the development of a plan for the collaborative management and prioritisation of investment in pests and diseases across WA.
- The current assessment and declaration of individual organisms as unlisted, permitted, prohibited, or declared pests in WA is to be replaced with a simplified frameworks and assessment process for 'biosecurity matter', which would be further defined as prohibited, restricted or permitted matter based on the level of risk presented to WA.
- The Declared Pest Rate would change to a uniform ad valorem rating structure applied to the entirety of WA to land of sufficient size, and retain the State Government legislated dollar-for-dollar matching of funds raised. The pooled funds would be apportioned to priority pest management programs and compliance programs by the formal biosecurity body.
- The range of pest management entities that are eligible to receive pooled funds be broadened from Recognised Biosecurity Groups to include Local Government, regional NRM groups, Landcare and Aboriginal groups, with co-contributions required from funding recipients.
- The scope of Local Government local laws be expanded to apply to any widespread and established pest animal or plant.

WALGA has developed a draft submission on the proposed reforms for sector feedback by 26 June 2023. The draft submission provides analysis against the [WALGA Biosecurity advocacy position](#), endorsed by State Council in December 2023 and on anticipated benefits or issues of the proposed reforms. The draft submission will be provided as an item for Zones' consideration in the June round of meetings.

As well as providing comments to WALGA, Local Governments are being strongly encouraged to [respond directly](#) to DPIRD by 30 June.

Planning and Building

Building Surveyor Forum

The first combined metropolitan and regional Local Government Building Surveyor Forum was held on the 10 May. This is a regular forum of Local Government Officers who meet to discuss and resolve common issues related to implementing the Building Act. This meeting was attended over 100 Local Government officers as well as State Government representatives from the following –

- Department of Planning, Lands and Heritage who gave a presentation on the recently released Medium Density Code
- Department of Mines, Industry Regulation and Safety who advised on upcoming training on energy efficiency that will be offered to Local Government officers.

Regional Roads and Planning Proposals Consultation Response

WALGA has provided a [consultation response](#) to *draft Operational Policy 1.12 Planning proposals adjoining Regional Roads in Western Australia*. The draft policy “seeks to promote an efficient and safe regional road network” by providing general guidance to decision makers, land use planners and proponents.

Upcoming Public Consultations

WALGA expects public consultation will open imminently for the *Development Control Policy 2.3 Public Open Space in Residential Areas*. WALGA has prepared a Background Paper that is available [here](#). WALGA will hold an online session with DPLH once the consultation begins.

Local Government CHRMAP Forum

A Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum was held on the 2 May with 27 Local Government representatives attending as well as representatives from the Department of Transport, Department of Planning, Lands and Heritage, and Department of Biodiversity, Conservation and Attractions. The below presentations were provided:

- Peron Naturaliste Partnership provided an update on the Capel-Leschenault CHRMAP with a focus on the outcomes of the Benefit Distribution Analysis.
- Department of Transport presented an overview of the progress of the state-wide coastal inundation study and next steps.

CoastWA Grants

CoastWA grants closed on the 1 May 2023. Sixty-four grant applications were received across four grant programs - Coastal Management Plan Assistance Program, Coastwest, Coastal Adaptation Protection grants and Hotspot Coastal Adaptation Protection grants. All four grant programs were oversubscribed and the quality of applications high. Grant applications are currently being assessed with WALGA sitting on three of the four assessment panels. It is anticipated that successful applicants will be informed in early July.

WA Coastal Hazard Adaptation Program - Stage 2 Infrastructure Australia proposal

As part of the 2023-24 State Budget, \$300,000 was allocated to the advancement of a business case to support a Stage 2 Infrastructure Australia proposal for a Western Australian coastal hazard adaptation program. This is a key step in securing additional funds needed to address coastal erosion and inundation hotspots in Western Australia. WALGA is represented on the project team being led by the Department of Planning, Lands and Heritage and will facilitate consultation with Local Governments about potential projects that could form part of the business case.

Resilient Communities

Emergency Management

State Emergency Management Committee

The State Emergency Management Committee (SEMC) met on 3 May and held a Strategic Planning Workshop, attended by WALGA CEO Nick Sloan.

WALGA made two submissions to SEMC consultations in April:

- A submission on the Local Emergency Management Committee Handbook
- A submission on the State Support Plan Emergency Relief and Support

The submissions were based on existing advocacy positions and input received from Local Governments during the recent review of the Local Emergency Management Arrangements.

Member Representation

- All Hazards Liaison Group, and communication with affected Local Governments during Tropical Cyclone Ilsa that crossed the coast on 13 April 150km north of Port Hedland
- Interagency Bushfire Operations Committee (IBOC) Strategic Planning Day on 25 May
- Meeting between WALGA CEO Nick Sloan and the Fire and Emergency Services Commissioner, including advocacy aligned to WALGA's budget submission
- DFES Volunteer Sustainability Committee
- Spontaneous Volunteer Management System for WA Steering Committee

Local Emergency Management Arrangements Review and Improvement Plan

Following the finalisation of the Local Emergency Management Arrangements Review, WALGA has worked with DFES to develop an improvement plan and engage with the Local Government sector on this plan including:

- Interviews with Local Government emergency management key personnel
- A Workshop with WALGA's Local Government Emergency Management Advisory Group on the Local Emergency Management Arrangements Improvement Plan (2 May)

Section 33 Firebreak Notice Guidance

WALGA and DFES have prepared a draft Guidance Note to support Local Governments to produce an effective and enforceable fire-break notice, based on a review of current notices and feedback from Local Government officers. The Guidance Note is available on the WALGA Website.

Community

Aboriginal Cultural Heritage (refer to [Agenda Item 9.6](#))

On 10 May WALGA and the Department of Planning, Lands and Heritage (DPLH) co-hosted an education workshop which was attended by 80 Local Government representatives. The workshop discussed key aspects of the new *Aboriginal Cultural Heritage Act 2021*, which commences on 1 July. The presentation and workshop recording are available on the [WALGA website](#). WALGA also engaged with DPLH to ensure that the sector was consulted through their demand forecasting survey. The President has written to the Minister for Aboriginal Affairs advocating for ongoing sector support during the legislative transition.

Regional Health Services

WALGA met with Rural Health West on 8 May to discuss opportunities for a joined up advocacy approach. WALGA has undertaken preliminary work and is looking to engage a consultant to undertake an updated survey of Local Government to ascertain the costs to the sector of supporting primary health in the regions, as well as to gather ideas for place based solutions. WALGA is exploring opportunities to meet with the Commonwealth Government on this issue during the NGA in Canberra in June.

Member Representation

- Trails Reference Group meeting
- Rural Health Agency Reference Group meeting
- Reconciliation WA meeting

STATUS REPORT ON STATE COUNCIL RESOLUTIONS To the July 2023 State Council Meeting

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
3 May 2023 Item 7.1 Best Practice Governance Review – Feedback on Governance Model	That: 1. This report summarising feedback from Members on the Best Practice Governance Review Final Report be received; 2. Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that: a. Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and b. Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model. RESOLUTION 439.2/2023	An Agenda item has been prepared for the July 2023 State Council meeting proposing two sets of constitution amendments relating to the current governance model and the alternate model.	Ongoing	Tony Brown Executive Director Member Services
3 May 2023 Item 7.2 Department of Local Government, Sport and Cultural Industries' Child Safe Awareness Policy Template	That State Council: 1. Supports the draft Child Safe Awareness Policy Template being provided to Local Governments to assist with their implementation of Recommendation 6.12 of the Royal Commission (Child Safety Officers in Local Government); and 2. Notes the Department of Local Government, Sport and Cultural Industries' commitment to providing ongoing support and resourcing assistance to Local Governments to assist with implementation of the draft Child Safe Awareness Policy Template and other relevant actions relating to child safeguarding, through the Child Safeguarding Implementation Unit. RESOLUTION 440.2/2023	A letter was sent on 30 May to the Department of Local Government, Sport and Cultural Industries advising of the State Council decision.	Complete	Nicole Matthews Executive Manager Policy

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p>3 May 2023 Item 7.3 Abandoned Shopping Trolleys Advocacy Position</p>	<p>That State Council endorse the following position on Abandoned Shopping Trolleys:</p> <p><i>The Local Government Sector advocates for State Government to consult with the Sector and prioritise legislative reforms that require retailers to contain shopping trolleys within shopping centre property boundaries, inclusive of enforcement and modified penalty mechanisms that are a realistic economic imperative for retailers to comply with containment requirements.</i></p> <p>RESOLUTION 441.2/2023</p>	<p>Correspondence has been written to the Minister for Local Government advocating for legislative reforms to require retailers to contain shopping trolleys within their property boundary.</p> <p>The Advocacy Positions Manual has been updated.</p>	<p>Ongoing</p>	<p>Tony Brown Executive Director Member Services</p>
<p>3 May 2023 Item 7.4 Speed Management Reform Advocacy Position</p>	<p>That the Speed Management Advocacy Position as follows, be endorsed:</p> <ol style="list-style-type: none"> 1. <i>That WALGA supports Local Governments wishing to manage travel speeds, including speed limit changes, as a means of achieving the many health, social and environmental benefits for communities.</i> 2. <i>That Main Roads WA (MRWA) retain the overarching authority for speed limit setting/zoning.</i> 3. <i>That Main Roads WA speed zoning policies and processes be reformed so that Local Governments are more influential in the determination of speed limit decreases or increases for local roads.</i> <ol style="list-style-type: none"> a. <i>This will include applications that are deemed to be approved when the application:</i> <ol style="list-style-type: none"> i. <i>is based on assessments by competent Local Government practitioners,</i> ii. <i>contains evidence-based identification of the benefits,</i> iii. <i>contains preliminary designs for infrastructure safety upgrades associated with applications to increase speed limits, and</i> iv. <i>includes an engagement strategy for managing community and stakeholder expectations.</i> 	<p>The Advocacy Positions Manual has been updated.</p>	<p>Complete</p>	<p>Ian Duncan Executive Manager Infrastructure</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>b. Allows for Main Roads WA to decline an application, within a mutually agreed timeframe, on the basis that it:</p> <p>i. does not meet the above criteria, and</p> <p>ii. provides specific evidence for declining the application.</p> <p>4. That WALGA seeks to work with Main Roads WA and other stakeholders, to develop a speed management guide for Local Governments.</p> <p>RESOLUTION 442.2/2023</p>			
<p>3 May 2023 Item 7.5 State Road Funds to Local Government Agreement 2023/24 to 2027/28</p>	<p>That the State Roads Funds to Local Government Agreement 2023/24 – 2027/28 be endorsed.</p> <p>RESOLUTION 443.2/2023</p>	<p>We understand that the draft Agreement endorsed by WALGA State Council was recommended for signing by the Premier and Minister for Transport. A date for signing was not secured prior to the Premier resigning and is now dependent on a new Premier and potentially new Transport Minister being briefed and agreeing.</p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>
<p>3 May 2023 Item 7.7 Flying Minute: Interview Report – LGIS Independent Director</p>	<p>That the appointment of Ms Kelly Hick to the LGIS Board as an Independent Director for a term of 3 years, endorsed by State Council by way of Flying Minute, be noted.</p> <p>RESOLUTION 445.2/2023</p>	<p>An LGIS induction for Ms Hick was held.</p>	<p>Complete</p>	<p>Tony Brown Executive Director Member Services</p>
<p>3 May 2023 Item 7.8 Selection Committee Minutes 24 April 2023</p>	<p>That the resolutions contained in the 24 April 2023 Selection Committee Minutes be noted.</p> <p>RESOLUTION 446.2/2023</p>	<p>Appointments have been actioned.</p>	<p>Complete</p>	<p>Tony Brown Executive Director Member Services</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
3 May 2023 Item 7.9 Selection Committee Interview Report – LGIS Non-Metropolitan Local Government Officer	That: 1. the Selection Committee Interview Report be noted; and 2. Mr Ben Rose, Chief Executive Officer of the Shire of Donnybrook Balingup be appointed to the LGISWA Board in the Non-Metropolitan Local Government Officer position, for a three-year term commencing on 1 July 2023. RESOLUTION 447.2/2023	An LGIS induction for Mr Rose was held.	Complete	Tony Brown Executive Director Member Services
3 May 2023 Item 7.11 LGIS Board Remuneration – CONFIDENTIAL	[Refer Confidential Minutes] RESOLUTION 449.2/2023	Actions from the confidential report have been carried out.	Complete	Tony Brown Executive Director Member Services
3 May 2023 Item 8.2 Governance and Organisational Services Policy Team Report	That State Council: 1. Retain, without amendment, Advocacy Positions: (a) 2.1.14 Financial Assistance Grants (b) 2.4.4 Remote Area Tax (c) 2.5.21 Conduct of Postal Elections (d) 2.5.39 Exemption from ASSB124 2. Delete Advocacy Positions: (a) 2.5.14 Tender Threshold (b) 2.5.26 Simple and Absolute Majority 3. Notes the GOS Policy Team’s consideration of WALGA AGM 2022 Item 3.12.1 Abandoned Shopping Trolleys. RESOLUTION 452.2/2023	The Advocacy Positions Manual has been updated.	Complete	Tony Brown Executive Director Member Services
1 March 2023 Item 7.1 Proposed Advocacy Position on Constitutional Recognition of Aboriginal and Torres Strait Islander People	That WALGA: 1. Supports respectful conversations about constitutional recognition of Aboriginal and Torres Strait Islanders and the Voice to Parliament. 2. Requests that the Commonwealth Government ensure that Local Governments and communities are kept informed on the proposal. RESOLUTION 418.1/2023	WALGA will continue to keep the Local Government sector informed of progress towards the Referendum on an Aboriginal and Torres Strait Islander Voice.	Ongoing	Nicole Matthews Executive Manager Policy

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p>1 March 2023 Item 7.4 Submission on Draft Guideline Minimising Noise Impact from Outdoor Community Basketball Facilities</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> Note that the Environment Minister has withdrawn the Draft Guideline: Minimising noise impact from outdoor community basketball. Write to the Ministers for Environment, Local Government, Sport and Planning requesting the formation of a cross Government working group, including relevant representative bodies, to consider and develop solutions to balance urban density and infill, public recreation and noise management. <p>RESOLUTION 422.1/2023</p>	<p>Correspondence has been sent, awaiting a response.</p>	<p>Ongoing</p>	<p>Nicole Matthews Executive Manager Policy</p>
<p>7 December 2022 Item 5.1 2022 Annual General Meeting Resolutions</p>	<p>That the following resolutions from the 2022 WALGA Annual General Meeting be endorsed for action:</p> <p>3.8 Review of the Rating Methodology used by the Valuer-General <i>Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.</i></p> <p>...</p> <p>RESOLUTION 394.8/2022</p>	<p>A letter has been sent to the Minister for Lands (with a copy also sent to the Minister for Local Government).</p>	<p>Complete</p>	<p>Tony Brown Executive Director Member Services</p>
<p>7 December 2022 Item 5.1 2022 Annual General Meeting Resolutions</p>	<p>That the following resolutions from the 2022 WALGA Annual General Meeting be endorsed for action:</p> <p>...</p> <p>3.10 Reform of the <i>Cat Act 2011</i> <i>That the WA Local Government sector requests the WA State Government prioritise reforms to the Cat Act 2011, in accordance with the Statutory Review undertaken and tabled in the State Parliament on 27 November 2019.</i></p> <p>RESOLUTION 394.8/2022</p>	<p>A letter has been sent to the Minister for Local Government on this issue.</p>	<p>Complete</p>	<p>Tony Brown Executive Director Member Services</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p>7 December 2022 Item 5.1 2022 Annual General Meeting Resolutions</p>	<p>The following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:</p> <p>...</p> <p>3.1 Road Traffic Issues <i>That WALGA advocate on behalf of the local government sector to the State Government and in particular, Main Roads, to increase importance and weight given to local knowledge and input regarding road traffic issues including requests for speed reduction, intersection treatments and overall preventative and traffic safety measures.</i></p> <p>RESOLUTION 394.8/2022</p>	<p>The Infrastructure Policy Team resolved:</p> <p><i>That efforts to increase the importance given to Local Government knowledge regarding traffic issues be deferred for consideration in mid-2023 after a clear Local Government advocacy position on speed management is developed and endorsed.</i></p> <p>This matter is central to the new Speed Management Policy adopted by State Council in May 2023. Implementation strategy being considered.</p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>
<p>7 December 2022 Item 5.1 2022 Annual General Meeting Resolutions</p>	<p>The following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:</p> <p>...</p> <p>3.2 Car Parking and Traffic Congestion Around Schools <i>That WALGA engages with the State Government on behalf of Local Government to review issues associated with car parking and traffic congestion around school sites including but not limited to:</i></p> <ol style="list-style-type: none"> 1. <i>Reviewing car parking standards for schools;</i> 2. <i>Ensuring sufficient land is set aside for the provision of parking on school sites;</i> 3. <i>Reviewing the co-location of schools to avoid issues being exacerbated;</i> 4. <i>Restricting school access from major roads;</i> 5. <i>Developing plans to enable schools to manage school traffic;</i> 6. <i>Develop programs to educate drivers; and</i> 7. <i>Develop options and implement initiatives to encourage alternative modes of transport to school.</i> <p>RESOLUTION 394.8/2022</p>	<p>The Infrastructure Policy Team resolved:</p> <p><i>That WALGA uses its role at the Safe Active Travel to School Working Group to advocate for these outcomes and provide advice back to the Local Government sector.</i></p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p>7 December 2022 Item 5.1 2022 Annual General Meeting Resolutions</p>	<p>The following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:</p> <p>...</p> <p>3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA <i>That WALGA assist Local Governments and work with the Hon Minister Rita Saffioti to introduce a similar program that is currently in play in Queensland and introduce a sole invitee Program for Local Governments to engage in a Road Maintenance Performance Contract with Main Roads WA.</i></p> <p>RESOLUTION 394.8/2022</p>	<p>The Infrastructure Policy Team resolved:</p> <p><i>That the opportunities and interest in contracting Local Governments to undertake maintenance and minor works on the State road network be explored in discussion with Main Roads WA.</i></p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>
<p>7 December 2022 Item 5.1 2022 Annual General Meeting Resolutions</p>	<p>The following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:</p> <p>...</p> <p>3.4 Northern Australia Beef Roads Program <i>That WALGA work with the Hon Madeleine King MP Minister for Resources and Minister for Northern Australia to make Beef Road Funding available to all Australian Local Governments north and south, or establish a Southern Australia Beef Road Funding Program to allow for equitable support across Australia's beef and agriculture industries.</i></p> <p>RESOLUTION 394.8/2022</p>	<p>The Infrastructure Policy Team resolved:</p> <p><i>That the Association write to the Goldfields Esperance Regional Road Group identifying the issue raised and invite them to consider whether they may partner with other organizations such as Meat and Livestock Australia, the Pastoral and Graziers Association and the Regional Development Commission and RDA to develop a business case to fund roads critical to the southern pastoral beef industry.</i></p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>
<p>7 December 2022 Item 5.1 2022 Annual General Meeting Resolutions</p>	<p>The following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:</p> <p>...</p> <p>3.5 3D House Printing Building Compliance <i>That WALGA requests:</i></p> <ol style="list-style-type: none"> <i>Assistance from Minister for Industry and Science The Hon Ed Husic MP, Minister for Housing and Homelessness, Small Business The Hon Julie Collins MP, Minister for Infrastructure, Transport,</i> 	<p>The People and Place Policy Team considered the motion at meeting held on 3 May 2023, and resolved to:</p> <ul style="list-style-type: none"> Note the recommendations of the Goldfields Esperance Country Zone, Note that housing affordability is now becoming critical and that legislative reforms are required to support compliance pathways for new building technologies, 	<p>Complete</p>	<p>Nicole Matthews Executive Manager Policy</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p><i>Regional Development and Local Government The Hon Catherine King MP to work with Ministers from all State and Territory Governments who have Building and Construction in their portfolios, to collaborate and to consider removing impediments within the National Construction Code Series and associated Australian Standards, that dissuade industry from adopting 3D printing as a building method.</i></p> <p>2. That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.</p> <p>RESOLUTION 394.8/2022</p>	<ul style="list-style-type: none"> Note that 3D printing as a building method can currently be approved through the performance pathway in the National Construction Code, and Request that WALGA continue to engage with Department of Mines, Industry Regulation and Safety - Building and Energy on the issue of building reform in Western Australia that includes efficient and effective regulation to support quality, safe and environmentally friendly buildings that are cost efficient. 		
<p>7 December 2022 Item 5.1 2022 Annual General Meeting Resolutions</p>	<p>The following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:</p> <p>...</p> <p>3.6 South West Native Title Settlement <i>That WALGA advocate to the State Government that Local Governments be provided with the full list of potential land to be requested for transfer as part of the South West Native Title Settlement and that a minimum of three months be provided for Council to provide feedback.</i></p> <p>RESOLUTION 394.8/2022</p>	<p>WALGA wrote to Anthony Kannis, Director General of Department of Planning, Lands and Heritage (DPLH) requesting:</p> <ul style="list-style-type: none"> A full list of potential land parcels that will be eligible for transfer as part of the Southwest Native Title Settlement to enable Local Governments to undertake early due diligence on the identified land, The consultation timeframe is increased for consideration of parcels of land for transfer from 40 days to 90 days (3 months) <p>A response was received from DPLH on 28 April 2023 advising that:</p> <ul style="list-style-type: none"> DPLH regularly provides Local Governments with a list of UCL and UMR under consideration for inclusion in the Noongar Land Estate and the lists are reflective of land under consideration at a specific point in time and may be subject to change, so Local Governments are encouraged to contact DPLH to obtain this information as needed. The timeframe cannot be extended to 90 days due to yearly obligations of the State and Trustee (Noongar Boodja Trust) and the deadline for the delivery of the Noongar Land Estate. DPLH does not require a decision from council for land under consideration in the Noongar Land Estate and any public consultation undertaken is at the discretion of the Local Government. 	<p>Complete</p>	<p>Nicole Matthews Executive Manager Policy</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
		<ul style="list-style-type: none"> Local Governments retain their decision-making powers for the use, management and development of all land included in the Noongar Land Estate, under the statutory and policy framework applicable to all land in WA. 		
1 December 2021 Item 5.3 2021 Annual General Meeting	That the following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action: <u>Cost of Regional Development</u> 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. ... RESOLUTION 294.7/2021	In March the State Government announced the establishment of a new Infrastructure Development Fund that includes a stream to support the delivery of regional worker accommodation with applications open until September 2024. This is an infrastructure investment program to address infrastructure constraints in the water, wastewater and electricity network at a precinct or strategic site scale impacting the delivery of regional worker accommodation. Full details can be found here .	Ongoing	Ian Duncan Executive Manager Infrastructure
3 September 2021 Item 6.1 Stop Puppy Farming Legislation	1. That the update on the Dog Amendment (Stop Puppy Farming) Bill 2021 be noted. 2. That: <ol style="list-style-type: none"> any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index. RESOLUTION 275.5/2021	Correspondence has been sent to the Minister for Local Government advising of resolution 2.	Ongoing	Tony Brown Executive Director Member Services