

State Council

Agenda

7 December 2022

NOTICE OF MEETING

Ordinary meeting no. 5 of 2022 of the Western Australian Local Government Association (WALGA) State Council to be held at ONE70, LV1, 170 Railway Parade, West Leederville on Wednesday, 7 December 2022 beginning at 4:15pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1. Attendance

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

1.2. Apologies

1.3. Announcements

1.3.1. Acknowledgement of Country

WALGA acknowledges the Whadjuk Nyoongar people who are the Traditional Custodians of the land on which we meet today and pays respect to their Elders past and present.

2. MINUTES

2.1. Minutes of the meeting held 9 September 2022

RECOMMENDATION

That the Minutes of the WALGA State Council meeting held on [Friday, 9 September 2022](#) be confirmed as a true and correct record of proceedings.

2.2. Flying Minute – WALGA Submission Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase Two

RECOMMENDATION

That the Flying Minute – [WALGA Submission Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase Two](#) be confirmed as a true and correct record of proceedings.

3. DECLARATIONS OF INTEREST

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

4. EMERGING ISSUES

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

5. MATTERS FOR DECISION

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

6. MATTERS FOR NOTING / INFORMATION

- As per matters listed

7. ORGANISATIONAL REPORTS

7.1 Policy Team Reports

- 7.3.1 Environment and Waste Policy Team
- 7.3.2 Governance and Organisational Services Policy Team
- 7.3.3 Infrastructure Policy Team

7.3.4 People and Place Policy Team

7.2 Key Activity Reports

- 7.2.1 Advocacy Portfolio
- 7.2.2 Infrastructure Portfolio
- 7.2.3 Member Services Portfolio
- 7.2.4 Policy Portfolio

7.3 President's Report

RECOMMENDATION

That the President's Report for December 2022 be received.

7.4 CEO's Report

RECOMMENDATION

That the CEO's Report for December 2022 be received.

7.5 Ex Officio Reports

- 7.5.1 The Rt. Hon. Lord Mayor Basil Zempilas to provide the City of Perth report to the meeting.
- 7.5.2 LG Professionals President, Annie Riordan, to provide the LG Professionals report to the meeting.

8. ADDITIONAL ZONE RESOLUTIONS

To be advised following Zone meetings.

9. DATE OF NEXT MEETING

The next meeting of the WALGA State Council will be held at WALGA, ONE70, Level 1, 170 Railway Parade, West Leederville on **Wednesday, 1 March 2023**.

The State Council meeting schedule for 2023 is as follows:

Date	Venue
Wednesday, 1 March	WALGA
Wednesday, 3 May	South East Metropolitan Zone
Wednesday, 5 July	WALGA
Thursday-Friday, 7-8 September	Great Southern Country Zone
Wednesday, 6 December	WALGA

10. CLOSURE

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5. MATTERS FOR DECISION

5.1 2022 Annual General Meeting Resolutions

By Tim Lane, Manager Association and Corporate Governance

RECOMMENDATION

That:

1. the following resolutions from the 2022 WALGA Annual General Meeting be endorsed for action:

- 3.8 Review of the Rating Methodology used by the Valuer-General

Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.

- 3.10 Reform of the Cat Act 2011

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.

2. the following resolutions from the 2022 WALGA Annual General Meeting be referred to the relevant Policy Team for further work to be undertaken:

- 3.1 Road Traffic Issues

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.

- 3.2 Car Parking and Traffic Congestion Around Schools

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:

1. *Reviewing car parking standards for schools;*
 2. *Ensuring sufficient land is set aside for the provision of parking on school sites;*
 3. *Reviewing the co-location of schools to avoid issues being exacerbated;*
 4. *Restricting school access from major roads;*
 5. *Developing plans to enable schools to manage school traffic;*
 6. *Develop programs to educate drivers; and*
 7. *Develop options and implement initiatives to encourage alternative modes of transport to school.*

- 3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA

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.

3.4 Northern Australia Beef Roads Program

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.

3.5 3D House Printing Building Compliance

That WALGA requests:

- 1. 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, 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.***
- 2. That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.***

3.6 South West Native Title Settlement

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.

3.7 Land Offset Compensation to Local Governments

That WALGA advocate to the State Government that the Developer requiring land offsets should be required to provide the offsets within the Local Government where the clearing occurs and where this is not possible, the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.

3.12.1 Abandoned Shopping Trolleys

That this meeting supports the recent petition to be tabled in the Legislative Council, Parliament of Western Australia, "Removal and Abandonment of Shopping Trolleys 22-0017" calling on the State Government to implement stringent and uniform shopping trolley containment laws for the whole state of Western Australia.

3. the following resolutions from the 2022 WALGA Annual General Meeting be noted:

3.11 WALGA Best Practice Governance Review – Principles

That:

- 1. The update on the Best Practice Governance Review project be noted, and***
- 2. The principles to inform WALGA's future governance model, as follows and as per the attached Principles document, be endorsed:***

- a. **Representative** – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies.
- b. **Responsive** – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders.
- c. **Results Oriented** – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.

3.12.2 Mandatory Superannuation for Elected Members in Band 1 and 2 Councils

That this meeting supports requesting WALGA to advocate for the Local Government reforms to include mandatory superannuation for elected members of Band 1 and Band 2 Councils and supports the optional payment of superannuation for Band 3 and 4 Councils.

Executive Summary

- WALGA's 2022 Annual General Meeting was held on Monday, 3 October 2022.
- The meeting resolved for WALGA to act in relation to 11 member motions (including two items of Special Urgent Business):
 1. Road Traffic Issues
 2. Car Parking and Traffic Congestion Around Schools
 3. Proposal for Regional Road Maintenance Contracts with Main Roads WA
 4. Northern Australian Beef Roads Program
 5. 3D House Printing Building Compliance
 6. South West Native Title Settlement
 7. Land Offset Compensation to Local Governments
 8. Review of the Rating Methodology used by the Valuer-General
 9. Reform of the *Cat Act 2011*
 10. Abandoned Shopping Trolleys
 11. Mandatory Superannuation for Elected Members in Band 1 and 2 Councils
- The meeting also resolved to endorse the Governance Principles proposed as part of the WALGA Best Practice Governance Review Project.
- The action taken or proposed to be taken in relation to each of the resolutions since the Annual General Meeting has been summarised for State Council's information.
- Item 3.12.2 (Mandatory Superannuation for Elected Members in Band 1 and 2 Councils) is considered in a separate item for decision (see [Agenda item 5.2](#)).

Attachment

- [WALGA 2022 Annual General Meeting Minutes](#)

Background

The 2022 Annual General Meeting (AGM) was held on Monday, 3 October 2022.

11 member motions (including two items of Special Urgent Business), as follows, were considered and supported by members at the AGM.

3.1 Road Traffic Issues

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.

3.2 Car Parking and Traffic Congestion Around Schools

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:

- 1. Reviewing car parking standards for schools;*
- 2. Ensuring sufficient land is set aside for the provision of parking on school sites;*
- 3. Reviewing the co-location of schools to avoid issues being exacerbated;*
- 4. Restricting school access from major roads;*
- 5. Developing plans to enable schools to manage school traffic;*
- 6. Develop programs to educate drivers; and*
- 7. Develop options and implement initiatives to encourage alternative modes of transport to school.*

3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA

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.

3.4 Northern Australia Beef Roads Program

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.

3.5 3D House Printing Building Compliance

That WALGA requests:

- 1. 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, 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.*
- 2. That the Government provide instruments to incentivise private industry to develop 3D printing and include this as an acceptable building practice.*

3.6 South West Native Title Settlement

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.

3.7 Land Offset Compensation to Local Governments

That WALGA advocate to the State Government that the Developer requiring land offsets should be required to provide the offsets within the Local Government where the clearing occurs and where this is not possible, the Developer requiring land offsets within another Local Government be required to pay a fee to the Local Government for the loss of rates and ongoing maintenance of infrastructure to the Land.

3.8 Review of the Rating Methodology used by the Valuer-General

Advocate for a full review of the rating methodology used by the Valuer-General to value all land in the State of Western Australia.

3.10 Reform of the Cat Act 2011

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.

3.12.1 Abandoned Shopping Trolleys

That this meeting supports the recent petition to be tabled in the Legislative Council, Parliament of Western Australia, "Removal and Abandonment of Shopping Trolleys 22-0017" calling on the State Government to implement stringent and uniform shopping trolley containment laws for the whole state of Western Australia.

3.12.2 Mandatory Superannuation for Elected Members in Band 1 and 2 Councils

That this meeting supports requesting WALGA to advocate for the Local Government reforms to include mandatory superannuation for elected members of Band 1 and Band 2 Councils and supports the optional payment of superannuation for Band 3 and 4 Councils.

In addition to the member motions, an executive motion was considered, recommending the endorsement of a set of Governance Principles as part of the WALGA Best Practice Governance Review Project. The Principles were endorsed without amendment.

3.11 WALGA Best Practice Governance Review – Principles

That:

- 1. The update on the Best Practice Governance Review project be noted, and*
- 2. The principles to inform WALGA's future governance model, as follows and as per the attached Principles document, be endorsed:*
 - a. Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies.*
 - b. Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders.*
 - c. Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.*

Comment

Comment on the 2022 AGM resolutions is as per below:

3.1 Road Traffic Issues

It is recommended that this resolution be referred to the Infrastructure Policy Team for further work to be undertaken.

3.2 Car Parking and Traffic Congestion Around Schools

It is recommended that this resolution be referred to the Infrastructure Policy Team for further work to be undertaken.

3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA

It is recommended that this resolution be referred to the Infrastructure Policy Team for further work to be undertaken.

3.4 Northern Australian Beef Roads Program

It is recommended that this resolution be referred to the Infrastructure Policy Team for further work to be undertaken.

3.5 3D House Printing Building Compliance

It is recommended that this resolution be referred to the People and Place Policy Team for further work to be undertaken.

3.6 South West Native Title Settlement

It is recommended that this resolution be referred to the People and Place Policy Team for further work to be undertaken.

3.7 Land Offset Compensation to Local Governments

It is recommended that this resolution be referred to the Environment and Waste Policy Team for further work to be undertaken.

3.8 Review of the Rating Methodology used by the Valuer-General

In respect valuation methodologies in other States and Territories, it is noted that within South Australia and Victoria 89% of the Local Governments use Capital Value, Tasmania is progressing to Capital Value whilst New South Wales is based on Land Value only, Northern Territory is based only on Unimproved Capital Value, Queensland is Site Value and Unimproved Value and the ACT is Unimproved Value only. It is clear that whilst there is a range of valuations across Australia there is a determined trend to a single use valuation methodology across jurisdictions, in favour of a Capital Valuation system.

Feedback from Local Governments in WA has been to request a review of the current valuation system.

It is recommended that this resolution be endorsed for action.

3.10 Reform of the *Cat Act 2011*

This is a developing issue in the sector. A number of Local Governments have already attempted to make Cat Local Laws that seek to prohibit cats from roaming, require cats to be securely kept on premises of the owner, and prohibited from being in any public place. Parliament's Delegated Legislation Committee has disallowed a number of such attempts on the grounds that the local law-making head of power in the Cat Act does not contemplate local laws to be made for these purposes.

The Committees views are summarised in this excerpt from the Annual Report 2016 (Report 89 at 5.32):

In each of these cases, the Committee considered that the relevant provisions of the local law were inconsistent with or repugnant to the provisions of the Cat Act 2011 which:

- *allow for cats to be in public places unless they do not comply with the provisions of the Act requiring registration, microchipping and sterilisation*

- *empower the making of local laws prohibiting cats in certain specified areas.*

As this resolution is consistent with WALGA's current advocacy position which supports a review of the Cat Act that will introduce broader powers of cat control, it is recommended that this resolution be endorsed for action.

3.12.1 Abandoned Shopping Trolleys

This item has been considered previously by the Governance & Organisational Services Policy Team, where the recommended action was for this issue to be addressed by each Local Government working with their retailers.

Based on the above it is recommended that this item be referred back to the Governance & Organisational Services Policy Team for further consideration.

3.12.2 Mandatory Superannuation for Elected Members in Band 1 and 2 Councils

This resolution will be considered in a separate Agenda item.

It is recommended that this resolution be noted.

3.11 WALGA Best Practice Governance Review – Principles

The Governance Principles were endorsed by State Council at a special meeting on 22 August, before being endorsed by members at the 2022 AGM. Since then, the Best Practice Governance Review Steering Committee have finalised a Consultation Paper, which has been circulated to all Local Governments seeking a Council endorsed position on the five model options presented in the paper by 23 December.

It is recommended that this resolution be noted.

In considering these resolutions from the AGM, State Council and State Council Policy Teams are guided by Clause 22(7) of the [WALGA Constitution](#), as follows:

Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information or 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.

Members will be informed of progress on the above issues through Policy Team Reports in future State Council Agendas and through the AGM Status Report.

5.2 Elected Member Superannuation

By Tim Lane, Manager Association and Corporate Governance

RECOMMENDATION

That WALGA:

- 1. advocates for superannuation to be required to be paid to Elected Members of Local Governments in Salaries and Allowances Tribunal (SAT) Band 1 and Band 2; and**
- 2. supports the position that superannuation payments to Elected Members of Local Governments in SAT Band 3 and Band 4 should be optional and determined by Council.**

Executive Summary

- At the [2022 WALGA Annual General Meeting](#) a motion was endorsed requesting WALGA to advocate for superannuation to be required to be paid to Elected Members in Local Governments in SAT Band 1 and Band 2.
- Consultation with the 44 affected Local Governments in Band 1 and Band 2 was subsequently undertaken, which confirmed support for the proposal.
- Accordingly, this item recommends that WALGA adopts a policy position, and advocates to the Minister for Local Government, that superannuation should be required to be paid to Elected Members of Band 1 and Band 2 Local Governments.

Policy Implications

In response to the Minister for Local Government's legislative reforms, announced in 2021, [State Council adopted a position](#) in February 2022 supporting the [Minister's proposal](#) for Local Governments to pay superannuation to Council members voluntarily, through a decision of Council. This position has been captured in WALGA's [Advocacy Position](#) 2.8.2.

A motion of special urgent business was endorsed at WALGA's [2022 Annual General Meeting](#) in line with the recommendation put forward by this Agenda item.

This Agenda item recommends amending State Council's policy position to support the mandatory payment of superannuation to Elected Members of Band 1 and Band 2 Local Governments, and the optional payment of superannuation, through a decision of Council, to Elected Members of Band 3 and 4 Local Governments.

Background

Superannuation entitlements for Elected Members has increasingly been an issue of debate in Western Australia and other Australian jurisdictions.

WALGA canvassed the Local Government sector on a [proposal](#) to facilitate the payment of superannuation to Elected Members in late 2021.

The draft [policy proposal](#) outlined arguments for the payment of super to Elected Members as well as potential barriers and costs, before concluding that superannuation should be paid to Elected Members.

Arguments supporting the payment of superannuation to Elected Members are:

- Superannuation is a legal entitlement of all workers in Australia; while Elected Members are not employees, they are committing time and intellect to their responsibilities
- It is becoming increasingly prevalent for Elected Members to forgo opportunities for paid work to fulfil their Elected Member role

- In addition, payment of superannuation to Elected Members may lead to more nominations to serve on Council from historically underrepresented cohorts, such as women and younger people, which in turn may lead to more diversity on Councils, and
- Finally, superannuation is paid to members of private and public sector governing boards, which is comparable to the role of Local Government Elected Members.

Opponents of the proposal to pay superannuation to Elected Members point to the cost and argue that the role of Elected Members should not be confused with the role of employees.

Ultimately, WALGA's consultation process was superseded by the Minister for Local Government's legislative reform agenda, announced in November 2021.

The Minister's [proposal](#) to enable Local Governments to pay superannuation to Elected Members by Council decision was supported by WALGA's State Council on behalf of the Local Government sector in [February 2022](#).

Following discussion at the Mayors and Presidents' Forum, held as part of the WALGA Convention on Sunday, 2 October, an item of Special Urgent Business was put forward to the [Annual General Meeting](#) the following day.

The motion, which was carried by the meeting, is as follows:

That this meeting supports requesting WALGA to advocate for the Local Government reforms to include mandatory superannuation for elected members of Band 1 and Band 2 Councils and supports the optional payment of superannuation for Band 3 and 4 Councils.

Clause 22 (7) of [WALGA's Constitution](#) provides guidance to State Council in determining a course of action in relation to decisions made at the Annual General Meeting:

Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information or 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.

As a result of this motion being supported by the members at the AGM, the secretariat distributed an InfoPage to the 44 affected Band 1 and Band 2 Local Governments seeking their position on the proposal.

At the time of publication, 23 Local Governments from Band 1 or Band 2 had responded with 15 supportive of the proposal and eight against.

Comment

The position that Local Governments be required to pay superannuation to Elected Members of Band 1 and Band 2 Local Governments was endorsed by a majority of member delegates at WALGA's [2022 Annual General Meeting](#).

Subsequent consultation with affected Local Governments – the 44 Local Governments in either Band 1 or Band 2 – has confirmed support for this position among Local Governments that responded.

Therefore, it is recommended that State Council adopts a policy position – and advocates to the Minister for Local Government – that superannuation should be required to be paid to Elected Members of Band 1 and Band 2 Local Governments, with Band 3 and Band 4 Local Governments able to determine whether to pay superannuation.

5.3 Biosecurity Advocacy Position

By Rebecca Brown, Manager Waste and Environment

RECOMMENDATION

That State Council endorse replacing Advocacy Position 4.5 *Post Border Biosecurity* with a new Biosecurity Advocacy Position as follows:

4.5 Biosecurity

Western Australia's economy, environment and the community are facing increasing challenges posed by already established and new pests, weeds and diseases.

Local Government has a significant role in biosecurity management, as land managers and regulators, and therefore has an interest in ensuring that Western Australia's biosecurity system, including control of declared pests, is effective and appropriately resourced.

WALGA considers significant changes to the operation of the State's biosecurity system, including the Biosecurity and Agriculture Management Act 2007, are required to ensure these risks can be managed now and into the future.

To be effective the Western Australian biosecurity system must:

1. *Take a transparent approach to the notion of 'shared responsibility' by ensuring that:*
 - a) *The respective roles and responsibilities of Commonwealth, State and Local Government, industry, landholders, community groups and individuals are agreed and clearly articulated; and*
 - b) *There is improved pest management on State Government managed land and a formalised structure for State Government agencies with responsibilities for biosecurity management to work together and coordinate their activities.*
2. *Be underpinned by a strategic framework, developed in collaboration with stakeholders, that:*
 - a) *Establishes priorities for biosecurity threats in geographically defined regions, sets measurable targets and guides investment in biosecurity activities; and*
 - b) *Is regularly evaluated and reported on.*
3. *Have a greater focus on environmental biosecurity, through the increased recognition and management of pest species that have significant ecological impacts.*
4. *Be adequately, sustainably and equitably funded:*
 - a) *The appropriateness and effectiveness of the Declared Pest Rate (DPR) and Recognised Biosecurity Group (RBG) model as key mechanisms for the management of widespread and established declared pests should be reviewed and alternate mechanisms considered;*
 - b) *Increased and more equitable distribution of funding for every step in the biosecurity continuum and adequate resourcing for all stakeholders, including Local Government; and*
 - c) *The provision of funding for declared pest management in metropolitan areas.*
5. *Ensure that the criteria and process for listing of declared pests is evidence-based, timely and transparent.*

6. ***Have an increased emphasis on compliance through education and enforcement activity, to ensure land managers are aware of their legislative responsibilities and are supported to implement biosecurity actions.***
7. ***Facilitate the use of new technologies, strategic monitoring, and the establishment of data management systems to inform biosecurity investment decisions and support adaptive management.***
8. ***Improve the community's understanding, awareness and action in relation to biosecurity to assist with threat surveillance and timely response to incursions.***

Executive Summary

- It is proposed that the 2017 Biosecurity Advocacy Position, 4.5 *Post Border Biosecurity* be replaced with a more comprehensive and contemporary position.
- The 2017 position called for a review of the *Biosecurity and Agriculture Management Act 2007 (BAM Act)* which is currently underway.
- The new Draft Biosecurity Position reflects feedback provided on the WALGA Biosecurity Discussion Paper recommendations by Local Governments and WALGA Zones.
- The new position will inform WALGA's advocacy in the next stages of the BAM Act Review.

Policy Implications

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

4.5 Post Border Biosecurity

1. *Local Government believes that State Government has responsibility for the following parts of a biosecurity system:*
 - *Pre-border and border biosecurity measures and contingency funds to deal with new pest outbreaks;*
 - *Assistance to the private sector for newly established, industry-specific pests;*
 - *Assistance to land managers for newly established pests (where the incursion has occurred despite the land owner's best biosecurity management effort);*
 - *Establishment of a biosecurity network and regional cooperative arrangements;*
 - *Enforcement of regulations;*
 - *Compliance with regulations on State Government managed land;*
 - *Specific research projects and specialised diagnostic services; and*
 - *Enhancement of barrier fences.*
2. *Local Government are not supportive of Recognised Biosecurity Groups (RBGs).*
3. *Local Government calls on the State Government to either reinstate the Agriculture Protection Board or develop a model similar to the NSW Local Land Services Act (2013) approach, and in consideration of either model that:*
 - *There are State Government approved strategic and operational plans which can be understood by landowners and other stakeholders, including Local Governments;*
 - *There is direct contact with Local Governments, State Government agencies and departments, and major industry groups;*
 - *That either model is resourced by State Government to undertake the required activities.*
 - *That either model be funded under the current funding arrangements as outlined in the Biosecurity and Agriculture Management Act (2007); and*
 - *That it assists in the delivery of national, state and local priority species management.*
4. *That as matter of priority, the Government undertake a review of the operation and effectiveness of the Biosecurity and Agriculture Management Act (2007) and its regulations.*

March 2017 – Resolution 14.1/2017

The following new Advocacy Position is proposed:

4.5 Biosecurity

Western Australia's economy, environment and the community are facing increasing challenges posed by already established and new pests, weeds and diseases.

Local Government has a significant role in biosecurity management, as land managers and regulators, and therefore has an interest in ensuring that Western Australia's biosecurity system, including control of declared pests, is effective and appropriately resourced.

WALGA considers significant changes to the operation of the State's biosecurity system, including the Biosecurity and Agriculture Management Act 2007, are required to ensure these risks can be managed now and into the future.

To be effective the Western Australian biosecurity system must:

1. *Take a transparent approach to the notion of 'shared responsibility' by ensuring that:*
 - c) *The respective roles and responsibilities of Commonwealth, State and Local Government, industry, landholders, community groups and individuals are agreed and clearly articulated; and*
 - d) *There is improved pest management on State Government managed land and a formalised structure for State Government agencies with responsibilities for biosecurity management to work together and coordinate their activities.*
2. *Be underpinned by a strategic framework, developed in collaboration with stakeholders, that:*
 - c) *Establishes priorities for biosecurity threats in geographically defined regions, sets measurable targets and guides investment in biosecurity activities; and*
 - d) *Is regularly evaluated and reported on.*
3. *Have a greater focus on environmental biosecurity, through the increased recognition and management of pest species that have significant ecological impacts.*
4. *Be adequately, sustainably and equitably funded:*
 - d) *The appropriateness and effectiveness of the Declared Pest Rate (DPR) and Recognised Biosecurity Group (RBG) model as key mechanisms for the management of widespread and established declared pests should be reviewed and alternate mechanisms considered;*
 - e) *Increased and more equitable distribution of funding for every step in the biosecurity continuum and adequate resourcing for all stakeholders, including Local Government; and*
 - f) *The provision of funding for declared pest management in metropolitan areas.*
5. *Ensure that the criteria and process for listing of declared pests is evidence-based, timely and transparent.*
6. *Have an increased emphasis on compliance through education and enforcement activity, to ensure land managers are aware of their legislative responsibilities and are supported to implement biosecurity actions.*
7. *Facilitate the use of new technologies, strategic monitoring, and the establishment of data management systems to inform biosecurity investment decisions and support adaptive management.*
8. *Improve the community's understanding, awareness and action in relation to biosecurity to assist with threat surveillance and timely response to incursions.*

Background

WALGA's current Biosecurity Advocacy Position was endorsed by State Council in 2017. The Position calls for a review of the operation and effectiveness of the [Biosecurity and Agriculture Management Act 2007](#) (BAM Act) which is now underway.

The key themes identified in Stage 2 of the Independent Review of the BAM Act are:

1. Principles to underpin WA's Biosecurity legislation – including shared responsibility and biosecurity in all contexts
2. Legal Foundations – priorities and enabling industries
3. Planning, coordinating and resourcing the system
4. Community led pest and weed management – including Regional Biosecurity Groups and the Declared Pest Rate.

Further information about the BAM Act Review, and stakeholder views provided during Stage 1 of consultation, can be found [here](#). Stage 2 of the Review will draw on this feedback to further explore key themes and issues, and Stage 3 will include broader engagement on the findings and potential solutions.

To guide WALGA's advocacy and sector input to the review, WALGA developed a [Biosecurity Discussion Paper](#) in June 2022 which identified key issues in relation to the operation of the Western Australian biosecurity system and *Biosecurity and Agriculture Management Act (2007)*. This Paper was provided to the sector and WALGA Zones for consideration as well as the Department of Primary Industries and Regional Development and the Independent Review Panel. Zones supported the recommendations in the Discussion Paper and provided some feedback.

Based on this feedback, a new WALGA Advocacy Position has been developed for consideration by Zones and State Council.

The Environment Policy Team considered the proposed new Advocacy Position at its meeting on 26 October and supported it being provided for State Council endorsement.

Comment

A new Biosecurity Advocacy Position is required to take account of the experience of five years of operation the BAM Act since WALGA's 2017 Advocacy Position was endorsed, and to enable WALGA to effectively represent the sector's views during the next stages of the BAM Act Review.

WALGA anticipates that the Review Panel will put forward draft proposals for reform in February/March 2023. WALGA may undertake further consultation with the Sector during this time, depending on the nature of the proposed reforms and Local Governments are also encouraged to participate in the consultations directly.

5.4 Submission on *Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation*

By Rebecca Brown, Manager Waste and Environment

RECOMMENDATION

That the submission on *Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation* be endorsed.

Executive Summary

- The Department of Water and Environmental Regulation's [Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation Discussion Paper](#) was released on 12 September for a three month consultation period.
- The Paper includes a range of high-level regulatory reform concepts which will impact premises currently regulated under Schedule 1 of the Environmental Protection Regulations 1987 and various fee model options.
- WALGA's submission has been informed by several engagement sessions with the sector.
- WALGA's submission provides high level support for many of the reform concepts, identifies the need for further consultation on the detail of how the reforms will be implemented and highlights the need for a DWER to be actively regulating all premises with potentially negative impacts on human health and the environment.

Attachment

- *Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation* submission

Policy Implications

The submission reflects previous WALGA submissions on environmental regulation reform:

- [Environment Protection Act 1986 Amendments Submission](#)
- [Submission on the DWER Discussion Paper Proposed Legislative Framework for waste derived materials](#)
- [Submission on the DWER Review of the Waste Levy Consultation Paper](#)
- [Submission on the DWER Closing the Loop: Waste Reform for a Circular Economy Consultation Paper](#)
- [Submission on DWER Waste Derived Material Framework.](#)

Background

The *Environmental Protection Act 1986* (EP Act) and associated regulations provide the legislative framework for how emissions and discharges from certain activities are considered and controlled. The [Environmental Protection Amendment Act 2020](#) (EP Amendment Act) passed in November 2020 is intended to improve regulatory efficiency and effectiveness to deliver better environmental protection and sustainable development outcomes.

Amendments are being implemented in stages. Provisions for compliance and enforcement started in February 2021, while changes to environmental impact assessment and the clearing provisions started in October 2021. The third stage to be proclaimed includes the regulation of emissions and discharges under Part V Division 3 of the EP Act. The three main reforms resulting from the amendments to Part V Division 3 are:

1. regulation of prescribed activities rather than prescribed premises under a licence and a consolidation of categories from the current 93 to 6;
2. removal of the requirement for a separate works approval; and
3. removal of the registration of premises regime.

These reforms require amendment of [Schedule 1](#) of the *Environmental Protection Regulations 1987* (EP Regulations) to replace prescribed premises with prescribed activities and creation of a new fees framework to support these changes. It is intended that draft regulations will be prepared for further consultation during 2023 and finalisation in December 2023.

Implementation of these reforms requires consideration of the scope of activities that require regulation and how best to regulate these, including outside of the traditional licensing approach.

The Department of Water and Environmental Regulation's [Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation Discussion Paper](#) was released for comment on 12 September 2022 for a three month consultation period. The Paper seeks feedback on a range of regulatory reform concepts which will impact premises currently regulated under Schedule 1 of the EP Regulations and design principles and possible options for a new fee model.

Comment

Local Governments have significant interaction with the EP Act in relation to their land use planning responsibilities, as regulators, in providing services to their communities and as land owners and managers.

WALGA's [Environmental Protection Act 1986 Amendments Submission](#) endorsed by State Council in 2020 supported changes to the licencing system, in particular the licencing of the prescribed activity rather than the prescribed premises. In its submission, WALGA noted that consequential changes to Schedule 1 of the EP Regulations could have a significant impact on Local Government, particularly in relation to landfill classifications. WALGA also recommended that guidelines or standards for each category of activity in Schedule 1 need to be developed in consultation with industry to provide certainty regarding the requirements for their type of prescribed activity and to ensure a transparent approach to how DWER will assess different facilities.

The key impacts for Local Government, as a service provider, are on the 91 Local Governments and Regional Councils operating 150 licensed facilities, which are currently licensed or regulated under Schedule 1 of the EP Act. Local Government has responsibilities under the *Public Health Act 2016* (Public Health Act), with Local Government Environmental Health Officers (EHOs) playing a key role in administering the Public Health Act and Regulations. For Local Government as a regulator, it is essential that DWER are actively regulating the range of activities covered by the EP Act.

WALGA supports the vision articulated in the Discussion Paper and moving to a streamlined system of regulatory control and oversight commensurate with the complexity and potential risk posed by an activity. Given the high-level nature of the Discussion Paper, conditional support has been indicated in a number of areas, subject to further detail being provided and/or consultation to understand application and impact on Local Government.

The Department acknowledges this and has indicated that there will be further engagement sessions regarding the detailed implementation of these concepts.

In relation to a proposed fee structure, WALGA's submission notes that further discussion is required and that:

- the objectives for the fee structure need to be clearly articulated;
- any cost recovery must be predicated on an effective and efficient regulatory process;
- that Local Government provides services on behalf of the community, often in situations where there are no other service providers and that this public good element needs to be incorporated into fee considerations; and
- consideration should be given to other economic and policy instruments already in place, such as the Waste Levy and Strategy.

WALGA will undertake further consultation with the sector when the draft regulations are released for comment in 2023.

Item for Decision 5.4

Attachment – *Environmental Regulation Reform:
A Strategic Review of Regulatory Delivery and
Fees for Industry Regulation* submission

Discussion Paper: Environmental Regulation Reform

A strategic review of regulatory
delivery and fees for industry
regulation

WALGA Submission

November 2022

Submission on Environmental Regulation Reform Discussion Paper

1. About WALGA

The Western Australian Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia. WALGA is an independent, membership-based organisation representing and supporting the work and interests of 137 mainland Local Governments in Western Australia plus the Indian Ocean Territories of Christmas Island and Cocos (Keeling) Islands.

WALGA provides an essential voice for approximately 1,222 Elected Members, 23,000 Local Government employees and the 2.6 million constituents that they serve and represent. WALGA also provides professional advice and services to Local Governments.

WALGA vision is for agile and inclusive Local Governments that enhance community wellbeing and enable economic prosperity.

2. Summary and General Comments

WALGA appreciates the opportunity to provide feedback on the Department of Water and Environmental Regulation (DWER) *Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation Discussion Paper*. WALGA has consulted with Local Governments in developing this Submission.

Local Governments have significant interaction with the *Environmental Protection Act 1986* in relation to their land use planning responsibilities, as regulators, in providing services to their communities and as land owners and managers. WALGA has a longstanding commitment to reforms that improve the efficiency and effectiveness of environmental regulation in Western Australia. WALGA is a member of the DWER Regulatory Reform Reference Group, the Environmental Protection Authority (EPA) Stakeholder Reference Group, Water Resources Reform Reference Group and the Local Government Roadside Clearing Regulation Working Group.

WALGA's [Submission](#) on the *Modernising the Environmental Protection Act Discussion Paper* and Exposure Draft Bill supported changes to the licencing system, in particular the licencing of the prescribed activity rather than the prescribed premises. In its Submission WALGA noted that consequential changes to Schedule 1 of the EP Act regulations could have a significant impact on Local Government, particular in relation to landfill classifications. WALGA also recommended that guidelines or standards for each category of activity in Schedule 1 need to be developed in consultation with industry to provide certainty regarding the requirements for their type of prescribed activity and to ensure a transparent approach to how DWER will assess different facilities.

The key impacts for Local Government, as a service provider, are on the 91 Local Governments and Regional Councils which operate 150 licensed facilities, which are currently licensed or regulated under Schedule 1 of the *Environmental Protection Act 1986* (EP Act). For Local Government as a regulator, the impact are less certain and will depend on the scope of reforms and how they are regulated, resourced and enforced. Table 1 provides a summary of WALGA's comments in relation to the proposed reforms.

This Submission provides high-level feedback on the reform concepts. Section 3 identifies the key issues from the Discussion Paper. Section 4 identifies the potential impacts on Local Government and Regional Councils of the proposed reforms and provides some examples of what the reforms could mean. Section 5 specifically answers the questions posed by the Department in the Discussion Paper.

As the Discussion Paper focuses on concepts, further work is needed to ensure that the on-ground impacts of the reforms/proposed regulations are fully understood. DWER acknowledges this and has indicated that there will be further engagement sessions regarding the detailed implementation of these concepts.

Table 1: Summary of WALGA's comments on the proposed reforms

Reform Proposal	WALGA Comment
1. A hierarchy of regulatory control and oversight will be adopted for activities regulated under Part V of the <i>Environmental Protection Act 1986</i> (EP Act).	Support This approach is taking a risk-based approach to regulation and aligns with the broader Streamline WA approach.
2. The level of regulatory control and oversight will be commensurate to the complexity and potential risk posed by an activity.	Support Additional considerations which would impact risk rating and consequent regulatory oversight include, avoidance of the Waste Levy, industries impacted by the recyclable material export bans and the 'fit and proper person' test for those operating facilities.
3. The greater use of regulations to prescribe approaches on an activity basis or set prescribed standards or conditions.	Conditional Support A range of different approaches is suggested in the Discussion Paper, including standardised licences. Further detailed work would be required to understand application and impact.
4. Environmental Performance Objectives will be adopted.	Conditional Support Further detailed work would be required to understand application and impact.
5. Driving Environmental Performance Objectives adoption through development of appropriate guidelines.	
6. Activities are regulated by the most appropriate agency.	Support Reduce duplication of licencing requirement. Additional considerations, ensuring that waste minimisation considerations are included with the same emphasis if regulated by an agency other than DWER.
7. Support common application and supporting information across regulatory agencies.	Support
8. Activities not currently subject to direct regulatory control under the EP Act will be subject to control where the risk warrants it.	Conditional Support Further investigation is required to determine how greenhouse gases would be included. There is potential support from the sector for DWER taking a greater regulatory role in relation intensive animal industries.
9. The use of approved waste-derived products will be removed from the scope of Schedule 1.	Support

Fee Structure	
1. Fee model similar to current approach. 2. Pure cost recovery model. 3. Cost recovery / 'polluter pays' hybrid model. 4. Cost recovery model – deferring assessment costs.	Further discussion required <ul style="list-style-type: none"> • The objectives for the fee structure need to be clearly articulated, currently there are 9 principles identified. • Any cost recovery must be predicated on an effective and efficient regulatory process. • Local Government provides services on behalf of the community, often in situations where there are no other service providers, this public good element needs to be incorporated into fee considerations. • Consideration of other economic and policy instruments already in place, such as the Waste Levy and Strategy.

3. Key Issues from the Discussion Paper

The Discussion Paper is a high-level document which focuses on seeking feedback on the key reform concepts and approaches to regulation of licensed activities and the associated fee structure. Whole of Government reforms ([Streamline WA](#) and [Digital Strategy for WA](#)) provide a broader context for some of the proposals which are included.

The key concepts from the Discussion Paper include:

- **Taking a risk-based approach to the degree of regulatory oversight:** high risk activities would be licensed, low risk activities would be regulated in another way. For example a small non-metropolitan landfill would be regulated using industry specific regulations, which could be an update of the current *Environmental Protection (Rural Landfill) Regulations 2002*.
- **Consolidating the categories under Schedule 1 of the *Environmental Protection Regulations 1987* from the current 93 to 6:**
 - Energy and combustion activities
 - Intensive livestock keeping, animal and plant product processing
 - Manufacturing activities
 - Mineral production and processing
 - Resource recovery, waste treatment and disposal
 - Transport and maritime services.
- **Consistent regulation by the most appropriate agency:** This would mean a consistent application process and remove the need for multiple licences for the same activity. This may have implications for Local Government in relation to the re-use of wastewater, which is potentially regulated by DWER and Department of Health.
- **Expansion of some areas of the *Environmental Protection Act 1986 (EP Act) Regulations*:** Some suggested areas for expansion include the addition of intensive animal industries and greenhouse gas emissions. Local Governments, particularly in the peri-urban may benefit from greater regulation of intensive animal industries. The scope and implications of including greenhouse gas emissions needs more consideration.
- **Excluding approved Waste Derived Materials applied to land from Schedule 1 of the EP Act Regulations:** This is in line with, and necessary for, the development of the Waste Derived Materials Framework that the Department has previously consulted on. This change would allow for the use of material such as Food Organics and Garden Organics (FOGO) derived compost and recycled Construction and Demolition (C&D) materials.

- **Review of the fee structure:** The Discussion Paper outlined four (4) options for a fee structure, all based on some degree of cost recovery. Further modelling of each approach is required to make clear the implications of the different options.

4. Impacts on Local Government

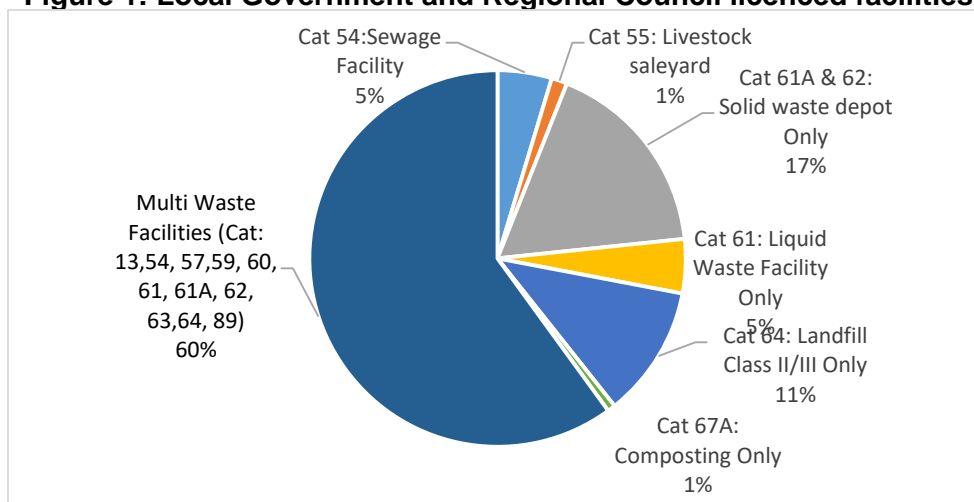
4.1. As a Service Provider

Local Government requires clear guidance and regulatory oversight to ensure that the facilities it operates, or activities it undertakes, will be in line with the regulations. Currently, the majority of Local Government sites are licensed (rather than regulated). Licensed sites, regardless of size, currently have a range of reporting and regulatory requirements. The reforms proposed have the potential to reduce the reporting and regulatory burden on the sector if facilities no longer require a licence and are instead regulated using different regulatory instruments. Table 2 provides some examples, based on current licensing of Local Government activities, of what the regulatory framework could look like.

The *Waste Avoidance and Resource Recovery Act 2007*, allows for Local Government to contract out waste management activities. Local Government may outsource these activities for a range of reasons. In some circumstances Local Governments contract out the running of premises, for example, a landfill or transfer station is contracted to a private company to operate. In other circumstances, Local Governments may contract out a service entirely – with a private company collecting, processing and disposing of waste. In considering the reforms, Local Government also needs to be cognisant of the impact of these reforms on any services that are currently contracted out.

Figure 1 illustrates the composition of the 150 licences that Local Governments and Regional Councils currently hold under Schedule 1 of the EP Act Regulations. The majority of facilities are solid waste management related (89%), with the other categories being Sewage Facilities (5%), Liquid waste facilities (5%) and Livestock sale yards (1%).

Figure 1: Local Government and Regional Council licenced facilities



4.2. As a Regulator

Local Government has responsibilities under the *Public Health Act 2016* (Public Health Act), with Local Government Environmental Health Officers (EHOs) playing a key role in administering the Public Health Act and Regulations. WALGA's [Submission](#) to the Department of Health on the management of public health risks offensive trades in WA identified:

The existing Offensive Trades provisions were developed to capture situations prior to the current planning and environmental controls that are in place. Planning legislation has advanced so that it can potentially capture and restrict development when required in relation to offensive trades. It also seems more appropriate now for large-scale activities to be

captured under the Department of Water and Environment Regulation (DWER) licensing legislation, as they are likely to have more significant environmental impacts than public health impacts.

The new Public Health Act 2016 creates a General Public Health Duty, and this is likely to be sufficient in situations where a public health risk is identified. The main problem with these activities are more likely to be an amenity or nuisance problem (e.g: noise, dust, light or smell) rather than a specific health issue. It should be noted that if any complaints are received in relation to these activities, they will be investigated by Local Governments regardless of whether it was classified as an Offensive Trade premises or not.

For Local Government as a regulator then, clear guidance on how facilities should be operating the required outcome is essential. It has been clearly identified, by those currently undertaking regulatory activities for Local Government, such as Environmental Health Officers, that the reforms should not result in a shifting of regulatory responsibility to Local Government. Part of the outcome of the reforms should be a greater level of on-ground compliance activities to ensure human health and the environment are protected.

Local Government also has a regulatory role relating to the Planning system, which can interact with the EP Act. The *WALGA Local Government Town Planning Standard Development Conditions Guidelines* states:

A condition which duplicates controls under separate legislation would not normally be necessary and may not fulfil a planning purpose. However where other controls are unavailable, a condition may be needed to address the land use effects of the proposed development. For example, a condition would not normally be appropriate to control the level of emissions from a proposed development where these are subject to control under the Environmental Protection Act 1986 (WA). However the condition may be necessary to address the effect of the emissions on land use which are not controlled by the Environmental Protection Act 1986 (WA) (e.g. conditions that require separation distances). On the other hand, a development condition that conflicts with other controls may be considered ultra vires and therefore, found to be invalid.

It is noted that, based on the approach proposed Discussion Paper, DWER is not seeking to remove regulatory control but to ensure that the mechanism used is appropriate to the risk of the activity. Therefore, the activity would still be subject to control under the EP Act but it may be under a regulation, rather than a licence.

The Discussion Paper identifies a range of potential regulatory instruments which could be used to regulate activities, commensurate to the facility risks. These include:

- Licences - continue to be used for high-risk facilities.
- Standardised Licences, including standard risk assessments - used for activities that have well characterised risks associated with emissions and discharges.
- General Emissions Regulations - The General Emissions Regulations would prescribe certain activities or classes of activities and require preparation of an environmental management plan (EMP) before the activity can be carried out. Periodic reporting to ensure adherence to the EMP may be required.
- Industry Specific Regulations - can regulate operation and activities that are capable of causing pollution or environmental harm – require the use of certain approaches/equipment. For example, *Environmental Protection (Rural Landfill) Regulations 2002*.
- Standard Prescribed Conditions Regulations - could be used to prescribe Better Practice Standards and approaches for a range of facility types.
- Environmental Performance Objectives (EPOs) - more focused on emissions and discharges and industry specific approaches. They would set the performance standard that must be achieved through the development of guidelines to drive industry adoption of EPOs.

- Better Practice Guidelines - currently this is not strictly a regulatory tool, unless the Guidelines are embedded as a requirement in a licence (as the Asbestos Guidelines were for Construction & Demolition Facilities).

Table 2 identifies some of the potential advantages and disadvantages of the various regulatory approaches. Table 3 identifies the potential changes to the type of regulatory instrument which could be used for Local Government facilities currently regulated under the EP Act.

All of the regulatory options, aside from licencing, require the development of resources, either better practice, new/updated regulations or other types of guidelines. The Compost Better Practice Guidelines have been, in one form or another, in progress since 2016. A final document is anticipated in 2022-23 and facilities will be encouraged to meet Better Practice through a Waste Authority funding program.

To date the Department has not been able to calibrate a risk-based approach. WALGA and Local Government worked with Department in 2015-2017 to develop Environmental Standards for Small Rural Landfills. From the work on this, WALGA understands the challenges to finding and agreeing parameters in relation to environment risk.

Table 2: Advantages and disadvantages of different regulatory approaches

Regulator Approach	Advantages	Disadvantages
Licences	Known approach and structure	Inefficient for smaller scale and low risk activities Cost, application and reporting burden for proponent and Department Currently inconsistent in application Significant administrative burden for DWER
Standardised Licences and Risk Assessment	Clear process and application	Would require significant work to develop the risk assessment and input considerations, to ensure the risk assessment wasn't simply every risk possible
General Emission Regulations	These would capture all the general information and requirements for licence activities under one set of regulations	Each applicant would have to translate the guidance to meet their requirements
Industry Specific Regulations	Known approach for some activities, e.g. small rural landfills Current Regulations require review and updating Works well for small scale/low risk activities	Requires high risk tolerance, as currently this approach has minimal compliance oversight
Standard Prescribed Conditions Regulations	Potential to standardise approach across multiple categories of activity	Assumes that there are standard and consistent approaches across

		activities, and this could be included in the Regulations
Environmental Performance Objectives	These would be an outcomes-based approach to site requirements	It is not clear how this would interact with the other regulatory approaches

Table 3: Potential implications of reforms on Local Government facilities

Facility/Activity Type	Current Regulatory Instrument	Potential Regulatory Instrument	WALGA Comment
Large Putrescible Landfill, or landfill where there are	Licence	Licence	Regulatory approach unlikely to change
Inert Landfill	Licence	Licence	Regulatory approach unlikely to change unless low risk nature of
Medium sized landfill (> 4,000 tonnes per annum) in low-risk	Licence	Licence	Subject to Better Practice Target in Waste Strategy
Small landfill (<5,000 tonnes per annum) currently licenced	Licence	Regulation	Subject to Better Practice Target in Waste Strategy
Small landfill (<5,000 tonnes per annum) currently regulated	Rural Landfill Regulation	Regulation	Subject to Better Practice Target in Waste Strategy
Large Material Recovery Facility	Licence	Licence	Subject to Better Practice Target in Waste Strategy
Small / medium Material Recovery Facility	Licence	Regulation	Subject to Better Practice Target in Waste Strategy
Large Transfer Station	Licence	Licence	Subject to Better Practice Target in Waste Strategy
Small / medium Transfer Station	Licence	Licence/Regulation	Subject to Better Practice Target in Waste Strategy
Composting facility	Licence	Licence	Subject to Better Practice Target in Waste Strategy
Small Sewage Treatment facility	Licence	Regulation	Reduced regulatory requirements.
Small waste water treatment facility	Licence	Regulation	Reduced regulatory requirements
Cattle feedlot	Licence	Regulation	Reduced regulatory requirements

5. Response to Discussion Paper questions

DWER Overview	
<p><i>Vision: A regulatory framework for emissions and discharges is one whereby the level of regulatory intervention is proportionate to risk, and the way we regulate activities is fit for purpose, streamlined and effective. It is serviced by a spectrum of interventions from general regulations for those activities where risks are known and well understood, to case by-case assessment of impacts for larger or complex projects.</i></p> <p><i>Guiding Principles:</i></p> <ul style="list-style-type: none"> • <i>Consistent with the Objects and principles of the EP Act</i> • <i>Align with DWER's regulatory principles</i> • <i>Digitally focused</i> • <i>Integrate better practice</i> • <i>Support Streamline WA outcomes</i> • <i>Customer focused</i> • <i>Support ESG initiatives and outcomes.</i> 	
DWER Question	WALGA Comment
Do you have any feedback on the outcomes being sought through our regulatory delivery review?	The vision articulated for the reforms in the Discussion Paper is supported
Do you support the guiding principles proposed? Please include supporting comments to explain your response.	Support These principles align with the legislation, broader Government policy and direction. Customer focus is an important consideration, current DWER guidance and approaches does not always assist Local Government to navigate regulatory requirements and/or processes. Having a customer focus would mean considering the needs of the customer in the development of documents and the approach of regulation.
Are there any additional or alternative principles that should guide our review?	No
Please provide information on any aspects of our current regulatory approach that you support, and feel should be carried over into our future delivery model	Feedback from Local Government indicated that key success factors included, quick response to license changes, clear guidance on how to navigate the system and flexible payment options for smaller regional Local Governments (without credit card payment options).
Please provide information on any aspects of our current regulatory approach that you do not wish to see carried over into our future delivery model	The current regulatory approach has limited DWER's ability to undertake strategic activities and lead to inconsistent approaches State-wide. <ul style="list-style-type: none"> • No Strategic Guidance: For example, the Waste Avoidance and Resource Recovery Strategy requires all sites to be operating to Better Practice Standards, currently these are not in place.

	<ul style="list-style-type: none"> • Inconsistent Approach: Local Government feedback from across the state indicates that some of the officers appear to only have limited knowledge of waste related matters and there are inconsistent approaches because there is no overarching guidance for waste related activities. <p>What this points to is limited expertise / capacity / confidence in the Department to provide better practice approaches for the Local Government. Local Governments also highlighted that definitions used in licences were inconsistent and out of date and that the activities of a site may have changed but it was difficult to find a clear pathway to update the licence.</p>
<p>Proposal 1: A hierarchy of regulatory control and oversight will be adopted for activities regulated under Part V of the EP Act.</p>	
<p>Proposal 2: The level of regulatory control and oversight will be commensurate to the complexity and potential risk posed by an activity.</p>	
<p>Proposal 3: The greater use of regulations to prescribe approaches on an activity basis or</p>	
<p>Please provide feedback on Proposals 1-3</p>	<p>Proposal 1 – Support</p> <p>This approach is taking a risk-based approach to regulation and aligns with the broader Streamline WA approach.</p> <p>Proposal 2 – Support</p> <p>Additional considerations which would impact risk rating and consequent regulatory oversight include avoidance of the Waste Levy, industries impacted by the recyclable material export bans and the ‘fit and proper person’ test for those operating facilities.</p> <p>Proposal 3 – Conditional Support</p> <p>A range of different approaches is suggested in the Discussion Paper, including standardised licences. Further detailed work would be required to understand the impact.</p>
<p>Do you support the proposed hierarchy and regulatory mechanisms?</p>	<p>The Association supports the hierarchy of control whereby activities that give rise to emissions and discharges are regulated by the most appropriate method, that is high risk and complex activities are licenced while lower risk, less complex activities are regulated.</p>
<p>In what circumstances would you support the development of Standard Licences packages?</p>	<p>Through the REFIRE process, the Department of has previously sought to standardise licences. This approach did not achieve its objectives. A standard licence package would have to be sufficiently variable to take into account the different risk profile of different operations and sites. For example, a transfer station operating in the metropolitan area will have different risks associated with it due to proximity of sensitive receptors (residents, commercial businesses) compared to a transfer station operating in a regional area.</p>

<p>Are there any activities (including their design, construction and operation) that you believe should be managed under regulations rather than licencing?</p>	<p>This would depend on the risk of the facility operations and if a standard approach could be taken.</p>
<p>Are there circumstances in which you consider <i>Standardised Prescribed Conditions Regulations</i> may be an appropriate lever for regulation?</p>	<p>This would be supported for small, low risk, similar activities. For example through a review of the current Rural Landfills Regulations.</p>
<p>Proposal 4: Environmental Performance Objectives will be adopted.</p>	
<p>Proposal 5: Driving Environmental Performance Objectives adoption through development of appropriate guidelines.</p>	
<p>Please provide your feedback on Proposals 4 and 5</p> <p>Do you support the introduction of generic and industry-specific EPOs?</p>	<p>Proposal 4 and 5 – Conditional Support</p> <p>Further detailed work would be required to understand how this would be expressed and how this would work with the other regulatory instruments proposed.</p> <p>As with the other types of guidance document mentioned, there is considerable work in the development of these documents.</p>
<p>Do you support the adoption of EPOs and the application of better practice for activities regulated under Part V Division 3?</p>	<p>For waste management facilities the Better Practice requirement is included as a Waste Strategy Target.</p>
<p>Proposal 6: Activities are regulated by the most appropriate agency.</p>	
<p>Proposal 7: Support common application and supporting information across regulatory agencies.</p>	
<p>Please provide your feedback on Proposals 6 and 7</p>	<p>Proposal 6 – Support</p> <p>Proposal 7 – Support</p> <p>Reduce duplication of licencing requirement. Additional considerations, ensuring that waste minimisation considerations are included with the same emphasis if regulated by an agency other than DWER.</p>
<p>Proposal 8: Activities not currently subject to direct regulatory control under the EP Act will be subject to control where the risk warrants.</p> <p>Activities include battery technologies/manufacturing, changes and growth in intensive animal industries and greenhouse gas emissions from prescribed premises.</p>	
<p>Please provide your feedback on Proposal 8</p>	<p>Proposal 8 – Conditional Support</p>

<p>Please provide details of any additional existing, new or emerging activities that may warrant inclusion in a new Schedule 1 in the future. What risks do you believe these activities present?</p>	<p>The Association agrees that the activities mentioned warrant regulation particularly where there is potential for damaging emissions to the environment. Further work is required however to determine how these industries and emissions types would be regulated. For greenhouse gas emissions it is important to consider other regulatory requirements which already exist and avoid duplication of regulation. Local Government feedback has identified that a greater degree of State Government oversight of intensive animal industries would be beneficial.</p>
<p>Proposal 9: The use of approved waste-derived products will be removed from the scope of Schedule 1.</p>	
<p>Please provide your feedback on Proposal 9. The proposal would result in an approval process for waste-derived materials.</p>	<p>Proposal 9 – Support</p> <p>The Department released an issues paper in June 2019 Waste not, want not: Valuing waste as a resource, which sought comments on the preferred legislative framework for WA.</p> <p>A discussion paper followed in September – Dec 2020 which builds on the issues paper released in June 2019 and was the next step in developing the framework. A Consultation Summary Report was published in February 2020. The Association provided submissions on all papers and is of the view that a streamlined approval process for waste derived materials – a process which does not require an application to be lodged with the Department for every use of material and that is supported by clear guidance documentation developed in consultation with industry.</p>
<p>Industry Guidance</p>	
<p>Are there any policy, process or guidance documents required to support the implementation of the EP Act amendments?</p>	<p>To be successful, guidance documents need to be fit for purpose, developed in consultation with the affected industry by staff that have an appropriate level of skill and experience, and released in a timely manner with sufficient engagement. Local Governments have also identified that training for staff on the new policies and approaches is essential to ensure consistent application and understanding.</p> <p>Guidance documents required by the industry include:</p> <ul style="list-style-type: none"> • Composting • Transfer stations • Rural landfills • Waste Water Reuse.
<p>Review of Fees</p>	
<p>Do you support the proposed Part V Fee Model design principles?</p> <p>Are there any additional or alternative design principles that should guide our Part V Fee Model?</p>	<p>Taking a principles based approach is supported, however the Departments prioritisation of the principles is needed. Currently 9 principles are identified, without a priority rating, which makes it difficult to assess the best fee structure to meet the required outcomes.</p> <p>WALGA agrees with the user-pays principle and considers cost recovery may be appropriate in an efficient system where there is</p>

	<p>a private benefit accruing to, in this case, the applicant for a licence.</p> <p>However, WALGA argues strongly that many of the activities undertaken by Local Governments for which approvals or licences are required are for the public benefit, are often non-discretionary (e.g. landfills, transfer stations) and that these benefits often extend beyond their local communities.</p> <p>Compounding this issue is the inability for most Local Governments to absorb additional costs without raising rates or reducing services.</p> <p>For Local Government a key principle is ensuring that essential community services can continue to be provided without substantial fee increases. Further discussion of the fee approaches, including modelling of potential cost impacts on the sector is required prior to an indication of support.</p>
Fee Proposal 1: Fee model similar to current approach.	
Please provide your feedback on Fee Proposal 1?	<p>Further discussion required</p> <p>An annual licence fee consists of a premises fee, a waste fee and an emissions fee. For controlled works the capital value of the controlled works determines the fee and for amendments fees are determined by the highest value premises category. This can make it quite unclear what the fee will be for a given facility.</p>
Fee Proposal 2: Pure cost recovery model – the relevant fee represents the cost of the work effort to deliver the service.	
Please provide your feedback on Fee Proposal 2?	<p>Further discussion required</p> <p>Any cost recovery must be predicated on an effective and efficient regulatory process, which is underpinned by clear guidance for applicants.</p>
Fee Proposal 3: Cost recovery/'polluter pays' hybrid model.	
Please provide your feedback on Fee Proposal 3.	<p>Further discussion required</p> <p>To some extent this is already imbedded in the current approach – with fees associated with emissions and waste generation.</p> <p>Currently all waste generated or landfilled in the metropolitan area is subject to the Waste Levy. WALGA has provided commentary on the use of the Levy as an economic instrument for change in a range of previous submissions. This approach is most successful where there is a direct link between the person/organisation producing the waste and paying the Levy, and the person/organisation has the means to legitimately reduce their waste generation. Putting a price on pollution in no way guarantees a reduction in pollution as the costs may be passed onto the consumer.</p>

Fee proposal 4: Cost recovery model – deferring assessment costs.	
<p>Please provide feedback on Fee Proposal 4.</p>	<p>Not supported</p> <p>As noted in the Discussion Paper, this approach is overly complex and clear benefits have not been identified. There are also considerable risks likely with this</p> <p>There are concerns with this approach, as it is complex and may be problematic. Also if the company undertaking the activity goes into liquidation/receivership.</p>
Implementing Change: A consultative approach to developing a new future.	
<p>Have we identified the right approach to develop our new framework?</p> <p>Do you have any feedback on our new approach to regulation under Part V of the EP Act?</p> <p>Can we improve our engagement or refine it to achieve better outcomes?</p>	<p>As the Department identified in the WALGA Environmental Regulation Reform Briefing Session, further engagement is needed to work through the various regulatory scenarios (mixture of approaches), the implications for currently licenced premises and for future licenced activities (including those not currently actively regulated).</p>

6. Conclusion

WALGA appreciates the opportunity to provide feedback to DWER on these significant regulatory reforms. WALGA has a longstanding commitment to reforms that improve the efficiency and effectiveness of environmental regulation in Western Australia and considers these reforms provide an important opportunity to embed a risk based approach to regulation into the Department's processes.

WALGA looks forward to working with the Department on the next stages of this process to further explore the detail of how these reforms will be implemented and during consultation on the draft regulations.

5.5 Updated Aboriginal Cultural Heritage Advocacy Position

By Susie Moir, Policy Manager Resilient Communities

RECOMMENDATION

That State Council endorse the following updated Advocacy Position on Aboriginal Cultural Heritage:

3.1.3 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; and**
- 4. Local Governments have the ability to deliver essential infrastructure works and emergency activities efficiently and effectively in order to maintain public safety.**

Executive Summary

- WALGA's existing Aboriginal Heritage Advocacy Position endorsed by State Council in July 2019 does not reflect the new *Aboriginal Cultural Heritage Act* (ACH Act) nor current Local Government priorities relating to the ACH Act and the new legislative system that it will introduce.
- The new ACH Act is expected to commence in 2023.
- Since 2018 WALGA has consulted extensively with the Local Government sector to inform numerous submissions to the State Government in relation to the preparation of the new ACH Act and the regulations and guidelines that will support it ([Agenda item 6.5](#), WALGA Submission on Phase 2 of the ACH Act Co-design Process refers).
- The updated Advocacy Position has been drafted to reflect the key feedback received from the sector during these consultations, primarily with respect to the need to balance the protection of Aboriginal cultural heritage with the requirement for Local Government to undertake activities in a timely and affordable manner, resourcing requirements for transition and implementation of the new ACH system, and support for the Local Government sector to comply with enhanced legislative requirements.
- The People and Place Policy Team endorsed the updated Advocacy Position at their meeting on 19 October 2022 and supported it being presented to State Council for decision at the December 2022 meeting.

Policy Implications

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

3.1.3 Aboriginal Heritage Act 1972 and South West Native Title Settlement

The Association acknowledges Noongar people as the traditional owners of the South West Region. Local Government is supportive of conserving and protecting the State's Aboriginal heritage.

July 2019 – Resolution no. 68.5/2019

The following new Advocacy Position is proposed:

3.1.3 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 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. The implementation of the legislative transition to the new Act is adequately resourced;*
- 4. Support is provided to Local Governments to ensure that they have the resources, capacity and capability to comply with a complex legislative framework; and*
- 5. Local Governments have the ability to deliver essential infrastructure works and emergency activities efficiently and effectively in order to maintain public safety.*

Background

The *Aboriginal Cultural Heritage Act* (ACH Act) received Royal Assent on 22 December 2021 and is expected to commence in 2023. The legislation replaces the *Aboriginal Heritage Act 1972*, providing a contemporary framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage.

Since 2018 WALGA has made submissions to each consultation phase in the development of the new legislation. The Department of Planning, Lands and Heritage (DPLH) is currently undertaking a three phase, twelve month co-design process to develop the regulations, statutory guidelines and operational policies that will support the ACH Act. Phase Three of the co-design process is expected to run from November 2022 to January 2023. WALGA provided submissions in response to Phase One and Two ([Agenda item 6.5](#), WALGA Submission on Phase 2 of the ACH Act Co-design Process refers) and will continue to work with the sector during Phase Three, guided by WALGA's Local Government Aboriginal Heritage Reference Group.

Comment

WALGA's existing Advocacy Position was endorsed in July 2019 and does not reflect the new ACH Act, nor current Local Government priorities relating to the ACH Act.

WALGA's previous submissions, made between 2018 and 2022, have been informed by ongoing sector consultation, including through:

- Facilitation of WALGA's Aboriginal Cultural Heritage Reference Group;
- Direct communications with Local Governments;

- WALGA facilitated webinars delivered in partnership with the Department of Planning, Lands and Heritage (DPLH) to support consultation phases;
- WALGA participation in co-design workshops facilitated by DPLH; and
- Engagement with the Department of Fire and Emergency Services (DFES) in relation to emergency management issues.

The updated Advocacy Position has been drafted to reflect the key feedback received from the sector during these consultations, primarily:

- The need for the legislation to balance the need to protect Aboriginal cultural heritage with the requirement for Local Government to undertake activities in a timely and affordable manner;
- The need for the new system to be adequately resourced so that all parties have the capacity, capability and resources to discharge their statutory obligations;
- The need for the implementation of the legislative transition to the new Act to be adequately resourced;
- That support must be provided to Local Governments to ensure that they have the resources, capacity and capability to comply with this complex legislative framework; and
- The need for Local Governments to have the ability to deliver essential infrastructure works and emergency activities efficiently and effectively in order to maintain public safety and comply with their other legislative responsibilities.

The People and Place Policy Team considered the updated Advocacy Position on Aboriginal Cultural Heritage at their meeting on 19 October and endorsed the updated Advocacy Position and supported it being presented to State Council for decision in December 2022.

5.6 Review of Coastal Planning Policy Position

By Ashley Robb, Acting Policy Manager, Planning and Building

RECOMMENDATION

That State Council endorse replacing Advocacy Position 6.8 *Coastal Planning* with a new Coastal Planning Advocacy Position as follows:

6.8 Coastal Planning

WALGA calls for:

1. ***Equitable legislative, regulatory and policy changes that preserve public coastal access for current and future generations.***
2. ***The provision of sustainable and adequate long-term funding for Local Governments to manage the impacts of coastal erosion and inundation.***

Executive Summary

- It is proposed that the 2015 Advocacy Position, *6.8 Coastal Planning* be replaced with a new position that reflects Local Governments' key coastal planning advocacy priorities.
- The new position has been prepared in collaboration with officers of the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum and has been endorsed by the People and Place Policy Team.

Policy Implications

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

6.8 Coastal Planning

The Local Government sector supports the following, in any discussions or proposals regarding coastal planning:

1. *State Government has endorsed five actions to be undertaken as outlined within the Local Government and Coastal Land Use Planning Discussion Paper.*
2. *That the State Government provides a clear funding path for the implementation of State Planning Policy 2.6 – State Coastal Planning Policy, to ensure that Local Governments are appropriately funded to prepare and implement coastal hazard risk management and adaptation plans.*
3. *That future canal estate, waterways and harbours to be considered on a case by case basis by WAPC and individual Local Governments, taking into account the most stringent and sustainable environmental and planning requirements, appropriate technologies and potential future liabilities (WAPC Development Control Policy 1.8).*

May 2022 – Resolution no. 343.4/2022

The following new Advocacy Position is proposed:

6.8 Coastal Planning

WALGA calls for:

1. ***Equitable legislative, regulatory and policy changes that preserve public coastal access for current and future generations.***
2. ***The provision of sustainable and adequate long-term funding for Local Governments to manage the impacts of coastal erosion and inundation.***

Background

63 Local Governments, or 45 per cent of Local Governments in Western Australia, have coastal or estuarine land management responsibilities. These Local Governments and their communities are at increasing risk from coastal erosion and inundation caused by rising sea levels and more intense storms. The challenge of planning for and managing sea level rise, and associated coastal erosion and inundation hazards, has been exacerbated by legacy decisions to construct infrastructure and

other assets in areas that are now known to be vulnerable to storm erosion, long term recession and temporary inundation.

In 2021, the People and Place Policy Team resolved that WALGA's Advocacy Position 6.8 *Coastal Planning* be reviewed. The existing position was last updated in 2015 following completion of WALGA's Local Government and Coastal Land Use Planning Discussion Paper in 2014. Since that time, WALGA has completed a significant body of policy and advocacy work to support Local Governments with their coastal hazard planning and management responsibilities, including:

- The *Local Government Coastal Hazard Planning Issues Paper* (2019) and *Legal Response to the Coastal Hazard Planning Issues Paper* (2021);
- Securing increased funding for Local Governments through the CoastWA Program and CoastWA Local Government Facilitator (2021);
- The *CoastWA Local Government Survey and Outcomes Report* (2022); and
- Hosting the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum, which has become Western Australia's key policy forum for sharing knowledge across Local Governments and progressing coastal hazard planning and management challenges.

Two key advocacy priorities have been identified through this work:

1. The importance of ensuring that future reviews of Commonwealth or State Government related legislation, regulation and policy consider the long-term nature of sea level rise and potential implications for preserving public coastal access. For example, the methods for calculating coastal foreshore reserves in Western Australia's State Planning Policy 2.6 aim to ensure that an adequate foreshore reserve exists at the end of a 100-year planning development timeframe. WALGA's revised advocacy position indicates to policymakers that Local Governments principally support policy mechanisms that preserve public access to the coast; and
2. The need to establish sustainable and efficient funding mechanisms that recognise the long-term impacts of sea level rise. Currently, coastal planning and management actions are predominantly funded by the affected Local Government with assistance from State Government grant programs; however, grant programs are susceptible to changing government priorities.

Comment

WALGA's 2015 Advocacy Position 6.8 *Coastal Planning* is outdated and does not reflect the sector's current coastal planning advocacy priorities for legislative, regulation and policy change and adequate, long-term funding for Local Governments to manage the impacts of coastal erosion and inundation.

It should be noted that the new Advocacy Position does not include reference to canal estates, waterways or harbours. While canal estates, artificial waterways and harbours will continue to be proposed in various coastal locations, it is unlikely WALGA would undertake advocacy in relation to a proposal within an individual Local Government that does not have sector wide ramifications. The principle that these forms of development should continue to be considered on a case-by-case basis by the WAPC and individual Local Governments is a principle that applies to all forms of development.

It should be noted that the proposed positions have informed WALGA's 2023-2024 State Budget Submission, which requests \$55 million over 4 years to be allocated to the Coastal Adaptation and Protection Fund and a commitment from the State Government to establish sustainable and efficient funding mechanisms.

The proposed positions have been informed by feedback from the Local Government CHRMAP Forum.

On 19 October 2022, the People and Place Policy Team endorsed the proposed new Coastal Planning Advocacy Position and supported it being presented to State Council for decision.

6. MATTERS FOR NOTING / INFORMATION

6.1 WALGA Best Practice Governance Review Update

By Tim Lane, Manager Corporate and Association Governance

RECOMMENDATION

That the update on the Best Practice Governance Review be noted.

Executive Summary

- The Best Practice Governance Review Steering Committee has distributed a [Consultation Paper](#) to Member Local Governments seeking Council endorsed feedback by 23 December 2022.
- The [Consultation Paper](#) contains five governance models, including current arrangements.
- The Governance Review represents an opportunity to review WALGA's governance model to ensure the organisation continues to deliver value to members through development of clear policy positions, positive advocacy outcomes, relevant services, and agile decision making.
- A [website](#) and [Background Paper](#) contain further information, and the Secretariat is available to provide briefing presentations to assist in deliberations.

Attachment

- Best Practice Governance Review [Consultation Paper – Model Options](#)

Background

Following endorsement of Principles at WALGA's [2022 Annual General Meeting](#) to guide the development of governance model options, the Best Practice Governance Review Steering Committee has circulated a [Consultation Paper](#) to Local Governments.

Council endorsed positions on the five models proposed by the Consultation Paper are sought by **23 December 2022**.

The Steering Committee – chaired by the President and comprising State Councillors, Elected Members and Local Government CEOs – has undertaken a significant body of work to get to this point, which is contained in the [Background Paper](#).

In addition to the request for Council endorsed positions on the model options, independent research will also be undertaken in the form of a survey of all Elected Members and Chief Executive Officers.

An overarching timeline for the Review is available on the [website](#). Broadly, the intention is for the Steering Committee to reconvene in early 2023 to consider Council endorsed feedback as well as the results of the independent research.

The Steering Committee will put forward recommendations to be considered by State Council at their March 2023 meeting. Depending on the way forward, the intention will be for an amended Constitution to be considered by State Council in July 2023 ahead of consideration by Members at the 2023 Annual General Meeting.

Comment

For Local Governments in WA, the Best Practice Governance Review represents an opportunity to review and reshape WALGA's governance model to ensure the organisation is well-placed to:

- deliver strong, clear, focused, and consistent policy positions on strategic matters of the most importance to Local Governments in WA;
- drive advocacy outcomes and impact on behalf of Local Government in WA, and the communities they serve; and

- provide relevant and high-quality services that support Local Governments' operations and build capacity.

The models in the Consultation Paper have been developed with the intention of meeting the Principles – of representative, responsive and results-oriented – endorsed by State Council and the members at the [2022 Annual General Meeting](#).

The Steering Committee are receptive to any and all feedback on the proposed models and are looking forward to receiving Council endorsed submissions by the end of 2022.

To facilitate deliberations, the Secretariat is available to provide briefing presentations on request.

6.2 2022-23 October Federal Budget

By Dana Mason, Manager Economics

RECOMMENDATION

That the update on the 2022-23 October Federal Budget be noted.

Executive Summary

- On 25 October 2022, the Albanese Government handed down its first Budget, with a focus on delivering on election commitments, addressing the rising cost of living, encouraging investment and repairing the Government's fiscal position.
- The Budget contained a number of initiatives that will be welcomed by Local Governments, including an expansion of the Local Roads and Community Infrastructure Program, additional funding for Disaster Mitigation and a new Growing Regions Program and Precincts and Partnerships Program (replacing the Building Better Regions Program and the Community Development Grants Program).
- Of note for Local Governments was the adjustment to the timing for funding for transport and rail infrastructure projects, which will see funding for a number of projects pushed out beyond the forward estimates and could have implications for the delivery of projects important to some Local Governments and their communities.
- WALGA is seeking further information from the Commonwealth Government as to whether Local Government programs will be affected by this change and will keep Members informed of any developments.

Attachment

- [2022-23 October Federal Budget Update](#)

Background

The 2022-23 October Federal Budget, the first for the new Albanese Labor Government, was handed down by Treasurer Dr Jim Chalmers on 25 October amid a slowing global economy impacted by war, inflation and natural disasters.

The focus of the Budget was to deliver on election commitments, address the rising cost of living without stoking inflation, encourage investment and repair the Government's fiscal position.

The headline announcements in the Budget included:

- \$4.7 billion over four years to increase Child Care Subsidy rates to 90 per cent from July 2023, for eligible families earning less than \$530,000.
- \$531.6 million over four years to expand Paid Parental Leave to 26 weeks by 2026.
- A new national Housing Accord that brings together Governments, investors and industry to boost supply and deliver up to 20,000 new affordable homes over five years from 2024 (as part of a plan with an "aspirational" target of 1 million new affordable homes).
- A "Powering Australia Plan" that aims to drive investment in cleaner, cheaper energy.

The Budget contained a number of initiatives that will be welcomed by Local Governments, including an expansion of the Local Roads and Community Infrastructure Program, additional funding for Disaster Mitigation and a new Growing Regions Program and Precincts and Partnerships Program (replacing the Building Better Regions Program and the Community Development Grants Program). The Budget also forecasts that the Australian economy will not be immune from the downturn in the global economy, with economic growth expected to slow to 1.5% and the unemployment rate to rise to 4.5% in 2023-24.

Of note for Local Governments was the adjustment to the timing for funding for transport and rail infrastructure projects, presumably designed to address the challenges of delivering projects in the

current high cost and supply constrained environment. This will see funding for a number of projects pushed out beyond the forward estimates and could have implications for some projects important to some Local Governments and their communities. WALGA is seeking further information from the Commonwealth Government as to whether Local Government programs will be affected by this change and will keep Members informed of any developments.

Further information on key areas of funding and initiatives relevant for Local Governments can be found in [WALGA's Federal Budget Analysis](#).

Comment

In its submission in advance of the Budget, WALGA identified a number of priority areas for spending including telecommunications and digital connectivity, road infrastructure and coastal risk planning. The Budget contained funding for important election commitments related to telecommunications, however, more could be done to manage the impact of climate change on our coastal areas.

WALGA will advance these and other key issues for the sector in the lead up to the May 2023 Federal Budget.

6.3 Supporting the Trajectory for Low Energy Buildings – Release of 7 Star Homes Cost Investigation

By Claire Lings, Project Officer, Building

RECOMMENDATION

That the release of the 7 Star Homes Cost Investigation, completed as part of the Association's position to support the Trajectory for Low Energy Buildings, be noted.

Executive Summary

- In December 2021, State Council endorsed an advocacy position in support of the Trajectory for Low Energy Buildings (the Trajectory) to achieve net zero energy and carbon buildings in Australia.
- WALGA's March 2022 Discussion Paper [Supporting the Trajectory to Low Energy Buildings](#) identified the State Government's adoption of higher residential energy efficiency standards in the National Construction Code (NCC), as recommended by the Australian Building Codes Board (ABCB), as a priority action to achieving net zero energy and carbon buildings in Australia.
- There is some concern that moving to the higher thermal performance standard will significantly increase construction costs. WALGA engaged an independent expert to investigate the additional cost of constructing new dwellings to meet the proposed new 7 Star energy efficiency standards in climate zones that experience the highest levels of new home construction in Western Australia.
- The investigation found the additional upfront cost of constructing a north-orientated, single-storey home to a 7 Star standard, from the current 6 Star baseline, in climate zones where most of Western Australia's new homes are constructed (i.e. Perth and the South-West Coast) is modest, ranging from \$1,750 for brick cavity to \$2,500 for timber frame construction. However, the additional cost would be higher for some dwelling types (double-storey, timber-framed construction) and in cooler climate zones (Albany, Manjimup).
- The 7 Star Homes Cost Investigation Report summarises these findings.

Attachment

- [7 Star Cost Investigation Report 2022](#)

Policy Implications

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

6.6 Building Act and Regulations

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

December 2021 – 295.7/2021

Background

80 per cent of WALGA's members have adopted community strategic plans and/or local planning strategies which include objectives that indirectly or directly aim to achieve energy efficient homes, offices and other buildings.

In December 2021, WALGA's State Council endorsed an advocacy policy position to support the Trajectory for Low Energy Buildings (the Trajectory), which is a plan prepared by the Council of Australian Governments and endorsed by all State and Territory building ministers to achieve net zero energy and carbon buildings in Australia.

In March 2022, WALGA released a [discussion paper](#) that identified actions WALGA and Local Governments can take to help ensure that the Trajectory, and associated changes to the NCC's energy efficiency standards, are implemented in Western Australia.

Efficient implementation of the Trajectory to achieve net zero energy and carbon buildings requires adoption of the ABCB's recommended changes to the NCC's energy efficiency standards. A key concern raised by state agencies and industry groups was the potential increase in construction costs from moving to a higher thermal performance standard. In April 2022, WALGA engaged an independent, Western Australian energy efficiency expert to identify and cost the required design modifications to construct new homes to meet the proposed 7 Star standard, in climate zones that experience the highest levels of new home construction in Western Australia.

The investigation identified that the additional cost of constructing a north-orientated, single-storey home to a 7 Star standard, from the current 6 Star baseline, in climate zones where most of Western Australia's new homes are constructed (i.e. Perth and the South-West Coast) is likely to range from \$1,750 for brick cavity to \$2,500 for timber frame construction. The report identifies the most cost-effective way to reduce additional construction costs is to orientate living areas to the north. The report also outlines other low-cost or cost-free modifications. The report indicates that costs will be higher for some dwelling types (double-storey, timber-framed construction) and in cooler climate zones (Albany, Manjimup).

Comment

The findings of the Cost Investigation Report have made a valuable contribution in support of WALGA's advocacy in support of the adoption of higher residential building energy efficiency standards. WALGA provided the report to the Building Minister and the Department of Mines, Industry Regulation and Safety (DMIRS) ahead of the meeting of State and Territory Building Ministers in August 2022. At that meeting all Ministers agreed to endorse the ABCB's recommended energy efficiency changes.

In October 2022, DMIRS announced that Western Australia would adopt full application of the revised energy efficiency standards, with some exceptions for apartments with limited solar exposure. These standards will become mandatory in Western Australia on 1 May 2025. DMIRS has advised that a 24-month transition period will accommodate current supply chain constraints, particularly for higher-grade glazing products.

The State Government's adoption of the revised standards is a positive step toward achieving net zero carbon and energy dwellings in Western Australia well before 2050. For instance, energy assessors have advised WALGA that a 7 Star home with solar panels will achieve a net zero operational energy and carbon dwelling. These new standards will create a consistent state-wide regulatory approach and reduce the need for Local Governments to amend local planning frameworks.

Local Governments will be able to use the Cost Investigation Report to educate new homebuyers about cost-efficient ways of achieving a 7 Star standard. As the Cost Investigation Report demonstrates, low-cost and no-cost design modifications can save homebuyers thousands of dollars. Over the coming months, WALGA will prepare information materials that Local Governments can modify to educate new homebuyers. WALGA is also working with Local Governments in cooler climate zones to prepare more detailed cost investigations to use for community and industry education purposes.

6.4 WALGA October 2022 Quarterly Economic Briefing

By Daniel Thomson, Economist

RECOMMENDATION

That the WALGA October 2022 Quarterly Economic Briefing be noted.

Executive Summary

- The WALGA October 2022 Economic Briefing shows the WA economy is continuing to face rising prices, a tight labour market and capacity constraints.
- These factors are impacting Local Governments ability to deliver infrastructure programs.
- In the year to June 2022 the Local Government Cost Index (LGCI) increased by 6.4%.
- Growth in the LGCI is expected to peak in coming months, before slowing to 3.3% and 2.4% respectively in the following two financial years.

Attachment

- [WALGA October 2022 Quarterly Economic Briefing](#)

Background

The WALGA Economics Team produces a Quarterly Economic Briefing for Members which provides an overview of the economic climate and the impact this has on the Sector. Included in the Economic Briefing is an update of the Local Government Cost Index (LGCI). The LGCI forecasts changes in the cost base for Members and is used to inform Local Government budgets.

The format of the Quarterly Briefing has been revamped and it is also being promoted via numerous LinkedIn accounts, including those of the WALGA CEO and the Economics team, as well as being distributed by targeted email and housed on the WALGA website. Elected Members and senior Local Government staff can now also sign up to the Briefing via the LG Direct email, the [WALGA website](#) and LinkedIn.

Comment

As the WA economy emerges from the COVID-19 pandemic, it is facing a new challenge in the form of rising prices and capacity constraints.

Inflation is surging across global economies, driven primarily by the conflict in Ukraine which is pushing commodity (particularly oil) prices skywards, as well as supply chain issues resulting from efforts to contain COVID-19, particularly in China.

State and Federal Governments are unwinding stimulus programs as we approach the end of the COVID-19 pandemic. At the same time, the Reserve Bank has been quick to shift from its emergency monetary policy settings, raising the official cash rate from 0.1% in April 2022 to 2.6% by October 2022.

Inflation is impacting Local Governments' capacity to deliver infrastructure programs, with key challenges reported including rising costs for materials and labour, accessing key supplies, and delays in the timing of major projects.

Rapid cost increases in these areas have seen the Local Government Cost Index (LGCI) continue to accelerate, increasing by 6.4% over the year to June 2022. Increases of this magnitude have not been seen since the peak of the mining boom back in 2008. The LGCI measures cost increases for key expenditure items for WA Local Governments.

However, it's not just the cost of construction that is on the rise. In recent months, there have also been increases in the costs of other key services such as vehicle and equipment hire, real estate and engineering services.

There are signs that the tight labour market and widespread shortages of workers, is starting to exert pressure on wages. Wages represent more than a third of the sector's cost base and have been contained in recent years, taking some of the pressure off growth in the sector's costs. However, the wage price index picked up in the June quarter of 2022 to reach its highest annual rate of growth since 2013.

The number of people employed in the state and the hours worked have reached a ceiling despite businesses crying out for more workers. Job vacancies also remain at historically high levels and outnumber the number of unemployed people available to absorb these roles.

Looking ahead, growth in the LGCI is expected to peak in coming months, before slowing to 3.3% and 2.4% respectively in the following two financial years. It is important to note that costs are not predicted to fall – but to stabilise at higher levels.

The outlook for the WA economy more broadly is also uncertain. Forecasts for the WA economy will next be updated in December in the State Government's Mid Year Financial Projections Statement. Given the significant risks on the horizon from the slowing global economy, rising interest rates and ongoing capacity constraints, there may be a case for Treasury to revise growth projections for the WA economy lower.

The significant challenges of forecasting in the current economic environment, mean the LGCI should be used with caution. It is important that Local Governments take into account their own local issues and experiences when considering cost pressures. It would also be prudent for Local Governments to prepare for multiple scenarios for cost increases in coming years.

6.5 WALGA Submission on Phase Two of the Aboriginal Cultural Heritage Act 2021 Co-design Process

By Alina Hobson, Policy Officer, Resilient Communities

RECOMMENDATION

That State Council note the submission to the Department of Planning, Lands and Heritage relating to Phase 2 of the *Aboriginal Cultural Heritage Act 2021 Co-design Process*, endorsed via Flying Minute.

Executive Summary

- The *Aboriginal Cultural Heritage Act 2021* (ACH Act) is expected to commence on 1 July 2023.
- The Department of Planning, Lands and Heritage (DPLH) is undertaking three phases of co-design during 2022 to develop the regulations, statutory guidelines and operational policies that will support the ACH Act.
- WALGA's May 2022 [submission to Phase One](#) of the Co-design process made 25 recommendations.
- WALGA's submission to Phase Two of the Co-design process, endorsed via Flying Minute on 18 August 2022, made 27 recommendations and included proposed activity tables for emergency activities and roadworks. The submission reinforced key recommendations from the Phase One submission, relating to the proposed activity categories, the desire for ongoing sector consultation, and the requirement to balance the protection of Aboriginal cultural heritage with the requirement for Local Governments to undertake necessary infrastructure and maintenance works.
- [Phase Three of the Co-design process](#) will commence in November 2022 with workshops being held in 34 locations across Western Australia. WALGA will make another submission informed by feedback obtained directly from the sector via officer review and from WALGA's Aboriginal Heritage Reference Group.
- WALGA is a member of a Working Group that has been established to bring together five industry groups and five Aboriginal corporations to further refine and agree the activity categories. Meetings of the Working Group were held on 20 and 31 October 2022.

Attachment

- [Flying Minute: WALGA Submission *Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase Two*](#)
- [WALGA submission: *Aboriginal Cultural Heritage Act 2021 Phase Two, August 2022*](#)

Policy Implications

This submission aligns with WALGA's existing [Advocacy Positions](#) and previous submissions:

3.1.3 *Aboriginal Heritage Act 1972 and South West Native Title Settlement*

The Association acknowledges Noongar people as the traditional owners of the South West Region. Local Government is supportive of conserving and protecting the State's Aboriginal heritage.

July 2019 – Resolution no. 68.5/2019

3.1.2 *Reconciliation*

The Association supports the efforts of the Local Government sector to recognise and respect Aboriginal cultural practices and places of meaning, through the development of Reconciliation Action Plans.

September 2012 – Resolution no. 118.5/2012

It should be noted that an updated Aboriginal Cultural Heritage Advocacy Position on is on the Agenda for decision at the December 2022 State Council meeting ([Agenda item 5.5](#)).

Previous WALGA submissions:

- *Aboriginal Heritage Act 1972 - 2018 Review Submission* endorsed by State Council in July 2018;
- AHA Review Consultation Phase Two, submission endorsed by State Council in July 2019;
- WALGA's 2020 response to survey during Phase 3 consultation based on previous submissions and member feedback (including the Aboriginal Heritage Reference Group);
- WALGA and DPLH co-facilitated online place-based workshops in February 2021 for Local Governments which considered the activities regularly undertaken by Local Government.
- Aboriginal Cultural Heritage Act 2021 – Co-design Phase One Submission endorsed by State Council in May 2022.

Background

The *Aboriginal Cultural Heritage (ACH) Act 2021* is expected to commence on 1 July 2023. The new legislation provides a modern framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage while recognising the fundamental importance of Aboriginal cultural heritage to Aboriginal people.

DPLH is currently developing the regulations, statutory guidelines and operational policies that will support the ACH Act. Phase One of DPLH's co-design process involved a short, five week consultation period during April-May 2022. Guided by feedback obtained during Phase One, a suite of amended documents was released for consideration during Phase Two, which ran from 18 July 2022 for 4 weeks.

Comment

Several of WALGA's recommendations from the Phase One submission were incorporated into the draft documents released during Phase Two, providing better developed and more detailed guidelines and activity categories. Therefore, the Phase Two submission had a narrower focus.

WALGA's Phase Two submission was informed via the following engagement activities (noting that the short timeframe prevented more thorough engagement with members):

- Facilitation of WALGA's Aboriginal Cultural Heritage Reference Group on 19 July 2022;
- Direct communications with various Local Governments via phone and emails;
- A WALGA facilitated webinar delivered in partnership with DPLH on 3 August 2022 and attended by approximately 30 Local Governments;
- WALGA participated in the co-design workshop facilitated by DPLH on 4 August 2022;
- WALGA and Local Government participation in a meeting with DPLH, the Department of Fire and Emergency Services (DFES) and the City of Wanneroo, Shire of Dundas and Shire of Ashburton to discuss the intersect with emergency management on 8 August 2022; and
- Written feedback on the draft submission from Aboriginal Cultural Heritage Reference Group members and Local Government attendees at the 3 August 2022 webinar.

Feedback obtained through the consultation process primarily related to the need for further refinement of some activity categories, particularly with respect to fire break notices and other emergency related activities, road works and infrastructure maintenance and replacement works, concerns around the impact of ACH timeframes on expenditure of grant moneys, and the need for fees to vary depending on the status of proponents (not for profit vs for profit/annual revenue). It was recommended that all works undertaken to comply with Local Government Section 33 Fire Break notices are categorised as exempt in the Activity table.

The Director General of DPLH provided an update on the ACH Act at the September 2022 State Council Strategic Forum.

6.6 Report Municipal Waste Advisory Council (MWAC)

By Rebecca Brown, Manager, Waste and Environment

RECOMMENDATION

That the resolutions of the Municipal Waste Advisory Council from its 29 June, 24 August and 26 October 2022 meetings be noted.

Executive Summary

This item summaries the outcomes of the MWAC meetings held on 29 June, 24 August and 26 October 2022.

Background

MWAC is seeking that State Council notes the resolutions from its 29 June, 24 August and 26 October 2022 meetings, consistent with the delegated authority granted to MWAC to deal with waste management issues.

Copies of Agendas and Minutes are available from WALGA staff, on request.

Comment

The key issues considered at the meeting held on 29 June, 24 August and 26 October 2022 included:

Container Deposit Scheme – Minimum Network Standards Review

On 6 September, the Department of Water and Environmental Regulation (DWER) released the third review of the Container Deposit Scheme (CDS) Minimum Network Standards.

The main focus of this review was on the requirement for minimum operating hours under the Minimum Network Standards and the economic viability of Refund Points based on population criteria. Reviews of the CDS Minimum Network Standards are required at least every 6 months for the first three years of the Scheme.

The focus of the Submission was ensuring that smaller population centres continue to receive a certain level of service, and if that service is not viable then alternative options be explored.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Submission on the Review of the Container Deposit Scheme Minimum Network Standards Third Review.

Moved: Cr Price Seconded: Mayor Butterfield

CARRIED

Further Restriction of Nitrous Oxide Supply

From [1 October 2022](#), the sale of nitrous oxide gas will be regulated under the *Medicines and Poisons Act 2014*, in line with new national restrictions. Nitrous oxide gas canisters, commonly known as nangs, have been raised as an issue by Local Government as they are frequently littered in public areas, inappropriately disposed of and have serious human health impacts.

These restrictions are the first step in address the issue. Consultation on the Regulatory Impact Statement, provided further opportunities to support the restriction on the sale of the gas canisters.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Submission on the Consultation Regulatory Impact Statement: Nitrous Oxide Supply.

Moved: Cr Price Seconded: Mayor Butterfield

CARRIED

Single Use Plastic Ban – Stage 2

The Department of Water and Environmental Regulation has commenced consultation on [Stage 2 of Western Australia's Plan for Plastics](#) (Single-use Plastics Ban). WALGA hosted an information session, to discuss the scope and impact of the bans, on Tuesday, 18 October and information gathered as part of this session has been incorporated into the Submission.

This is the second stage of the Single-use Plastics Ban, focuses on:

- Expanded polystyrene packaging
- Degradable plastics (plastics designed to break up more rapidly into fragments under certain conditions)
- Barrier/produce bags
- Expanded polystyrene cups
- Coffee cups and lids
- Lids for cups, bowls and takeaway food containers
- Cotton buds with plastic shafts
- Microbeads.

The key impact for Local Government relates to:

- Local Government venues/events using single-use plastics
- Dog-poo bags – the ban requires either compostable or conventional fossil fuel based plastics (the ban covers degradable plastics)
- Use of compostable alternatives to single use plastics and the interaction with Food Organic Garden Organic kerbside collection systems.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Submission on Western Australia's Plan for Plastics Stage 2.

Moved: Cr Price Seconded: Mayor Butterfield

CARRIED

7. ORGANISATIONAL REPORTS

7.1 Policy Team Reports

7.1.1 Environment and Waste Policy Team Report

Presented by Policy Team Chair, Cr Les Price

RECOMMENDATION

That the matters considered by the Environment and Waste Policy Team be noted.

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 7 September and 26 October.

1. Matters for State Council Decision

Nil.

2. Matters for State Council Noting

The Policy Team considered the feedback from Zones on the recommendations in [WALGA Biosecurity and Agriculture Management Act Review Discussion Paper](#) and provided feedback on updated Position Statement on Biosecurity. The Position Statement on Biosecurity was updated to reflect Policy Team feedback and is being considered by State Council in [Agenda item 5.3](#). The Policy Team also engaged with the Local Government Representative on the Biosecurity Council, President Cr Tony Dean.

The Policy Team viewed two videos which have been developed by the Policy and Advocacy Teams focusing on the Urban Forest Grant Program, funded by Water Corporation, and Innovative Weed Control activities being undertaken by Local Governments. Feedback from the Policy Team was incorporated into the videos.

The Policy Team received an update on WALGA's work regarding:

- Foot and Mouth Disease – outlining WALGA's active engagement with Local Government and the Department of Primary Industries and Regional Development
- The Review of Australian Government Drought Response, Resilience and Preparedness Plan and the engagement process for input.

7.1.2 Governance and Organisational Services Policy Team Report

Presented by Policy Team Chair, Cr Russ Fishwick

RECOMMENDATION

That State Council:

1. Retains Advocacy Positions:
 - a. 2.5.10 Control of Certain Unvested Reserves
2. Deletes Advocacy Positions:
 - a. 2.5.16 Disposal of Property and Commercial Enterprises
 - b. 2.5.33 Revoking or Changing Decisions
3. Amends Advocacy Positions
 - a. 2.5.34 Contents of Minutes to be retitled and amended to read as follows:

Advocacy Position 2.5.34 Content of Agenda and Minutes (Transparency)

1. ***Amend Administration Regulation 11 to require information presented in, or attached to, a Council or Committee meeting agenda to be included in the minutes of that meeting.***
2. ***Amend Section 5.95(3) and Administration Regulation 11 to enable confidential attachments to a report included in a Council or Committee meeting agenda and minutes to remain confidential at the discretion of Council, despite the meeting not having been closed to the public when deciding the relevant matter.***

- b. 2.5.42 Dispositions of Property to be amended to read as follows:

Amend Functions and General Regulation 30 to:

1. ***Remove the financial threshold limitation on a disposition where it is used exclusively to purchase other property – R.30(3).***
 2. ***Modify the disposal by sale (only) limitations prescribed in R.30(2), so that***
 - a. ***Local Government may dispose of land consistent with the s.3.58 definition of ‘disposal’, where the disposal terms are consistent with the nature of interest that the transferee has in the adjoining land; and***
 - b. ***The market value limitation of \$5000, set in 1996, is increased to reflect contemporary land values.***
 3. ***Insert an additional exemption for disposal of redundant plant and equipment to another Local Government, Regional Local Government, the government of the State or the Commonwealth or any of its agencies.***
4. Requests the WALGA Secretariat write to the Minister for Local Government as the responsible Minister, reiterating the Sector’s concerns regarding Cat Act local law limitations, requesting the Minister commit to a timeframe for progressing the Cat Act 2011 Review.
5. Request the WALGA Secretariat to write to the Department of Premier and Cabinet, Cyber Security Unit and the Department of Local Government, Sport and Cultural Industries, requesting:
 - a. Details of the range of services, resources and support provided by the Cyber Security Unit to support the Local Government sector to improve the sector’s cyber security profile.
 - b. Consideration of State Government funding options for the Local Government sector, to further support improving the sector’s cyber security profile, including:
 - i. Providing access to State Government infrastructure and controls at no cost to Local Governments to ensure that the Local Government industry has the same level of protection as State Government departments.

- ii. **Funded by State Government, in a similar approach to how State Government departments cyber security is funded.**
- iii. **Making a funding pool available for Local Governments to improve cyber security through purchasing of hardware and software infrastructure.**

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 meeting held by Flying Minute concluding on 30 September 2022.

1. Matters for State Council Decision

The GOS Policy Team seeks State Council decision on two matters referred from Zones and reviewed a number of WALGA Advocacy Positions, providing recommendations for State Council consideration.

Advocacy Positions may be reviewed in the WALGA [Advocacy Position Manual](#).

1.1 Advocacy Position 2.5.10 Control of Certain Unvested Reserves

GOS Policy Team comment: This remains an important advocacy position. Noted that a number of South West Local Governments have become responsible for former forestry land, including bridges and culverts under s.3.53. It is inequitable for Local Governments to acquire responsibility for unvested facilities, where no funding is provided for maintenance.

The GOS Policy Team recommends State Council retain Advocacy Position .5.10 Control of Certain Unvested Reserves.

1.2 Advocacy Position 2.5.16 Disposal of Property and Commercial Enterprises

GOS Policy Team comment: This advocacy position was adopted as a result of consultation with members re 2019 Local Government Act reform proposals. In the absence of specific matters to be addressed in 'modernising' disposal of property and commercial enterprise provisions under s.3.58 and s.3.59...

The GOS Policy Team recommends State Council delete Advocacy Position 2.5.16 Disposal of Property and Commercial Enterprises.

1.3 Advocacy Position 2.5.33 Revoking or Changing Decisions

GOS Policy Team comment: Despite the intent, the consequence of any endeavour to revoke a decision that has already been implemented is that the revocation would not be actionable. Additionally, WALGA is unaware of any circumstances of this actually occurring.

The GOS Policy Team recommends State Council delete Advocacy Position 2.5.33 Revoking or Changing Decisions.

1.4 Advocacy Position 2.5.34 Content of Minutes

GOS Policy Team comment: The effect and perhaps unintended consequences, of recent amendments to Administration Re.11 (g) and s.5.95(3) is that decision making transparency is eroded, so that for a Council to retain confidentiality of information included in a s.5.23(2) confidential attachment to the Agenda, it MUST close the meeting to the public, where otherwise debate could proceed in public, with the substantial body of information provided in the public agenda / minutes.

The GOS Policy Team recommends State Council amend Position 2.5.34 Content of Minutes.

1.5 Advocacy Position 2.5.42 Disposition of Property

GOS Policy Team comment: This Advocacy Position remains relevant with two further matters recommended for inclusion in the advocacy position as detailed in the recommendation.

The GOS Policy Team recommends State Council amend Advocacy Position 2.5.42 Disposition of Property.

1.6 Cat Control Measures and Advocacy for Reforms to the Cat Act

GOS Policy Team comment: This is a developing issue in the sector. A number of Local Governments have attempted to make Cat Local Law to prohibit cats from roaming, require cats to be securely kept on premises and prohibit cats from being in any public place. The Parliamentary Delegated Legislation Committee has disallowed such provisions on the grounds that the Cat Act 2011 provisions do not contemplate local laws for these purposes.

The GOS Policy Team recommends State Council request the WALGA Secretariat to write to the Minister for Local Government.

1.7 Improving Cybersecurity in Local Government

GOS Policy Team comment: WALGA has endorsed and is progressing establishing an ICT Governance subscription service. The Peel Country Zone considered that funding the Local Government Sector to implement cybersecurity software and hardware, would not be addressed through the future WALGA ICT Governance Subscription and required State Government consideration.

The GOS Policy Team recommends State Council request the WALGA Secretariat to write to the Department of Premier and Cabinet, Cyber Security Unit and the Minister for Local Government.

2. Matters for State Council Noting

Nil.

7.1.3 Infrastructure Policy Team Report

Presented by Policy Team Chair, President Cr Chris Pavlovich

RECOMMENDATION

That the matters considered by the Infrastructure Policy Team be noted.

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 7 September.

1. Matters for State Council Decision

Nil.

2. Matters for State Council Noting

At the meeting on 7 September, the Infrastructure Policy Team considered matters related to:

- **Agricultural Freight Policy Forum**
 - Requested further information about the deficiencies in current State strategies in relation to freight movement in the agricultural region.
- **Local Government Principles for Speed Management Reform**
 - Supported consultation with Local Governments commence, subject to some further amendments of the draft principles and feedback document.
- **Western Power requirements for 32amp circuit breaker be installed in regional and rural households**
 - Requested that WALGA engage with Western Power concerning this matter.

7.1.4 People and Place Policy Team Report

Presented by Policy Team Chair, President Cr Tony Dean

RECOMMENDATION

That the matters considered by the People and Place Policy Team be noted.

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 meeting held on 19 October.

1. Matters for State Council Decision

Nil.

2. Matters for State Council Noting

The People and Place Policy Team:

- Considered and endorsed the **following updated advocacy positions for State Council decision** at the December 2022 meeting:
 - Coastal Planning ([Agenda item 5.6](#) refers); and
 - Aboriginal Cultural Heritage ([Agenda item 5.5](#) refers).
- Considered an Agenda item on the Aboriginal and Torres Strait Islander Voice to Parliament, resolving:
 - not to support a recommendation that an advocacy position to establish an Aboriginal and Torres Strait Islander Voice to Parliament enshrined in the Constitution be considered by State Council in December 2022; and
 - that WALGA remains apolitical and chooses not to have involvement in this issue.
- Noted the 2022 Coastal Award for Excellence that WALGA received in September 2022 on behalf of the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum.

7.2 Key Activity Reports

7.2.1 Report on Key Activities, Advocacy Portfolio

By Narelle Cant, Executive Manager Advocacy

RECOMMENDATION

That the Key Activity Report from the Advocacy Portfolio to the December 2022 State Council meeting be noted.

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.

There have been numerous WALGA-led events over the past few months, including the annual WA Local Government Convention and Trade Exhibition. All events have been supported by refreshed event marketing and communication strategies to support increased registrations and enhance the profile and perception of Local Government in WA.

WA Local Government Convention and Trade Exhibition

The WA Local Government Convention and Trade Exhibition was held Sunday, 2 to Tuesday, 4 October. Themed 'Embracing Change', the 2022 Convention explored changes to the Local Government landscape over the coming years and how the sector can come together to inform, guide, and embrace change. Full delegate registrations were 481, a 17% increase on 2021 full delegate numbers (411). The event also attracted 14 Members of Parliament.

This year's event was supported by an integrated marketing and communications strategy including:

- Personalised email marketing, targeting both those who attended last year, and Local Government representatives that have not attended in recent years.
- Pre and post social media activity across WALGA's LinkedIn, Facebook and Instagram channels.
- Refined feedback strategy, with in-situ surveys and post event questionnaires
- Updated event collateral, including a new look and feel brochure, and social media tiles.

High-level marketing and media statistics from the event include:

- 5,321 page views on the WALGA website, an increase from 1,500 in 2021.
- 459 event App downloads, up from 39 in 2021, with 375 questions submitted during interactive sessions.
- 15 targeted emails sent pre and post event to registrants and those yet to register. Average open rate was 60%, 22% higher than the WALGA average, and average click through rate was 15% higher than the WALGA average.
- 21 social media posts pre and post event across LinkedIn, Facebook and Instagram. The total engagement rate¹ was 6%, well above the WALGA benchmark of 2.8%.
- A significant increase in media coverage across television, radio, print and online including:

¹ *Engagement rate is the total engagement (likes, shares, comments etc.) by reach (followers) and is the most accurate measure of social media performance.*

- stories on ABC TV 7pm state-wide news bulletin (featuring State Local Government Minister, Hon John Carey MLA) and *The West Australian newspaper* (featuring the Ukrainian Ambassador to Australia Vasyl Myroshnychenko's speech at the Convention); and
- coverage across print, radio and online of Local Government honours and awards recipients, AGM motions and a mention of the Convention by speaker Justin Langer in his column in *The West Australian*.

Aboriginal Engagement and Reconciliation Forum 2022

More than 200 people (a 35% increase on 2021) attended the 2022 Aboriginal Engagement and Reconciliation Forum held on Wednesday, 5 October at Optus Stadium. This year, the forum was themed 'Kanan- Dhabagarn –Wabiriny' (Truth - Justice - Healing). It was a day of learning and a celebration of the partnership between Local Governments and their Aboriginal communities.

The audience heard from a diverse range of speakers, including Aboriginal elders, Federal Minister for Indigenous Australians, Hon Linda Burney and State Minister for Aboriginal Affairs, Hon Dr Tony Buti, as well as representatives from Local Government.

High-level marketing statistics from the event include:

- Average open rate on targeted emails was 48.6%, 10.6% higher than the WALGA average and the click through rate was 23% higher than the WALGA average
- Total engagement rate on social media posts across LinkedIn, Facebook and Instagram was 4.8%, above the WALGA benchmark of 2.8%.
- Website traffic increased by 24% on last year.

Planning Showcase

The 2022 Local Government Planning Showcase was held on Tuesday 4 October. The purpose of this event was to showcase excellence and innovation in Local Government planning. Speakers from both metropolitan and regional Local Governments shared their knowledge and experience across strategic and statutory planning issues, innovations and legal updates.

- Average open rate on targeted emails was 53%, 15% higher than the WALGA average and average click through rate was 15% higher than the WALGA average
- Total engagement rate on social media posts across LinkedIn, Facebook and Instagram was 4.6%, the WALGA benchmark of 2.8%.
- Website traffic increased by 25% on last year.

Interview with Business News

President Karen Chappel did an extensive interview with Business News for their Local and State Government lift-out, to be published on 14 November. Topics covered included Local Government reforms, regional subsidiaries, JDAPs, WALGA's forthcoming State Budget submission, superannuation for Elected Members and WALGA's relationship with the State Government.

Publications

Annual Report

The 2021-22 WALGA Annual Report was streamlined to 68 pages, down from 88 pages the previous year. The Annual Report had a refreshed look with emphasis on highlighting WALGA's numerous key outcomes across the Member Services, Advocacy, Policy and Infrastructure portfolios throughout the year.

Economic Briefing

The revamped quarterly WALGA Economic Briefing is now also promoted via numerous LinkedIn accounts, including those of the WALGA CEO and the Economics team, as well as being distributed by targeted email and housed on the WALGA website. Elected Members and senior Local Government staff can now also sign up to the Briefing via the LG Direct email, the website and LinkedIn. The October edition can be viewed here: [October Economic Briefing](#)

State Budget Submission

WALGA's 2023-24 State Budget Submission, endorsed by State Council, includes priority areas of funding across four themes – *Supporting Industry and Diversifying our Economy, Taking Action on Climate Change, Investing in Health, Safety and Wellbeing, and Delivering a Modern Legislative Framework*. The Submission will be provided to the Local Government Minister, the Treasurer (and Premier) and the Leader of the Opposition in the first half of November, and then shared with other relevant State Government Ministers and heads of agencies, and industry groups. WALGA will also seek meetings with key stakeholders to discuss the Submission in detail.

Annual Preferred Supplier Report and Quarterly Services Report

In early November, WALGA distributed the annual Preferred Supplier Program Report, providing members with a summary of service and preferred supplier uptake for the year, together with the latest Quarterly Services Report. Both reports have been redesigned to be more succinct and easier to read.

WALGA Best Practice Governance Review – Consultation

To complement the consultation process underway on the Best Practice Governance Review, research agency Ipsos has been engaged by WALGA to gather independent feedback on the awareness and understanding of the current Governance Model and the Review, and the proposed new models. The research will include quantitative surveys and qualitative one-on-one interviews, all anonymous.

7.2.2 Report on Key Activities, Infrastructure Portfolio

By Ian Duncan, Executive Manager Infrastructure

RECOMMENDATION

That the Key Activity Report from the Infrastructure Portfolio to the December 2022 State Council meeting be noted.

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

Through a contract with Australian Road Research Board (ARRB) a visual condition survey covering strategically significant roads (ROADS 2040) in the Wheatbelt Region is being undertaken. Field work was completed in October. Data analysis and reporting is now underway. In addition to regional level reporting, the data will be uploaded to each Local Government's RAMM road asset management data base and video data provided. This project is funded through the State Road Funds to Local Government Agreement and builds on projects recently completed in the Mid-West, Great Southern and Goldfields-Esperance regions.

Local Government Transport and Roads Research and Innovation Program

WALGA and Main Roads are developing a research program that will deliver practical guidance for Local Governments to enhance productivity and identify best practice initiatives. A scope of work for prioritised projects has been developed and approved. Proposed project budgets are now being developed by ARRB for review by the end of 2023.

WALGA Road Visual Condition Assessment Manual Update

WALGA is working with the IPWEA WA Asset Management Committee to review and update the Road Visual Condition Assessment Manual, originally published in 2016. The Manual provides the guidelines for the manual collection of visual surface condition data and has been used widely across WA. The update is forecast to be completed by mid-2023.

Transport and Roads Forum 2023

WALGA has commenced early planning for the next Transport and Roads Forum. Program planning is progressing, and proposed speakers have begun to be contacted. It is intended that the Forum take place Wednesday, 8 March 2023 and will be run as a joint event with the WALGA Field Day, in which various machinery, equipment and services are displayed by suppliers. The event will be held at Canning Show Grounds.

Funding

State Road Funds to Local Government Agreement

The current Agreement expires in June 2023 and negotiations for a new Agreement are proceeding. A framework has been prepared by Main Roads WA and WALGA. Arrangements for a meeting with the Minister for Transport are being developed.

Urban and Regional Transport

Local Government Cycling Reference Group

WALGA reconvened the Local Government Cycling Reference Group in September 2022, to seek feedback from Local Government officers on key matters for advocacy concerning cycling and eRideables. It was resolved at this meeting that the group would return to regular scheduled meetings, on a quarterly basis. The next meeting will be held in late January 2023.

Utilities

Streetlighting

Following a submission to the Economic Regulation Authority in April and a meeting with the Authority in early October, WALGA staff, supported by senior officers from four metropolitan Local Governments participated in a workshop with Western Power, Synergy and Energy Policy WA facilitated by the Economic Regulation Authority seeking to agree streetlighting service definitions and performance for the coming five-year period. No agreement was reached. Western Power will submit a revised proposal by 15 November 2022. Depending on the content of this proposal, WALGA will make a further submission to the Economic Regulation Authority on or before 16 December 2022.

Underground Power

WALGA has met with Energy Policy WA to discuss the governance arrangements for the Targeted Underground Power Program that was announced by the Minister for Energy in November. The Association is continuing to advocate for an appropriate level of State Government funding support to enable the ambitious program to be delivered in lower socio-economic areas.

Road Safety

Road Safety Ratings for Local Government Roads Project

WALGA recently held consultation workshops across WA, which gave Local Governments the opportunity to provide input on how best to develop a new tool or adapt an existing tool to evaluate the safety of Local Government roads. These workshops provided very useful information to inform the direction of the project and support the adaptation or development of a tool to best suit the needs of Local Governments. Now in the development phase of the project, WALGA is in the process of developing/adapting a tool. WALGA will pilot the new tool in the first two quarters of 2023 and has identified five interested Local Governments to participate.

Road Safety Council Update

The Road Safety Council (RSC) at their meeting held on 16 September, considered matters such as the 2023-24 Road Trauma Trust Account budget process, the Report on Activities 2021-22 that is tabled in Parliament each year in accordance with Section 13 of the RSC Act 2022, the RAC member priorities tracker results survey and the results of the annual review survey of RSC members.

The RSC also received an update from the new Chair (Katie Hodson-Thomas) along with presentations, from: the RAC on the Safer Speeds Trial Project, WALGA on WALGA's Perspective on Speed Management, and the Road Safety Commission on the Safety Camera Trial and eRideables.

7.2.3 Report on Key Activities, Member Services Portfolio

By Tony Brown, Executive Director Member Services

RECOMMENDATION

That the Key Activity Report from the Member Services Portfolio to the December 2022 State Council meeting be noted.

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.

Commercial

Construction

The modular housing category of the new PSP012 Construction and Built Environments Panel is now active. The new panel has been well received by Members. Phase two of the Panel development has been to Tender for the categories of new building construction, building refurbishment, demolition, earthworks and site remediation. The tender closed on 1 November and evaluation is currently in progress.

Investment Services

WALGA has engaged financial consultants to further scope and research a potential investment vehicle for Members. The consultancy is being undertaken by Kurt Smith and Englebert Bets of Global Business Partners. Dr Shayne Silcox is supporting the consultancy with Local Government legislative and regulatory policy guidance. It is anticipated that the report will provide comment on the relevant structural options and commercial viability. Results of this research will be presented to State Council in early 2023 to determine whether business case development should proceed.

Employee Relations

State Industrial Relations (IR) transition – 1 January 2023

The State Government has announced that the 'relevant day' for the transition to the State industrial relations (IR) system will be **1 January 2023**. Please see media statement from the WA Government [here](#). This will require all WA Local Governments (except the Shires of Christmas Island and Cocos (Keeling) Island) and Regional Councils to operate in the State IR system from 1 January 2023.

This means that from 1 January 2023:

- The [Minimum Conditions of Employment Act 1993](#) (WA) (MCE Act) and the [Industrial Relations Act 1979](#) (WA) will cover Local Government employers and employees (not the *Fair Work Act 2009* (Cth), with the exception of some provisions that apply to non-national system employers).
- The employment tribunal will be the [Western Australian Industrial Relations Commission](#) (not the Fair Work Commission).
- The regulator which enforces compliance against the State employment laws will be the [Department of Mines, Industry Regulations and Safety](#) (DMIRS) (not the Fair Work Ombudsman).

- The Federal Local Government Industry Award 2020 (LGIA) will become a transitional instrument and will continue to apply for each Local Government, subject to provisions in the MCE Act.
- For Local Governments with a Federally registered enterprise agreement, the agreement will become a transitional instrument and will continue to apply, subject to provisions in the MCE Act.

WALGA Employee Relations is supporting Local Governments to transition through the extensive resources it has developed for subscribers to the service including a checklist to prepare for the transition, factsheets and recorded webinars.

WALGA has also scheduled a webinar with DMIRS to address frequently asked questions about the transition and the transitional legislation, as well as a webinar on record keeping enabling Local Governments to comply with the new requirements on 1 January 2023.

WALGA Salary and Workforce Survey 2022

The annual WALGA Salary and Workforce Survey is currently live and will be closing on 2 December. This annual remuneration survey has been conducted for over 20 years, with 70 Local Governments participating last year. The more Local Governments who participate, the greater the quality of the resulting data. As of 7 November, 62 Local Governments have commenced the survey.

The collective survey results can help guide a Local Government's recruitment and remuneration strategies, inform workforce plans, track the diversity and make-up of the workforce and help to measure performance across key HR metrics.

Webinar on Visas

WALGA hosted a webinar on 25 August presented by Sarah Pettit, Associate Director, Mapien on the topic, "*Navigating the skills shortage – Are visas the answer?*" The webinar provided general information on different visa types for Local Governments.

To complement the webinar, WALGA Employee Relations updated a number of its recruitment and record keeping template resources to incorporate the relevant checks Local Governments need to undertake when engaging employees on visas and developed a new Visa Recruitment Checklist.

Governance and Procurement

Attendance at Electronic Meetings – Amendments to Administration Regulations

As reported to the sector by the Department of Local Government, Sport and Cultural Industries' LG Alert of 4 November, new provisions were introduced effective from 9 November permitting Council meetings to be held by electronic means, and for Council Members to attend in-person Council meetings by electronic means. These provisions are required due to the cessation of the State of Emergency declaration on 4 November and will be introduced by way of amendment to Regulations 14A to 14E of the *Local Government (Administration) Regulations 1996*.

In summary, Council will have the ability to determine to hold a council or committee meeting by electronic means, and the Mayor, President or Council will be permitted to authorize a request from a Council Member to attend an in-person meeting by electronic means. In the latter case, the new provision is being introduced to provide broad flexibility that strike a balance between attending in-person or by electronic means. The requirement to be in a location that is suitable to the maintenance of confidentiality is included in the amendments.

WALGA is currently reviewing the suite of resources and guidelines pertaining to meetings to ensure they align with the new provisions and assist member Local Governments transition to the new provisions.

Corporations Act and Director Identification

In November 2021, the Federal Government introduced the Director ID initiative under the Modernising Business Registers program. All directors regulated by the Australian Securities and Investments Commission (ASIC) and registered under the *Corporations Act 2001* (Corporations Act) are required by law to obtain a Director ID via the Australian Business Registry Services (ABRS) within the prescribed timeframes.

This new obligation does not affect Council Members performing roles and responsibilities under the *Local Government Act 1995*. However, some Council Members holding positions on external organisations may have obligations to obtain a Director ID. Examples of directors captured by this requirement include a company, a registered Australian body or a registered foreign company under the Corporations Act; Aboriginal and Torres Strait Islander corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act); or a charity or not-for-profit organisation that are public companies limited by guarantee under the Corporations Act.

Council Members you can search company details, including director details, on:

- [ASIC Connect](#) for a company, a registered Australian body or a registered foreign company under the Corporations Act; or
- the [Office of the Registrar of Indigenous Corporations \(ORIC\) homepage](#) for companies registered under the CATSI Act.

Training

2022/2023 Training and Professional Development – Course Directory

The training team has produced and released the [2022/2023 Training and Professional Development – Course Directory](#), outlining our current course offerings with a clear index for Elected Members and Officers. The Training Directory is available in print or digital copy and can be downloaded from the [Training website](#). Dates are all listed on the Training Calendar, one with Elected Member training dates and one for Officer training dates.

Short Courses and General Overview

Our trainers have had a busy very year, training the newly elected Councillors of October 2021 for their Council Members Essentials Training. This activity is now slowing down and is now mainly concentrated on eLearning activity by Elected Members.

In preparation for a busy start to 2023, we are all set and ready for the New Year with all courses displayed on the website and set up in our student booking system. We have already received enrolments for 2023 which is fantastic compared to the last few years where we were busy developing the Directory in January. Our focus is on continually finetuning processes, acting on opportunities to improve operation and delivering high quality client service, from enquiry to enrolment.

LGA30120 Certificate III in Local Government

The Certificate III in Local Government program is now on our RTO scope of registration and we are developing the last Units of Competencies to start delivery in 2023. There are two different streams available - Administration and Waste.

Even though they are both delivered slightly different, standard course duration is 12 months and the course is available as a Traineeship for new employees or a fee for service enrolment for existing workers.

LGA50220 Diploma of Local Government – Elected Member

The Diploma course has now been fully developed and the students are thoroughly enjoying their course program and the extensive content. The mentoring sessions offered after each WALGA workshop are also very well received as it summarises and contextualises the learning content of each subject in preparation for each assessment task. We are hopeful that at the next WALGA Convention we have a full stage of Graduates to celebrate their study achievements.

7.2.4 Report on Key Activities, Policy Portfolio

By Nicole Matthews, Executive Manager Policy

RECOMMENDATION

That the Key Activity Report from the Policy Portfolio to the December 2022 State Council meeting be noted.

The Policy Portfolio comprises the following work units:

- *Economics*
- *Environment and Waste (see MWAC Report)*
- *Planning and Building*
- *Resilient Communities (Emergency Management and Community Development)*

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

Economics

Economic Briefing

WALGA's latest quarterly [Economic Briefing](#) was released in October, containing updated forecasts for the Local Government Cost Index (see Agenda item [6.4](#)). This edition shows that the LGCI is continuing to accelerate at rates not been seen since the height of the mining boom back in 2008, but is expected to peak in 2022.

2023-24 State Budget Submission

WALGA's State Budget Submission, endorsed by State Council in September (376.7/2022) has been finalised. The Submission will be provided to the Premier/Treasurer, Local Government Minister, Leader of the Opposition, relevant Ministers, Heads of Agencies, and industry groups.

October Federal Budget

In advance of the October 2022 Federal Budget, WALGA wrote to the Treasurer supporting ALGA's Budget submission and outlining the priority areas of spending from the perspective of WA Local Governments. The Budget was handed down on 25 October 2022 and WALGA provided a [summary of the key initiatives](#) and relevant issues for WA Local Governments (see Agenda item [6.2](#)).

Engagement with Department of Jobs, Tourism, Science and Innovation

WALGA is representing the Sector on the Superyacht Industry Development Working Group which has been convened by the Department of Jobs, Tourism, Science and Innovation to investigate the opportunities for the State across tourism, manufacturing and the servicing of superyachts. Fifteen Local Governments have expressed interest in participating in the research project.

Census Webinar

WALGA has received feedback from a number of members in regional WA concerned with the accuracy of the recently released Census data, particularly with respect to undercounting of population. WALGA recently met with the Australian Bureau of Statistics (ABS) to raise the sector's concerns and will host a [webinar](#) on 15 November for affected Local Governments to hear directly from the ABS on this issue.

Environment

Biosecurity

WALGA, with other key stakeholders, is part of the Pest Parrot and Cockatoo Strategy Steering Group. Over the next 9 months this Group will be progressing the development of a strategy to address these pest species. Consultation sessions have been held in metropolitan and non-metropolitan areas. WALGA will actively engage the sector as the strategy is developed.

Stage Two of the *Biosecurity and Agriculture Management Act 2007* Review has commenced (see Agenda item [5.3](#)). WALGA is hosting a [webinar](#) on 24 November for Local Governments to learn more about the results from Stage One and provide feedback to the Review Panel. It is anticipated that the Review Panel will put forward draft proposals for reform in February/March 2023. WALGA may undertake further consultation with the Sector during this time, depending on the nature of the proposed reforms.

Release of WALGA Environment and Sustainability eLearning Course

The [Environment and Sustainability eLearning Course](#), designed for Elected Members and Local Government Officers, is comprised of five modules designed to provide Local Governments with a comprehensive grounding in key areas of climate change, biosecurity, biodiversity, sustainability and water.

Field Days

WALGA held a [Roadside Vegetation Management Field Day](#) at the Shire of Pingelly on 29 September 2022, attended by works managers and roadworks crew members from eight Local Governments.

Local Government staff participated in WALGA's Natural Area Management Field Day on 26 October. Attendees heard from experienced ecologists, Local Government staff and community volunteers who shared their knowledge about the characteristics of plant communities, site management issues, and lessons from restoration works.

Planning and Building

Local Government Planning Showcase

WALGA's *Local Government Planning Showcase* was held on Tuesday, 4 October at Crown in conjunction with the WA Local Government Convention. Over 120 Local Government, State Government and industry planning professionals attended to hear from Local Government presenters across statutory and strategic planning projects. Now in its second year, the Showcase has become an important event for networking and capacity building of Local Government planners, and for promoting new planning practice and knowledge-sharing.

Coastal Award for Excellence

The WA Coastal Awards for Excellence celebrate the outstanding efforts and achievements of individuals, community groups, Local and State Government agencies and other organisations in planning, managing and protecting WA's coast. On 19 September, WALGA accepted the Coastal Planning award on behalf of the Local Government Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) Forum. The Forum was recognised for preparing coastal communities for the effects of coastal erosion and inundation. The Forum has been facilitated and supported by WALGA since its inception five years ago.

Planning Reform

The Planning and Building Team is working with the DPLH and members on the State Government's ongoing planning reform agenda through the following stakeholder reference groups: consistent local planning frameworks, application of discretion in decision-making, planning application system online portal, and the neighbourhood design policy. The Team has also prepared a discussion paper on local development plans which will inform an upcoming planning reform project.

Building Reform

In October, the Team met with the Department of Mines, Industry Regulation and Safety (DMIRS) - Building and Energy to discuss building reforms including the introduction of mandatory inspections during construction and minimum standards for documentation submitted with building permit applications. These positions align with WALGA's current policy positions and would help address systemic failures in the current building control model.

Draft Structure Plan Guidelines

WALGA has provided a technical response to Draft Structure Plan Guidelines released for comment by DPLH. These technical guidelines are intended to provide contemporary and consistent guidance on the preparation, use and assessment of structure plans (both standard and precinct structure plans) with an extensive section on pre-lodgement engagement.

CoastWA Local Government Facilitator Visits

WALGA's CoastWA Local Government Facilitator has been visiting coastal and estuarine Local Governments to build relationships with staff, better understand challenges that coastal Local Governments are facing and discuss future projects and grant opportunities. Visits during September to December have included the Cities of Stirling, Nedlands, Busselton, Kwinana, Greater Geraldton and Albany, the Shires of Denmark, Capel, Irwin, Dandaragan and Shark Bay and the Towns of Port Hedland and East Fremantle.

Swimming Pool Barriers

WALGA has provided a technical response to DMIRS on the *Draft Building Amendment Regulations – Swimming Pool and Safety Barrier Control*. These regulation amendments aim to improve, clarify and update requirements for private swimming pools and safety barriers. These amendments were proposed in an earlier Decision Paper, which was endorsed by WALGA's State Council in [September 2020](#).

Urban Forest Conference

The Urban Forest Conference will be held on 17 February 2023 at Curtin University with the theme "Valuing Canopy". The Conference will showcase the latest research, policy and best practice examples in urban forest management and bring together Local and State Government, industry and academic stakeholders to explore challenges and opportunities for preserving and enhancing the urban forest.

Resilient Communities

Child Safe Policy for Local Government

The Department of Communities (DoC) and Department of Local Government Sport and Cultural Industries (DLGSC) have developed a draft Child Safe Awareness Policy Template for Local Government. The draft policy is informed by consultation with WALGA, Local Government and the Commissioner for Children and Young People. The draft Policy will be provided to State Council for consideration in March 2023. The Director Generals of DoC and DLGSC presented on the draft Policy at the State Council Information Forum on 2 November.

Meeting with Emergency Services Minister

The WALGA President, CEO and staff met with the Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering, the Hon Stephen Dawson MLC and Fire and Emergency Services Commissioner Daren Klemm on 19 October to discuss progress with development of the new Emergency Services legislation and WALGA's recently endorsed Emergency Management Advocacy Positions funding requests for the 2023-24 State Budget.

State Emergency Management Committee (SEMC) - Subcommittees Update

SEMC Risk Subcommittee

The Risk Subcommittee consults and advises on the coordination and application of an evidence-based approach to emergency risk management for all hazards. The subcommittee met on 25 October. Key items included:

- SEMC tasking of the report recommendations from the Review of the Norseman West Complex of Bushfires. The review raised the vulnerability of critical inter-state roads to natural hazards and flow on implications to transport and supply and WALGA will work with DFES to assess the extent that local emergency plans consider this risk.

- The revised State Capability Framework was endorsed by the committee, to be considered at the SEMC meeting on 3 December.

SEMC Response Capability Subcommittee

The Response Capability Subcommittee promotes a collaborative and strategic dialogue to address emergency response capability gaps in WA. The subcommittee met on 26 October. Key items included:

- SEMC has published its [2022-2025 Strategic Plan](#).
- The draft revision of 5.12 - Funding Arrangements for Emergency Response, relating to funding arrangements for traffic management during incidents, is currently [out for consultation](#).

Recovery and Community Engagement Subcommittee

The Recovery and Community Engagement Subcommittee aims to strengthen WA's resilience and enhance recovery and community engagement capabilities. The Subcommittee is meeting on 4 November. The first meeting of the Medium to Long Term Accommodation for Recovery Working Group occurred on 24 October to consider a project plan to clarify definitions, roles, responsibility, and preferred delivery models for medium to long term accommodation following emergencies.

Climate Change Subcommittee

The first meeting of the new SEMC Climate Change Subcommittee will be held on 22 November and will be attended by Nick Sloan as Sponsor and Nicole Matthews.

2022 WALGA Aboriginal Engagement and Reconciliation Forum

The Communities and Environment team hosted WALGA's sixth [Aboriginal Engagement and Reconciliation Forum](#), themed 'Kanan - Dhabagarn - Wabirryny' (Truth - Justice - Healing) at Optus Stadium on Wednesday, 5 October. The Forum has become one of WALGA's showcase annual events for the sector, attracting over 200 delegates from Local Government (including 40 Elected Members), State Government, not-for-profits and the private sector. A video of highlights from the Forum can be viewed [here](#).

Local Government Grant Scheme Q&A Session

29 Local Government officers representing 32 Local Governments attended a WALGA and DFES hosted online Q&A Session on the Local Government Grant Scheme (LGGs) aimed at assisting Local Governments to get the most out of their applications.

Animal Welfare in Emergencies Grant Program

The Animal Welfare in Emergencies Grant Program was established in 2020 between DPIRD and WALGA to improve the capacity of Local Governments and their communities to manage the impacts of emergency situations on animal welfare. At the conclusion of the Grant Program in June 2022, 40 Local Governments shared in \$410,931.06 through project grants and reimbursement of costs to attend a tailored residential training course at the Muresk Institute. WALGA expects that the training course developed through the grant program will continue to be offered to Local Governments in 2023.

STATUS REPORT ON STATE COUNCIL RESOLUTIONS To the December 2022 State Council Meeting

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
9 September 2022 Item 5.1 2023-24 State Budget Submission	That the 2023-24 State Budget Submission be endorsed with the inclusion of the addition of an initiative to support increased funding to the Community Sporting and Recreation Facilities Fund (CSRFF). RESOLUTION 376.7/2022	The State Budget Submission was updated to include an initiative to support increased funding to the Community Sporting and Recreation Facilities Fund (CSRFF). The document will be presented to State Government in November.		Nicole Matthews Executive Manager Policy
9 September 2022 Item 5.2 Proposed Advocacy Position on Management of Bush Fire Brigades	That the following Advocacy Position on Management of Bush Fire Brigades be endorsed. <i>Management of Bush Fire Brigades</i> <ol style="list-style-type: none"> 1. <i>Bush Fire Brigade volunteers play a critical role in helping to protect their local communities. Local knowledge and skills are integral to bushfire management in Western Australia.</i> 2. <i>Future management and funding of volunteer Bush Fire Brigades must:</i> <ol style="list-style-type: none"> a) <i>Recognise the changing risk environment, including work health and safety requirements, and the increasing intensity and frequency of bushfires;</i> b) <i>Take account of the differing circumstances of Bush Fire Brigade units and regional variations in bush firefighting approaches; and</i> c) <i>Be adequately and equitably resourced through the Emergency Services Levy.</i> 3. <i>The State Government, through the Consolidated Emergency Services Act and/or other mechanism's must:</i> <ol style="list-style-type: none"> a) <i>Establish a clear framework to enable transfer of Bush Fire Brigades to the State Government if a Local Government decides to do;</i> b) <i>Consult on the process, timeline, and implications for transfer of responsibility for</i> 	The Advocacy Positions Manual has been updated.		Nicole Matthews Executive Manager Policy

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p><i>Bush Fire Brigades in accordance with 3(a) through the establishment of a working group comprising representatives of Local Government, Bush Fire Brigades, the Department of Local Government, Sport and Cultural Industries (DLGSC) and the Department of Fire and Emergency Services (DFES);</i></p> <p><i>c) Provide for mandatory and minimum training requirements and recognition of competency and prior learning for Bush Fire Brigade volunteers, supported by locally delivered fit-for-purpose and universally accessible training program, designed in consultation with Bush Fire Brigade representatives, Local Government and LGIS, and managed by DFES; and</i></p> <p><i>d) Develop a co-designed suite of relevant management guidelines and materials to assist in the management of Bush Fire Brigades.</i></p> <p><i>4. As a matter of priority within the emergency services Acts review, the State Government to consider the most appropriate operational model for management of Bush Fire Brigades, which may include the establishment of an independent Rural Fire Service, as recommended in the 2016 Ferguson Report.</i></p> <p>RESOLUTION 377.7/2022</p>			
<p>9 September 2022</p> <p>Item 5.3</p> <p>Finance and Services Committee Minutes 31 August 2022</p>	<p>That the Minutes of the Finance and Services Committee meeting held on 31 August 2022 be endorsed.</p> <p>RESOLUTION 378.7/2022</p>	<p>All items have been actioned</p>	<p>November 2022</p>	<p>Tony Brown Executive Director Member Services</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
9 September 2022 Item 5.4 Selection Committee Minutes 17 August 2022	That the recommendation contained in the 17 August 2022 Selection Committee Minutes be endorsed. RESOLUTION 379.7/2022	All items have been actioned.	November 2022	Tony Brown Executive Director Member Services
9 September 2022 Item 5.5 LGIS Board Minutes 23 June 2022 – CONFIDENTIAL	That State Council note the Minutes of the LGISWA Scheme Board meeting held on 23 June. RESOLUTION 380.7/2022	All items have been actioned.	November 2022	Tony Brown Executive Director Member Services
9 September 2022 Item 5.6 LGIS Board Remuneration – CONFIDENTIAL	PROCEDURAL MOTION That the item be deferred for consideration at the next meeting of State Council when further information about the current remuneration of LGIS Board members has been provided. RESOLUTION 381.7/2022	This item will be re-considered at the December State Council meeting.	November 2022	Tony Brown Executive Director Member Services
9 September 2022 Item 5.7 CEO Performance Review Report 2021-2022 – CONFIDENTIAL	That State Council: 1. Notes that the appraisal of Mr Nick Sloan, Chief Executive Officer, has been completed for the period of July 2020 to June 2021. 2. Endorses the findings of the 2021-22 Annual Performance Review Report as presented by Price Consulting and thanks Mr Sloan for his efforts. 3. Approves the CEO's Performance Criteria for the 2022-2023 period, as per Attachment 1. 4. Notes that the CEO contract includes a clause that provides an annual CPI increase, however the CEO has requested a lower percentage increase in line with the recent staff increase of 2.5%. RESOLUTION 383.7/2022	All items have been noted and actioned where applicable.	November 2022	Tony Brown Executive Director Member Services

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
9 September 2022 Item 5.8 CEO Performance Review Committee	That State Council: 1. endorses the attached updated Terms of Reference; and 2. authorises the WALGA President to approve CEO's leave applications on behalf of State Council. RESOLUTION 384.7/2022	This item has been actioned.	November 2022	Tony Brown Executive Director Member Services
9 September 2022 Item 6.5 2023-24 State Budget Submission Approach	That the approach for the 2023-24 State Budget Submission, which was endorsed via Flying Minute, be noted. RESOLUTION 385.7/2022	The State Budget Submission was endorsed by State Council at the September meeting (see item 5.1 from the 9 September meeting above).	9 September 2022	Nicole Matthews Executive Manager Policy
9 September 2022 Item 7.1.2 Governance and Organisational Services Policy Team Report	That State Council: 1. Retains Advocacy Positions: a. 2.1.1 Rating Exemptions – Rate equivalency payments b. 2.4.3 NBN Delivery to Regional WA c. 2.5.6 Leave of Absence: State or Federal Elections d. 2.5.7 Disqualification Due to Conviction e. 2.8.1 Payment of Sitting Fees to Local Government Representatives 2. Amends Advocacy Position 2.5.60 External Oversight, by inserting an additional item 5 as follows 5. <i>If State Government, does not support external oversight of behaviour complaint, WALGA advocates for a new category of interest be included in the Act, that requires any Council Member who is either the complainant or the respondent to a behaviour complaint, be required to disclose the interest and be required to leave the meeting and therefore be prohibited from participation in debate or voting on the matter.</i>	The Advocacy Positions Manual has been updated.	November 2022	Tony Brown Executive Director Member Services

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>3. Requests the Secretariat write to the Minister for Local Government reinforcing WALGA's Advocacy Position 2.5.60 'External Oversight' and the sector's concerns with the potential for undue influence on fair and reasonable consideration of a behaviour complaint by members who are party to the complaint, advising the Minister of the additional item 5 as WALGA's alternative advocacy.</p> <p>RESOLUTION 387.7/2022</p>			
<p>9 September 2022 Item 7.1.3 Infrastructure Policy Team Report</p>	<p>That State Council:</p> <p>1. amend Advocacy Position 5.3.2 Western Australian Bicycle Network by inserting:</p> <p style="padding-left: 40px;"><i>That WALGA advocate for:</i></p> <ol style="list-style-type: none"> 1. <i>At least 33% increase in funding for the Perth Bicycle Network and Regional Bicycle Network programs; and</i> 2. <i>That PBN and RBN grants be offered to Local Governments on the basis of \$2 from the State and \$1 from Local Government, in line with road funding arrangements.</i> <p>2. amend Advocacy Position 5.2.5 The Role of Local Government in the Future of Warden Controlled Children's Crossings by inserting:</p> <p style="padding-left: 40px;"><i>That WALGA:</i></p> <ol style="list-style-type: none"> 1. <i>Through its representation on the Children's Crossings and Road Safety Committee of the WA Police Force:</i> <ol style="list-style-type: none"> a) <i>Oppose any recommendation by the Children's Crossings and Road Safety Committee to the Minister of Police that the moratorium on removing Children's Crossings be lifted.</i> b) <i>Support finding alternative methods to alleviating the lack of Traffic Wardens which may, amongst other measures, include advocating:</i> 	<p>The Advocacy Positions Manual has been updated.</p>	<p>November 2022</p>	<p>Ian Duncan Executive Manager Infrastructure</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>i. That income from serving as a Traffic Warden is exempt from income tax, and the income test for pension eligibility, to make the job more attractive.</p> <p>ii. For an increase in the pay of Traffic Wardens.</p> <p>iii. Removing the requirement to live within a specified distance of the crossing.</p> <p>iv. For providing funding to support the training of volunteer Traffic Wardens.</p> <p>c) Support <u>consideration of</u> the conversion of Children's Crossings on roads 60 km/h and above to fixed, mid-block, pedestrian priority, signalised crossings, reducing the need for Traffic Wardens.</p> <p>2. Advocate for funding to create safe active travel routes within a 1500m radius of schools.</p> <p>3. note the matters considered by the Infrastructure Policy Team at its meeting on 6 July 2022.</p> <p>RESOLUTION 388.7/2022</p>			
<p>1 December 2021 Item 5.3 2021 Annual General Meeting</p>	<p>That:</p> <p>1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:</p> <p><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.</p> <p>...</p> <p>RESOLUTION 294.7/2021</p>	<p>It is proposed to include a request for significant funding increase and re-structuring of the Regional Development Assistance Program in the WALGA submission to the 2023/24 State Budget.</p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p>1 December 2021 Item 5.11 Constitution and Governance Review</p>	<p>That the proposed Constitution and Governance Review as outlined in this report be endorsed. RESOLUTION 301.7/2021</p>	<p>The Governance Review Project is now well underway. A Steering Committee has been formed, with membership including the WALGA President and Deputy President, 2 State Councillors, 2 Elected Members and 2 Chief Executive Officers together with the WALGA CEO.</p> <p>Price Waterhouse Coopers (PwC) have been appointed as consultants to support the Committee through their deliberations. There will be ongoing engagement with State Council, the Zones and other stakeholders throughout the Project, with the aim of presenting an item on principles and framework to 2022 Annual General Meeting and looking to finalise a report by the end of this calendar year.</p> <p>Any proposed constitutional amendments will need to be scheduled for the 2023 WALGA AGM for Member consideration and endorsement.</p>	<p>October 2023</p>	<p>Tony Brown Executive Director Member Services</p>
<p>3 September 2021 Item 5.2 Tender Exemption Provisions – General Practitioner Services</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> Adopt a new Advocacy Position Statement under ‘Local Government Legislation - Tender Exemption General Practitioner Services’: <i>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; and</i> Undertake additional research in support of the Advocacy Position with the following aims: <ol style="list-style-type: none"> Identify State and Federal Government policy settings and other factors contributing to gaps in primary health care services in regional communities; and Quantify the number of regional Local Governments that have current contracts, or are proposing to enter into contracts, for General Practitioner services and the associated costs to Local Government incurred. <p>RESOLUTION 264.5/2021</p>	<ol style="list-style-type: none"> Correspondence has been sent to the Minister for Local Government advocating for this position. The Minister for Local Government has held 2 roundtable meetings with some of the effected Local Governments and has listened to the argument. The Minister has advised of the following position he will look to implement. <i>“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; however, they will still need to go through a public tender process when first engaging a GP. To ensure the transparency of the decision to extend a medical services contract, it is proposed that an absolute majority of council as currently defined in the Local Government Act 1995 is required. This will require a council report to be prepared and presented, setting out the basis for making the decision. This is consistent with other</i> 	<p>December 2022</p>	<p>Tony Brown Executive Director Member Services</p>

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		<p><i>decision-making and reporting processes currently undertaken by local governments.”</i></p> <p>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 WALGA.</p> <p>3. The regulations are expected to be amended shortly.</p>		
<p>3 September 2021 Item 6.1 Stop Puppy Farming Legislation</p>	<p>1. That the update on the Dog Amendment (Stop Puppy Farming) Bill 2021 be noted.</p> <p>2. That:</p> <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. <p>RESOLUTION 275.5/2021</p>	<p>Correspondence has been sent to the Minister for Local Government advising of resolution 2.</p>	<p>Ongoing</p>	<p>Tony Brown Executive Director Member Services</p>
<p>5 May 2021 Item 5.4 Review of the State Industrial Relations System</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> Seek confirmation from the State Government on whether it intends to re-introduce legislation for Local Governments to operate solely in the State Industrial Relations System. If the State Government reintroduces legislation to require all Local Governments to operate within the State Industrial Relations System, continue to advocate for the State Government to: <ol style="list-style-type: none"> Amend the <i>Industrial Relations Act 1979 (WA)</i> to include additional provisions to modernise the State IR system; and Provide adequate funding and resourcing to ensure Local Governments are equipped with the appropriate tools and training to enable a smooth transition. <p>RESOLUTION 207.2/2021</p>	<p>The State Government has announced that the 'relevant day' for the transition to the State industrial relations (IR) system will be 1 January 2023.</p> <p>Please see the media statement released by the WA Government here.</p> <p>This means that from 1 January 2023:</p> <ul style="list-style-type: none"> The <i>Minimum Conditions of Employment Act 1993 (WA)</i> (MCE Act) and the <i>Industrial Relations Act 1979 (WA)</i> will cover Local Government employers and employees (not the <i>Fair Work Act 2009 (Cth)</i>, with the exception of some provisions that apply to non-national system employers). The employment tribunal will be the Western Australian Industrial Relations Commission (not the Fair Work Commission). The regulator which enforces compliance against the State employment laws will be the Department of Mines, Industry Regulations and Safety (DMIRS) (not the Fair Work Ombudsman). 	<p>Ongoing</p>	<p>Tony Brown Executive Director Member Services</p>

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		<ul style="list-style-type: none"> • The Local Government Industry Award 2020 (LGIA) will become a transitional instrument and will continue to apply for each Local Government. If any provisions of the MCE Act are more beneficial than the LGIA provisions, you will have to apply the MCE Act provision. • If you have an enterprise agreement, it will become a transitional instrument and will continue to apply. If any provisions of the MCE Act are more beneficial than the agreement provisions, you will have to apply the MCE Act provisions. <p>WALGA's ER Service will continue to provide resources and support for Local Government subscribers of this service.</p>		