



Summary Minutes

STATE COUNCIL MEETING

4 May 2018

NOTICE OF MEETING

Meeting No.2 of 2018 of the Western Australian Local Government Association State Council held at the City of Kalamunda on Friday 4 May 2018, the meeting commenced at 11.11am.

ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

Attendance

Chair	President of WALGA	Cr Lynne Craigie
Members	Deputy President of WALGA, North Metropolitan Zone	Mayor Tracey Roberts
	Avon-Midland Country Zone	Cr Jan Court JP
	Central Country Zone	President Cr Phillip Blight
	Central Metropolitan Zone	Cr Paul Kelly
	East Metropolitan Zone	Cr Brooke O'Donnell, left the meeting at 11:48 did not return.
	East Metropolitan Zone	Cr Giorgia Johnson (Deputy) joined the meeting at 11:48
	East Metropolitan Zone	Cr Kate Driver
	Goldfields Esperance Country Zone	President Cr Malcolm Cullen
	Gascoyne Country Zone	President Cr Cheryl Cowell
	Great Eastern Country Zone	President Cr Stephen Strange
	Great Southern Country Zone	President Cr Keith House JP
	Kimberley Country Zone	Cr Chris Mitchell
	Murchison Country Zone	Cr Les Price
	North Metropolitan Zone	Cr Giovanni Italiano JP
	North Metropolitan Zone	Cr Russ Fishwick JP
	Northern Country Zone	President Cr Karen Chappel
	Peel Country Zone	President Cr Michelle Rich
	Pilbara Country Zone	President Cr Kerry White
	South East Metropolitan Zone	Cr Julie Brown
	South East Metropolitan Zone	Cr Brian Oliver
	South Metropolitan Zone	Cr Doug Thompson
	South Metropolitan Zone	Mayor Carol Adams
	South Metropolitan Zone	Mayor Logan Howlett JP
Ex-Officio	Local Government Professionals (WA)	Mr Ian Cowie
Secretariat	Chief Executive Officer	Ms Ricky Burges
	Deputy Chief Executive Officer	Mr Wayne Scheggia
	EM Environment & Waste	Mr Mark Batty
	EM Governance & Organisational Services	Mr Tony Brown
	EM Finance & Marketing	Mr Zac Donovan
	EM People and Place	Ms Jo Burges
	EM Infrastructure	Mr Ian Duncan
	EM Business Solutions	Mr John Filippone
	Executive Officer Governance	Ms Margaret Degebrodt
	Governance Advisor, Sector Support and Advice	Ms Lyn Fogg,
Observers	Cr Dylan O'Connor, City of Kalamunda	
Apologies	South West Country Zone	President Cr Tony Dean
	South West Country Zone	Cr Murray Scott (Deputy)
	Central Metropolitan Zone	Cr Roslyn Harley (Deputy)

1. OPEN and WELCOME by President, Cr Lynne Craigie

• Acknowledgement of Country

I would like to acknowledge the Whadjuk Nyoongar People who are the Traditional Custodians of this land we meet on today and I would like to pay my respects to their Elders past, present and future.

- Welcome to State Councillors and WALGA secretariat

MEETING ASSESSMENT

The President invited Cr Kate Driver to undertake a meeting assessment at the conclusion of the meeting.

2. MINUTES OF THE PREVIOUS MEETINGS

2.1 Minutes of March 2018 State Council Meeting

Moved: Mayor Tracey Roberts

Seconded: Cr Les Price

That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on 7 March 2018 be confirmed as a true and correct record of proceedings subject to deleting the declaration of interest of Cr Chris Mitchell listed on pages 5 and 40.

CARRIED

RESOLUTION 32. 2/2018

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.

The President noted that there were several State Councillors and deputies that may be directly or indirectly associated with the recommendations of the Selection Committee. and asked that if they were affected by these recommendations, that State Councillors excuse themselves from the meeting and do not participate in deliberations.

- *Cr Paul Kelly declared an interest in item 5.1, Submission to the ERA – Inquiry into Business Licensing.*
- *President Cr Karen Chappel declared an interest in item 5.14, Selection Committee Minutes.*

PAPERS

State Councillors have been distributed the following papers under separate cover:

- President's Report (previously emailed to your Zone meeting)
- Executive Committee Minutes, together with:
 - Financial Statements
 - High Level Budget Plans
- Selection Committee Minutes
- Selection Committee Interview Report
- CEO Report
- Confidential Item – Extension of Term – Chief Executive Officer Contract

4. EMERGING ISSUES

4.1 Proposed State Road Funds to Local Government Agreement 2017/18 – 2022/23 (05-001-03-0001 ID)

By Ian Duncan, Executive Manager Infrastructure

Moved: Cr Julie Brown

Seconded: President Cr Malcolm Cullen

That the emerging issue on the Proposed State Road Funds to Local Government Agreement 2017/18 - 2022/23 be considered by the meeting.

CARRIED

In Brief

- The State Government contributes over \$180 million per year to the cost of maintaining, renewing and developing Local Government roads by allocating a proportion of revenue from motor vehicle licence fees through the State Road Funds to Local Government Agreement.
- The current Agreement expires in June 2018. The Association has been actively engaged with the Minister for Transport and Main Roads WA to develop a new Agreement.
- There is currently no agreement between WALGA and the State Government concerning the amount of funding to be provided through the State Road Funds to Local Government Agreement. The current offer from the State Government equates to 20% of motor vehicle licence fee revenue, which is consistent with the share provided over the past four years. Local Governments are seeking a return to the 27% share of licence fee revenue over the term of the new Agreement. This is in line with the long term arrangements that were in place between 1994 and 2014.
- Details of recent negotiations are summarized in this report, along with a recommendation to conclude an agreement.

Attachments

Nil.

Relevance to Strategic Plan

Key Strategies

Engagement with Members

- Deliver a broad range of benefits and services that enhance the capacity of member Local Governments;
- Improve communication and build relationships at all levels of member Local Governments;
- Provide ongoing professional development and interactive opportunities for Elected Members to contribute to debate on sector issues;

Sustainable Local Government

- Continue to build capacity to deliver sustainable Local Government;
- Provide support to all members, according to need;
- Represent the diversity of members' aspirations in the further development of Local Government in Western Australia;
- Foster economic and regional development in Local Government.

Enhanced Reputation and Relationships

- Communicate and market the profile and reputation of Local Government and WALGA;
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government;

Policy Implications

Proposed State Road Funds to Local Government Agreement 2017/18 - 2022/23 (05-001-03-0001 MB) provided an update on the current status of negotiations and was noted by State Council RESOLUTION 21.1/2018

Budgetary Implications

Potential impact the \$1.3m per year grant funding to WALGA to deliver services and policy in roads, road safety and transport.

Background

The State Road Funds to Local Government Agreement (SRFLGA) provides an allocation of funds to Local Governments in Western Australia. The amount of funding is based on a percentage of the motor vehicle licence fee (MVLFF) revenue collected by the State Government. The funding arrangement provides Local Government with some surety in funding for the term of the Agreement. The last Agreement ran from 2011/12 to 2015/16 and was extended a further two years to June 2018.

Following a meeting between the Minister for Transport; Planning; Lands and the WALGA President and CEO on 27 August 2017, the Minister agreed to the negotiation of a new Agreement. The Minister authorised Main Roads to engage with WALGA to draft a new Agreement.

Based on a Local Government survey undertaken by WALGA in 2015 and ongoing consultation with the Regional Road Groups and Main Roads WA, WALGA drafted a proposed new Agreement in December 2017. The draft was submitted to Main Roads for consideration and they have responded with several points of difference.

Comment

A detailed report summarising the status of negotiations for a new SRFLGA was noted by State Council at its March meeting. Further developments have since occurred and are summarised for discussion and decision.

The Association has previously committed to members that the terms of any proposed State Road Funds to Local Government Agreement will be provided for ratification at State Council through the Zones. It is still intended that this occur. The inability to reach agreement with the State Government has delayed this from the proposed timetable.

Funding

There is currently no agreement between WALGA and the State Government concerning the amount of funding to be provided for Local Government roads.

The first agreement with the State Government in 1994 provided 25% of revenue from motor vehicle licence fees and fuel franchise fees for work on Local Government roads. This was based on actual expenditure of these funds on Local Government roads in the previous five years. While there have been many changes to the Agreement and arrangements over time, between 25% and 27% of vehicle licence fee revenue has been provided for Local Government roads until a series of funding cuts initiated in late 2013, that took effect from 2014/15. While the most recent Agreement allocates 27% of motor vehicle licence fee revenue to Local Government roads, this was decreased to approximately 20% from 2014/15 to 2017/18 (see table below).

WALGA proposed that the percentage MVLF allocated to Local Government roads should be increased from 20% to 27% over the term of the Agreement. The State Government has indicated that because of the current economic climate they can only offer 20% of MVLF. The Commissioner and Managing Director of Main Roads met with the CEO and President of WALGA on the 12 April to discuss options. It was made very clear during these discussions that the State Government will not increase the current offer of 20% of MVLF for the term of the Agreement. However, the Government highlighted that funding for Local Government roads through the State Road Funds to Local Government Agreement is supplemented by the provision of an additional \$215 million over the forward estimates for the delivery of Major Projects on Local Government Roads which are election commitments (projects are chosen and managed by the State Government). If the two amounts are added this equates to an average allocation of 24.3% MVLF per annum over the five year term.

The table below shows the past and projected funding allocations to the SRFLGA.

Year	Motor Vehicle Licence Fees (MVLF) (\$million)	SRFLGA Funding allocation (\$million)	% MVLF	Funding for Election Commitments (\$million)	Comment
2011/12	561.3	145.1	25.8		
2012/13	616.5	161.1	26.1		
2013/14	687.0	172.7	25.1		
2014/15	806.6	161.6	20.0		Start of funding cuts
2015/16	831.1	150.4	18.1		
2016/17	842.7	172.4	20.5		
2017/18	873.7	183.9	21.1		
2018/19	911.5	181.6	20.0	87.6	Start new Agreement 20% MVLF
2019/20	951.1	189.9	20.0	62.0	Assuming projected growth of approx. 4.5% per annum in MVLF revenue
2020/21	992.5	198.6	20.0	60.0	
2021/22	1037.0	207.4	20.0	6.0	
2022/23	1084.0	216.8	20.0		End New Agreement

The Government has previously offered an Agreement based on the funding allocations in the forward estimates as a dollar amount, rather than as a percentage of licence fee revenue. This would offer slightly higher certainty of funding, but breaks the relationship to a sharing of revenue basis and eliminates opportunities for increased funding if the revenue from vehicle licencing is higher than anticipated.

Direct Grants

Main Roads have indicated that if the proposed Agreement is accepted then they will return the Direct Grant allocations to the value prior to the \$9.8m reduction imposed in 2017 to offset the "loss" of additional licence fee and stamp duty collections from Local Government. However, this will not be additional funding but will be offset against the allocation to Road Project Grants.

Options

Three options are recommended for consideration:

1. Accept the current proposal offering 20% of motor vehicle licence fee revenue for Local Government roads through the SRFLGA over a five year period.
2. Seek an amendment to the current proposal offering 20% of motor vehicle licence fee revenue for work on Local Government roads over a four year period, to align with the budget commitments in the State Budget forward estimates. The State Government may not agree to this.
3. Reject the offer.

It is very disappointing that the State Government will not agree to increasing the share of MVLF to 27% in the foreseeable future. However, it must be noted that the Local Government share of MVLF was reduced to 20% in 2014/15, so the current offer does not introduce a significant cut in funding compared with 2017/18.

If the allocation of 20% of motor vehicle licence fee revenue for Local Government roads is agreed and the projected 4.5% per annum increase in revenue achieved (through a combination of higher fees and larger number of vehicles licensed) this will translate to an additional \$35m in the annual allocation for 2022/23 and a total additional funding over the five years of \$87m. Accepting the offer will provide a degree of certainty to Local Government for the next five years.

However, the 2017/18 State Budget shows no additional funding for Local Government roads in 2022/23 and just \$6m of funding for election commitment projects in 2021/22. Reducing the term of the Agreement to four years, will result in the total State Government investment in Local Government roads at 25.5% of projected motor vehicle licence fee revenue over the agreement term. More importantly, the Agreement would expire in June 2022, potentially allowing the issue of road funding to be raised in the lead up to the March 2021 State Election.

Rejecting the offer will leave Local Government with no Agreement and the annual allocation will be at the discretion of the State Government of the day. This will make it impossible to plan projects effectively and in the current stressed economic climate there is a real risk that the Local Government allocation will be the subject of further cuts.

Moved: President Cr Karen Chappel
Seconded: President Cr Stephen Strange

1. That WALGA reject the State Government offer to allocate 20% of motor vehicle licence fee revenue to the State Road Funds to Local Government Agreement, and seek the following amended allocation:

2018 / 2019	22%
2019 / 2020	23%
2020 / 2021	24%
2021 / 2022	25%
2022 / 2023	25%

2. That WALGA insist on the State Government Direct Grants to Local Government be reinstated to the value (plus annual increase) prior to the \$9.8m reduction imposed by the State in 2017.

AMENDMENT

Moved: Cr Julie Brown
Seconded: Cr Brian Oliver

To delete the final two years of the proposed agreement.

CARRIED

THE MOTION AS AMENDED NOW READS:

1. That WALGA reject the State Government offer to allocate 20% of motor vehicle licence fee revenue to the State Road Funds to Local Government Agreement, and seek the following amended allocation:

2018 / 2019	22%
2019 / 2020	23%
2020 / 2021	24%

2. That WALGA insist on the State Government Direct Grants to Local Government be reinstated to the value (plus annual increase) prior to the \$9.8m reduction imposed by the State in 2017.

RESOLUTION 33 2/2018

CARRIED

5. MATTERS FOR DECISION

5.1 Submission to ERA – Inquiry into Business Licensing (05-0100-04-0001 DM)

By Dana Mason, Policy Manager - Economics

WALGA RECOMMENDATION

That WALGA's submission to the Economic Regulation Authority Inquiry into Business Licensing be endorsed.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported

SOUTH WEST COUNTRY ZONE

The WALGA recommendation be endorsed with additional comments:

- a) That delays are caused and costs increased due to the issues surrounding the slow and/or inadequate responses from state agencies
- b) Full private certification has created significant costs for local government the building industry and their clients due to their lack of understanding of planning and health controls

SECRETARIAT COMMENT

The additional comments from the South West Zone are supported.

Cr Brooke O'Donnell left the meeting at 11:48am and did not return.

Cr Giorgia Johnson joined the meeting at 11:48am as Deputy Representation for the East Metropolitan Zone.

**Moved: President Cr Phillip Blight
Seconded: Mayor Carol Adams**

That WALGA's submission to the Economic Regulation Authority Inquiry into Business Licensing be endorsed subject to the inclusion of the following additional comments:

- a) That delays are caused and costs increased due to the issues surrounding the slow and/or inadequate responses from state agencies; and,**
- b) Full private certification has created significant costs for local government the building industry and their clients due to their lack of understanding of planning and health controls.**

RESOLUTION 34.2/2018

CARRIED

5.2 Interim Submission – Development Control Policies 1.1, 1.2, 1.7, 2.5 and 5.1 (05-073-02-0001 CH)

Christopher Hossen, Senior Planner – People & Place

WALGA RECOMMENDATION

That the interim submission to the WA Planning Commission on Development Control Policies 1.1, 1.2, 1.7, 2.5, and 5.1 be endorsed.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

PEEL ZONE

That Item 5.2 be endorsed, with an amendment that the attached Shire of Serpentine Jarrahdale’s submission on Special Residential Zones, be supported and forwarded to the WA Planning Commission for consideration.

SECRETARIAT COMMENT

Through this revision to Development Control Policy 2.5 – Special Residential Zones, the WA Planning Commission (WAPC) has formally advised that there will be limited future opportunities for ‘Special Residential’ zonings. The Shire of Serpentine –Jarrahdale’s submission provides a detailed critic of this approach, which is considered appropriate by the Secretariat.

It is therefore recommended that the Shire’s submission be forwarded to the WAPC, to enable ‘Special Residential’ zonings to be considered in future Local Planning strategies and schemes when sufficient justification is provided by a Local Government.

Moved: President Cr Michelle Rich
Seconded: Mayor Carol Adams

1. That the interim submission to the WA Planning Commission on Development Control Policies 1.1, 1.2, 1.7 and 5.1 be endorsed;
2. That the WA Planning Commission be advised of the additional justification of Special Residential Zones within Local Planning Strategies and Local Planning Schemes; and
3. In relation to Development Control Policy 2.5, WALGA supports the removal of future Special Residential Zones, however, supports the protection of existing Special Residential Zones.

RESOLUTION 35.2/2018

CARRIED

5.3 Interim Submission - State Planning Policy 4.1 Industrial Interface (05-047-03-0008 CH)
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Christopher Hossen, Senior Planner – People & Place

WALGA RECOMMENDATION

That the interim submission to the WA Planning Commission on State Planning Policy 4.1 Industrial Interface be endorsed.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported

SOUTH WEST COUNTRY ZONE

The WALGA recommendation be endorsed with the addition of a requirement that as there is a substantial economic importance attached to regional airports that need should be reflected in the environmental policy relating to aircraft noise.

SECRETARIAT COMMENT

The report provides a number of recommendations connected to how the draft Policy relates to aircraft noise and industrial development on airport land. These comments are largely based around the lack of clarity on how planning at airports will be managed in the yet to be publicly released state-wide airports State Planning Policy. The Association raised these points as there is a clear exemptions related to aircraft noise in the draft Policy, something absent from the previous iteration.

It is important to frame the above comments on airports in the overall intent of the draft Policy. The draft Policy seeks to ‘protect industry and infrastructure facilities from the encroachment of incompatible land uses...’, while also highlighting the ‘significant investment they represent and their current and future benefits’. As such, any inclusion of airports or aircraft noise in the draft Policy and subsequent planning decisions will need to be framed within this intent. The intent of the future state-wide airports State Planning Policy is unknown.

Moved: Cr Doug Thompson
Seconded: Cr Giorgia Johnson

1. That the interim submission to the WA Planning Commission on State Planning Policy 4.1 Industrial Interface be endorsed; and
2. That WALGA advocate for the Department of Planning, Land and Heritage to include within the 'intent' of the future state-wide Airports State Planning Policy a clear position on the economic benefit of airports in regional areas.

RESOLUTION 36.2/2018

CARRIED

5.4 Third Party Appeal Rights – Consultation with Members (05-073-01-0002 VJ)

Vanessa Jackson, Policy Manager Planning and Improvement

WALGA RECOMMENDATION

That WALGA:

1. Note the results of the additional consultation with members on the possible introduction of Third Party Appeal Rights into the Planning System;
2. Based on the feedback received, amend its current policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels;
3. Provide the State Government with the outcomes of this consultation and advocate for the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels as part of the upcoming Independent Planning Reform process; and
4. Further consult with members to provide more clarity on the exact details of the criteria that would need to be established, before any system of Third Party Appeals for decisions made by Development Assessment Panels is implemented by the State Government.

Central Country Zone	WALGA Recommendation Supported
Central Metropolitan Zone	WALGA Recommendation Supported
East Metropolitan Zone	WALGA Recommendation Supported
Gascoyne 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

NORTHERN COUNTRY ZONE

That WALGA:

1. Note the results of the additional consultation with members on the possible introduction of Third Party Appeal Rights into the Planning System;
2. Maintain its current policy position to not support the introduction of Third Party Appeal Rights.

PEEL ZONE

That the WALGA recommendation be moved and the new WAPC Chair be invited to a future meeting of the Peel Zone to discuss Third Party Appeal Rights.

AVON-MIDLAND COUNTRY ZONE

That the Zone:

- Support items 1 and 4 of the recommendation to State Council;
- Recommends that item 2 of the recommendation to State Council be replaced with “Maintains its current policy position not to support the introduction of Third Party Appeal Rights”; and
- Recommends that item 3 of the recommendation to State Council be amended by deleting all the words after “of this consultation”.

SECRETARIAT COMMENT

Majority of Zones support the Recommendation

Moved: Cr Doug Thompson
Seconded: Cr Chris Mitchell

That WALGA:

1. **Note the results of the additional consultation with members on the possible introduction of Third Party Appeal Rights into the Planning System;**
2. **Based on the feedback received, amend its current policy position to support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels;**
3. **Provide the State Government with the outcomes of this consultation and advocate for the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels as part of the upcoming Independent Planning Reform process; and**
4. **Further consult with members to provide more clarity on the exact details of the criteria that would need to be established, before any system of Third Party Appeals for decisions made by Development Assessment Panels is implemented by the State Government.**

RESOLUTION 37.2/2018

CARRIED

5.5 Community Resource Centre Funding Cuts (05-018-03-0004 KD)

Kirstie Davis, Policy Manager Community

WALGA RECOMMENDATION

That

1. **WALGA:**
 - a. **Acknowledges the difficulties being faced by proposed funding cuts to Community Resource Centres and the flow on effects this may have to Local Governments; and**
 - b. **Considers previous reviews into the location and functionality of Community Resources Centres.**
2. **WALGA coordinate a representative paper with affected Local Governments to highlight the long term implications for the Local Government Sector; and**
3. **WALGA write to the relevant Ministers and Agencies to highlight the concerns of affected Local Governments and the need for appropriate resources and long term planning support to assist rural, regional and remote communities.**

Central Metropolitan Zone	WALGA Recommendation Supported
East Metropolitan Zone	WALGA Recommendation Supported
Gascoyne Zone	WALGA Recommendation Supported
Great Eastern Country Zone	WALGA Recommendation Supported
Great Southern Country Zone	WALGA Recommendation Supported
Kimberley Zone	Minutes not received
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

GOLDFIELDS ESPERANCE COUNTRY ZONE

That:

1. **WALGA:**
 - a. **Acknowledges the difficulties being faced by proposed funding cuts to all Community Resource Centres and the flow on effects this may have to Local Governments; and**
 - b. **Considers previous reviews into the location and functionality of Community Resources Centres.**
2. **WALGA coordinate a representative paper with affected Local Governments to highlight the long term implications for the Local Government Sector; and**
3. **WALGA write to the relevant Ministers and Agencies to highlight the concerns of affected Local Governments and the need for appropriate resources and long term planning support to assist rural, regional and remote communities.**

MURCHISON COUNTRY ZONE

WALGA write to the relevant Ministers and Agencies to stress the sectors absolute dismay at the potential loss of vital support services provided by Community Resource Centres to rural, regional and remote communities as a result of the proposed reduction of funding.

CENTRAL COUNTRY ZONE

That the WALGA Recommendation be amended to read:

That:

1. WALGA:

- a. Acknowledges the difficulties being faced by proposed funding cuts to Community Resource Centres and the flow on effects this may have to Local Governments; and
 - b. Considers previous reviews, particularly the Report prepared in November 2016, by the John Curtin Institute of Public Policy for the Department of Regional Development titled "Diversity in place, Unity in service", into the location and functionality of Community Resources Centres.
2. WALGA, as a high priority, coordinate a representative paper with affected Local Governments to highlight the long term implications for the Local Government Sector; and
 3. WALGA, as a matter of urgency, write to the relevant Ministers and Agencies to highlight the concerns of affected Local Governments and the need for appropriate resources and long term planning support to assist rural, regional and remote communities

PEEL ZONE

The Peel Zone supported the recommendation with the following amendments:

- a) Include additional words within Recommendation 2 "That WALGA urgently coordinate"
- b) Include the following recommendation #4: -
 4. That WALGA meets with the Minister as a matter of urgency to discuss the effect the cuts will have on the Local Government sector and request that this decision be reversed.

AVON-MIDLAND COUNTRY ZONE

That the Zone recommends that the recommendation to State Council be amended by –

- In item 1(a) replacing the word "may" with the word "will";
- In item 3 replacing the words "the concerns" with the words "the grave concerns"; and
- In item 3 adding the words "continued and guaranteed" before the words "need for appropriate resources".

SECRETARIAT COMMENT

The Secretariat acknowledges the significant impact that the proposed changes to funding present to those communities with Community Resource Centres (CRC's) and welcomes the addition of urgent action.

Further, CRC's, this week, received official correspondence from the Department of Primary Industries and Regional Development confirming the reduction in funding from \$13m per annum to \$8m per annum from 1 July 2019. CRC's have been placed in tiers to receive funding.

Tier 1 receiving \$70,000 ex GST; and

Tier 2 Receiving \$50,000 ex GST

This correspondence outlines the reality of the impact and the need for collective action.

Moved: Cr Chris Mitchell

Seconded: Cr Les Price

That

1. WALGA:

- a. **Acknowledges the difficulties being faced by proposed funding cuts to Community Resource Centres and the flow on effects this will have to Local Governments; and**
- b. **Considers previous reviews into the location and functionality of Community Resources Centres.**

2 WALGA, as a high priority, coordinate a representative paper with affected Local Governments to highlight the long term implications for the Local Government Sector; and

3 WALGA, as a matter of urgency, meets with the Minister to discuss the sector's absolute dismay at the potential loss of vital support services provided by Community Resource Centres to rural, regional and remote communities and the effect the cuts will have on the Local Government sector and request that this decision be reversed.

RESOLUTION 38.2/2018

CARRIED

5.6 Interim Submission on Infrastructure WA (05-001-03-0018 MM)

By Marissa MacDonald, Policy Officer-Transport and Roads

WALGA RECOMMENDATION

That the interim submission to the Department of Premier and Cabinet on the proposal for establishing Infrastructure WA as a statutory body under legislation be endorsed.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported

SOUTH WEST COUNTRY ZONE

The WALGA recommendation be endorsed subject to consideration for regional projects \$50 million and above being included in the Infrastructure WA Strategy.

SECRETARIAT COMMENT

Infrastructure Australia plays a role in evaluating projects that seek more than \$100 million of Commonwealth funding. The model proposed by the State Government suggests that Infrastructure WA evaluate proposals valued above a \$100 million threshold, and high risk projects below this threshold. Infrastructure bodies in other Australian jurisdictions have adopted a range of threshold values for projects.

For example, Building Queensland assists with evaluating projects valued between \$50 million and \$100 million and leads evaluation of projects valued at more than \$100 million. Infrastructure NSW is involved in projects valued at more than \$10 million. There is no threshold value within the legislation establishing Infrastructure Victoria.

Given the limited resources that will be available to Infrastructure WA there is the need to both encourage the organisation to focus on the highest impact projects, while also providing scope for a wide range of projects that the Government may fund to be considered.

Moved: President Cr Karen Chappel
Seconded: President Cr Malcolm Cullen

That the interim submission to the Department of Premier and Cabinet on the proposal for establishing Infrastructure WA as a statutory body under legislation be endorsed subject to the addition of a new recommendation that projects valued at \$50 million and above are included in the Infrastructure WA Strategy.

RESOLUTION 39.2/2018

CARRIED

**5.7 Interim Submission on ‘Australia’s Strategy for Nature 2018 – 2030
Australia’s Biodiversity Conservation Strategy and Action Inventory (05-014-03-0001 MD)**

By Melanie Davies, Biodiversity and Sustainability Project Officer

WALGA RECOMMENDATION

That WALGA’s interim submission to the Department of the Environment and Energy on ‘Australia’s Strategy for Nature 2018 – 2030: Australia’s Biodiversity Conservation Strategy and Action Inventory’ be endorsed.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

Moved: Cr Doug Thompson
Seconded: Mayor Logan Howlett JP

That WALGA’s interim submission to the Department of the Environment and Energy on ‘Australia’s Strategy for Nature 2018 – 2030: Australia’s Biodiversity Conservation Strategy and Action Inventory’ be endorsed.

RESOLUTION 40.2/2018

CARRIED

**5.8 Submission on the Emissions Reduction Fund Safeguard Mechanism
(05-028-03-0016 LS)**

By Laura Simes, Environment Policy Advisor

WALGA RECOMMENDATION

That the submission to the Department of the Environment and Energy (Cwth) relating to proposed changes to the Emissions Reduction Fund Safeguard Mechanism be endorsed.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

**Moved: Cr Doug Thompson
Seconded: Cr Chris Mitchell**

That the submission to the Department of the Environment and Energy (Cwth) relating to proposed changes to the Emissions Reduction Fund Safeguard Mechanism be endorsed.

RESOLUTION 41.2/2018

CARRIED

5.9 Surveillance Devices Act 1998 (WA) – Body Worn Camera Use in Local Government Law Enforcement (05-067-09-0001 LF)

By Lyn Fogg, Governance Advisor

WALGA RECOMMENDATION

That WALGA advocate for amendment of Regulation 4 of the Surveillance Devices Regulations 1999 (WA) so that it includes Local Government ‘Authorised Persons’ as a class of Law Enforcement Officers for the purposes of the *Surveillance Devices Act 1998 (WA)*.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

Moved: President Cr Malcolm Cullen
Seconded: President Cr Michelle Rich

That WALGA advocate for amendment of Regulation 4 of the Surveillance Devices Regulations 1999 (WA) so that it includes Local Government ‘Authorised Persons’ as a class of Law Enforcement Officers for the purposes of the *Surveillance Devices Act 1998 (WA)*.

RESOLUTION 42.2/2018

CARRIED

5.10 Vexation or Malicious Freedom of Information Applications (05-103-01-0001 LF)

By Lyn Fogg, Governance Advisor

WALGA RECOMMENDATION

That WALGA advocates for amendment of the *Freedom of Information Act 1992 (WA)* to:

1. Enable the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the *Right to Information Act 2009 (QLD)*; and
2. Enable an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn.

Central Country Zone	WALGA Recommendation Supported
Central Metropolitan Zone	WALGA Recommendation Supported
East Metropolitan Zone	WALGA Recommendation Supported
Gascoyne 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Supported
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

AVON-MIDLAND COUNTRY ZONE

The meeting recommended –

- (a) That the Zone support the recommendation to State Council; and
- (b) Recommends that WALGA advocates for a review of the Freedom of Information Act 1992 (WA) as the current Act predates the wide spread use of electronic communications and information.

SECRETARIAT COMMENT

The Avon-Midland Country Zone's additional recommendation provides an opportunity for the holistic review of the operation of the *Freedom of Information Act 1992 (WA)*.

Moved: Cr Julie Brown
Seconded: Cr Brian Oliver

That WALGA advocates for the *Freedom of Information Act 1992 (WA)* to be reviewed, including consideration of:

1. Enabling the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the *Right to Information Act 2009 (QLD)*; and
2. Enabling an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn.
3. Modernisation to address the use of electronic communications and information.

RESOLUTION 43.2/2018

CARRIED

5.11 Social Media – Cyber Bullying (07-003-003-0004 LF)

By Lyn Fogg, Governance Advisor

WALGA RECOMMENDATION

That WALGA endorse a request to ALGA for its advocacy for changes to Commonwealth legislation to provide for implementing:

1. Cyber-bullying protections for all Australians, similar to those provided to Australian children under the *Enhancing Online Safety Act 2015 (Cth)*;
2. Identification validation checks before a new social media account can be established, including a timeframe by which social media providers must ensure that all existing active accounts retrospectively comply;
3. A social media / communications control order, similar to a violence restraining order, which prevents a person from contacting any other person through social media.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

SOUTH EAST METROPOLITAN ZONE

That only Part 1 and 3 of the WALGA recommendation are supported.

PEEL ZONE

That Recommendations 1 and 3 of the State Council Agenda Item 5.11 are supported, Recommendation 2 is not supported.

SECRETARIAT COMMENT

All Zones except South East Metropolitan and Peel support all three items in the recommendation.

Moved: President Cr Karen Chappel
Seconded: Cr Doug Thompson

That WALGA endorse a request to ALGA for its advocacy for changes to Commonwealth legislation to provide for implementing:

- 1. Cyber-bullying protections for all Australians, similar to those provided to Australian children under the *Enhancing Online Safety Act 2015 (Cth)*;**
- 2. Identification validation checks before a new social media account can be established, including a timeframe by which social media providers must ensure that all existing active accounts retrospectively comply;**
- 3. A social media / communications control order, similar to a violence restraining order, which prevents a person from contacting any other person through social media.**

RESOLUTION 44.2/2018

CARRIED

5.12 Proposed Amendments to the WALGA Constitution (01-001-01-0001 TB & TL)

By Tony Brown, Executive Manager Governance and Organisational Services and Tim Lane, Manager Strategy and Association Governance

WALGA RECOMMENDATION

1. That Clause 18 and Clause 19 of the Association Constitution be amended as follows:
 - I. Clause 18, sub-clause (1) be amended with the addition of the underlined words, as follows:
 - (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17.
 - II. Clause 19 be amended with the addition of the underlined words and the deletion of the strikethrough words, as follows:
 - (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution shall hold the office of President for the balance of the term of the President replaced.
 - (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
 - (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
 - (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternate constituency to that of the President just elected.
 - ~~(3)~~(5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate constituency to that of the President.
 - ~~(4)~~(6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 18 19 shall still be eligible for election to a subsequent two (2) full consecutive terms.

2. That Clause 17A – Rotation of Presidency be added to the Association Constitution, as follows:

17A – Rotation of Presidency

1. At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
 2. At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
3. That Clause 20 of the Association Constitution be amended with the addition of the underlined words as follows:

A person shall cease or be disqualified from being a representative or deputy representative on the State Council, or from being President or Deputy President of the Association, or from attending State Council in an ex-officio capacity, if that person:
 4. That sub-clause 20(j) of the Association Constitution be amended with the addition of the underlined words and the deletion of the strikethrough words as follows:
 - (j) Is a Councillor that has been suspended by the Minister for Local Government under Part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2)(e) of the Local Government Act 1995.
 5. That sub-clause 10(2) of the Association Constitution be amended with the addition of the underlined words as follows:
 - (2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
 6. That sub-clauses 2(1), 5(7)(a), 9(1)(d), and 31(4)(b) be amended as follows:
 - I. That the following strikethrough words be replaced with the following underlined words in sub-clause 2(1):

~~“Local Government Managers Australia” means the Western Australian Division of the Local Government Managers Australia (LGMA), which body is incorporated under the Victorian Companies Act 1961.~~
“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia.
 - II. That sub-clause 5(7)(a) of the Association Constitution relating to Associate Members of WALGA be amended with the words “Local Government Managers Australia (LGMA)” to be replaced with the words “Local Government Professionals Australia WA”.

III. That sub-clause 9(1)(a) of the Association Constitution relating to ex-officio members of State Council be amended to replace the words “Local Government Managers Australia (LGMA)” with the words “Local Government Professionals Australia WA”.

IV That sub-clause 31(4)(b) of the Association Constitution relating to a dispute resolution panel be amended by replacing the word “LGMA” with the words “Local Government Professionals Australia WA”.

Special Majority Decision Required.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Supported
North Metropolitan Zone	WALGA Recommendation Supported
Northern Country Zone	WALGA Recommendation Supported
Peel Zone	WALGA Recommendation Supported
Pilbara Zone	Minutes not received
South Metropolitan Zone	WALGA Recommendation Supported
South West Country Zone	WALGA Recommendation Supported

SOUTH EAST METROPOLITAN ZONE

That Parts 3, 4, 5 and 6 of the WALGA Recommendation are supported, with the insertion of Part 7 as follows:

7. That WALGA consider, similar to Part 4, that Zone Membership cease where a Councillor is suspended by the Minister for Local Government under Part 8 of the *Local Government Act 1995*.

SECRETARIAT COMMENT

The Zones additional item 7 has been included in the Composite Recommendation.

Items 1 and 2 of the recommendation have been supported by all Zones except one.

Moved: President Cr Karen Chappel
Seconded: Cr Chris Mitchell

1. That Clause 18 and Clause 19 of the Association Constitution be amended as follows:
 - I. Clause 18, sub-clause (1) be amended with the addition of the underlined words, as follows:
 - (2) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its metropolitan and country representatives, provided the Deputy President represents the alternate constituency to the President elected pursuant to clause 17.
 - II. Clause 19 be amended with the addition of the underlined words and the deletion of the strikethrough words, as follows:
 - (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution shall hold the office of President for the balance of the term of the President replaced.
 - (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
 - (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
 - (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternate constituency to that of the President just elected.
 - ~~(3)~~(5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate constituency to that of the President.
 - ~~(4)~~(6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 18 ~~19~~ shall still be eligible for election to a subsequent two (2) full consecutive terms.
2. That Clause 17A – Rotation of Presidency be added to the Association Constitution, as follows:

17A – Rotation of Presidency

3. At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
 4. At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
3. That Clause 20 of the Association Constitution be amended with the addition of the underlined words as follows:
- A person shall cease or be disqualified from being a representative or deputy representative on the State Council, or from being President or Deputy President of the Association, or from attending State Council in an ex-officio capacity, if that person:
4. That sub-clause 20(j) of the Association Constitution be amended with the addition of the underlined words and the deletion of the strikethrough words as follows:
- (j) Is a Councillor that has been suspended by the Minister for Local Government under Part 8 of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2) of the *Local Government Act 1995*.
5. That sub-clause 10(2) of the Association Constitution be amended with the addition of the underlined words as follows:
- (2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
6. That sub-clauses 2(1), 5(7)(a), 9(1)(d), and 31(4)(b) be amended as follows:
- I. That the following strikethrough words be replaced with the following underlined words in sub-clause 2(1):

~~“Local Government Managers Australia” means the Western Australian Division of the Local Government Managers Australia (LGMA), which body is incorporated under the Victorian Companies Act 1961.~~
“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia.
 - II. That sub-clause 5(7)(a) of the Association Constitution relating to Associate Members of WALGA be amended with the words “Local Government Managers Australia (LGMA)” to be replaced with the words “Local Government Professionals Australia WA”.
 - III. That sub-clause 9(1)(a) of the Association Constitution relating to ex-officio members of State Council be amended to replace the words “Local Government Managers Australia (LGMA)” with the words “Local Government Professionals Australia WA”.

IV That sub-clause 31(4)(b) of the Association Constitution relating to a dispute resolution panel be amended by replacing the word “LGMA” with the words “Local Government Professionals Australia WA”.

7. That sub-clause 14(4a)(h) be amended with the addition of the underlined words and the deletion of the strike through words as follows:

(h) Is a Councillor that has been suspended by the Minister for Local Government under part 8 of an Ordinary Member ~~that has been peremptorily suspended under Section 8.15C(2)(c) of the Local Government Act 1995.~~

RESOLUTION 45.2/2018

CARRIED BY SPECIAL MAJORITY

**MATTERS FOR CONSIDERATION BY STATE COUNCILLORS
(UNDER SEPARATE COVER)**

5.13 Executive Committee Minutes (01-006-03-0006 TB)

**Moved: Cr Doug Thompson
Seconded: President Cr Phillip Blight**

That the Minutes of the Executive Committee meeting held 24 April 2018 be endorsed.

RESOLUTION 46.2/2018

CARRIED

5.14 Selection Committee Minutes (01-006-03-0011 MD)

President Karen Chappel declared an interest and left the room at 12:43pm.

**Moved: Cr Julie Brown
Seconded: Cr Chris Mitchell**

That the Minutes of the Selection Committee meeting held 23 April 2018 be endorsed.

RESOLUTION 47.2/2018

CARRIED

President Karen Chappel return to the room at 12:45pm.

5.15 Selection Committee Interview Report (01-006-03-0011 MD)

**Moved: Cr Julie Brown
Seconded: President Cr Phillip Blight**

That the Selection Committee Interview Report relating to the Independent Member of the WALGA Executive Committee be endorsed.

RESOLUTION 48.2/2018

CARRIED

6. MATTERS FOR NOTING / INFORMATION

6.1 Review of the State Industrial Relations System – Update (05-034-01-0001 TL)

By Tim Lane, Manager Strategy and Association Governance and Kate Pillai, Employee Relations Service Manager

WALGA RECOMMENDATION

That State Council note the update on the Interim Report of the State Industrial Relations Review

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Noted
North Metropolitan Zone	WALGA Recommendation Noted
Northern Country Zone	WALGA Recommendation Noted
Peel Zone	WALGA Recommendation Noted
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Noted
South Metropolitan Zone	WALGA Recommendation Noted
South West Country Zone	WALGA Recommendation Noted

Moved: President Cr Karen Chappel
Seconded: Mayor Logan Howlett JP

That State Council note the update on the Interim Report of the State Industrial Relations Review

RESOLUTION 49.2/2018

CARRIED

6.2 Local Government Performance Monitoring Project (05-036-04-0004 VJ)

Vanessa Jackson, Policy Manager Planning and Improvement

WALGA RECOMMENDATION

That the results of the Local Government Performance Monitoring Project 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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Noted
North Metropolitan Zone	WALGA Recommendation Noted
Northern Country Zone	WALGA Recommendation Noted
Peel Zone	WALGA Recommendation Noted
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Noted
South Metropolitan Zone	WALGA Recommendation Noted
South West Country Zone	WALGA Recommendation Noted

Moved: President Cr Karen Chappel
Seconded: Mayor Logan Howlett JP

That the results of the Local Government Performance Monitoring Project be noted.

RESOLUTION 50.2/2018

CARRIED

6.3 Update on the Building Commission's State Wide Cladding Audit (05-015-02-0010 VJ)

By Vanessa Jackson, Policy Manager, Planning and Improvement

WALGA RECOMMENDATION

That State Council note the progress of the Building Commission's State Wide Cladding Audit and possible implications on the Local Government sector.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Noted
North Metropolitan Zone	WALGA Recommendation Noted
Northern Country Zone	WALGA Recommendation Noted
Peel Zone	WALGA Recommendation Noted
Pilbara Zone	Minutes not received
South Metropolitan Zone	WALGA Recommendation Noted
South West Country Zone	WALGA Recommendation Noted

SOUTH EAST METROPOLITAN ZONE

That State Council:

1. Note the progress of the Building Commission's State Wide Cladding Audit and its possible implications on the Local Government sector, and
2. Seeks an urgent audience with the Premier expressing Local Governments extreme concern at the apparent withdrawal of the Building Commission from this process.

The South East Metropolitan Zone also asked that WALGA seek legal advice on the ramifications of Local Government's collectively refraining from issuing Building Orders.

SECRETARIAT COMMENT

The Secretariat supports the elevation of this issue to the Premier; meetings with the Minister for Commerce and Minister for Local Government have been requested and we are awaiting confirmation of a meeting time.

WALGA and LGIS are currently obtaining detailed liability and legal advice on this issue, which includes the process of issuing of Building Orders and the appropriateness of this action for the sector.

Cr Paul Kelly left the room at 12:49pm.

Cr Malcolm Cullen left the room at 12:49pm.

Moved: Mayor Logan Howlett JP
Seconded: Cr Julie Brown

That State Council:

- 1. Note the progress of the Building Commission's State Wide Cladding Audit and its possible implications on the Local Government sector, and**
- 2. Seeks an urgent audience with the Premier expressing Local Government's extreme concern at the apparent withdrawal of the Building Commission from this process.**

RESOLUTION 51.2/2018

CARRIED

6.4 Public Libraries Strategy Consultation Forum (05-057-02-0051 EDR)

Evie Devitt-Rix, Senior Policy Advisor, Community

WALGA RECOMMENDATION

That the Association's contribution to the consultation process for the *Draft WA Public Libraries Strategy* 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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Noted
North Metropolitan Zone	WALGA Recommendation Noted
Northern Country Zone	WALGA Recommendation Noted
Peel Zone	WALGA Recommendation Noted
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Noted
South Metropolitan Zone	WALGA Recommendation Noted
South West Country Zone	WALGA Recommendation Noted

Moved: President Cr Karen Chappel
Seconded: Mayor Logan Howlett JP

That the Association's contribution to the consultation process for the *Draft WA Public Libraries Strategy* be noted.

RESOLUTION 52.2/2018

CARRIED

6.5 Aboriginal Heritage Act 1972 Review 05-032-01-0001 KD)

Kirstie Davis, Policy Manager Community

WALGA RECOMMENDATION

That State Council note the Association is currently engaging with Members in order to develop a submission to State Government for the review of the *Aboriginal Heritage Act 1972*.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Noted
North Metropolitan Zone	WALGA Recommendation Noted
Northern Country Zone	WALGA Recommendation Noted
Peel Zone	WALGA Recommendation Noted
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Noted
South Metropolitan Zone	WALGA Recommendation Noted
South West Country Zone	WALGA Recommendation Noted

Moved: President Cr Karen Chappel
Seconded: Mayor Logan Howlett JP

That State Council note the Association is currently engaging with Members in order to develop a submission to State Government for the review of the *Aboriginal Heritage Act 1972*.

RESOLUTION 53.2/2018

CARRIED

6.6 Heritage Bill 2017 (05-036-03-022 NH)

Nina Hewson, Senior Policy Advisor, Community

WALGA RECOMMENDATION

That State Council notes WALGA has received a response from the Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts addressing the Goldfields Esperance Country Zone concerns regarding parts of the *Heritage Bill 2017*.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Noted
North Metropolitan Zone	WALGA Recommendation Noted
Northern Country Zone	WALGA Recommendation Noted
Peel Zone	WALGA Recommendation Noted
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Noted
South Metropolitan Zone	WALGA Recommendation Noted
South West Country Zone	WALGA Recommendation Noted

Moved: President Cr Karen Chappel
Seconded: Mayor Logan Howlett JP

That State Council notes WALGA has received a response from the Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts addressing the Goldfields Esperance Country Zone concerns regarding parts of the *Heritage Bill 2017*.

RESOLUTION 54.2/2018

CARRIED

6.7 Waste Levy Policy Review (05-037-04-0001 RNB)

By Rebecca Brown, Manager Waste and Recycling

WALGA RECOMMENDATION

That State Council note the Discussion Paper on the Review of the Waste Levy Policy Statement.

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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Noted
North Metropolitan Zone	WALGA Recommendation Noted
Northern Country Zone	WALGA Recommendation Noted
Peel Zone	WALGA Recommendation Noted
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Noted
South West Country Zone	WALGA Recommendation Noted

SOUTH METROPOLITAN ZONE

That the South Metropolitan Zone:

- Express its concern at the current utilisation of the waste levy to support non waste related State Government activities.
- Express its support for an extension of the waste levy to non-metropolitan areas, on a fair and equitable basis.

SECRETARIAT COMMENT

The Zones position will be referred to the Municipal Waste Advisory Committee (MWAC) for their consideration.

Cr Paul Kelly returned to the room at 12:50pm.

Cr Malcolm Cullen returned to the meeting at 12:54pm

Moved: Cr Doug Thompson

Seconded: Cr Les Price

That State Council note the Discussion Paper on the Review of the Waste Levy Policy Statement.

RESOLUTION 55.2/2018

CARRIED

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

By Rebecca Brown, Manager Waste and Recycling

WALGA RECOMMENDATION

That State Council note the resolutions of the Municipal Waste Advisory Council at its 28 February 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 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 Zone	Minutes not received
Murchison Country Zone	WALGA Recommendation Noted
North Metropolitan Zone	WALGA Recommendation Noted
Northern Country Zone	WALGA Recommendation Noted
Peel Zone	WALGA Recommendation Noted
Pilbara Zone	Minutes not received
South East Metropolitan Zone	WALGA Recommendation Noted
South Metropolitan Zone	WALGA Recommendation Noted
South West Country Zone	WALGA Recommendation Noted

Moved: President Cr Karen Chappel
Seconded: Mayor Logan Howlett JP

That State Council note the resolutions of the Municipal Waste Advisory Council at its 28 February meeting.

RESOLUTION 56.2/2018

CARRIED

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

7.1.1 Report on Key Activities, Environment and Waste (01-006-03-0017 MJB)

**Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts**

That the Key Activities Report from the Environment and Waste Unit to the May 2018 State Council meeting be noted.

RESOLUTION 57.2/2018

CARRIED

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

**Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts**

That the Key Activities Report from the Governance and Organisation Services Unit to the May 2018 State Council meeting be noted.

RESOLUTION 58.2/2018

CARRIED

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

**Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts**

That the Key Activities Report from the Infrastructure Unit to the May 2018 State Council meeting be noted.

RESOLUTION 59.2/2018

CARRIED

7.1.4 Report on Key Activities, People and Place (01-006-03-0014 JB)

**Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts**

That the Key Activities Report from the People and Place Unit to the May 2018 State Council meeting be noted.

RESOLUTION 60.2/2018

CARRIED

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

**Moved: Mayor Logan Howlett JP
Seconded: Mayor Tracey Roberts**

That the Report on the Key Activities of the Association's Policy Forums to the May 2018 State Council meeting be noted.

RESOLUTION 61.2/2018

CARRIED

7.3 President's Report

**Moved: Cr Julie Brown
Seconded: President Cr Malcolm Cullen**

That the President's Report for May 2018 be received.

RESOLUTION 62.2/2018

CARRIED

7.4 CEO's Report

**Moved: Cr Julie Brown
Seconded: Cr Chris Mitchell**

That the CEO's Report for May 2018 be received.

RESOLUTION 63.2/2018

CARRIED

7.5 Local Government Professionals (WA) President's Report

Mr Ian Cowie, President, Local Government Professionals, provided an update on the activities of Local Government Professionals.

**Moved: Mayor Logan Howlett JP
Seconded: Cr Doug Thompson**

That the Local Government Professionals Report be received.

RESOLUTION 64.2/2018

CARRIED

8. ADDITIONAL ZONE RESOLUTIONS

Moved: Cr Les Price
Seconded: Cr Doug Thompson

That the additional Zone Resolutions from the April / May 2018 round of Zones meetings as follows be referred to the appropriate policy area for consideration and action.

RESOLUTION 65.2/2018

CARRIED

SOUTH WEST COUNTRY ZONE

Landgate Revaluation Timetable (Governance and Organisational Services)

That WALGA lobby Landgate to amend its timetable for completing annual revaluations of property rolls for all Local Government by 30 April each year so that the timetables for adoption of Local Government annual budgets are not unduly hindered by delays in receiving valuation rolls.

MURCHISON COUNTRY ZONE

Aboriginal Corporation Rates Exemption Matters (Governance and Organisational Services)

That the Region request WALGA to consider and consult on a plan to provide funding for a test case within the next two or three years to resolve whether property owners targeting Aboriginal Australian tenants are capable of claiming rates exemption and the evidentiary burden required to respond to claims of that nature.

GASCOYNE COUNTRY ZONE

Costs of Audits by the Office of the Auditor General (Governance and Organisational Services)

That the Gascoyne Zone requests WALGA to express its concern to the Minister for Local Government regarding the significant increase in audit costs due to legislative change requiring the Office of the Auditor General to undertake Local Government audits.

EAST METROPOLITAN ZONE

Membership in Development Assessment Panels (DAP) (People and Place)

That East Metropolitan requests that WALGA investigate increasing Local Government membership in Development Assessment Panels.

CENTRAL METROPOLITAN ZONE

WALGA Consultation Process (Governance and Organisational Services)

That the Central Metropolitan Zone request that WALGA conduct a review of its consultation processes to clarify when a Council-endorsed position is required prior to WALGA adopting a recommendation for State Council consideration.

Circulation of the Deloitte Governance Review Report (Finance and Marketing)

1. That the Central Metropolitan Zone request WALGA to advise all Member Councils that they may view the Deloitte Governance Review Report if they so desire, acknowledging that there are confidentiality issues addressed within the Report; and
2. That WALGA be requested to present to the next meeting of the Zone the key issues which will be considered by State Council as a result of any recommendations contained within the Report.

NORTH METROPOLITAN ZONE

Managing Community Sheds (People and Place)

That the North Metropolitan Zone requests WALGA for advice on how the Local Government sector can best support community sheds.

AVON-MIDLAND COUNTRY ZONE

Movement of Agricultural Machinery (Infrastructure)

That the WA Local Government Association be requested to prepare background information on the requirements for the movement of agricultural machinery paper for consideration at the Zone's next meeting; and that Mr Ian Duncan, Executive Manager Infrastructure, WALGA, be invited to the next Zone's next meeting.

That the Zone support increasing from width for the movement of agricultural machinery requiring a Heavy Vehicle Agricultural Pilot from 6m to 8m.

Equitable Access to State Funding for Rural Communities (People and Place)

That the Zone

- a. express its concerns at the State Government's decisions to close the Moora Residential College, to close six camp schools sites run by the Department of Education and for the Department of Education to retain an annual 20% dividend from funds remitted to the Agricultural Education Farm Provisions Trust Fund; and
- b. urge the State Government to reverse these decisions.

9 CONFIDENTIAL ITEM

9.1 Extension of Term – Chief Executive Officer Contract

All staff left the room at 1.06pm, except Tony Brown, Executive Manager Governance and Organisational Services.

Tony Brown left the meeting at 1:11pm.

As the nature of this item is confidential, the matter is dealt with by confidential schedule.

Tony Brown returned to the meeting at 1:26pm.

All other staff return to the meeting at 1.50pm.

10. MEETING ASSESSMENT

Mayor Carol Adams left the meeting at 1:50pm and did not return.

Mr Ian Cowie left the meeting at 1:50pm and did not return.

Mr Ian Duncan left the meeting at 1:50pm and did not return.

Cr Kate Driver provided feedback as to the effectiveness of the meeting.

11. DATE OF NEXT MEETING

That the next meeting of the Western Australia Local Government Association State Council be held in the Boardroom at WALGA, ONE70 Railway Parade, West Leederville, on Wednesday **6 June 2018** commencing 4pm.

12. CLOSURE

The Chair thanked the City of Kalamunda for hosting the May 2018 Regional State Council.

There being no further business the Chair declared the meeting closed at 1:55pm.