

01-005-03-0003



# South East Metropolitan Zone

## Minutes

20 March 2019

# South East Metropolitan Zone

Hosted by the City of Armadale

7 Orchard Avenue, Armadale 6112

Wednesday 20 March 2019, commenced at 6:10 pm

## Minutes

### MEMBERS

### 2 Voting Delegates from each Member Council

City of Armadale	Mayor Henry Zelones AM JP Cr Ruth Butterfield (DSC) Mr Kevin Ketterer, Acting Chief Executive Officer – non-voting delegate
City of Canning	Cr Ben Kunze – <b>Deputy Chair</b> Cr Tim Porter Mr Graeme Bride, Director Planning & Development – non-voting delegate
City of Gosnells	Cr Julie Brown (SC) Cr Olwen Searle Mr Ian Cowie, Chief Executive Officer - non-voting delegate
City of South Perth	Mayor Sue Doherty - <b>Chair</b> Cr Greg Milner Mr Geoff Glass, Chief Executive Officer – non-voting delegate
Town of Victoria Park	Cr Bronwyn Ife Cr Brian Oliver (SC) Mr Anthony Vuleta, Chief Executive Officer – non-voting delegate
WALGA Secretariat	Ms Lyn Fogg, Governance Advisor – Sector Support & Advice Nicole Matthews, Manager, Environment Policy
Guest Speakers	Mr Gordon MacMile, Director Strategic Coordination and Delivery Planning and Service Delivery, DLGSC

### APOLOGIES

City of Canning	Cr Sara Saberi
City of Canning	Mr Arthur Kyron Chief Executive Officer– non-voting delegate
City of Armadale	Mr Ray Tame, Chief Executive Officer– non-voting delegate
DLGSC Representative	Ms Geneveve Giumelli

## **ANNOUNCEMENTS**

Confirmation of Attendance, an attendance sheet was circulated prior to the commencement of the meeting.

Acknowledgement of Country: Mayor Sue Doherty (Chair) declared the meeting open at 6.02pm, acknowledging the traditional owners of the land that the meeting is held on and paying respects to Elders past and present.

## **ATTACHMENTS WITHIN THE AGENDA**

1. Draft Minutes of the previous meeting
2. Zone Status Report
3. President's Report
4. Standing Orders

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## **1. DEPUTATIONS**

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### **1.1 Department of Local Government, Sports and Cultural Industries**

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Mr Gordon MacMile from Department of Local Government, Sports and Cultural Industries (DLGSC) presented to the Zone on Royal Commission into Child Abuse and Redress.

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## **2. CONFIRMATION OF MINUTES**

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### **RESOLUTION**

**Moved:** Cr Julie Brown  
**Seconded:** Cr Ben Kunze

**That the Minutes of the meeting of the South East Metropolitan Zone held on 28 November 2018 be confirmed as a true and accurate record of the proceedings.**

**CARRIED**

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## **3. DECLARATION OF INTEREST**

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Pursuant to our Code of Conduct, Councillors must declare to the Chairperson any potential conflict of interest they have in a matter before the Zone as soon as they become aware of it. Councillors and deputies may be directly or indirectly associated with some recommendations of the Zone and State Council. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

**NIL.**

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#### **4. BUSINESS ARISING**

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A Status Report outlining the actions taken on the Zone's resolutions was enclosed as an attachment.

**Noted.**

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#### **5. STATE COUNCIL AGENDA - MATTERS FOR DECISION**

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##### **Item 5.1 Local Government Act Review – Sector Positions Following Feedback from Submissions**

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Recommendation to State Council:

That WALGA endorse and submit to the Minister for Local Government and the Department of Local Government, Sport and Cultural Industries:

1. The Local Government Act Review Report contained in this agenda; and
2. The attached WALGA Advocacy Positions.

#### **RESOLUTION**

**Moved: Cr Julie Brown**  
**Seconded: Cr Ruth Butterfield**

**That the WALGA recommendation to State Council be supported.**

**CARRIED 8/2**

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##### **Item 5.2 Economic Development Project**

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Recommendation to State Council:

That State Council endorses the:

1. Local Government Economic Development: Research Findings and Future Directions Discussion Paper; and,
2. Local Government Economic Development Framework.

#### **RESOLUTION**

**Moved: Mayor Sue Doherty**  
**Seconded: Mayor Henry Zelones**

**That the WALGA recommendation to State Council be supported.**

**CARRIED**

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**Item 5.3 Interim Submission to Salaries and Allowances Tribunal – Elected Member Fees and Allowances**

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Recommendation to State Council:

That the interim submission to the Salaries and Allowances Tribunal relating to Elected Member Fees and Allowances be endorsed.

**RESOLUTION**

**Moved: Cr Julie Brown**

**Seconded: Cr Tim Porter**

**That the WALGA recommendation to State Council be supported.**

**CARRIED**

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**Item 5.4 Review of the Administrative Road Classification Methodology - Regional Roads within Rural/Non Built Up Areas**

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Recommendation to State Council:

That State Council supports the proposed Administrative Road Classification Methodology - Regional Roads within Rural/Non Built Up Areas.

**RESOLUTION**

**Moved: Cr Ruth Butterfield**

**Seconded: Mayor Henry Zelones**

**That the WALGA recommendation to State Council be supported.**

**CARRIED**

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**Item 5.5 Interim Submission – Draft Position Statement: Container Deposit Scheme Infrastructure**

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Recommendation to State Council:

That the interim submission to the WA Planning Commission on Draft Position Statement: Container Deposit Scheme Infrastructure, be endorsed.

**RESOLUTION**

**Moved: Mayor Sue Doherty**

**Seconded: Cr Brian Oliver**

**That the WALGA recommendation to State Council be supported.**

**CARRIED**

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**Item 5.6 Interim Submission – Parliamentary Inquiry into Short-Stay Accommodation**

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Recommendation to State Council:

That the interim submission to the Economics and Industry Standing Committee's Inquiry into Short-Stay Accommodation be endorsed.

**RESOLUTION**

**Moved:** Cr Ruth Butterfield

**Seconded:** Cr Ben Kunze

**That the WALGA recommendation to State Council be supported.**

**CARRIED**

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**Item 5.7 Interim Submission – State Planning Policy 2.4 Basic Raw Materials**

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Recommendation to State Council:

That the interim submission to the Western Australian Planning Commission on draft State Planning Policy 2.4 Basic Raw Materials and the Draft Basic Raw Materials Guidelines be endorsed.

**RESOLUTION**

**Moved:** Cr Julie Brown

**Seconded:** Cr Olwen Searle

**That the WALGA recommendation to State Council be supported.**

**CARRIED**

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**Item 5.8 Community Policy Reform Project**

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Recommendation to State Council:

That State Council receives the Community Policy Reform Report and endorses the establishment of a Community Technical Reference Group.

**RESOLUTION**

**Moved:** Cr Julie Brown

**Seconded:** Mayor Sue Doherty

**That the WALGA recommendation to State Council be supported.**

**CARRIED**

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**Item 5.9 Submissions – Draft WA Cultural Infrastructure Strategy**

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Recommendation to State Council:

That the Submission on the Draft WA Cultural Infrastructure Strategy be endorsed.

**RESOLUTION**

**Moved:** Cr Julie Brown  
**Seconded:** Cr Olwen Searle

**That the WALGA recommendation to State Council be supported.**

**CARRIED**

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**Item 5.10 Interim Submission - Public Health Act 2016 Aquatic Facilities and Public Buildings Regulation Review**

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Recommendation to State Council:

That the Interim Submissions provided to the Department of Health Public Health Act 2016 Discussion Papers on Regulations for Aquatic Facilities and Public Buildings be endorsed.

**RESOLUTION**

**Moved:** Cr Ruth Butterfield  
**Seconded:** Cr Olwen Searle

That the WALGA recommendation to State Council be supported.

**Cr Julie Brown** proposed an amendment to the substantive motion, with the agreement of the Mover and Seconder, the amendment was included in the motion.

**That the WALGA recommendation to State Council be supported, subject to the principle that where additional responsibilities are passed to Local Government then a fee structure must also be provided to cover costs incurred by Local Government in fulfilling the additional responsibilities.**

**CARRIED**

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**Item 5.11 WA Foodborne Illness Reduction Strategy**

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Recommendation to State Council:

That the WA Foodborne Illness Reduction Strategy 2018-2021+ be endorsed.

**RESOLUTION**

**Moved:** Cr Ruth Butterfield  
**Seconded:** Cr Brian Oliver

That the WALGA recommendation to State Council be supported.

Cr Julie Brown proposed an amendment to the substantive motion, with the agreement of the Mover and Seconder, the amendment was included in the motion.

**That the WALGA recommendation to State Council be supported, subject to Local Government being consulted on the development of “target implementation plans’ referred to in the strategy.**

**CARRIED**

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## **Item 5.12 Items for Noting – State Council Agenda**

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**Noted.**

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## **6. BUSINESS**

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### **6.1 Department of Planning, Lands and Heritage – Request to Present**

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WALGA has been supporting the Department of Planning, Lands and Heritage in the final stages of consultation that will support the implementation of the Heritage Act 2018. This process will take submissions on an initial set of regulations to accompany the Act; develop guidelines for local heritage surveys; and seek expressions of interest for a new Heritage Council, which will be appointed once the new Act is proclaimed. Local government input to the consultation process is strongly encouraged, with submissions taken until mid-April. Further information can be found at [www.stateheritage.wa.gov.au](http://www.stateheritage.wa.gov.au) .

Following the consultation process, the Department has offered to give a short presentation to each Zone noting highlights of the new Act of relevance to Local Government, and identifying further opportunities for training and information.

#### **RESOLUTION**

**Moved:** Cr Julie Brown  
**Seconded:** Cr Olwen Searle

**That the Zone invites a representative from the Department of Planning, Lands and Heritage to provide a presentation on the *Heritage Act 2018* to the 2 May 2019 Zone meeting.**

**CARRIED**

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## **7. OTHER BUSINESS**

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### **7.1 Status Report – Parking Around Schools SE Metro Zone 29 November 2017**

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#### **RESOLUTION**

**Moved:** Cr Ben Kunze  
**Seconded:** Cr Julie Brown

**That the Zone requests the WALGA secretariat to write a follow up letter to the WAPC seeking a response on this matter, as the delay in providing a response is considered unreasonable.**

**CARRIED**



<p><b>2017 November 29 Zone Agenda Item 7.2</b> Parking Around Schools</p>	<ol style="list-style-type: none"> <li>1. That WALGA ask the WA Planning Commission to reinstate the school site planning committee (with representatives from Local Government) to provide the Department of Education with advice on the planning of future school sites and, in particular, the need for adequate parking.</li> <li>2. That WALGA ask the WA Planning Commission to revisit the number of parking and set down bays required for schools and increase these numbers to ensure that they are satisfactory in light of current demand.</li> <li>3. That WALGA emphasize to the WA Planning Commission that all new schools should be designed with sufficient parking for the school when it reaches its maximum capacity. (Not all of this parking needs to be constructed or installed initially, if the school's initial intake is small. However, it is all too common to see school student numbers grow rapidly, with additional transportable classrooms being established within a very short period after initial construction. If parking, or set down provision, does not expand to meet the increased student numbers, parking difficulties will magnify).</li> </ol>	<p>Correspondence has been sent to the Director General of the Department of Planning, Land and Heritage regarding this resolution, and seeking a meeting with the DG and the Zone regarding this issue.</p> <p>A follow up email has been sent to the Director General in August – still awaiting a response from the Department.</p>	<p>March 2019</p>	<p><b>Joanne Burges</b> <b>Executive Manager,</b> <b>People and Place</b> <a href="mailto:jborges@walga.asn.au">jborges@walga.asn.au</a> <b>9213 2018</b></p>
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## 7.2 Local Government Elections 2019 Promotions

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Mr Geoff Glass, asked if the WALGA Secretariat could advise if WALGA will be providing on behalf of the sector advertising and promotions for the 2019 Local Government Elections.

Secretariat Response:

*WALGA is currently in negotiations with the Department of Local Government, Sport and Cultural Industries to enter into an agreement for a joint media campaign in the lead up to the 2019 Local Government Elections.*

*Early considerations include a media (TV and social media) campaign focused on encouraging nominations and particularly diversity.*

*The Department of Local Government, Sport and Cultural Industries is also developing Candidate information packs and a Candidate Training module in preparation for the current Local Government Amendment Bill becoming law.*

*WALGA will again provide a Prospective Elected Members Webinar on 15 August 2019 and WALGA Governance staff can also support individual or groups of Local Governments in hosting candidate information forums together with the WAEC.*

*WALGA will also produce a social media campaign to encourage voting and will provide this along with other promotional materials for use by Local Governments in their own election marketing efforts.*

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**8. EXECUTIVE REPORTS**

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**8.1 WALGA President's Report**

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The WALGA President or WALGA representative presented the President's Report.

**Noted**

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**8.2 State Councillor's report to the Zone**

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WALGA State Councillor presented on the previous State Council meeting.

**Noted**

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**8.3 Department of Local Government and Communities Representative Update Report.**

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The DLGSC representative did not attend the meeting and therefore the DLGC Update is circulated as an attachment.

**Noted**

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**9. MEETING ASSESSMENT**

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Cr Ben Kunze provided feedback as to the effectiveness of the meeting.

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**10. DATE, TIME AND PLACE OF NEXT MEETING**

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**The next ordinary meeting of the South East Metropolitan Zone will be held on Wednesday 1 May 2019 at the City of Canning commencing at 6:00 pm.**

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**11. CLOSURE**

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There being no further business the Chair declared the meeting closed at 7.02pm.

**Local Government Act reform**

**Phase 1**

- The Phase 1 Bill was introduced into Parliament on 14 March 2019.
- The Bill introduces a range of priority reforms, including a revised gift framework, universal training for elected members and a mandatory code of conduct.
- Initial work to develop the regulations and supporting documents for the key reforms, such as the code of conduct and best practice standards for CEO recruitment, performance review and termination, will occur while the Bill is progressing through Parliament.
- The introduction of an online candidate induction is a priority. Subject to the Bill passing through Parliament, the Department is aiming for the online candidate induction to be completed and live prior the candidate nominations opening.

**FAQs on the Training**

**What if the bill is not passed, will candidates still have to do the online induction?**

The training will not be mandatory, however we still hope to have the training available for candidates to undertake if they wish.

**What is included in the elected member training?**

There will be five foundational units:

1. Understanding local government
2. Serving on council
3. Meeting procedures
4. Conflicts of Interest
5. Understanding of financial reports and budgets.

**What will the training cost?**

Online candidate induction – free for candidates.

Elected member training – will be paid for by the local governments.

**Who will deliver the elected member training?**

The Department will go through an EOI process to select multiple training providers.

**When will the elected member training be available?**

The Department is working towards having some training available after the 2019 election – this may be a staged process and elected members will have sufficient time to complete the training.

**Will there be RPL for the training?**

Candidate induction – no. All candidates will need to complete this.

Elected member training – the Department is still working through the details, however it is likely there will be some consideration given to elected members who have recently completed a Diploma in Local Government.

**I'm an accountant, can I get RPL for the *Understanding of financial reports and budgets* unit?**

No, whilst we appreciate you have an in depth knowledge of financial management, the unit will focus on the application of this specifically to local governments.

## How often will I need to do the training?

Online candidate induction – every time you nominate

Elected member training – councillors will be exempt if they have done the training within the last four years. So, if you are elected for a third term, you will need to do the training again.

## Framework for Gifts

### 1. Disclosure

- a. All council members and CEOs are to disclose a gift received in their official capacity as a council member or CEO if it is \$300 (to be prescribed) or above. This is a cumulative amount over 12 months.
- b. The gift needs to be disclosed within 10 days of receipt and recorded on the online register within 10 days.

### 2. Council member declaration

- a. If a council member has received ANY gift (including in a personal capacity) over \$300 (to be prescribed), and the donor has a matter before council, the council member is to declare an interest either in writing before the meeting or at the meeting immediately before the matter is discussed.
- b. Receipt of a gift over the prescribed amount prohibits the council member from participating in the matter.
- c. If the gift is between \$300-\$1,000 (to be prescribed), the members present at the meeting can determine that the gift is trivial or insignificant or common to a significant number of electors or ratepayers, and allow the council member to participate.
- d. If the gift is over \$1,000 (to be prescribed) or a quorum is required to make a decision on a matter, an application can be made to the Minister to approve the council member to participate in the decision.
- e. All decisions are to be recorded in the minutes.

### 3. CEO declaration

- a. If a CEO has received ANY gift over \$300, and the CEO has to provide advice or a report directly or indirectly to council on a matter concerning the donor, the CEO must disclose the nature of the interest in written notice to the council.
- b. Receipt of a gift over the prescribed amount prohibits the CEO from providing advice unless the Council or Minister gives approval to do so.
- c. If the gift is between \$300-\$1,000, the council may allow the CEO to provide advice if it is considered unlikely to influence the CEO.
- d. If the gift is over \$1,000, the council may apply to the Minister to give approval for the CEO to provide advice. The Minister may allow the CEO to provide advice if it is in the interests of the electors or ratepayers.
- e. All decisions are to be recorded in the minutes.

### 4. Excluded gifts

- a. A council member or CEO *does not* need to declare a gift if:
  - i. **it is prescribed.** This will include gifts from WALGA, LG Pro, ALGA and other local governments. The gift will still need to be disclosed but is not considered a conflict of interest that will influence decision making.

- ii. **It is a ticket to an event and is received in accordance with the Attendance at Events policy.** The ticket must be issued to the local government/council – not too individual members for this exclusion to apply.

#### **5. Attendance at Events Policy**

- a. Local governments are required to have an Attendance at Events policy.
- b. Events include concerts, conferences, functions and sporting events.
- c. The policy, which will be adopted by council, will have to deal with the provision of tickets, payments in respect to attendance, approval of attendance and any other prescribed matters.

### **FAQs for Gifts**

#### **Does this resolve the issue of farmers borrowing neighbours farming equipment?**

Yes. Council members will not be required to disclose this. The only time they will need to declare it (conflict of interest provisions) is if the neighbour has a matter before council.

#### **What does official capacity mean?**

The decision needs to be based on whether you would have received the gift if you were not a council member or CEO. Gifts received from family and friends or in the general employment of a council member, do not need to be disclosed.

#### **Do I still need to disclose a gift received in accordance with the Attendance at Events policy?**

Yes. These are still considered as gifts; however, they do not prohibit the member or CEO from participating in a decision before council that concerns the donor.

## **Phase 2 – the new Act**

### **Engagement**

- More than 110 workshops and stakeholder meetings have been held, including 24 community workshops, 24 staff workshops and 19 workshops delivered in partnership at WALGA zones.
- Excellent participation at the workshops has demonstrated the varied viewpoints held about the future of local government.
- A list of all the consultation undertaken by the Department can be viewed on the department's website.

### **Submissions**

- As of 6 March 2019, 1,580 submissions have been received including over 1,300 surveys. This total is significantly more than the number of submissions received during the first phase the review.
- In December 2018, a Ministerial Circular was sent to all local governments reminding them of the opportunity for individual council members and staff to contribute to a new Local Government Act.
- We need local governments help to ensure that everyone knows they have the opportunity to have their say (including councils and individual council members and staff, as well as the community).
- You can have your say via the surveys or emailing the Department at [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au).
- Confidential and anonymous submissions are welcome.
- **You have until 31 March 2019 to send in your submission and survey responses.**
- So far, the greatest interest has been in the topics of beneficial enterprises and rates; followed by community engagement, elections and financial management. During engagement, the Department heard many different opinions about why these topics were important and potential reforms – so it is important that you have your say.

### **Cat and Dog Act Review**

- The Department is currently preparing a discussion paper to consult on the operation and effectiveness of the Cat Act and the Dog Act.
- The consultation paper is due to be released in April and will be open for comment for three months.