



# East Metropolitan Zone

## Minutes

21 March 2019

# East Metropolitan Zone

Hosted by the City of Bayswater

61 Broun Avenue, Morley – Phone 9424 2222

Thursday 21 March 2019. Commenced at 6:05 pm

## Minutes

### MEMBERS

### 3 Voting Delegates from each Member Council

Town of Bassendean	Cr Bob Brown Cr Sarah Quinton
City of Bayswater	Cr Catherine Ehrhardt Cr Chris Cornish Cr Giorgia Johnson Mr Andrew Brien, Chief Executive Officer non-voting delegate
City of Belmont	Mayor Phil Marks Cr Lauren Cayoun
City of Kalamunda	Cr Brooke O'Donnell Cr Sara Lohmeyer Ms Rhonda Hardy, Chief Executive Officer non-voting delegate
Shire of Mundaring	Cr Jason Russell (Chair) Cr Lynn Fisher Cr Kate Driver Mark Luzi, Director Statutory Services non-voting delegate
City of Swan	Cr Mark Elliott (Deputy Chair) Cr Patty Jones Mr Mike Foley, Chief Executive Officer non-voting delegate
WALGA Secretariat	Mr Tony Brown, Executive Manager Governance & Organisational Services Ms Laura Simes, Environment Policy Advisor
DLGC Representative	Ms Sheryl Siekierka
Guest Speakers	Mr Ross Wortham, CEO YACWA Ms Kedy Kristal, Policy Officer, Women's Council for Domestic and Family Violence Services

### APOLOGIES

Town of Bassendean	Mayor Renee McLennan Cr John Gangell Ms Peta Mabbs, Chief Executive Officer non-voting delegate
City of Belmont	Cr Steve Wolff Mr John Christie, Chief Executive Officer non-voting delegate
City of Kalamunda	Cr Cameron Blair

Shire of Mundaring

Mr Jonathan Throssell, Chief Executive Officer non-voting delegate

City of Swan

Cr Adam Kovalevs

## **ANNOUNCEMENTS**

Confirmation of Attendance An attendance sheet was circulated prior to the commencement of the meeting, to register your attendance.

## **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 Ross Wortham (CEO Youth Advisory Council WA)**

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Mr Ross Wortham presented to the Zone.

Presentation not received.

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### **1.2 The Women's Council for Domestic and Family Violence**

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Ms Kedy Kristal presented to the Zone.

See attached presentation (Attachment 1).

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## **2. CONFIRMATION OF MINUTES**

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### **RESOLUTION**

**Moved: Cr Catherine Ehrhardt**

**Seconded: Cr Lynn Fisher**

**That the Minutes of the Ordinary Meeting of the East Metropolitan Zone held 29 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 Chairman 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 in the Agenda.

**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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##### Annual Electors Meetings

##### **RESOLUTION**

**Moved: Cr Giorgia Johnson**  
**Seconded: Cr Lynn Fisher**

**That the WALGA Advocacy Position remove the position statement that Section 5.27 of the Local Government Act 1995 suggesting Annual Electors Meetings be optional, so they remain compulsory.**

**CARRIED**

##### Voluntary / Compulsory Voting

##### **RESOLUTION**

**Moved Cr Catherine Ehrhardt**  
**Seconded Cr Kate Driver**

**That the WALGA Advocacy Position for Voluntary Voting Section 4.65 be amended so that the position statement is that the Local Government Act 1995 is amended to make voting in Local Government Election compulsory.**

**LOST**

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

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Cr Driver commends and recommends the Economic Development Project.

**Noted**

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##### **Item 5.11 WA Foodborne Illness Reduction Strategy**

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The Zone enquired as to why this item was not endorsed at the September 2018 State Council and has been represented.

At the September meeting State Council requested more information on roles, responsibilities and costs to Local Government.

This information has been provided for in the item, in the comments section of the State Council Agenda.

Noted

## RESOLUTION

Moved: Cr Lauren Cayoun

Seconded: Cr Patty Jones

That all remaining items within the March 2019 State Council Agenda be endorsed 'en bloc'.

CARRIED

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## 6. BUSINESS

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

*By Chantelle O'Brien, Zone Executive Officer*

#### BACKGROUND

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 Chris Cornish

Seconded: Cr Mark Elliott

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 27 June 2019 Zone meeting.

CARRIED

Cr Jason Russell left the meeting and Cr Mark Elliott, as Deputy Chair, assumed the chair. (7:10pm).

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### 6.2 Governance Review of WALGA

*By Cr Chris Cornish, City of Bayswater*

#### BACKGROUND

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2018*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

WALGA is the peak industry working body for Local Government in Western Australia. WALGA represents 138 local governments in Western Australia with the City of Nedlands being the only Local Government who are not a member.

Zones are groups of geographically aligned Member Councils who are responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

The WALGA State Council is the key decision body on behalf of all member Councils and is responsible for sector-wide policy making and strategic planning on behalf of Local Government in Western Australia. Under Clause 9(1) of the WALGA Constitution, the State Council is made up of 24 members, being 12 from country constituencies and 12 from metropolitan constituencies.

A review of WALGA's governance model would provide an opportunity for both WALGA and WALGA members to consider whether the current Zone and State Council representation systems accurately reflects the current Local Government sector and whether improvements could be made.

## **RESOLUTION**

**Moved: Cr Chris Cornish**

**Seconded: Cr Kate Driver**

**That Council supports a request for WALGA to conduct a full review of their governance model, including zones, zone representation and State Council representation.**

**CARRIED**

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### **6.3 Local Government Act Review Reference Group - UPDATED**

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*By Cr Lynn Fisher, Shire of Mundaring*

#### **Motion:**

The East Metropolitan Zone endorses the following recommendation to WALGA State Council:

That WALGA requests the Minister appoint:

- i) two Elected Members of Local Government from metro districts; and
- ii) two members of the public who are not members of any government-appointed committee or community lobby group

to become members of the Local Government Act Review Reference Group, and

- iii) when the Reference Group's process is finalised and legislation is drafted, that the draft legislation be referred to a Parliamentary Committee to allow public hearings and input into the proposed legislation.

#### **Reasons:**

The composition of the current Reference Group for the reform of the Local Government Act includes four representatives from each of LG Pro, WALGA, DLGSCI, members of other state government departments and seven lobby/industry groups.

It includes only two Elected Members of Local Government and both are from country districts and are office holders within WALGA. It includes no members of the general public.

The broadening of the Reference Group to include two members of the public, who are not associated with any government-appointed committee or community lobbying body, demonstrates a commitment to increasing community interest and engagement in Local Government. Increasing community engagement is a major goal of the reform process.

The Reference Group of 23 currently includes only 2 Elected Members of Local Government. In contrast, there are 4 representatives from Local Government Professionals.

Increasing the Reference Group to include 4 Elected Members will better support the Reference Group's deliberations to enhance the capacity of Councillors to do their job. This enhanced capacity requires adequate and appropriate supports to be contained within the new legislation.

Four Elected Members may deliver a richer outcome in terms of deliberation about the public submissions for reform of the Act.

A balance of Elected Members from country and metro districts is a significant principle within WALGA and provides a balanced input of differences in geographic outlook.

A Parliamentary Committee brings a set of views and a process with no vested interest. This stage of the process provides for final public comment on the draft legislation. This is an appropriate way to build community interest and participation in local government.

#### Background information – Membership of the Reference Group

Mr David Michael MLA, Member for Balcatta - Chair  
Mr Stuart Reid, Manager - WACOSS  
Mr David Kerslake - WA Electoral Commissioner  
Ms Kitty Prodonovich - CEO Regional Chamber of Commerce and Industry  
Mr Justin Ashley, Manager Policy - Chamber of Commerce and Industry  
Mr Dene Lawrence - President WA Rangers Association  
Mr Wayne Wood - Branch Secretary Australian Services Union WA  
Mr Warren Pearce - CEO, Association of Mining and Exploration Companies  
Mr Iqbal Samnakay - Multicultural Advisory Group  
Ms Candy Choo - CEO Local Government Professionals WA (LG Pro, CEO)  
Mr Ian Cowie - CEO City of Gosnells (LG Pro, President)  
Mr Dale Stewart - CEO of Shire of Narrogin (LG Pro)  
Mr Matthew MacPherson - Mosman Park Executive Manager Technical Services (LG Pro)  
Cr Lynne Craigie - President WALGA  
Cr Karen Chappel - President, Shire of Morawa (WALGA, Chair Governance Policy team representative)  
Mr Tony Brown - Executive Manager Governance & Organisational Services, WALGA  
Mr James McGovern - Manager, WALGA  
Ms Tarnya Widdicombe, Senior Policy Advisor, Office of the Minister for Local Government  
Mr Julian Hilton, Senior Policy Advisor, Office of the Minister for Local Government  
*Mr Nick Sloan, Executive Director, (DLGSC)*  
Ms Sheryl Siekierka, Director Strategic Initiatives, DLGSC  
Ms Jodie Holbrook, Director Local Government Policy and Engagement DLGSC  
Executive Officer: Ms Kirsty Martin – Principal Policy Officer, DLGSC

#### Summary

DLGSC – 4  
WALGA – 4 (only 2 are Councillors)  
LG Pro – 4  
Industry/lobby groups – 7  
Ministers Office – 2  
State Govt agency -1  
MLA -1

## **SECRETARIAT COMMENT**

The Minister for Local Government has formed a reference group and appointed the representatives that will be considering the submissions on the Act review matters going forward. The Group has no powers and is a further consultation group for the Minister in addition to the current process.

In respect to WALGA's representation, WALGA has two (2) Elected Members, of which one is the WALGA President and the other is the Chairperson of the Governance Policy Team, plus two (2) senior staff (for technical expertise) on the group. In addition WALGA's Elected Members are supported by a further five (5) Elected Members from the Governance Policy Team (Metropolitan and Country representation) that also provide input via the WALGA delegates.

WALGA's Elected Member representatives are appointed by their Local Governments to represent them at WALGA Zone meetings, and are then elected by their Zone to form WALGA's State Council. As a consequence, WALGA's representatives put forward information based on our consultation with all Elected Members.

The 2 officers from WALGA have extensive experience in Local Government in both metropolitan and regional Local Governments and advocate on sector views on issues following consultation processes.

As at 6 March 2019, the Department of Local Government has received 1590 submissions. 45% of submissions are from the community, 31% from Local Government staff and 15% from Elected Members, the remaining 8% is from various organisations including Councils. WALGA President, Cr Lynne Craigie recently emailed all Elected Members encouraging submissions prior to the deadline and to encourage Councils to put forward their submissions.

WALGA has been regularly communicating with the sector on the Act review. WALGA and the Department collaborated to facilitate 19 forums across the State in October/November 2018 and also held a Future of Local Government Forum on 30 January 2019 where 230 Local Government representatives attended.

Following this current consultation process, The Department of Local Government in-conjunction with the State Solicitors office will prepare a new draft Local Government Act. The draft (Green Bill) will come back to the sector for consultation as per the State/Local Government Partnership Agreement. Consultation on the draft bill would be expected in 2020.

## **RESOLUTION**

**Moved: Cr Lynn Fisher**

**Seconded: Cr Kate Driver**

**The East Metropolitan Zone endorses the following recommendation to WALGA State Council:  
That WALGA requests the Minister appoint:**

- i) two Elected Members of Local Government from metro districts; and**
- ii) two members of the public who are not members of any government-appointed committee or community lobby group  
to become members of the Local Government Act Review Reference Group, and**
- iii) when the Reference Group's process is finalised and legislation is drafted, that the draft legislation be referred to a Parliamentary Committee to allow public hearings and input into the proposed legislation.**



## **AMENDMENT**

**Moved** Mayor Phil Marks  
**Seconded** Cr Catherine Ehrhardt

That Item ii) be deleted, -  
(two members of the public who are not members of any government–appointed committee or community lobby group.)

**CARRIED**

## **AMENDED MOTION NOW READS:**

The East Metropolitan Zone endorses the following recommendation to WALGA State Council:  
That WALGA requests the Minister appoint:

- i) two Elected Members of Local Government from metro districts; and to become members of the Local Government Act Review Reference Group, and**
- ii) when the Reference Group’s process is finalised and legislation is drafted, that the draft legislation be referred to a Parliamentary Committee to allow public hearings and input into the proposed legislation.**

**AMENDED MOTION WAS PUT CARRIED**

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## **7. OTHER BUSINESS**

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Nil

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## **8. EXECUTIVE REPORTS**

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### **8.1 WALGA President’s Report**

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The President’s Report as presented in the Agenda was noted.

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### **8.2 State Councillor’s report to the Zone**

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Cr Brooke O’Donnell, 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 Department of Local Government and Communities representative Sheryl Siekierka updated the Zone on DLGC issues.

**Noted**

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**9. NOTICE OF MOTIONS FOR THE FOLLOWING MEETING**

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Nil

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

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The next ordinary meeting of the East Metropolitan Zone will be held on 2 May 2019 at the EMRC commencing at 6:00pm.

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**11. CLOSURE**

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There being no further business the Chair declared the meeting closed at 7:51pm.