



State Council

Summary Minutes

3 September 2021

ORDER OF PROCEEDINGS

OPEN and WELCOME

The Chair declared the meeting open at **10:47am**.

PAPERS

State Councillors were distributed the following papers under separate cover:

- Item 5.4 Partners in Government Agreement;
- Item 5.5 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy;
- Item 5.6 Finance and Services Committee Minutes;
- Item 5.7 Selection Committee Minutes;
- Item 5.8 CEO Performance Review Committee Minutes – CONFIDENTIAL;
- Item 5.9 LGIS Board Minutes – CONFIDENTIAL;
- Item 5.10 LGIS Board Tenure – CONFIDENTIAL;
- Item 5.11 WALGA LGIS Member Administration – CONFIDENTIAL;
- Item 5.12 Use of the Association’s Common Seal;
- CEO’s Report to State Council for September 2021;
- President’s Report for September 2021 (previously emailed to your Zone meeting).

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1 Attendance

Members	President of WALGA - Chair Deputy President of WALGA, Northern Country Zone Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone North Metropolitan Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	Mayor Tracey Roberts JP President Cr Karen Chappel JP Cr Ken Seymour President Cr Phillip Blight Cr Paul Kelly Cr Jenna Ledgerwood Cr Catherine Ehrhardt Cr Cate McCullough President Cr Malcolm Cullen President Cr Stephen Strange Cr Ronnie Fleay Cr Chris Mitchell JP Cr Les Price Cr Frank Cvitan JP Mayor Mark Irwin Cr Russ Fishwick JP President Cr Michelle Rich Mayor Peter Long Cr Julie Brown Cr Timothy Porter (Deputy) Cr Doug Thompson Mayor Carol Adams OAM Cr Deb Hamblin (Deputy) President Cr Tony Dean
Secretariat	Chief Executive Officer EM Commercial & Communications EM Governance & Organisational Services EM Infrastructure	Mr Nick Sloan Mr Zac Donovan Mr Tony Brown Mr Ian Duncan



Acting EM Strategy, Policy & Planning
Manager Strategy & Association Governance
Policy Manager, Planning & Building
Executive Officer Governance

Ms Nicole Matthews
Mr Tim Lane
Mr Chris Hossen
Ms Katherine Robertson

Welcome to:

- State Councillors and WALGA secretariat
- Deputy State Councillor Timothy Porter, South East Metropolitan Zone
- Deputy State Councillor Deb Hamblin, South Metropolitan Zone
- Observers from the Kimberley Zone

1.2 Apologies

- Cr Cheryl Cowell, Gascoyne Country Zone
- Mayor Ruth Butterfield, South East Metropolitan Zone
- Mayor Logan Howlett JP, South Metropolitan Zone
- The Rt. Hon Lord Mayor Basil Zempilas, City of Perth
- Mr Jamie Parry, President of Local Government Professionals WA

1.3 Announcements

- 1.3.1** WALGA acknowledges the Yawuru people who are the Traditional Custodians of the land on which we meet today, and pays respects to their Elders past and present.

2. MINUTES

2.1 Minutes of meeting held 7 July 2021

Moved: Mayor Carol Adams
Seconded: Cr Cate McCullough

That the Minutes of the WALGA State Council meeting held on [Wednesday, 7 July 2021](#) be confirmed as a true and correct record of proceedings.

RESOLUTION 254.5/2021

CARRIED

2.1.1 Business arising from the Minutes of meeting held 7 July 2021

Nil.

2.2 Flying Minute – 2021-22 State Budget Submission

Moved: Cr Julie Brown
Seconded: President Cr Malcolm Cullen

That the [Flying Minute – 2021-22 State Budget Submission](#), be confirmed as a true and correct record of proceedings.

RESOLUTION 255.5/2021

CARRIED

2.2.1 Business arising from the Flying Minute – 2021-22 State Budget Submission

Nil.

2.3 Flying Minute – WALGA Submission: Inquiry into the Delivery of Ambulance Services in Western Australia

Moved: Cr Julie Brown
Seconded: President Cr Malcolm Cullen

That the [Flying Minute – WALGA Submission: Inquiry into the Delivery of Ambulance Services in Western Australia](#), be confirmed as a true and correct record of proceedings.

RESOLUTION 256.5/2021

CARRIED

2.3.1 Business arising from the Flying Minute – WALGA Submission: Inquiry into the Delivery of Ambulance Services in Western Australia

Nil.

2.4 Flying Minute – WALGA Submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986*

Moved: Cr Julie Brown
Seconded: President Cr Malcolm Cullen

That the [Flying Minute - WALGA Submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986*](#), be confirmed as a true and correct record of proceedings.

RESOLUTION 257.5/2021

CARRIED

2.4.1 Business arising from the Flying Minute – WALGA Submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986*

Nil.

3. DECLARATION 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.

- WALGA President Mayor Tracey Roberts declared an interest in Emerging Issue item 4.1: Protocols for State Councillors Contesting State or Federal Elections, and an interest in items 5.9: LGIS Board Minutes and 5.10: LGIS Board Tenure.
- Cr Paul Kelly declared an interest in items 5.9: LGIS Board Minutes and 5.10: LGIS Board Tenure.
- Cr Ronnie Fleay declared an interest in item 5.3: Phase 2 Planning Reform Submission as a member of the WA Planning Commission.

4. EMERGING ISSUES

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

4.1 Protocols for State Councillors Contesting State or Federal Elections

By President Cr Phillip Blight, Central Country Zone

WALGA President Mayor Tracey Roberts declared an interest and left the room at 10:52am

Moved: President Cr Phillip Blight
Seconded: Cr Ken Seymour

In the event the WALGA President or State Councillor contest a State or Federal Election, in order to manage any perceived conflicts of interest, the following is hereby inserted into the Corporate Governance Charter:

- **Ministerial Meetings** – the Deputy President or relevant Policy Team Chair to accompany the President to all Ministerial Meetings;
- **Parliamentary Commitments** – the Deputy President or relevant Policy Team Chair to accompany the President to all WALGA related meetings with Members of Parliament;

- **Media releases and responses – the Deputy President to be consulted in-conjunction with the President on all media responses and media releases with State or Commonwealth policy implications; and**
- **Ministerial Letters – the Deputy President to be included on consultation on proposed correspondence to State and Commonwealth Ministers.**

AMENDMENT

Moved: Cr Karen Chappel
Seconded: Mayor Carol Adams

That a fifth dot point be included as follows:

- **In the event of WALGA’s advocacy position presenting a conflict of interest to the President in the combined judgement of the Deputy President and CEO, the Deputy President provides and responds to any public comment.**

WALGA staff left the room at 11:00am.

Moved: President Cr Tony Dean
Seconded: Cr Julie Brown

That Standing Orders be suspended.

RESOLUTION 258.5/2021

CARRIED

Moved: President Cr Michelle Rich
Seconded: Cr Catherine Ehrhardt

That Standing Orders be resumed.

RESOLUTION 259.5/2021

CARRIED

RESOLUTION 260.5/2021

THE AMENDMENT WAS PUT AND CARRIED

AMENDMENT

Moved: President Cr Michelle Rich
Seconded: President Cr Phillip Blight

That a second part be included as follows:

- **State Council request the CEO to provide a report to a future State Council meeting recommending amendment to the Association’s Constitution to deal with matters related to State Councillors Candidature for State or Federal elections.**

RESOLUTION 261.5/2021

CARRIED

THE AMENDED MOTION NOW READS:

1. In the event the WALGA President or State Councillor contest a State or Federal Election, in order to manage any perceived conflicts of interest, the following is hereby inserted into the Corporate Governance Charter:
 - Ministerial Meetings – the Deputy President or relevant Policy Team Chair to accompany the President to all Ministerial Meetings;
 - Parliamentary Commitments – the Deputy President or relevant Policy Team Chair to accompany the President to all WALGA related meetings with Members of Parliament;
 - Media releases and responses – the Deputy President to be consulted in-conjunction with the President on all media responses and media releases with State or Commonwealth policy implications; and
 - Ministerial Letters – the Deputy President to be included on consultation on proposed correspondence to State and Commonwealth Ministers.
 - In the event of WALGA’s advocacy position presenting a conflict of interest to the President in the combined judgement of the Deputy President and CEO, the Deputy President provides and responds to any public comment.
2. State Council request the CEO to provide a report to a future State Council meeting recommending amendment to the Association’s Constitution to deal with matters related to State Councillors Candidature for State or Federal elections.

RESOLUTION 262.5/2021

THE AMENDED MOTION WAS PUT AND CARRIED

Mayor Mark Irwin and Cr Frank Cvitan requested their votes against the motion be recorded.

WALGA President Mayor Tracey Roberts and WALGA staff returned to the room at 11:34am.

Revised Agenda Items

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5. MATTERS FOR DECISION

5.1 External Oversight of Local Level Complaints (05-034-01-0001 JM)

WALGA RECOMMENDATION

That WALGA advocate for an external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Country Zone	WALGA recommendation supported
Murchison Country Zone	No meeting held
Northern Country Zone	WALGA recommendation supported
Pilbara Country Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

NORTH METROPOLITAN ZONE

That the recommendation be amended to remove reference to the Victorian Model to read as follows:

That WALGA advocate for an external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct.

PEEL COUNTRY ZONE

That WALGA advocate for:

1. an external oversight model for local level behavioural complaints made under Council Member, committee Member and Candidate Codes of Conduct, that is closed aligned to the Victorian Councillor Complaints Framework;
2. the inclusion of appeals rights for behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct; and
3. the inclusion of appeal rights for Council Members on determinations (finding and/or plan) made by Council to be included as part of the external oversight model.

SECRETARIAT COMMENT

WALGA's assessment of the separate jurisdictional approaches to external oversight models favours the Victorian model as it most closely meets the WALGA advocacy positions relating to independent complaints management frameworks.

Under an external oversight model, it is important to note that Councils will not be making determinations.

WALGA RECOMMENDATION

Moved: President Cr Phillip Blight
 Seconded: Cr Ronnie Fleay

That WALGA advocate for an external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.

RESOLUTION 263.5/2021

CARRIED UNANIMOUSLY

5.2 Tender Exemption Provisions – General Practitioner Services (05-034-01-0005 TB)

WALGA RECOMMENDATION

That WALGA:

1. Adopt a new Advocacy Position Statement under ‘Local Government Legislation - Tender Exemption General Practitioner Services’:

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

2. Undertake additional research in support of the Advocacy Position with the following aims:
 - a. Identify State and Federal Government policy settings and other factors contributing to gaps in primary health care services in regional communities; and
 - b. 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.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Country Zone	WALGA recommendation supported
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Country Zone	WALGA recommendation supported
Pilbara Country Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

WALGA RECOMMENDATION

Moved: President Cr Karen Chappel
 Seconded: President Cr Phillip Blight

That WALGA:

1. Adopt a new Advocacy Position Statement under 'Local Government Legislation - Tender Exemption General Practitioner Services':

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

2. Undertake additional research in support of the Advocacy Position with the following aims:
 - a. Identify State and Federal Government policy settings and other factors contributing to gaps in primary health care services in regional communities; and
 - b. 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.

RESOLUTION 264.5/2021

CARRIED

5.3 Phase 2 Planning Reform Submission (05-047-02-0015 CH/RP)

WALGA RECOMMENDATION

That the submission to the Department of Planning, Lands and Heritage on Phase 2 Planning Reform be endorsed.

Cr Ronnie Fleay declared an interest and left the room at 11:36am.

Avon Midland Country Zone	WALGA recommendation supported
Central Country Zone	WALGA recommendation supported
Central Metropolitan Zone	WALGA recommendation supported
East Metropolitan Zone	WALGA recommendation supported
Gascoyne Country Zone	WALGA recommendation supported
Goldfields Esperance Country Zone	WALGA recommendation supported
Great Eastern Country Zone	WALGA recommendation supported
Great Southern Country Zone	WALGA recommendation supported
Kimberley Country Zone	WALGA recommendation supported
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA recommendation supported
Northern Country Zone	WALGA recommendation supported
Peel Country Zone	WALGA recommendation supported
Pilbara Country Zone	WALGA recommendation supported
South East Metropolitan Zone	WALGA recommendation supported
South Metropolitan Zone	WALGA recommendation supported
South West Country Zone	WALGA recommendation supported

WALGA RECOMMENDATION

Moved: President Cr Michelle Rich
Seconded: Cr Paul Kelly

That the submission to the Department of Planning, Lands and Heritage on Phase 2 Planning Reform be endorsed.

RESOLUTION 265.5/2021

CARRIED

Cr Ronnie Fleay returned to the room at 11:37am

MATTERS FOR CONSIDERATION BY STATE COUNCILLORS (UNDER SEPARATE COVER)

5.4 Partners in Government Agreement (04-001-03-0001 TL)

Updated following discussion with the Minister for Local Government's office on 30 August 2021. Minor wording changes have been proposed under the heading of Community Support on the final page of the Draft Agreement.

Moved: Cr Chris Mitchell
Seconded: Cr Julie Brown

That the Partners in Government Agreement be endorsed for signing by the WALGA President at the 2021 WALGA Annual General Meeting.

RESOLUTION 266.5/2021

CARRIED

Executive Summary

- Draft Partners in Government Agreement is presented to State Council for endorsement ahead of the 2021 WALGA Annual General Meeting
- As discussed by State Council at the December 2020 Strategic Forum, the agreement has shifted in focus to be more strategic and outcomes focused incorporating key focus areas
- The agreement will continue twice-annual Partners in Government Group Meetings where Local Government sector leaders will meet with the Premier and senior Government Ministers
- Following discussion with the Office of the Minister for Local Government, a minor change has been proposed to the Community Support focus area

Attachment

- Draft Partners in Government Agreement – UPDATED

Policy Implications

Ratification of the proposed Partners in Government Agreement aligns with State Council's policy position contained in the Advocacy Paper – [Advocacy Positions for a New Local Government Act: Key Issues from Recent Inquiries into Local Government](#) – adopted by State Council in December 2020:

That a Partners in Government Agreement promoting a collaborative partnership approach be signed by the Premier, Minister for Local Government, Western Australian Local Government Association and Local Government Professionals WA at the commencement of each term of the State Government.

Background

As per the policy implications above, signing of a Partners in Government Agreement with the State Government is a longstanding goal of the Local Government sector.

A draft of the Partners in Government Agreement was considered by State Council at the December 2020 Strategic Forum in advance of the March 2021 State Election. Key to the discussion at the Strategic Forum was the renewed direction of the proposed Agreement based on the sector's experience during the previous term of government.

The previous Agreement, signed in 2017, was framed around the need for consultation with the Local Government sector, primarily when the State Government initiated reform. In reviewing the efficacy of the previous Agreement, and the maturity of the relationship between the State and Local Government sectors, it has been proposed by WALGA, as an outcome of the December 2020 Strategic Forum discussion, that the next iteration of the agreement should be more strategic and outcomes-focused without a prescriptive consultation requirement.

In addition, the proposed 2021-2025 Agreement will be titled the *Partners in Government Agreement* to highlight the agreement's aim of the State and Local Government sectors governing collaboratively for the benefit of all Western Australian communities. Importantly, a section on 'Focus Areas' has been added to the agreement as an addendum to identify priorities and issues where our two spheres of Government can collaborate for maximum benefit. It is expected that the focus areas will evolve over time following discussion at Partners in Government Group meetings.

At the December 2020 Strategic Forum, State Council indicated support for the draft Agreement. There are only minimal changes to the draft Agreement since the December meeting.

Comment

The Partners in Government Agreement is presented for State Council endorsement to enable the agreement to be signed by the WALGA President at the 2021 Annual General Meeting.

The agreement has been reframed to be strategic and outcomes-focused without a strict consultation requirement.

There are a number of facets to the move away from the consultation requirement that created challenges for WALGA and did not result in positive outcomes for the Local Government sector. Firstly, as WALGA was unable to enforce the consultation requirements, there was the potential for the diminishment of WALGA's standing among members, and for conflict with the State Government. Secondly, in discussions with the Department of Local Government, Sport and Cultural Industries, and the Minister for Local Government, the State Government has made clear that it will not sign an agreement that contains specified consultation requirements, preferring a more agile and case-by-case approach.

Changes to WALGA's governance processes have enabled quicker responses to requests for submissions from Government. Where more exhaustive consultation with the Local Government sector is necessary, WALGA will seek an appropriate consultation timeframe.

There are also benefits to shifting the focus of the agreement to outcomes over process. In particular, the shift in focus will facilitate a collaborative approach to realise shared goals for the benefit of the Western Australian community. Focus areas are included as an addendum to the agreement which will be reviewed on a regular basis, ensuring the agreement remains relevant and dedicated to achieving shared goals.

The proposed draft agreement maintains the Partners in Government Group that will meet twice per year and comprises senior Local Government sector and State Government leaders including the WALGA President and Chief Executive Officer, the Premier and a number of Ministers relevant to the Local Government sector.

Meetings with the Partners in Government Group are valuable to WALGA and the Local Government sector to showcase Local Government's positive contribution to Western Australia and to advocate for Local Government's interests with the Premier and senior Ministers.

The draft agreement as presented has been approved by the State Government and is expected to be ratified by Local Government Professionals WA ahead of the 2021 WALGA Annual General Meeting, where it will, if endorsed, be signed.

At a meeting with the Office of the Minister for Local Government held on 30 August, minor wording changes have been proposed to the Community Support focus area, as follows:

Community Support

State and Local Government are focused on supporting our most vulnerable residents, providing community and ~~through the provision of critical~~ health services, supporting Aboriginal communities, revitalising culture and the arts, and ~~providing~~ creating opportunities for community engagement, recreation, and employment in these industries.

5.5 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy (05-001-03-0018 ID)

By Ian Duncan, Executive Manager, Infrastructure with extensive input from across the organisation

Moved: President Cr Stephen Strange

Seconded: Cr Julie Brown

That:

- 1. The submission to Infrastructure WA in response to the draft State Infrastructure Strategy, Foundations for a Stronger Tomorrow, be endorsed.**
- 2. WALGA continue to advocate for on-going engagement between Infrastructure WA and Local Governments in the implementation and subsequent reviews of the State's infrastructure strategy.**

RESOLUTION 267.5/2021

CARRIED UNANIMOUSLY

Executive Summary

- Infrastructure WA was established in 2019 and following extensive stakeholder engagement, research and analysis has released a draft 20 year State Infrastructure Strategy titled **Foundations for a Stronger Tomorrow** for consultation.
- The draft Strategy makes 88 recommendations across:
 - seven themes: Digital connectivity and technology; Aboriginal cultural heritage, wellbeing and enterprise; Climate change and sustainability; Regional development; Planning and coordination; Infrastructure delivery; Asset management; and
 - nine sectors: Energy; Water; Waste; Transport; Social and Affordable Housing; Health; Education; Arts, culture, sport and recreation; Justice and public safety.

The WALGA submission supports the strategic approach to infrastructure planning and management proposed by Infrastructure WA and the vast majority of the recommendations. However, the draft strategy makes little reference to the significant role that Local Governments play in the planning and delivery of infrastructure. The submission highlights that without explicit consideration of these functions, it is difficult to take a state-wide approach to infrastructure development. It is also not clear from the Draft Strategy how it will align and connect with existing Local Government Strategic Community and infrastructure plans.

Across the identified themes and sectors the submission seeks to highlight:

- the importance and value of maintaining local decision-making;
- constraints on Local Government's capacity to raise own sourced revenue and the need to avoid transferring unfunded responsibilities onto the sector; and
- the need to continue genuine consultation with Local Governments in finalising, implementing and ultimately reviewing the strategy.

The submission is based on the structure of the draft State Infrastructure Strategy. No comment is provided for recommendations that are not relevant to the Local Government sector or where the draft recommendation is supported without further clarification.

Key recommendations of concern that the submission opposes, seeks significant amendment or draws attention to are:

Regional Development

- Highlights that resourcing will be a critical consideration for developing any new regional service delivery model. To the extent that Local Governments are expected to play a greater role in facilitating and supporting place-based integrated service models, adequate funding must be provided to the sector to deliver on any additional responsibilities.

Planning and coordination

- Opposes extension of changes to Part 17 of the Planning and Development Act 2005 that give effect to the State Development Assessment unit beyond the current end date.
- Identifies practical examples of the failure of current arrangements to facilitate infill development where this is actively sought by Local Governments, to ensure proposed changes resolve the existing constraints.
- Extend the recommendation to identify and secure strategic sites through a recurrent fund for regional land acquisition to include support for delivery of infrastructure projects by Local Governments.

Water

- Seeks that the need for water to sustain public spaces is recognised

Waste

- Opposes state-wide application of the Waste Levy.
- Calls for all the funds generated from the Levy to assist in the implementation of the State Waste Strategy.
- Seeks waste to energy infrastructure and strategic location of waste facilities be identified.

Transport

- Opposes the proposal to amend the existing hypothecation of motor vehicle licence fee revenue, specifically to use this funding for public transport operational expenditure. Motor vehicle licence fee revenue is currently hypothecated to Main Roads WA under legislation and a portion of this provided under agreement for the maintenance, renewal and upgrade of roads under the control of Local Governments.
- Seeks regional aviation infrastructure be considered amongst strategic transport planning needs.

Health

- Funding for and clarity of the key role for Local Governments envisaged in the Sustainable Health Review is required. This is critically important in regional WA where there is a lack of GP and allied health services.

Attachment

- Submission: Foundations for a Stronger Tomorrow

The draft State Infrastructure Strategy, Foundations for a Stronger Tomorrow is available at: [State Infrastructure Strategy | Infrastructure WA](#)

Policy Implications

This submission draws on and consolidates policy positions previously endorsed by State Council.

Background

WALGA has advocated for and supported development of a long term State Infrastructure Strategy since at least April 2006. At the time, the Association provided a submission to the State Government development of a State Infrastructure Strategy focused on the key issues of planning, development,

renewal, preservation and funding of the infrastructure that is vital to the economic and social development of the people of Western Australia. The Association provided comment on the Green Paper considering a State Infrastructure Strategy towards the end of 2006.

Infrastructure Australia was established in 2008 and State based infrastructure advisory bodies were established or revitalised in the following years.

In 2015 the WALGA State Council again endorsed a recommendation to advocate to the State Government to develop a long term State Infrastructure Strategy. Local Governments sought engagement with the State and Federal Government in transparent processes leading to efficient long term infrastructure planning.

The *Infrastructure WA Act (2019)* came into effect in July 2019, establishing Infrastructure WA for the principal purpose of providing advice and assistance to the Government on matters relating to infrastructure. Through a consultative process Infrastructure WA staff under the direction of the Board have developed a draft State Infrastructure Strategy titled Foundations for a Stronger Tomorrow.

Once finalised, the State Infrastructure Strategy will be submitted to the Premier later in 2021. The *Infrastructure WA Act (2019)* sets out the timetable for the Premier to respond and table the strategy and government response in Parliament.

All Local Governments have been invited to contribute to the development of the draft strategy through consultation forums, surveys and direct input. WALGA has participated in the External Stakeholder Reference Group and other topic specific workshops.

The draft State Infrastructure Strategy was released for consultation on 21 July 2021. The Association prepared an analysis and framework to facilitate engagement with and feedback from Local Government officers. This was published on 6 August with Local Governments and Regional Councils providing feedback over the following three weeks.

Input was received from 7 metropolitan and 4 non-metropolitan Local Governments.

- Augusta – Margaret River
- Belmont
- Canning
- Chapman Valley
- Dundas
- Esperance
- Gosnells
- Kalamunda
- Kwinana
- Rockingham
- Serpentine-Jarrahdale
- Vincent

Advice was also provided by East Metropolitan Regional Council, advocating on behalf of five Local Governments in the region.

The limited time frame made meant that some were unable to respond during the time period, particularly those for who the Infrastructure WA workshops were scheduled after the WALGA State Council meeting date.

Eighty four percent of the responses were provided by Band 1 or Band 2 Councils.

Comment

High quality infrastructure underpins our economic prosperity and many aspects of the lifestyle enjoyed by West Australians. This public infrastructure is provided by State and Local Governments. The establishment of Infrastructure WA in 2019 has opened the opportunity for a whole of State Government approach to the development of infrastructure proposals. However, it should also open the opportunity for stronger and structured engagement between State and Local Government to align the needs and opportunities at a regional and local level. Consequently Local Government should continue to contribute to the development of sound State infrastructure planning and delivery processes.

The draft State Infrastructure Strategy focusses on State Government managed infrastructure and State Government Department and agency responsibilities and processes. The Local Government sector could choose to not participate in the consultative processes, including this opportunity, offered by Infrastructure WA. However, Local Government typically relies on funding from State and Federal sources to contribute to infrastructure development and renewal. More importantly, regional and local economic development is closely linked to the provision of essential infrastructure based services. For these reasons the Local Government sector through WALGA and directly should actively participate in the development of infrastructure strategies and plans.

Foundations for a Stronger Tomorrow identifies few capital investment projects. The specific projects noted are high profile and are most already on a development path. It is acknowledged that some Local Governments may be disappointed not to see specific projects that are key to unlocking the development potential of their area identified. However this Infrastructure WA document is a high level strategy. If adopted and successfully implemented it will guide the processes to ensure greater value from future infrastructure investments.

The attached submission draws on advocacy positions previously adopted by WALGA State Council. The cross-cutting themes of Planning and Coordination and Regional Development are likely to have the most far-reaching implications across many aspects of Local Government.

5.6 Finance and Services Committee Minutes 25 August 2021 (01-006-03-0006 TB)

By Tony Brown, Executive Manager Governance and Organisational Services

Moved: Cr Julie Brown
Seconded: Cr Chris Mitchell

That the Minutes of the Finance and Services Committee Meeting held 25 August 2021 be endorsed.

RESOLUTION 268.5/2021

CARRIED

Executive Summary

- The Finance and Services Committee met on 25 August 2021.
- The Minutes and related attachments have been distributed to the members of State Council under separate cover.

Attachments

- Minutes of 25 August 2021 meeting
- Item 2.1 attachment 1 – Governance Financials Pack 30 June 2021
- Item 2.1 attachment 2 – Financial Dashboard 30 June 2021
- Item 2.1 attachment 3 – Management Financials Pack

- Item 2.3 attachment 1 – FY2021 WALGA Financial Report
- Item 2.3 attachment 2 – Deloitte's Closing Audit Report to Finance and Services Committee
- Item 2.4 attachment 1 – Financial Metrics Dashboard 31 July 2021
- Item 2.4 attachment 2 – Balance Sheet 31 July 2021
- Item 3.1 attachment – Preferred Supplier Program graph

Terms of Reference

The Finance and Services Committee operates under the following delegated powers:

On behalf of State Council, and in accordance with any policies, directions or limitations set by State Council, undertake the following functions:

- *Determining key directions in relation to the establishment and/or development of new and current business opportunities that result in the delivery of outputs which enhance the financial and operational capacity of members and the Association.*
- *Adoption of business plans for the Association's service delivery units that deliver the key objectives within the Association's Strategic Plan, with regular monitoring of outcomes against agreed performance indicators.*
- *Oversee the financial management of the Association, including the recommendation of a draft annual Governance Budget to State Council, long term financial planning, monitoring/assessment of financial reports, approving and/or recommending budgetary reallocations to State Council, committing or reallocating reserve funds for special purposes, and auditing and presentation of the Association's annual accounts.*
- *Internal audit including monitoring/assessing compliance against financial and asset management and internal control policies.*
- *Oversee the delivery of business development, business management, human resource management and information management and corporate services.*
- *Establish a risk governance structure which ensures that management has implemented sound risk management policies and procedures across the Association, and which is regularly reviewed.*
- *Establish risk management and internal control performance indicators that are regularly evaluated through internal and external audit processes.*

Background

Minutes of the Meeting of the Finance and Services Committee held on **25 August 2021 together with attachments** have been distributed to the members of the State Council under separate cover.

Comment

Finance and Services Committee members will be in attendance at the State Council meeting to respond to questions from members and provide any further explanation that may be sought.

5.7 Selection Committee Minutes (01-006-03-0011 CO)

By Chantelle O'Brien, Governance Support Officer

Moved: President Cr Phillip Blight

Seconded: Mayor Carol Adams

- 1. The recommendation contained in the 18 August 2021 Selection Committee Flying Minute be endorsed; and**
- 2. The resolution contained in the 18 August Selection Committee Flying Minutes be noted.**

RESOLUTION 269.5/2021

CARRIED

Executive Summary

- The Selection Committee held their meeting by Flying Minute on 18 August 2021 to consider nominees to be put forward for appointment to the Local Health Authorities Analytical Committee and Public Library Working Group.
- The Flying Minutes containing the Selection Committee's recommendation for State Council endorsement and resolution for noting, are provided as an attachment.

Attachment

- Selection Committee Minutes – 18 August 2021

Background

Pursuant to the resolution of State Council in February 2002, the WA Local Government Association Selection Committee was established to oversee the selection process for Local Government vacancies on boards and committees.

The Selection Committee conducts a merit-based and transparent assessment process encompassing the principle of "best person for the job". Upon completion of the assessment of nominations for vacancies, the Selection Committee either endorses preferred candidates for appointment (under delegated authority) or makes advisory recommendations to State Council for ratification of preferred candidates.

Comment

The Minister for Health formally requested WALGA to recommend a panel of at least three Local Government Elected Members or Officers for consideration to be appointed as Metropolitan Member to the Local Health Authorities Analytical Committee (LHAAC). The vacancy is due to the incumbent's term having expired.

Two nominations were received including the incumbent member. The Selection Committee recommends that a panel of two be put forward to the Minister as per the attached Minutes.

Nominations were also sought for the newly created position of Public Library Working Group, Non Metropolitan Member, however, no nominations were received. Accordingly, the Selection Committee resolved to re-advertise this position.

5.8 CEO Performance Review Committee Minutes – CONFIDENTIAL

WALGA CEO Nick Sloan and staff left the room at 11:47am.

Moved: President Cr Karen Chappel
Seconded: Mayor Mark Irwin

That State Council endorse the Minutes of the CEO Performance Review Committee meeting held on 31 August.

RESOLUTION 270.5/2021

CARRIED UNANIMOUSLY

WALGA CEO Nick Sloan and staff returned to the room at 11:49am.

Executive Summary

- The CEO Performance Review Committee met on 31 August.
- The Minutes have been provided to State Council under separate cover.

Attachment

- CEO Performance Review Committee Minutes – 31 August (CONFIDENTIAL)

Background

- The Committee met with the CEO on 31 August.
- The objective of the meeting was for the Committee to consider the Chief Executive Officer's employment contract extension.
- Minutes of the CEO Performance Review Committee meeting held on 31 August have been distributed to members of State Council under separate cover.

Comment

Members of the CEO Performance Review Committee will be in attendance at the State Council meeting to respond to questions from members and provide any further explanation that may be sought.

5.9 LGIS Board Minutes – CONFIDENTIAL

By Craig Hansom, LGIS Contract Manager, Commercial and Communications

WALGA President Mayor Tracey Roberts and Cr Paul Kelly declared an interest in items 5.9 and 5.10 and left the room at 11:49am.

Moved: Cr Russel Fishwick

Seconded: Cr Ronnie Fleay

That State Council endorse:

1. **That WALGA instigate an independent review of LGIS Board Directors fees; and**
2. **The minutes of the LGISWA Scheme Board meeting held on 12 August.**

RESOLUTION 271.5/2021

CARRIED

Executive Summary

- The LGIS Finance and Audit Committee requested that WALGA give consideration to instigating a fresh independent review of the quantum of LGIS Board Directors fees.
- The LGIS Board:
 - Adopted revision of major claims reporting to the Board, including the new LGIS Motor portfolio.
 - Adopted minor revisions to the Reinsurance Management Strategy.
 - Endorsed addition of a Fraud / Conflict of Interest risk item following findings from Internal Audit.
 - Endorsed proposed actions in response to the Risk Mitigation Review recommendations.
 - Accepted the Scheme Actuary's Reports.

Attachment

- LGISWA Scheme Board Minutes 12 August 2021

Background

Minutes of the LGIS Board meeting held on 12 August have been distributed to the members of the State Council under separate cover.

Items of note from the LGIS minutes include:

- The LGIS Finance and Audit Committee requested that WALGA give consideration to instigating a fresh independent review of the quantum of LGIS Board Directors fees.

- The Board adopted the following future reporting of major claims:
 - LGIS Liability, Property, WorkCare and Bushfire Volunteers claims: \$350,000; and
 - LGIS Motor: \$100,000.
- The Board adopted the recommended revisions to the LGISWA Reinsurance Management Strategy.
- The Board endorsed the risk appetite and risk profile details for the newly developed Fraud / Conflict of Interest risk item.
- The Board endorsed the Management's proposed actions in response to the Risk Mitigation Review Report recommendations.
- The Board accepted the Scheme Actuary's Report for the LGIS WorkCare and Liability Outstanding Claim Liabilities as at 30 June 2021.

Comment

LGIS Board members include WALGA President Mayor Tracey Roberts, Cr Paul Kelly and WALGA CEO Nick Sloan. All intend to be in attendance at the State Council meeting to respond to questions and provide any further explanation that may be sought.

5.10 LGIS Board Tenure – CONFIDENTIAL

By Zac Donovan, Executive Manager, Commercial and Communications

Moved: President Cr Stephen Strange
Seconded: President Cr Phillip Blight

That State Council endorse the reappointment of each of the following individuals to the LGIS board for three-year terms commencing 1 January 2022:

- 1. Mr Peter Forbes – as one of three independent directors**
- 2. Cr Paul Omodei – as Elected Member (non-metropolitan) representative**
- 3. Mr John Pearson – as Officer (metropolitan) representative**

RESOLUTION 272.5/2021

CARRIED

WALGA President Mayor Tracey Roberts and Cr Paul Kelly returned to the room at 11:52am.

In Brief

- As per the LGIS Corporate Governance Charter, the LGIS Board has nine directors.
- These comprise Independent directors (3 persons); Elected Member representatives (one each metropolitan and non-metropolitan); Officer representatives (one each metropolitan and non-metropolitan); WALGA President and WALGA CEO.
- LGIS Board director terms are for a three-year period with a consecutive maximum tenure of three terms, unless otherwise resolved by State Council.
- On 1 January 2022, three of the existing LGIS Board directors, including the current LGIS chair, will complete their current three-year terms.
- None of these three board directors' tenure however will have attained the maximum consecutive three terms.
- The reappointment of the three directors each for an additional three-year term is subject to the endorsement of State Council.

Relevance to Strategic Plan

Strategic Themes

Advocating and Facilitating Sector Solutions and Policy

- We connect and bring together expertise to maximise sector outcomes
- We empower the sector so Local Governments can take greater responsibility for their own future

Delivering Member-centric Quality Services

- We understand Members needs
- We provide integrated, Member centric services to help Members succeed
- We deliver quality and relevant service and programs

Policy Implications

WALGA is enabled under Section 9.58(6)(b) of the *Local Government Act 1995* to provide the LGIS mutual Scheme. WALGA is governed by State Council and as such State Council has authority and responsibility for endorsing or otherwise agreements binding the Association.

Budgetary Implications

There are nil additional financial implications for the WALGA's Budget 2021/22 as a consequence of the recommended actions.

Background

- The initial appointment of LGIS Board directors is via an executive selection panel (for independent directors); the WALGA Selection Committee (for sector representatives); and as a consequence of their role for the WALGA President and WALGA CEO.
- As per the LGIS Corporate Governance Charter (Section 5, parts (ii) & (iii)), individuals are appointed to the LGIS board for terms of three years, with a maximum consecutive three terms "or where the WALGA State Council resolves otherwise".
- On 1 January 2022, three of the existing LGIS board directors, including the current LGIS chair, will complete their current three-year terms.
- The individual board directors subject to reappointment on 1 January 2022, and their completed tenure at that date are:

NAME	SECTOR POSITION	BOARD ROLE	COMPLETED TENURE
Mr Peter Forbes	NA	Independent chair	Second three-year term
Cr Paul Omodei	Shire of Manjimup Shire President	Elected Member representative (non-metropolitan)	Second three-year term
Mr John Pearson	City of Rockingham Corporate Services Director	Officer representative (metropolitan)	First three-year term

- As depicted above none of the three directors subject to the item will exceed the limit of three consecutive three-year terms as a consequence of reappointment on 1 January 2022.
- Reappointment of exiting LGIS board directors' tenure is approved on recommendation of the WALGA CEO and LGIS Board chair, subject to endorsement of State Council.
- As Mr Forbes is the current LGIS board chair, the renewal of his board tenure is on the recommendation of the WALGA CEO and WALGA President.
- The reappointments of Cr Omodei and Mr Pearson is on the recommendation of the WALGA CEO and LGIS Board chair.
- WALGA State Council has the option to accept the recommended reappointments for each or all of the existing board members subject to this item, or request that new selection processes are undertaken for any or all of the positions.
- As per the LGIS Corporate Governance Charter, Independent directors are selected via a process that may include public advertising or professional search consultants but which is determined by a panel consisting the WALGA President, WALGA CEO and LGIS CEO.
- Sector representatives (both for Elected Member and Officer roles) are subject to the WALGA Selection Committee process.
- As per the LGIS Corporate Governance Charter (Section 5, part (iv)), WALGA may also "*in its absolute discretion*" terminate the appointment of a director "*at any time and without specifying a reason*".

5.11 WALGA LGIS Member Administration – CONFIDENTIAL

By Zac Donovan, Executive Manager, Finance and Marketing

Moved: Cr Chris Mitchell
Seconded: President Cr Michelle Rich

That State Council:

1. As per section 30 (b) of the Trust Deed to establish LGIS, make variations to the Deed to insert additional text to clauses 27.1 and 27.4 to align the role of the Trustee with other provisions in the document in regard to Local Government participation as follows;
 - a. Section 27.1 The Board, with the consent of WALGA, shall determine the terms and conditions of membership and may determine different terms and conditions for different Members or classes or descriptions of Members including the ability to determine such terms and conditions according to different classes of risks.
 - b. Section 27.4 The Board, with the consent of WALGA, from time to time by absolute majority resolution admit to the Scheme any other body having a direct involvement with Local Government and having generally similar risks of Civic Risk to Local Government which makes application to the Board in accordance with provision of the Rules.
2. Consider the participation of Western Australian Local Governments who are not Members of WALGA, admission to the LGIS Mutual Scheme on payment of the WALGA general membership fee that would have otherwise been applicable, on the proviso that their participation would be beneficial to the scheme.

RESOLUTION 273.5/2021

CARRIED UNANIMOUSLY

In Brief

- WALGA is Trustee of the LGIS mutual Scheme with the consequence that State Council has ultimate governance responsibility for the provision of the service to WA Local Governments.
- In the current Trust Deed there exists a misalignment between the Trustee's involvement in the admission of Local Governments to the Scheme and for the expulsion of participants.
- In addition, a previous LGIS board decision (26 June, 2014) created significant financial disadvantages for those Local Governments wanting to participate in the Scheme who were not also Members of WALGA.
- State Council (2 June, 2021) endorsed the revised calculation of the WALGA fee from the Scheme as an extension the contribution of Member Local Governments to risk mitigation and aligned with the requirements of the *Trustees Act 1962 WA*.
- The item seeks to provide for enhanced oversight for the LGIS Trustee (WALGA) as to the admission of Local Governments to the Scheme, and provide a more equitable requirement on non-Member Local Governments based on and supported by external legal advice.

Attachment

- LGIS Trust Deed – Amended 6 September 2019

Relevance to Strategic Plan

Strategic Themes

Advocating and Facilitating Sector Solutions and Policy

- Connect and bring together expertise to maximise sector outcomes.
- Empower the sector so Local Governments can take greater responsibility for their future.

Delivering Member-centric Quality Services

- Understand Member needs.
- Translate research and evidence into practical sector-wide solutions.

- Provide integrated Member-centric services to help Members succeed.
- Deliver quality and relevant services and programs.

Policy Implications

WALGA is constituted pursuant to Section 9.58 of the *Local Government Act 1995* for the purposes among other things, providing services to Local Government in WA.

LGIS is established by the WA Local Government Association under a Trust Deed that provides for WALGA as Trustee of the Scheme and to carry out the objects and purposes of the Trust and Scheme.

Since the establishment of the Trust Deed in 1996 there has been need on eight occasions for WALGA to amend the Trust Deed.

WALGA is governed by State Council and as such State Council has authority and responsibility for endorsing or otherwise agreements binding the Association.

Specifically as per Section 30 of the Trust Deed, variations to the Deed can be made by either: 30(a) variation by WALGA to take effect on execution of the Deed; OR 30(b) by a resolution of WALGA adopting or agreeing to text variation in the Deed.

As recommended 30(b) has been preferred to enact the current proposed amendments as such requires resolution by WALGA (being State Council).

Budgetary Implications

There are no financial implications to the WALGA Budget 2021/22 as a consequence of the recommended actions.

The recommendation in part (b) sets out to preserve the financial exposure of current WALGA Members to a change in membership status of Local Governments wanting to participate in the Scheme that would otherwise impact the WALGA operational budget.

Comment

- The LGIS mutual Scheme is provided by WALGA to WA Local Governments via a management Agreement with JLT (Marsh).
- Underpinning the Agreement is a Trust Deed of which WALGA is Trustee, and in effect placing WALGA State Council ultimately responsible for the governance of the Scheme.
- Currently however the Trust Deed allocates all responsibility to the LGIS Board for determination of the admission of Local Governments to the Scheme, but by contrast, the expulsion of Members from the Scheme, the Deed requires any Board decision to be endorsed by WALGA.
- It is consequently proposed that the Trust Deed be amended to require the admission of WA Local Governments to the Scheme align with the requirements regarding expulsion, in that any LGIS board decision requires endorsement by the WALGA as Trustee.
- The specific changes to the Trust Deed would be the addition of the phrase “with the consent of WALGA” (as at section 26.3.4 regarding expulsion) at the end of sections 27.1 and 27.4.
- The proposed amendments would read:
 - Section 27.1 The Board, with the consent of WALGA, shall determine the terms and conditions of membership and may determine different terms and conditions for different Members or classes or descriptions of Members including the ability to determine such terms and conditions according to different classes of risks.
 - Section 27.4 The Board, with the consent of WALGA, from time to time by absolute majority resolution admit to the Scheme any other body having a direct involvement with Local Government and having generally similar risks of Civic Risk to Local Government which makes application to the Board in accordance with provision of the Rules.

- As reported to State Council (7 July, 2021) WALGA and JLT (Marsh) have enacted a Heads of Agreement for the continued operation of the Scheme in the interim of negotiating and agreeing on the terms of an updated management Agreement.
- To facilitate the Heads of Agreement, State Council (2 June, 2021) endorsed a new model for determination of the WALGA fee charged to the Scheme that largely recognises the contribution of WALGA and Members in providing services that help mitigate risk for the Scheme.
- On legal advice from Herbert Smith Freehills (HSF), WALGA established the fee structure to reflect the requirements of the *Trustees Act 1962 WA* both as to the quantum charged by the Trustee and the rationale as to the contribution to the overall performance of the Scheme.
- Currently all WA Local Governments are Members of WALGA and as such contribute via the WALGA general membership subscription to the provision of services and programs that assist to mitigate risk to the LGIS mutual Scheme.
- A resolution of the LGIS board (26 June, 2014) requires that Local Governments that are not WALGA Members can apply to join the Scheme but are subject to loss of a number of entitlements, some of which have significant detrimental financial implications.
- It is proposed that the previous requirements for admission for non-WALGA members to the Scheme (as per the LGIS board decision 26 June 2014) be replaced by the more equitable requirement that the non-Member pay the otherwise applicable WALGA general subscription.
- The payment of the general subscription to the Scheme by the non-Member Local Government would be captured in each annual Scheme contribution and forwarded to WALGA to align with the financial contribution of Member Local Governments to services that assist to mitigate risk.
- Alternatively State Council could retain the existing requirements for non-Member Local Governments to access the Scheme that are defined as the loss of: the 25% contribution discount; any surplus dividend payments; risk management entitlements, access to the health and wellbeing service; and subsidy for asset valuation costs.
- However, it is not recommended that WALGA retain these requirements given advice from HSF that while WALGA as Trustee is able to determine the conditions by which Local Governments can access the Scheme, there is also the obligation to act in the best interests of the Scheme.
- That is, the admission of Local Governments to the Scheme that are excluded from participating in the risk mitigation program would arguably present those Local Governments as a greater risk and as such detrimental to the Scheme performance and best interests of participants overall.
- State Council may also determine in consideration of the item that the preference would be to simply not admit non-Member Local Governments to the Scheme and therefore negate the need for an appropriate contributory payment to support services that mitigate risk.
- However also for the reason of needing to act in best interests of the Scheme, there would likely be few cases where the addition of the non-Member Local Government would not benefit the Scheme through the contribution of additional scale.
- That is not to say there would not be Local Governments for which the Scheme would have an improved performance with their absence, and therefore it is suggested denial of access of any non-Member should be considered on a case-by-case basis rather than all encompassing.
- The amendments to the Trust Deed as proposed, to provide WALGA endorsement of all Membership decisions, would provide for the discretion of State Council in acting in the best interests of the Scheme.

5.12 Use of the Association's Common Seal (01-004-07-0001 NS)

Moved: Mayor Carol Adams
 Seconded: President Cr Stephen Strange

That the use of the Association's Common Seal be noted.

Document	Document Description	Signatories	State Council prior approval
WALGA-JLT Heads of Agreement	LGIS Agreement for 2021-22, including: <ul style="list-style-type: none"> • Fixed fee Indemnity Cover; and • New Motor Fund. 	WALGA President, Mayor Tracey Roberts WALGA CEO, Nick Sloan	No

RESOLUTION 274.5/2021

CARRIED

In Brief

The common seal has been used once since the last report to State Council.

Background

Clause 26 of the WA Local Government Association Constitution, which establishes and regulates the use of the Association's common seal, provides that:

'The Association shall have a common seal which shall be held in the custody of the Chief Executive Officer at all times. The common seal may be affixed to documents by resolution of the State Council in the presence of the Chief Executive Officer and one of either the President or Deputy President.'

'The Chief Executive Officer shall maintain a register in which shall be recorded the details of all documents to which the common seal has been affixed.'

On 4 December 2002, the State Council carried a resolution establishing parameters for all use of the common seal and delegating power to affix the common seal in instances where obtaining prior approval is not practical to the Chief Executive Officer and one of either the President or Deputy President. The resolution, which is recorded below, is to be applied retrospectively to all applications of the common seal:

1. *That affixation of the Association's Common Seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval;*
2. *That in instances where obtaining prior approval is impractical, authority to affix the Common Seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; and*
3. *That a regular report be submitted to State Council "for noting" outlining all instances where the Common Seal has been used without prior resolution.*

Comment

Nil.

6. MATTERS FOR NOTING / INFORMATION

6.1 Stop Puppy Farming Legislation (05-034-01-0001 FM)

WALGA RECOMMENDATION

That the update on the Dog Amendment (Stop Puppy Farming) Bill 2021 be noted.

Avon Midland Country Zone	WALGA recommendation noted
Central Country Zone	WALGA recommendation noted
Central Metropolitan Zone	WALGA recommendation noted
East Metropolitan Zone	WALGA recommendation noted
Gascoyne Country Zone	WALGA recommendation noted
Goldfields Esperance Country Zone	WALGA recommendation noted
Great Eastern Country Zone	WALGA recommendation noted
Great Southern Country Zone	WALGA recommendation noted
Kimberley Country Zone	WALGA recommendation noted
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA recommendation noted
Northern Country Zone	WALGA recommendation noted
Peel Country Zone	WALGA recommendation noted
Pilbara Country Zone	WALGA recommendation noted
South East Metropolitan Zone	WALGA recommendation noted
South Metropolitan Zone	WALGA recommendation noted
South West Country Zone	WALGA recommendation noted

CENTRAL COUNTRY ZONE

That:

1. any additional costs incurred by a Local Government in administering the *Dog Act* be paid by the State Government; and
2. the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index.

SECRETARIAT COMMENT

The Zones position is consistent with State Councils position on full cost recovery for Local Governments.

COMPOSITE RECOMMENDATION

Moved: Cr Catherine Ehrhardt

Seconded: Cr Doug Thompson

1. That the update on the Dog Amendment (Stop Puppy Farming) Bill 2021 be noted.
2. That:
 - a. any additional costs incurred by a Local Government in administering the *Dog Act* be paid by the State Government; and
 - b. the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index.

RESOLUTION 275.5/2021

CARRIED

6.2 Regional Telecommunications Resilience (05-059-03-003 JB)

WALGA RECOMMENDATION

That the update on Regional Telecommunications Resilience be noted.

Avon Midland Country Zone	WALGA recommendation noted
Central Country Zone	WALGA recommendation noted
Central Metropolitan Zone	WALGA recommendation noted
East Metropolitan Zone	WALGA recommendation noted
Gascoyne Country Zone	WALGA recommendation noted
Goldfields Esperance Country Zone	WALGA recommendation noted
Great Eastern Country Zone	WALGA recommendation noted
Great Southern Country Zone	WALGA recommendation noted
Kimberley Country Zone	WALGA recommendation noted
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA recommendation noted
Northern Country Zone	WALGA recommendation noted
Peel Country Zone	WALGA recommendation noted
Pilbara Country Zone	WALGA recommendation noted
South East Metropolitan Zone	WALGA recommendation noted
South Metropolitan Zone	WALGA recommendation noted
South West Country Zone	WALGA recommendation noted

WALGA RECOMMENDATION

Moved: Cr Catherine Ehrhardt
 Seconded: Cr Doug Thompson

That the update on Regional Telecommunications Resilience be noted.

RESOLUTION 276.5/2021

CARRIED

6.3 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

WALGA RECOMMENDATION

That State Council note the resolutions of the Municipal Waste Advisory Council at its 30 June meeting.

Avon Midland Country Zone	WALGA recommendation noted
Central Country Zone	WALGA recommendation noted
Central Metropolitan Zone	WALGA recommendation noted
East Metropolitan Zone	WALGA recommendation noted
Gascoyne Country Zone	WALGA recommendation noted
Goldfields Esperance Country Zone	WALGA recommendation noted
Great Eastern Country Zone	WALGA recommendation noted

Great Southern Country Zone	WALGA recommendation noted
Kimberley Country Zone	WALGA recommendation noted
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA recommendation noted
Northern Country Zone	WALGA recommendation noted
Peel Country Zone	WALGA recommendation noted
Pilbara Country Zone	WALGA recommendation noted
South East Metropolitan Zone	WALGA recommendation noted
South Metropolitan Zone	WALGA recommendation noted
South West Country Zone	WALGA recommendation noted

WALGA RECOMMENDATION

Moved: Cr Catherine Ehrhardt
 Seconded: Cr Doug Thompson

That State Council note the resolutions of the Municipal Waste Advisory Council at its 30 June meeting.

RESOLUTION 277.5/2021

CARRIED

6.4 2021-22 State Budget Submission (05-001-03-0006 DM)

WALGA RECOMMENDATION

That the Immediate Priorities for State Government policy platform, which was endorsed via Flying Minute, be noted.

Avon Midland Country Zone	WALGA recommendation noted
Central Country Zone	WALGA recommendation noted
Central Metropolitan Zone	WALGA recommendation noted
East Metropolitan Zone	WALGA recommendation noted
Gascoyne Country Zone	WALGA recommendation noted
Goldfields Esperance Country Zone	WALGA recommendation noted
Great Eastern Country Zone	WALGA recommendation noted
Great Southern Country Zone	WALGA recommendation noted
Kimberley Country Zone	WALGA recommendation noted
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA recommendation noted
Northern Country Zone	WALGA recommendation noted
Peel Country Zone	WALGA recommendation noted
Pilbara Country Zone	WALGA recommendation noted
South East Metropolitan Zone	WALGA recommendation noted
South Metropolitan Zone	WALGA recommendation noted
South West Country Zone	WALGA recommendation noted

WALGA RECOMMENDATION

Moved: Cr Catherine Ehrhardt
 Seconded: Cr Doug Thompson

That the Immediate Priorities for State Government policy platform, which was endorsed via Flying Minute, be noted.

RESOLUTION 278.5/2021

CARRIED

6.5 WALGA Submission: Inquiry into the Delivery of Ambulance Services in Western Australia (05-030-03-0001 BW)
WALGA RECOMMENDATION

That the submission to the Standing Committee on Public Administration on the Inquiry into the Delivery of Ambulance Services in Western Australia, which was endorsed via Flying Minute, be noted.

Avon Midland Country Zone	WALGA recommendation noted
Central Country Zone	WALGA recommendation noted
Central Metropolitan Zone	WALGA recommendation noted
East Metropolitan Zone	WALGA recommendation noted
Gascoyne Country Zone	WALGA recommendation noted
Goldfields Esperance Country Zone	WALGA recommendation noted
Great Eastern Country Zone	WALGA recommendation noted
Great Southern Country Zone	WALGA recommendation noted
Kimberley Country Zone	WALGA recommendation noted
Murchison Country Zone	No meeting held
North Metropolitan Zone	WALGA recommendation noted
Northern Country Zone	WALGA recommendation noted
Peel Country Zone	WALGA recommendation noted
Pilbara Country Zone	WALGA recommendation noted
South East Metropolitan Zone	WALGA recommendation noted
South Metropolitan Zone	WALGA recommendation noted
South West Country Zone	WALGA recommendation noted

WALGA RECOMMENDATION

Moved: Cr Catherine Ehrhardt
 Seconded: Cr Doug Thompson

That the submission to the Standing Committee on Public Administration on the Inquiry into the Delivery of Ambulance Services in Western Australia, which was endorsed via Flying Minute, be noted.

RESOLUTION 279.5/2021

CARRIED UNANIMOUSLY

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

7.1.1 Report on Key Activities, Commercial and Communications Unit (01-006-03-0017 ZD)

Moved: Cr Ronnie Fleay
Seconded: President Cr Malcolm Cullen

That the Key Activity Report from the Commercial and Communications Unit to the September 2021 State Council meeting be noted.

RESOLUTION 280.5/2021

CARRIED

7.1.2 Report on Key Activities, Governance and Organisational Services Unit (01-006-03-0007 TB)

Moved: Cr Ronnie Fleay
Seconded: President Cr Malcolm Cullen

That the Key Activities Report from the Governance and Organisational Services Unit to the September 2021 State Council meeting be noted.

RESOLUTION 281.5/2021

CARRIED

7.1.3 Report on Key Activities, Infrastructure Unit (05-001-02-0003 ID)

Moved: Cr Ronnie Fleay
Seconded: President Cr Malcolm Cullen

That the Key Activities Report from the Infrastructure Unit to the September 2021 State Council meeting be noted.

RESOLUTION 282.5/2021

CARRIED

7.1.4 Report on Key Activities, Strategy, Policy and Planning Unit (01-006-03-0017 NM)

Moved: Cr Ronnie Fleay
Seconded: President Cr Malcolm Cullen

That the Key Activities Report from the Strategy, Policy and Planning Unit to the September 2021 State Council meeting be noted.

RESOLUTION 283.5/2021

CARRIED

7.2 Policy Forum Report (01-006-03-0007 TB)

Moved: Cr Frank Cvitan
Seconded: Cr Chris Mitchell

That the report on the key activities of WALGA Policy Forums to the September 2021 State Council meeting be noted.

RESOLUTION 284.5/2021

CARRIED

7.3 President's Report

Moved: Cr Les Price
Seconded: Cr Deb Hamblin

That the President's Report for September 2021 be received.

RESOLUTION 285.5/2021

CARRIED

7.4 CEO's Report

Moved: President Cr Phillip Blight
Seconded: Cr Chris Mitchell

That the CEO's Report for September 2021 be received.

RESOLUTION 286.5/2021

CARRIED

7.5 Ex-Officio Reports

7.5.1 LG Professionals Report

Mr Jamie Parry, President, LG Professionals WA, is an apology for the meeting.

7.5.2 City of Perth Report

The Rt. Hon. Lord Mayor Basil Zempilas is an apology for the meeting.

8. ADDITIONAL ZONE RESOLUTIONS

Moved: President Cr Phillip Blight
Seconded: Mayor Peter Long

That the additional Zone Resolutions from the September 2021 round of Zone meetings as follows be referred to the appropriate policy area for consideration and appropriate action.

RESOLUTION 287.5/2021

CARRIED UNANIMOUSLY

CENTRAL COUNTRY ZONE

Social Housing Economic Recovery Package Grant Funding (Strategy, Policy and Planning)
That the Zone requests WALGA to advocate for more state funding for housing in the regions.

CENTRAL METROPOLITAN ZONE

Model Local Planning Policy – Bicycle Parking and Infrastructure (Strategy, Policy and Planning)

That WALGA support and advocate to the State Government through Planning Reform, the development of a Model Local Planning Policy which provides consistency and certainty with regards to Bicycle Parking and Infrastructure in relation to residential, mixed and commercial development applications.

This is important to provide appropriate and consistent minimum ratios and requirements for appropriate locations of secure bicycle parking, as well as providing adequate and accessible end of trip facilities for cyclist across all Local Governments in Western Australia. It is also recommended that in its development, e-bikes, e-scooters, and motorcycles are also considered as their use and needs are similar, and becoming increasingly popular.

That WALGA support Priority 60 of the Infrastructure Draft Strategy by way of submission.

WALGA Submission on Infrastructure WA Draft Strategy (Infrastructure)

That the Central Zone request the WA Local Government Association makes a submission regarding the Infrastructure WA Draft Strategy pertaining to Priority (21)(b) page 266 “Modernising infrastructure legislation through targeted amendments, by evaluating the success of temporary COVID19 measures and identify if these changes in project approvals are suitable for permanent adoption” that include:

1. Opposition to the extension of operation or the permanent adoption of the State Development Assessment (SDAU) Process
2. A position that strengthens and prioritises the role of the Local Government Planning Schemes to ensure orderly and proper planning
3. A recommendation that WAPC consult with WALGA to agree on steps to create greater clarity, balance and transparency in the consultation process with the relevant local government(s) in respect of SDAU applications, while the SDAU process is in effect
4. A recommendation that WALGA be consulted on any terms of reference going forward that assess the “success of temporary COVID19 measures”.

EAST METROPOLITAN ZONE

Abandoned Shopping Trolleys (Governance and Organisational Services)

That the East Metropolitan Zone requests WALGA to lead an advocacy program to the State Government and major retailers on behalf of Local Governments for improvements related to the management of shopping trolleys in public spaces. This could include an amendment to the *Local Government Act*, which includes the power for a dedicated shopping trolley containment system Local Law to be created, or any other suitable mechanism that will reduce the number of abandoned shopping trolleys.

Regional Telecommunications Review (Intergovernmental Relations and Risk)

That the East Metropolitan Zone provides the following input to the WALGA submission:

- The East Metropolitan Zone would like an independent telecommunications committee to be established to deal with black spots and telecommunications issues in peri urban and metropolitan areas.

Elected Member Training (Governance and Organisational Services)

That WALGA be requested to consider providing some Elected Member training on Saturdays.

GASCOYNE COUNTRY ZONE

Regional Telecommunications Review (Intergovernmental Relations and Risk)

That the Gascoyne Country Zone provides the following input to the WALGA submission:

1. Lack of communication between utility companies
2. Poor mobile phone coverage

GREAT EASTERN COUNTRY ZONE

Regional Telecommunications Review (Intergovernmental Relations and Risk)

That the Great Eastern Country Zone provides the following input to the WALGA submission:

1. The Zone would like to establish a better policy with the providers on the use of backup generators for better service reliability and delivery.
2. More engagement with Local Governments for input, particularly in regards to local blackspots and optimum tower locations.

NORTH METROPOLITAN ZONE

Local Government Caretaker Policy (Governance and Organisational Services)

The North Metropolitan Zone notes the changes in the date of the 2021 WALGA conference and asks for WALGA to send out a guidance note to Councils to advise Councils to address their election caretaker policy to ensure no elected members are disadvantaged. The City of Stirling advised they will put in a recommendation to their Council to that effect.

PEEL COUNTRY ZONE

State Government Support for Pensioner Rebates for Rates (Governance and Organisational Services)

That WALGA form a position to advocate that the State Government:

1. review whether a monetary cap should be removed from rebates; and
2. if a monetary cap is retained, an increase to all monetary caps to reflect cost of living increases over the last six years.

Bauxite Mining Expansion and State Agreements (Strategy, Policy and Planning)

That the WALGA State Council:

1. Adopt a policy position advocating that the State Government prepare and publish a toolkit to assist Local Governments in working with mining operators bound by State Agreements.
2. Advocate that the State Government initiates a review of State Agreement Acts to ensure their currency and compliance status.
3. Advocate that the Minister for the Environment amend the membership of the Mining and Management Program Liaison Group (MMPLG) to include representation from affected Local Governments.

PILBARA COUNTRY ZONE

Regional Telecommunications Review (Intergovernmental Relations and Risk)

That the Pilbara Country Zone provides the following input to the WALGA submission:

1. Request the Federal Government to fulfil the commitment of full mobile coverage on the North West Coastal Highway.
2. Request the Federal Government to ensure that the drawdown of data, particularly from autonomous vehicles used by the mining sector, doesn't compromise the quality and reliability of service.

SOUTH EAST METROPOLITAN ZONE

Planning Fees (Strategy, Policy and Planning)

That the South East Metropolitan Zone asks WALGA to object, in the strongest possible terms, to the State Government's decision to increase DAP application fees by 1.75% this year, while leaving Local Government development application fees on hold again.

Transparency in State Government Fees and Charges (Governance and Organisational Services)

That the South East Metropolitan Zone asks WALGA to advocate for greater transparency in fees charged by State Government agencies that have a monopoly on the delivery of services to Local Governments, including the Office of the Auditor General, the Valuer General and the Western Australian Electoral Commission, with invoices issued to Local Governments detailing how fees are determined.

Administration Fee for the Emergency Services Levy (Strategy, Policy and Planning)

That the South East Metropolitan Zone asks WALGA to advocate for an increase in the administration fee for the Emergency Services Levy as an interim measure in advance of a full review.

SOUTH WEST COUNTRY ZONE

Role of the Department of Local Government (Governance and Organisational Services)

That the South West Country Zone requests WALGA to advocate for additional resources to be provided to the Department of Local Government to enable the Department to provide greater compliance and regulatory framework support to the Local Government sector.

Regional Telecommunications (Intergovernmental Relations and Risk)

That the South West Country Zone:

1. Notes the Regional Telecommunication Review 2021; and
2. Encourages individual Local Governments to provide input to the WALGA submission.

9. DATE OF NEXT MEETING

The next ordinary meeting of the WALGA State Council will be held in the Boardroom at WALGA, ONE70, LV1, 170 Railway Parade, West Leederville on **Wednesday, 1 December** commencing at 4:00pm.

10. CLOSURE

The Chair thanked the Shire of Broome and the Kimberley Country Zone for their hospitality.

There being no further business the Chair declared the meeting closed at **12:05pm**.