

Ordinary Council Meeting

11 July 2018

Minutes



Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Agendas and Minutes are available on the City's website www.kwinana.wa.gov.au

Vision Statement

Kwinana 2030

***Rich in spirit, alive with opportunities,
surrounded by nature – it's all here!***

Mission

**Strengthen community spirit, lead
exciting growth, respect the environment
- create great places to live.**



We will do this by –

- providing strong leadership in the community;
- promoting an innovative and integrated approach;
- being accountable and transparent in our actions;
- being efficient and effective with our resources;
- using industry leading methods and technology wherever possible;
- making informed decisions, after considering all available information; and
- providing the best possible customer service.

Values

We will demonstrate and be defined by our core values, which are:

- Lead from where you stand – Leadership is within us all.
- Act with compassion – Show that you care.
- Make it fun – Seize the opportunity to have fun.
- Stand Strong, stand true – Have the courage to do what is right.
- Trust and be trusted – Value the message, value the messenger.
- Why not yes? – Ideas can grow with a yes.

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Present:

MAYOR C ADAMS
DEPUTY MAYOR P FEASEY
CR M KEARNEY
CR S LEE
CR S MILLS
CR D WOOD

MS J ABBISS	-	Chief Executive Officer
MS C MIHOVILOVICH	-	Director City Strategy
MRS B POWELL	-	Director City Engagement
MR R MOLYNEUX	-	Acting Director City Regulation
MR D ELKINS	-	Director City Infrastructure
MS M BELL	-	Director City Legal
MS A MCKENZIE	-	Council Administration Officer

Members of the Press	0
Members of the Public	1

1 Declaration of Opening:

Presiding Member declared the meeting open at 7:00pm and welcomed Councillors, City Officers and gallery in attendance and read the Welcome.

“IT GIVES ME GREAT PLEASURE TO WELCOME YOU ALL HERE AND BEFORE COMMENCING THE PROCEEDINGS, I WOULD LIKE TO ACKNOWLEDGE THAT WE COME TOGETHER TONIGHT ON THE TRADITIONAL LAND OF THE NOONGAR PEOPLE”

2 Prayer:

Councillor Sandra Lee read the Prayer

“OH LORD WE PRAY FOR GUIDANCE IN OUR MEETING. PLEASE GRANT US WISDOM AND TOLERANCE IN DEBATE THAT WE MAY WORK TO THE BEST INTERESTS OF OUR PEOPLE AND TO THY WILL. AMEN”

3 Apologies/Leave(s) of Absence (previously approved)

Apologies

Councillor Wendy Cooper

Leave(s) of Absence (previously approved):

Councillor Matthew Rowse from 8 July 2018 to 27 July 2018 inclusive.

4 Public Question Time:

4.1 Mr Peter Tait, Orelia

Question 1

Was there any community consultation regarding the recent planting at the 'pumpkin patch' (Sloan's Reserve)?

Response

The Mayor advised that the planting was undertaken as part of World Environment Day, which was celebrated throughout Australia and New Zealand with a tree planting corporate challenge. The Mayor explained that this year's event was held at Sloan's Reserve in Kwinana and several corporate teams representing AON, Rio Tinto, Chevron and Veolia competed. The Mayor further explained that Sloan's Reserve was chosen by the City's Environmental Team as it was most suitable for paperbark revegetation. The Mayor mentioned that she is not aware of any pumpkins growing at Sloan's Reserve since she has been in Kwinana.

Mr Tait expressed his desire for Council to have notified older members of the community that it was going to happen.

Question 2

I understand now that the Waste Management Strategy involves Suez? There has been over the last few year's three separate proposals for waste management in Kwinana.

Response

The Mayor confirmed that Suez is the City's waste contractors and explained that the contract is in accordance with the Waste Management Strategy.

Question 3

Has there ever been a proper business case prepared to decide what is the best system for Kwinana?

Response

The Mayor confirmed and said that MRA Consulting completed an independent review. The Mayor explained that as a result of their opinion and what they believed was in the best interests for Kwinana for its waste management, it was recommended that a two bin system and Waste to Energy be implemented.

Mr Tait stated that a two bin system will not work here and that he felt that there are better arrangements for waste management that return a better dollar to the community and ratepayer.

The Mayor referred the question to the Chief Executive Officer for additional comment.

The Chief Executive Officer advised that the new waste contract with Suez is for the collection and disposal of the City's municipal waste, which is the green bin and yellow topped recycle bin.

4 PUBLIC QUESTION TIME

The Chief Executive Officer added that in terms of that contract the City was able to return a saving this year to the community, so instead of the waste charge increasing, the waste charge, which is shown on the rates notice, will decrease by one dollar per service. The Chief Executive Officer explained that Suez will be disposing of the green bin waste at their North Bannister facility and will process the recyclables at their Bibra Lake facility.

The Chief Executive Officer explained that previously the City had a contract with Cleanaway for the collection of waste. The collection of the green bin waste was disposed of at the City of Rockingham Millar Road facility and then there was a separate contract with the Southern Metropolitan Regional Council (SMRC) for the yellow top recyclables, which went to their Canning Vale facility.

The Chief Executive Officer added that Suez, in regard to recyclables, is one of the few companies left that actually still have standing contracts for processing of and receipt of recyclable material overseas.

Question 4

The recycle depot, where the big sand pile is on Thomas Road, does the City still receive revenue from waste dumped there?

Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer advised that there is a lease agreement in place and that the City does receive a payment from the operators of that facility in relation to that, the City is not the operator and does not dispose of municipal waste at that facility.

Question 5

Was there any consideration to build a BOO plant in Kwinana?

Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer advised that the capital cost of such a facility requires multiple local governments to come together.

Question 6

Wouldn't building a waste incinerator be the same?

Response

The Mayor referred the question to the Chief Executive Officer.

The Chief Executive Officer explained that the City is not building, owning or operating a waste incinerator.

Mr Tait said that it was proposed and that it is the second one to be proposed by the City.

The Chief Executive Officer further explained that the City is not the proponent, the City is only contracted to supply waste to that facility, it is a privately run facility and they are raising their own capital and it would not be in the City's financial capacity to actually initiate such a proposal.

Mr Tait said that many Councils do.

4 PUBLIC QUESTION TIME

The Chief Executive Officer advised that there is no Council in Australia that actually operates a waste to energy facility.

Mr Tait explained that he is referring to a build, own and operate waste composting plant.

The Chief Executive Officer explained that to build, own and operate a waste composting plant generally requires multiple local governments to come together, the most local example of that you have is the SMRC, which requires the establishment of a regional council. There is significant capital costs that the SMRC had to raise to establish that facility. The local governments who raised the funds are still paying off the loans for the establishment of that facility and that facility is now effectively nearing the end of its life. The Chief Executive Officer advised that it is her understanding that the City of Cockburn have put the SMRC on notice and that they are withdrawing from the facility and they are proceeding with a contract for Waste to Energy as a result of their analysis.

5 Applications for Leave of Absence:

Nil

6 Declarations of Interest by Members and City Officers:

Nil

7 Community Submissions:

Nil

8 Minutes to be Confirmed:

8.1 Ordinary Meeting of Council held on 27 June 2018:

COUNCIL DECISION

222

MOVED CR P FEASEY

SECONDED CR S MILLS

That the Minutes of the Ordinary Meeting of Council held on 27 June 2018 be confirmed as a true and correct record of the meeting.

CARRIED
6/0

8 MINUTES TO BE CONFIRMED

8.2 Executive Appraisal Committee Meeting held on 2 July 2018:

COUNCIL DECISION

223

MOVED CR S MILLS

SECONDED CR P FEASEY

That the Minutes of the Executive Appraisal Committee Meeting held on 2 July 2018 be confirmed as a true and correct record of the meeting.

**CARRIED
6/0**

8.3 Audit Committee Meeting held on 2 July 2018:

COUNCIL DECISION

224

MOVED CR S LEE

SECONDED CR S MILLS

That the Minutes of the Audit Committee Meeting held on 2 July 2018 be confirmed as a true and correct record of the meeting.

**CARRIED
6/0**

9 Referred Standing / Occasional / Management /Committee Meeting Reports:

9.1 Appointment of Auditor – City’s Systems and Procedures Audit 2018

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

To recommend to Council the appointment of an auditor to provide a comprehensive report for the biennial systems and procedures audit. The purpose of the audit is to satisfy the requirements of Regulation 17 of the *Local Government (Audit) Regulations 1996* by reviewing the appropriateness and effectiveness of the City’s systems and procedures in relation to:

- Risk Management
- Internal Controls; and
- Legislative Compliance

OFFICER RECOMMENDATION:

That the Audit Committee recommend to Council to appoint Moore Stephens to conduct the biennial systems and procedures audit as required by Regulation 17 of the *Local Government (Audit) Regulations 1996* in accordance with the scope outlined in Attachment C.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

COMMITTEE RECOMMENDATION:

That the Audit Committee recommend to Council to appoint Moore Stephens to conduct the biennial systems and procedures audit as required by Regulation 17 of the *Local Government (Audit) Regulations 1996* in accordance with the scope outlined in Attachment C.

NOTE: AN ABSOLUTE MAJORITY OF COUNCIL IS REQUIRED

DISCUSSION:

To complete the biennial systems and procedures audit, the Chief Executive Officer is to comply with Regulation 17 of the *Local Government (Audit) Regulations 1996* in reviewing certain systems and procedures in relation to:

- (a) risk management; and
- (b) internal control; and
- (c) legislative compliance.

9.1 APPOINTMENT OF AUDITOR – CITY'S SYSTEMS AND PROCEDURES AUDIT 2018

A local government is to carry out a systems and procedures audit at least once every two years, with this audit to be completed by 31 December 2018. The Department of Local Government has provided a guideline outlining the scope that should be carried out when conducting the systems and procedures audit, this is set out in Attachment C. After carrying out a systems and procedures audit the local government is to prepare an audit report in a form approved by the Minister. The local government's Audit Committee is to review the audit report and is to provide the results of that review to Council.

Requests for quotations to undertake this audit were sent to eight suppliers, resulting in only two quotations being provided. City Officers received a response from one supplier that commented that; "the expected approach and end-result is too comprehensive and prescriptive for us to deliver cost effectively". The other five suppliers did not respond to the request. One of the quotes received was from Moore Stephens Pty Ltd, who provided the System and Procedures Audit for the City in 2016. This quote has been made available to Committee Members and is detailed in Confidential Attachment A.

The second quote is from Stantons International, Chartered Accountants and Consultants and is detailed in Confidential Attachment B.

Both Moore Stephens and Stantons International addressed the Systems and Procedures Audit 2018 - Scope of Works provided to them in submitting their quotes. A copy of the Scope of Works is at Attachment C.

Officers evaluated the submissions to address the Scope of Works and quantitative and qualitative criteria at Confidential Attachment D. The evaluation recommendation report is under confidential cover as it contains commercial-in-confidence information.

LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995

7.3. Appointment of auditors

- (1) *A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor.*

Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

- (1) *The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) *The CEO is to report to the audit committee the results of that review.*

9.1 APPOINTMENT OF AUDITOR – CITY'S SYSTEMS AND PROCEDURES AUDIT 2018**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$15,000 had been estimated to be included in the 2018/2019 budget for the purposes of conducting this audit.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications related to this report.

ENVIRONMENTAL IMPLICATIONS:

There are no direct environmental implications related to this report.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following outcome and objective detailed in the City's Corporate Business Plan 2017 – 2022.

Plan	Outcome	Objective
Corporate Business Plan 2017 - 2022	Business Performance	5.8 Apply best practice principles and processes to maximise efficiencies and quality.

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	Failure to carry out the System and Procedures Audit by 31 December 2018 and resultant non-compliance with legislative requirements.
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Compliance
Risk Assessment Context	Strategic
Consequence	Minor
Likelihood	Likely
Rating (before treatment)	Moderate

9.1 APPOINTMENT OF AUDITOR – CITY'S SYSTEMS AND PROCEDURES AUDIT 2018

Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Undertake the required biennial Systems and Procedures Audit. This audit will play a valuable role in reducing risk and improving practices relating to internal control, risk management and legislative compliance.
Rating (after treatment)	Low

COUNCIL DECISION

225

MOVED CR D WOOD**SECONDED CR S LEE**

That the Audit Committee recommend to Council to appoint Moore Stephens to conduct the biennial systems and procedures audit as required by Regulation 17 of the *Local Government (Audit) Regulations 1996* in accordance with the scope outlined in Attachment C.

CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL
6/0

ATTACHMENT C

City of Kwinana - Systems and Procedures Audit 2018

Summary:

The City of Kwinana is seeking a request for quotes to conduct the Systems and Procedures Audit in 2018, in accordance with the *Local Government (Audit) Regulations 1996* and the Operational Guidelines issued by the Department of Local Government and Communities.

The City of Kwinana intend to ensure that all the requirements of this audit are met and that a comprehensive, open and transparent audit is undertaken to review the following key areas:

1. **Risk Management**

Internal control and risk management systems and programs are a key expression of a local government's attitude to effective controls.

2. **Internal Control**

Internal control is a key component of a sound governance framework, in addition to leadership, long-term planning, compliance, resource allocation, accountability and transparency. Strategies to maintain sound internal controls are based on risk analysis of the internal operations of a local government.

Internal control systems involve policies and procedures that safeguard assets, ensure accurate and reliable financial reporting, promote compliance with legislation and achieve effective and efficient operations and may vary depending on the size and nature of the local government.

3. **Legislative Compliance**

The compliance programs of a local government are a strong indication of attitude towards meeting legislative requirements.

Legislation:

Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

(a) risk management; and

(b) internal control; and

(c) legislative compliance.

(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.

(3) The CEO is to report to the audit committee the results of that review.

Reference guide:

Department of Local Government and Communities

Local Government Operational Guidelines - No 9 – Revised September 2013

Audit in Local Governments

Scope in detail:

The following must be considered for inclusion in the CEO's review of Risk Management, Internal Control and Legislative Compliance for the purposes of this audit:

Risk Management

- Reviewing whether the local government has an effective risk management system and that material operating risks to the local government are appropriately considered;
- Reviewing whether the local government has a current and effective business continuity plan (including disaster recovery) which is tested from time to time;
- Assessing the internal processes for determining and managing material operating risks in accordance with the local government's identified tolerance for risk, particularly in the following areas;
 - potential non-compliance with legislation, regulations and standards and local government's policies;
 - important accounting judgements or estimates that prove to be wrong;
 - litigation and claims;
 - misconduct, fraud and theft;
 - significant business risks, recognising responsibility for general or specific risk areas, for example, environmental risk, occupational health and safety, and how they are managed by the local government;
- Obtaining regular risk reports, which identify key risks, the status and the effectiveness of the risk management systems, to ensure that identified risks are monitored and new risks are identified, mitigated and reported;
- Assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance;
- Reviewing the effectiveness of the local government's internal control system with management and the internal and external auditors;
- Assessing whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk;
- Assessing the local government's procurement framework with a focus on the probity and transparency of policies and procedures/processes and whether these are being applied;
- Should the need arise, meeting periodically with key management, internal and external auditors, and compliance staff, to understand and discuss any changes in the local government's control environment;
- Ascertaining whether fraud and misconduct risks have been identified, analysed, evaluated, have an appropriate treatment plan which has been implemented, communicated, monitored and there is regular reporting and ongoing management of fraud and misconduct risks.

Internal Control

Audit areas around:

- integrity and ethics;
- policies and delegated authority;
- levels of responsibilities and authorities;
- audit practices;
- information system access and security;
- management operating style; and
- human resource management and practices.

Aspects of an effective control framework will include:

- delegation of authority;
- documented policies and procedures;
- trained and qualified employees;
- system controls;
- effective policy and process review;
- regular internal audits;
- documentation of risk identification and assessment; and regular liaison with auditor and legal advisors.

The following are examples of controls that are typically reviewed:

- separation of roles and functions, processing and authorisation;
- control of approval of documents, letters and financial records;
- comparison of internal data with other or external sources of information;
- limit of direct physical access to assets and records;
- control of computer applications and information system standards;
- limit access to make changes in data files and systems;
- regular maintenance and review of financial control accounts and trial balances;
- comparison and analysis of financial results with budgeted amounts;
- the arithmetical accuracy and content of records;
- report, review and approval of financial payments and reconciliations; and
- comparison of the result of physical cash and inventory counts with accounting records.

Legislative Compliance

The compliance programs of a local government are a strong indication of attitude towards meeting legislative requirements. Audit committee practices in regard to monitoring compliance programs typically include:

- Monitoring compliance with legislation and regulations;
 - Reviewing the annual Compliance Audit Return and reporting to Council the results of that review;
 - Staying informed about how management is monitoring the effectiveness of its compliance and making recommendations for change as necessary;
 - Reviewing whether the local government has procedures for it to receive, retain and treat complaints, including confidential and anonymous employee complaints;
 - Obtaining assurance that adverse trends are identified and review management's plans to deal with these;
 - Reviewing management disclosures in financial reports of the effect of significant compliance issues;
 - Reviewing whether the internal and/or external auditors have regard to compliance and ethics risks in the development of their audit plan and in the conduct of audit projects, and report compliance and ethics issues to the audit committee;
 - Considering the internal auditor's role in assessing compliance and ethics risks in their plan;
 - Monitoring the local government's compliance frameworks dealing with relevant external legislation and regulatory requirements; and
 - Complying with legislative and regulatory requirements imposed on audit committee members, including not misusing their position to gain an advantage for themselves or another or to cause detriment to the local government and disclosing conflicts of interest.
-

The scope will also include a one hour meeting with the Audit Committee at 5.30pm on 19 November at the City of Kwinana Council Chambers.

Timeframe:

Request for quote invitation:	3 May 2018
Last day of submission:	25 May 2018
Report to Audit Committee to recommend appointment of auditor:	1 June 2018
Report to Council for appointment of auditor:	15 June 2018
Final Report by Auditor sent to Chief Executive Officer:	20 October 2018
Report to Audit Committee on findings:	8 November 2018
Report to Council:	20 November 2018

Attachment: Department of Local Government and Communities - Local Government Operational Guidelines - No 9 – Revised September 2013 - Audit in Local Governments

10 Petitions:

Nil

11 Notices of Motion:

11.1 Officer Report in response to the Notice of Motion – Consideration for the building located at Lot 1040 (17) Harley Way, Medina and currently occupied by the Kwinana Senior Citizens to be included in the City of Kwinana Municipal Heritage Inventory

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

Deputy Mayor Peter Feasey has given notice in writing to the Chief Executive Officer for Council to commence investigations into listing on the City's Municipal Heritage Inventory (MHI), the building located at Lot 1040 (17) Harley Way, Medina (the Building) and currently occupied by the Kwinana Senior Citizens. In 2015, the City engaged a heritage consultant to undertake a review of the MHI prepared in 2007 to bring the inventory up to date, however at that time no new nominations were included in the MHI.

The Officer Recommendation proposes to consider the inclusion of the Building in the MHI, when a further review of the MHI is undertaken as part of the Local Planning Strategy (LPS) process. The timeline for the completion of the draft LPS for Council adoption is intended for the financial year 2021-2022. In conjunction with the LPS process, the current MHI will need to be reviewed which is expected to be undertaken during the 2019-2020 financial year.

OFFICER RECOMMENDATION:

That Council instruct the Chief Executive Officer to undertake a formal heritage assessment of the building located at Lot 1040 (17) Harley Way, Medina and currently occupied by the Kwinana Senior Citizens for possible inclusion in the Municipal Heritage Inventory when it is reviewed as part of the Local Planning Strategy process in 2019-2020.

DISCUSSION:

Background

Deputy Mayor Peter Feasey's Notice of Motion states:

That Council commence investigations into listing the building the Kwinana Senior Citizens occupy in Medina on the Municipal Heritage Inventory.

Heritage is important in understanding the story of both Western Australia and the Kwinana community - its history, identity and diversity. By protecting these places and areas, future generations will be able to appreciate and enjoy a rich and diverse cultural environment and understand what came before them. The *Heritage of Western Australia Act 1990* requires all local government authorities in Western Australia to compile, and periodically update and review a MHI.

11.1 OFFICER REPORT TO ACCOMPANY NOTICE OF MOTION – CONSIDERATION FOR THE BUILDING LOCATED AT LOT 1040 (17) HARLEY WAY, MEDINA AND CURRENTLY OCCUPIED BY THE KWINANA SENIOR CITIZENS TO BE INCLUDED IN THE CITY OF KWINANA MUNICIPAL HERITAGE INVENTORY

Any review of the City's MHI should be undertaken in accordance with the guidelines for the Review of Municipal Heritage Inventories prepared by the Heritage Council of Western Australia, and the conservation philosophy of the Australian International Council on Monuments and Sites (ICOMOS) Burra Charter, 1999.

State Planning Policy 3.5: Historic Heritage Conservation (SPP 3.5)

The conservation and protection of places and areas of local heritage significance is provided for in the *Planning and Development Act 2005*, which enables local government to protect heritage places and objects in local planning schemes. Additionally, SPP 3.5 sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's ... *historic cultural heritage including heritage areas, buildings and structures, historic cemeteries and gardens, man-made landscapes and historic or archaeological sites with or without built features*. SPP 3.5 also sets out a framework for local government in formulating planning schemes and strategies for conserving heritage places and areas.

Heritage of Western Australia Act 1990

Under Part 5, Clause 45 of the *Heritage of Western Australia Act 1990*:

- (1) *A local government is required to compile and maintain an inventory of buildings of cultural heritage significance within its district which in its opinion are, or may become, of cultural heritage significance.*
- (2) *The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be —*
 - (a) updated annually; and*
 - (b) reviewed every 4 years after compilation.*
- (3) *A local government shall provide the Council with a copy of the inventory compiled pursuant to this section.*
- (4) *A local government shall ensure that the inventory required by this section is compiled with proper public consultation.*

Heritage Assessments

Heritage assessments are generally carried out by professional heritage consultants, and informed by input from a range of stakeholders including owners, community groups, advisory committees and local government officers. The following values are generally assessed to determine the *heritage significance* of a place or area:

1. Aesthetic value - A place or area included under this criterion will have characteristics of scale, composition, materials, texture and colour that are considered to have value for the local district. This may encompass:
 - creative or design excellence.
 - the contribution of a place to the quality of its setting.
 - landmark quality.
 - a contribution to important vistas.

11.1 OFFICER REPORT TO ACCOMPANY NOTICE OF MOTION – CONSIDERATION FOR THE BUILDING LOCATED AT LOT 1040 (17) HARLEY WAY, MEDINA AND CURRENTLY OCCUPIED BY THE KWINANA SENIOR CITIZENS TO BE INCLUDED IN THE CITY OF KWINANA MUNICIPAL HERITAGE INVENTORY

2. Historic value - A place or area included under this criterion should:
 - be closely associated with events, developments or cultural phases that have played an important part in the locality's history.
 - have a special association with a person, group of people or organisation important in shaping the locality (either as the product or workplace of a person or group, or the site of a particular event connected with them).
 - be an example of technical or creative achievement from a particular period.
3. Research value - A place or area included under this criterion:
 - may be a standing structure or archaeological deposit and will generally be an important benchmark or reference site.
 - should provide, or demonstrate a likelihood of providing, evidence about past activity. This may include important information about construction technology, land use or industrial processes not available anywhere else.
4. Social value - A place would be considered for inclusion under this criterion:
 - if it were one that the community, or a significant part of the community, has held in high regard for an extended period.
 - make a positive contribution to the local 'sense of place' and local identity.
 - need not be valued by the entire community to be significant.

The following criteria are also used to determine the *level of significance* of a place or area:

5. Rarity: It demonstrates rare, uncommon or endangered aspects of the cultural heritage of the local district.
6. Representativeness: It is significant in demonstrating the characteristics of a class of cultural places or environments in the local district.
7. Condition, Integrity and Authenticity:
 - Condition - The current state of the place in relation to the values for which that place has been assessed, and is generally graded on the scale of Good, Fair or Poor.
 - Integrity - The extent to which a place retains its original function, generally graded on a scale of High, Medium or Low.
 - Authenticity - The extent to which the fabric is in its original state, generally graded on a scale of High, Medium or Low.

As part of the LPS project, the MHI will need to be reviewed in accordance with the requirements of the *Planning and Development Act 2005*, SPP3.5 and the *Heritage of Western Australia Act 1990*. The above-mentioned heritage assessment process will be required to be followed to assess the suitability of the Building in the MHI.

11.1 OFFICER REPORT TO ACCOMPANY NOTICE OF MOTION – CONSIDERATION FOR THE BUILDING LOCATED AT LOT 1040 (17) HARLEY WAY, MEDINA AND CURRENTLY OCCUPIED BY THE KWINANA SENIOR CITIZENS TO BE INCLUDED IN THE CITY OF KWINANA MUNICIPAL HERITAGE INVENTORY

In 2015, the City engaged a heritage consultant to undertake a minor review of the MHI prepared in 2007 to bring the inventory up to date, however at that time no new nominations were considered for inclusion in the MHI. Since the 2015 review, City Officers have received submissions from members of the community requesting that consideration be given to a number of sites throughout the City for inclusion on the MHI. In this regard, City Officers are compiling a list of sites for assessment which will be incorporated into the review of the MHI being undertaken as part of the preparation and finalisation of the LPS. It is proposed that the Building be included for assessment as part of this review.

LEGAL/POLICY IMPLICATIONS:

Western Australian Planning Commission *State Planning Policy 3.5 Historic Heritage Conservation*

Heritage of Western Australia Act 1990

FINANCIAL/BUDGET IMPLICATIONS:

There are no direct financial management implications related to this report, however the investigations to list the Building as a heritage item in the MHI will require a budget allocation. The costs of the heritage assessment of the Senior Citizens Building will be incorporated into the MHI review, which is estimated at approximately \$30,000 - \$40,000.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications related to this report.

ENVIRONMENTAL IMPLICATIONS:

There are no direct environmental implications related to this report.

STRATEGIC/SOCIAL IMPLICATIONS:

The City places a high priority on good governance, integrity, equitable access to representation and democratic values. Listing the Building in the MHI has the potential to support the achievement of the following objective and strategy detailed in the Strategic Community Plan 2017-2027.

Aspiration	Objective	Strategies
Rich in spirit – Community A sense of place and heritage	1.8 Respect and promote Kwinana's unique heritage	Heritage Assets

11.1 OFFICER REPORT TO ACCOMPANY NOTICE OF MOTION – CONSIDERATION FOR THE BUILDING LOCATED AT LOT 1040 (17) HARLEY WAY, MEDINA AND CURRENTLY OCCUPIED BY THE KWINANA SENIOR CITIZENS TO BE INCLUDED IN THE CITY OF KWINANA MUNICIPAL HERITAGE INVENTORY

COMMUNITY ENGAGEMENT

Should Council resolve to initiate the commencement of investigations into listing the Building as part of the MHI review, it will be advertised in accordance with the requirements of the *Heritage of Western Australia Act 1990* in conjunction with the City's Community Engagement Policy.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Analysis	Description
Risk Event	Not including a heritage place in the Municipal Heritage Inventory
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Compliance
Risk Assessment Context	Operational
Consequence	Moderate
Likelihood	Possible
Rating (before treatment)	Moderate
Risk Treatment in place	Reduce - mitigate risk
Risk treatments required/Response	Undertake investigations to include the heritage place in the Municipal Heritage Inventory
Rating (after treatment)	Low

COUNCIL DECISION

226

MOVED CR P FEASEY

SECONDED CR D WOOD

That Council instruct the Chief Executive Officer to undertake a formal heritage assessment of the building located at Lot 1040 (17) Harley Way, Medina and currently occupied by the Kwinana Senior Citizens for possible inclusion in the Municipal Heritage Inventory when it is reviewed as part of the Local Planning Strategy process in 2019-2020.

**CARRIED
6/0**

12 Reports – Community

Nil

13 Reports – Economic

Nil

14 Reports – Natural Environment

Nil

15 Reports – Built Infrastructure

Nil

16 Reports – Civic Leadership

16.1 Change Method in Valuation for Rating Purposes – Assessment 7579

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

On 27 April 2016, Council resolved to apply to the then Minister of Local Government and Communities (Minister) to change the method of valuation from Unimproved Valuation (UV) to Gross Rental Valuation (GRV) for 100 properties. There were 119 properties that were included in the 2016 review and of these 19 properties were determined to be used predominantly for rural purposes and remained on the UV method of valuation.

A recent enquiry by one of the excluded property ratepayers (assessment 7579) prompted a review of the previous findings and report to Council. The enquiry revealed that assessment 7579 completed the Land Use Declaration Form stating the agricultural activity that is carried out is the predominate use on the land (as detailed in Confidential Attachment A). The ratepayer has informed City Officers that the land is not being predominately used for rural purposes and they have submitted a new Land Use Declaration Form to this effect (as detailed in Confidential Attachment B). It is requested that Council make application to the Minister to change the method of valuation from UV to GRV. This will result in the rates for the 2018/2019 financial year to be less than if they were rated on the UV method of valuation.

OFFICER RECOMMENDATION:

That Council authorise the Chief Executive Officer to apply to the Minister for Local Government; Heritage; Culture and the Arts to change the method of valuation for assessment 7579 from UV to GRV.

DISCUSSION:

Action 5.4.10 of the City of Kwinana Corporate Business Plan states that the City will review land uses and their rating categories to ensure fair and equitable rating within the City. On 27 April 2016, Council resolved to apply to the then Minister of Local Government and Communities (Minister) to change the method of valuation from Unimproved Valuation (UV) to Gross Rental Valuation (GRV) for 100 properties. 119 properties were part of a review conducted by City Officers to determine the use of their property and what method of valuation should be applied. Land Use Declaration forms were issued to all of the ratepayers subject to the review asking them to complete the form and return it to the City. The form asked questions such as what type of rural activity, if any, was being performed on the property and whether the ratepayer earned a livelihood from those activities or not. From the information received, City Officers collated the list of properties that were being used predominantly for rural purposes and presented to Council the list of properties that were required to change to the GRV method of valuation.

Since that review, assessment 7579 has completed a new Land Use Declaration Form stating that they do not use the land predominantly for agricultural/rural purposes.

16.1 CHANGE METHOD IN VALUATION FOR RATING PURPOSES – ASSESSMENT 7579

The City is required under Section 6.28 of the *Local Government Act 1995* to apply to the Minister for Local Government; Heritage; Culture and the Arts (Minister) to change the method from UV to GRV for those properties that are used predominantly for non-rural purposes. It is recommended that Council request to the Minister to change the method of valuation from UV to GRV for the property on assessment 7579.

If the property is approved by the Minister to change to the GRV method of valuation, they will be rated Improved Special Residential (rating category) and the rates for the property would be lower than the current Rural rate. The 2018/2019 financial year rates refund will be funded from the interim rates budget account.

LEGAL/POLICY IMPLICATIONS:

Local Government Act 1995 section 6.28 states:

- (1) *The Minister is to —*
 - (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
 - (b) *publish a notice of the determination in the Government Gazette.*
- (2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*
 - (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
 - (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*
- (3) *The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.*
- (4) *Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.*
- (5) *Where during a financial year —*
 - (a) *an interim valuation is made under the Valuation of Land Act 1978; or*
 - (b) *a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or*
 - (c) *a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force, the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.*

FINANCIAL/BUDGET IMPLICATIONS:

There is a cost associated with applying to the Minister to change the method of valuation for assessment 7579 to advertise the approved change in the Government Gazette of approximately \$150, to be funded from the rates advertising budget. Reimbursement of the overpayment of rates for the 2018/2019 financial year will depend on the date the Minister approves the change in method and it is proposed to be funded from the interim rates budget account.

16.1 CHANGE METHOD IN VALUATION FOR RATING PURPOSES – ASSESSMENT 7579

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications as a result of this report.

ENVIRONMENTAL IMPLICATIONS:

There are no environmental implications as a result of this report.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following outcome and objective detailed in the Corporate Business Plan.

Plan	Outcome	Objective
Corporate Business Plan	Business Performance	5.4 Ensure the financial sustainability of the City of Kwinana into the future

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	If the wrong method of valuation is used, the incorrect amount of rates will be charged
Risk Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Effect/Impact	Financial Reputation Compliance
Risk Assessment Context	Operational
Consequence	Minor
Likelihood	Likely
Rating (before treatment)	Moderate
Risk Treatment in place	Avoid - remove cause of risk
Response to risk treatment required/in place	Ensure that ratepayers are provided with the Land Use Declaration Form and this is reviewed.
Rating (after treatment)	Low

16.1 CHANGE METHOD IN VALUATION FOR RATING PURPOSES – ASSESSMENT 7579

COUNCIL DECISION

227

MOVED CR S LEE

SECONDED CR S MILLS

That Council authorise the Chief Executive Officer to apply to the Minister for Local Government; Heritage; Culture and the Arts to change the method of valuation for assessment 7579 from UV to GRV.

**CARRIED
6/0**

16.2 WA Local Government Association (WALGA) Annual General Meeting 2018

DECLARATION OF INTEREST:

There were no declarations of interest declared.

SUMMARY:

The WA Local Government Association (WALGA) is holding their Annual General Meeting on Wednesday 1 August 2018 at the Perth Convention Exhibition Centre. At the Ordinary Council Meeting held on 23 May 2018, Council resolved to appoint Mayor Carol Adams and Councillor Sandra Lee as the City of Kwinana delegates who will vote on the matters raised at the Annual General Meeting on behalf of the City of Kwinana. WALGA have been notified of the names of the delegates appointed.

The Agenda for the WALGA Annual General Meeting has been issued and is detailed in Attachment A. Section four of the agenda outlines the four 'Consideration of Executive and Member Motions' that the delegates must vote on. Council will need to provide guidance to delegates on whether they support or not support the proposed motions.

OFFICER RECOMMENDATION:

That Council delegates vote the following way for the items identified in the 'Consideration of Executive and Member Motions' in the 2018 WA Local Government Association Annual General Meeting agenda on 1 August 2018:

- 4.1 Proposal to Amend the Association Constitution – support
- 4.2 Roadside Vegetation – Not Support
There are currently a number of provisions in place within the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* for clearing to be permitted. The existing provisions ensure a balance between preservation of conservation significant vegetation and road safety.
- 4.3 GST Revenue Distribution Share for WA – support
- 4.4 Rural, Regional and Remote Community State Government Funding Cuts – support in part, propose an amended motion:
That WALGA express its deep concern to the W.A. State Government regarding the impact on rural, regional and remote communities in W.A. through reducing funding to critical services and infrastructure programs.

DISCUSSION:

The City of Kwinana has voting rights as a member of the WALGA South Metropolitan Zone. Council's voting delegates are Mayor Carol Adams and Councillor Sandra Lee. If, for some reason, the delegates are absent, Councillor Dennis Wood and Councillor Sheila Mills were appointed as proxy voting delegates. The WALGA Annual General Meeting will be held on 1 August 2018 and there are a number of agenda items, as detailed in Attachment A, which Council will need to provide the delegates with an indication of whether they support or not support these items.

City Officers have provided the following comments on the 'Consideration of Executive and Member Motions':

16.2 WA LOCAL GOVERNMENT ASSOCIATION (WALGA) ANNUAL GENERAL MEETING 2018

- 4.1 Proposal to Amend the Association Constitution
No comment, due to these amendments already being agreed to by State Council at the May 2018 State Council Meeting.

- 4.2 Roadside Vegetation – Regulatory Amendments
City Officers do not support the motion to amend the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* to permit clearing or reduction of vegetation within 30 metres of all farm driveways/gates/entrances and on road bends and intersections obstructing line of sight on the basis that there are already a number of other provisions in place to allow for such clearing of vegetation to take place.

Road Reserves often represent a significant proportion of remnant vegetation in rural areas. As such, the frequency of conservation significant flora occurring with road verges is very high and can represent the only occurrence of some species and communities. Clearing within these areas needs to pay particular attention to the potential for impacts on quality vegetation or conservation significant vegetation whilst balancing the need for crossovers and sightlines. The cumulative impact of clearing 60 metres plus at each crossover without such considerations may inadvertently lead to an increase in the scarcity of some species.

The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* contain several exemptions to the need for a permit to conduct clearing of native vegetation. Several of these exemptions may be appropriate to the situation stated in the Member's Motion, in particular regulation 5, item 21a which details appropriate clearing for crossovers and sight lines.

The regulations also enable a Local Government to apply for a permit to undertake several similar activities, such as sight line clearing, at several different locations authorised by the one approval. A Purpose Permit may also be a more appropriate and timely way to facilitate native vegetation clearing, to reduce road safety risks, rather than advocating for a review of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

- 4.3 GST Revenue Distribution Share for WA
No comment as City Officers support WALGA advocating for an increase to the Goods and Services Tax (GST) distribution for Western Australia. At the 9 August 2017 Ordinary Council Meeting, Council resolved to:
1. Approve the letter addressed to the Prime Minister, Mr Malcolm Turnbull and the Leader of the Opposition Mr Bill Shorten as detailed in Attachment A, to request that Western Australia receives an increase in the GST distribution it receives.
 2. Respond to the Shire President of the Plantagenet confirming that the letter has been sent.
 3. Send a copy of the letters to the Western Australian Federal members for their information.

In 2017, the request to the Prime Minister was for the GST revenue for Western Australia to be set at an amount of 70 cents in the dollar. The rate in 2017 was 34 cents in the dollar and this has increased for the 2018/2019 financial year to 47 cents in the dollar (4.9% of the GST share). The cents in the dollar is still low and has impacted all local governments who receive financial support by the State Government (in particular road funding).

16.2 WA LOCAL GOVERNMENT ASSOCIATION (WALGA) ANNUAL GENERAL MEETING 2018

4.4 Rural, Regional and Remote Community State Government Funding Cuts – support in part.

Officers support the intent of the Member's Motion however, would suggest that the wording be amended to remove potentially inflammatory language such as "continued attack". It is also recommended to remove the portion of the motion which claims disproportionate discrimination against already disadvantaged communities as the evidence base for such a broad claim has not been provided and could be open to challenge.

The amended motion would read as follows:

That WALGA express its deep concern to the W.A. State Government regarding the impact on rural, regional and remote communities in W.A. through reducing funding to critical services and infrastructure programs.

LEGAL/POLICY IMPLICATIONS:

Elected Members and Officers Representing Council or the City as Delegates Council Policy

Scope: Elected Members and Officers representing Council or the City as delegates are not empowered to commit Council or the City to any course of action unless provided with specific authority of Council or until such time as Council has approved of such action through Council's normal process.

FINANCIAL/BUDGET IMPLICATIONS:

No financial/budget implications have been identified as a result of this report or recommendation.

ASSET MANAGEMENT IMPLICATIONS:

There are no asset management implications that have been identified as a result of this report or recommendation.

ENVIRONMENTAL IMPLICATIONS:

No environmental implications have been identified as a result of this report or recommendation.

STRATEGIC/SOCIAL IMPLICATIONS:

This proposal will support the achievement of the following outcome and objective detailed in the Corporate Business Plan.

16.2 WA LOCAL GOVERNMENT ASSOCIATION (WALGA) ANNUAL GENERAL MEETING 2018

Plan	Outcome	Objective
Corporate Business Plan	Civic Leadership	5.1 An active and engaged Local Government, focussed on achieving the community's vision

COMMUNITY ENGAGEMENT:

There are no community engagement implications as a result of this report.

RISK IMPLICATIONS:

The risk implications in relation to this proposal are as follows:

Risk Event	Not being advised by Council on how to vote on matters raised at the Annual General Meeting
Risk Theme	Inadequate engagement practices
Risk Effect/Impact	Service Delivery Reputation
Risk Assessment Context	Strategic
Consequence	Moderate
Likelihood	Unlikely
Rating (before treatment)	Low
Risk Treatment in place	Reduce - mitigate risk
Response to risk treatment required/in place	Ensure Delegates are available to attend to vote
Rating (after treatment)	Low

COUNCIL DECISION

228

MOVED CR S MILLS**SECONDED CR S LEE**

That Council delegates vote the following way for the items identified in the 'Consideration of Executive and Member Motions' in the 2018 WA Local Government Association Annual General Meeting agenda on 1 August 2018:

4.1 Proposal to Amend the Association Constitution – support

4.2 Roadside Vegetation – Not Support

There are currently a number of provisions in place within the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* for clearing to be permitted. The existing provisions ensure a balance between preservation of conservation significant vegetation and road safety.

16.2 WA LOCAL GOVERNMENT ASSOCIATION (WALGA) ANNUAL GENERAL MEETING 2018

4.3 GST Revenue Distribution Share for WA – support

4.4 Rural, Regional and Remote Community State Government Funding Cuts – support in part, propose an amended motion:

That WALGA express its deep concern to the W.A. State Government regarding the impact on rural, regional and remote communities in W.A. through reducing funding to critical services and infrastructure programs.

**CARRIED
6/0**

READY & RELEVANT

AGENDA
ANNUAL GENERAL MEETING

PRESENTED BY



FOUNDING
CORPORATE PARTNER



**2018 WA Local
Government
Convention**

Perth Convention and
Exhibition Centre
1 - 3 August 2018



Strategic Plan 2015-2020

Vision for WALGA

WALGA is respected for delivering on the aspirations of its members, as the Lead Association for Local Government.

Mission

WALGA provides value to member Local Governments by:

- Enhancing the capacity of Local Governments to deliver services
- Building a positive profile for Local Government
- Providing effective leadership on behalf of the sector
- Ensuring representation for Local Government.

Strategy Statement

The strategic focus for our organisation is:

Greater than 80% member satisfaction with WALGA within three years.

This strategy statement is built on our competitive advantage of being:

Experienced: We have a clear understanding of the business of Local Government.

Integrated: We are a reliable and effective aggregation that gives value, financial benefits and a united voice.

Professional: We provide expert services to meet member needs.

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
- Build a strong sense of WALGA ownership and alignment.

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
- Promote WALGA's advocacy successes with the sector and the wider community
- Strengthen effective relationships with external peak bodies and key decision makers in State and Federal Government
- Develop simple and consistent messages that are effectively articulated
- Promote WALGA's supplier agreements to assist Local Governments.





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AGENDA

**Annual General Meeting
of the
Western Australian
Local Government Association**

to be held at the
Perth Convention Exhibition Centre
21 Mounts Bay Road, Perth
Riverside Theatre (Level 2)
on
Wednesday 1 August 2018
at 1.30 pm

1. Meeting Program

- 1.30pm** **Welcome address by WALGA President, followed by Welcome to Country and the National Anthem**
- 1.45pm** **WALGA President's Annual Report, Cr Lynne Craigie, WALGA President**
- 1.55pm** **Announcement of Local Government Honours for:**
- Life Membership
 - Eminent Service Award
 - Long and Loyal Service Award
 - Local Government Merit Award
 - Local Government Distinguished Officer Awards
- Recipients are invited on to stage for presentation and group photograph
- 2.30pm** **Address from Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts**
- 2.40pm** **Address from Hon Dr Mike Nahan MLA, Leader of the Opposition**
- 2.50pm** **Address from Mayor David O'Loughlin, President, Australian Local Government Association**
- 3.00pm** **Presentation of Local Government Diploma Certificates and Scholarship**
- 3.15pm** **Anzac Day Award, MACWA Award, LGIS Awards**
- 3.30pm** **Afternoon tea**
- 3.50pm** **Introduction of the WALGA State Council by Ricky Burges, Chief Executive Officer, WALGA**
- 3.55pm** **AGM Business Session Commences:**
- Attendance, Apologies and Announcements;
 - Confirmation of Minutes from last AGM (Attachment 2);
 - Adoption of President's Report;
 - Consideration of 2017/2018 Financial Statements; and
 - Consideration of Executive and Member Motions
- 5:00pm** **Close of Annual General Meeting**

1.1 Annual General Meeting – Order of Proceedings

Record of Attendance and Apologies

Announcements

Confirmation of Minutes

Minutes of the 2017 WALGA Annual General Meeting are contained within this AGM Agenda.

DRAFT MOTION:

That the Minutes of the 2017 Annual General Meeting be confirmed as a true and correct record of proceedings.

2.0 Adoption of President's Annual Report

The President's Annual Report for 2017/2018 is contained within this AGM Agenda.

DRAFT MOTION:

That the President's Annual Report for 2017/2018 be received.

3.0 WALGA 2017/2018 Financial Statements

The audited 2017/2018 WALGA Financial Statements will be distributed to all members prior to the meeting.

DRAFT MOTION:

That the WALGA Financial Statements for 2017/2018 be received.

4.0 Consideration of Executive and Member Motions

As per motions listed.

5.0 Closure

1.2 Metropolitan and Country Zones

The Zones of the Metropolitan and Country Local Governments of the Western Australian Local Government Association are as listed below.

Metropolitan Zones

Central Metropolitan

Town of Cambridge
Town of Mosman Park
City of Subiaco

Town of Claremont
Shire of Peppermint Grove
City of Vincent

Town of Cottesloe
City of Perth

East Metropolitan

Town of Bassendean
City of Kalamunda

City of Bayswater
Shire of Mundaring

City of Belmont
City of Swan

North Metropolitan

City of Joondalup

City of Stirling

City of Wanneroo

South Metropolitan

City of Cockburn
City of Kwinana

Town of East Fremantle
City of Melville

City of Fremantle
City of Rockingham

South East Metropolitan

City of Armadale
City of South Perth

City of Canning
Town of Victoria Park

City of Gosnells

Country Zones

Avon – Midland Country Zone

Shire of Chittering
Shire of Gingin
Shire of Northam
Shire of Wongan-Ballidu

Shire of Dalwallinu
Shire of Goomalling
Shire of Toodyay
Shire of York

Shire of Dandaragan
Shire of Moora
Shire of Victoria Plains

Central Country Zone

Shire of Beverley
Shire of Cuballing
Shire of Lake Grace
Shire of Quairading
Shire of West Arthur

Shire of Brookton
Shire of Dumbleyung
Shire of Narrogin
Shire of Wagin
Shire of Wickepin

Shire of Corrigin
Shire of Kulin
Shire of Pingelly
Shire of Wandering
Shire of Williams

Goldfields Esperance Country Zone

Shire of Coolgardie
City of Kalgoorlie-Boulder
Shire of Menzies
Shire of Wiluna

Shire of Dundas
Shire of Laverton
Shire of Ngaanyatjaraku

Shire of Esperance
Shire of Leonora
Shire of Ravensthorpe

Gascoyne Country Zone

Shire of Carnarvon
Shire of Upper Gascoyne

Shire of Exmouth

Shire of Shark Bay

Great Eastern Country Zone

Shire of Bruce Rock
Shire of Kellerberrin
Shire of Merredin
Shire of Narembeen
Shire of Trayning
Shire of Yilgarn

Shire of Cunderdin
Shire of Kondinin
Shire of Mount Marshall
Shire of Nungarin
Shire of Westonia

Shire of Dowerin
Shire of Koorda
Shire of Mukinbudin
Shire of Tammin
Shire of Wyalkatchem

Great Southern Country Zone

City of Albany
Shire of Denmark
Shire of Katanning
Shire of Plantagenet

Shire of Broomehill-Tambellup
Shire of Gnowangerup
Shire of Kent
Shire of Woodanilling

Shire of Cranbrook
Shire of Jerramungup
Shire of Kojonup

Kimberley Country Zone

Shire of Broome
Shire of Derby/West Kimberley
Shire of Wyndham/East Kimberley

Shire of Cocos (Keeling) Island
Shire of Halls Creek

Shire of Christmas Island

Murchison Country Zone

Shire of Cue
Shire of Murchison

Shire of Meekatharra
Shire of Sandstone

Shire of Mount Magnet
Shire of Yalgoo

Northern Country Zone

Shire of Carnamah
City of Greater Geraldton
Shire of Morawa
Shire of Perenjori

Shire of Chapman Valley
Shire of Irwin
Shire of Mullewa
Shire of Three Springs

Shire of Coorow
Shire of Mingenew
Shire of Northampton

Peel Country Zone

Shire of Boddington
Shire of Waroona

City of Mandurah
Shire of Serpentine-Jarrahdale

Shire of Murray

Pilbara Country Zone

Shire of Ashburton
Town of Port Hedland

Shire of Cocos (Keeling) Islands
City of Karratha

Shire of East Pilbara

South West Country Zone

Shire of Augusta-Margaret River
City of Bunbury
Shire of Collie
Shire of Harvey

Shire of Boyup Brook
City of Busselton
Shire of Dardanup
Shire of Manjimup

Shire of Bridgetown-Greenbushes
Shire of Capel
Shire of Donnybrook-Balingup
Shire of Nannup

1.3 Zone Representatives to State Council 2017/2018

Six (6) ordinary meetings of the WALGA State Council were held between June 2017 and May 2018 with attendance as follows:

<u>Members</u>	<u>Attendance</u>	<u>Members</u>	<u>Attendance</u>
WALGA President		Murchison Country Zone	
President Cr Lynne Craigie	6	Cr Les Price (Appointed 2017)	6
Deputy President		North Metropolitan Zone	
Mayor Tracey Roberts JP		Cr Giovanni Italiano JP (Appointed 2017)	5
(North Metropolitan Zone)	6	Cr Russ Fishwick JP	4
Avon-Midland Country Zone		Cr Frank Cvitan (Deputy)	1
Cr Jan Court (appointed 2017)	3	Cr Nige Jones (Deputy)	1
Cr Darren Slynys (Deputy)	1	Northern Country Zone	
Central Country Zone		President Cr Karen Chappel	6
President Cr Phil Blight	5	Peel Country Zone	
Cr Brendan Whitely (Deputy)	1	Cr Michelle Rich (appointed 2017)	3
Central Metropolitan Zone		Cr Wally Barrett OAM (retired 2017)	3
Cr Janet Davidson JP (retired 2018)	4	Pilbara Country Zone	
Cr Paul Kelly (appointed 2017)	3	President Cr Kerry White (appointed 2017)	3
Mayor Heather Henderson (retired 2017)	3	Mayor Peter Long (Deputy)	2
Cr Roslyn Harley (Deputy)	1	South Metropolitan Zone	
East Metropolitan Zone		Mayor Cr Carol Adams	6
Cr Brooke O'Donnell (Appointed 2017)	3	Cr Doug Thompson	6
Cr Kate Driver (Appointed 2017)	3	Mayor Logan Howlett	6
Cr Sue Bilich (retired 2017)	3	South East Metropolitan Zone	
Cr Darryl Trease JP (retired 2017)	1	Cr Julie Brown (appointed 2017)	3
Cr Catherine Ehrhardt (Deputy)	1	Mayor Henry Zelones JP (retired 2017)	3
Cr Giorgia Johnson (Deputy)	1	Cr Brian Oliver (appointed 2017)	2
Goldfields Esperance-Country Zone		Cr Fiona Reid (retired 2017)	2
President Cr Malcolm Cullen	6	Cr Ruth Butterfield (Deputy)	1
Gascoyne Country Zone		South West Country Zone	
President Cr Cheryl Cowell	4	Cr Wayne Sanford (retired 2017)	3
Great Eastern Country Zone		President Cr Tony Dean (appointed 2017)	2
President Cr Stephen Strange	5	Local Government Professionals WA	
Great Southern Country Zone		Mr Ian Cowie PSM (ex-officio)	4
President Cr Keith House (appointed 2017)	3	Mr Jonathon Throssell (ex-officio)	1
President Cr Ken Clements (retired 2017)	3		
Kimberley Country Zone			
Cr Chris Mitchell (appointed 2017)	3		
Cr Elsie Archer (retired 2017)	2		

1.4 Local Government Medal Recipients and Honorary Life Members

LOCAL GOVERNMENT MEDAL RECIPIENTS *(Alphabetical order)*

Lang OAM, Mr HM (Murray)(2003)	Morris AM JP, Mrs P (Pat) (2006)
Manea AM, Dr E (Ern)(2000)	Reynolds AM JP, Mayor Cr L (Linton)(2005)
Maslen AM AFSM, Mr R (Rich)(1999)(Deceased)	Robartson AM, OAM, Cr C (Clive)(2005)
Mickel AM JP, Cr I (Ian)(2005)	Yuryevich AM RFD, Mayor RS (Ron)(2016)
Mitchell AM JP Mr W (Bill) (2010)	

HONORARY LIFE MEMBERS *(Alphabetical order)*

Archer, Ms E (Elsia)	Lynch, Mr J (John)
Bajada, Mr A (Alex)	Manea AM, Dr E (Ern)(Deceased)
Barrett-Lennard OAM JP, Mr I (Irwin)	Maslen AM AFSM, Mr R (Rich)(Deceased)
Boothman, Mayor D (David)	Mickel AM JP, Mr I (Ian)
Brockman, OAM Mr F (Frank)(Deceased)	Mitchell, AM JP, Mr W (Bill)
Broad, Mr S (Simon)	Mitchell, Cr C (Chris)
Campbell JP, Mr P (Peter)	Monagle, Cr P (Peter)
Chappel, President Cr K (Karen)	Morris AM JP, Mrs P (Pat)
Chown, Mr EL (Ted)	Norris, Mayor R (Ron)
Clements, Mr K (Ken)	North AM JP, Mr J (Joe)(Deceased)
Cole, Mrs D (Delys)	Park OAM, Mr H (Humphery)
Cook OAM JP, Cr J (Jim)	Parry AM JP, Dr J (John)(Deceased)
Cooper JP, Mr P (Phil)	Paterson JP, Dr J (John)
Cowan, Mr H (Halley)	Patroni, OAM JP Cr R (Romolo)
Cox OAM JP, Mr J (John)(Deceased)	Pech AM JP, Cr K (Ken)
De San Miguel OAM JP, Mr D (Don)	Reynolds AM JP, Mayor Cr L (Linton)
D'Orazio, Mr J (John)(Deceased)	Robartson AM, OAM, Cr C (Clive)
Donaldson, Hon Mr BK (Bruce)	Rowell OBE, Mr RM (Rob)
Donohoe, Mr K (Ken)	Sabourne OAM JP, Cr J (John)
Finlayson AM MM JP, Mr R (Ray)(Deceased)	Snook, Mr G (Gary)
Foulkes-Taylor OAM, Mr HMJ (Michael)	Star, AM Mrs J (Jan)
Hardwick AM JP, Mrs C (Christine)	Strugnell SC, Mr P (Peter)
Henderson, Mayor (Heather)	Stubbs AM, Mr R (Roger)
Kelly, Cr P (Paul)	Trent, Cr K (Kevin)
Kenyon, JP Mayor T (Terence)	Tyzack, Cr T (Terence)
Knight AM JP, Mrs A (Annette)(Deceased)	Yuryevich AM RFD, Mayor RS (Ron)
Kyle AM, Mr P (Peter)	Zelones OAM JP, Mayor H (Henry)
Lang OAM, Mr HM (Murray)	

2. President's Message

Local Government in Western Australia continues to be a leading example of how to provide community services and infrastructure in difficult economic times.

For successive years, Councils across the State have generally held rate increases at historic lows despite increasing pressures from costs of other sectors and a tight economy constricting alternative income sources.

The efforts of Elected Members, Mayors and Presidents and CEOs in respecting and acknowledging the financial hardship of many communities in holding rates low should be applauded.

There are signs that economic growth is slowly building in WA however it will be a significant time yet before that enables the State Government to relax on debt and recurrent expenditure and we need to appreciate this.

The Association and the Local Government sector continues to enjoy a rejuvenated respect in dealing with the State Government, largely as a consequence of the Partnership Agreement signed at this AGM last year.

As a result, we now have an understanding about consultation with the sector - 12 weeks for legislation; eight weeks for regulation; and four weeks for procedures and practices.

I will go into more detail on the Partnership Agreement later however I do want to recognise that while the Partnership Agreement both provides an opportunity to engage and cooperate for the benefit of communities it also carries a responsibility to recognise the circumstances facing each sector.

An example of this is the most recently completed negotiations on the State Road Funds to Local Government Agreement. In an environment where the State Government is considering every line of expenditure, the proposed road funding outcome should be supported by the sector.

Given the current financial predicament confronting the State, there was a genuine risk that the

Government would not enter into a new road funding agreement. However, in the new atmosphere of open dialogue provided by the Partnership agreement, that was avoided.

The final agreement provides a continuation of funding in the first year with potential for growth in later years. Local Government would always want a better deal on road funding – it is a core function of our sector – but just as we want the State to recognise our position, we in good faith need to reciprocate.

Finally I would like to recognise the hard work of Ricky Burges, her Executive Team and all WALGA staff as well as the valuable contributions and support of State Council and all those who have helped to bring about the sector's achievements during the year.

Cr Lynne Craigie
President

2.1 Overview of key outcomes for 2017/2018

WALGA is committed to providing representation and services that deliver value to Member Local Governments.

It delivers these benefits by:

- Providing Strong Representation
- Providing Effective Leadership
- Building a Positive Profile
- Enhancing the Capacity of the Sector

In support of these objectives, significant achievements by WALGA for its Members during the past year are as follows:

Strong Representation

State Road Funds to Local Government Agreement

A new State Road Funds to Local Government Agreement was negotiated in an environment of record high levels of State Government debt, on-going State Government operating budget deficits and cuts to many programs and agencies. At the time of writing, the proposed Agreement is yet to be ratified by Local Governments. It provides

continuation of the same level of funding in the first year of the Agreement, with potential for growth with increases in numbers of vehicles registered and registration fees. The funding that is allocated is less than required to sustain the road network and less than sought by Local Governments. However, Direct Grants, which are critically important to smaller Local Governments will be reinstated to the previous level, before the \$10.3 million cut imposed in July 2017.

Local Government Act Review

Our State Election platform strongly advocated for a review of the *Local Government Act (1995)*. We were pleased when Minister Templeman announced the review and subsequently initiated the two stage process that has been undertaken. WALGA prepared a discussion paper on Act review issues and carried out a detailed consultation process with the sector. In addition WALGA carried out a further submission process on the Department of Local Government, Sport and Cultural Industries consultation paper on Stage 1 of the process. Following the consultation processes and Zone input, WALGA State Council adopted advocacy positions in December 2017 and March 2018. WALGA has four representatives on the Local Government Act Review reference group, which includes WALGA President Lynne Craigie, State Councillor Governance Policy Team Chair Cr Karen Chappel together with two WALGA officers. WALGA will continue to advocate for the sector's positions on the Act review as it progresses into Stage 2.

State Budget Submission

WALGA provided a submission to the State Government in advance of the 2018-19 Budget, which focussed on retaining critical funding to the sector in light of the need for the Government to continue the important task of budget repair. It was pleasing that many of the commitments sought in WALGA's submission were met, although there is still work that remains to be done to ensure that funding is directed to priority areas.

Regional Subsidiary Model

WALGA has long campaigned for the establishment of Local Government regional subsidiaries to facilitate regional cooperation, particularly in relation to shared services. Unfortunately, the previous Government established significant restrictions on Regional Subsidiaries that has discouraged many groups of

Local Governments from establishing a subsidiary. The primary governance control for a subsidiary should be the charter it establishes and not the Act or regulations. WALGA successfully advocated for the current Minister to amend the regulations to allow subsidiaries to acquire or dispose of land, which means it can now lease, purchase or sell property. However there are a number of other restrictions that require amending. WALGA has been advocating for a full review of the regulations to remove unnecessary restrictions and bureaucracy that were not envisaged for this model. WALGA is currently preparing regulatory amendments for the Minister's consideration.

Local Government Industry Reference Committee on Training

At a national level, WALGA is a member of the Local Government Industry Reference Committee which provides a conduit for industry feedback to government on the review, development and implementation of the Local Government Training Package. This places WALGA at the center of Local Government Training Package development for the next 2-3 year term of the Committee.

State Industrial Relations System Review

The Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement commenced a review into the WA State industrial relations system in September 2017. The review considered a number of elements of the State industrial relations system as part of its terms of reference, specifically contemplating whether Local Government should be regulated by the State industrial relations system. Industrial relations jurisdictional uncertainty has been an issue for the Local Government sector for many years, with the vast majority of Local Governments currently operating in the Federal industrial relations jurisdiction. The terms of reference were limited to consideration of sole State system regulation of Local Government and did not extend to consideration of referral of industrial relations powers to the Commonwealth. WALGA State Council revised its policy position on this matter in December 2016. Following consultation with the sector in late 2017, WALGA's initial interim submission into the review in December 2017 was endorsed by State Council in March 2018. The review published an Interim Report in March 2018 which proposed that Local Government be solely regulated by the State industrial relations system together with further recommendations for

significant modification to the State industrial relations system including the introduction of a new Industrial Relations Act 2018 (WA), a State Employment Standard, structural changes to Industrial Tribunals and award modernisation across a number of private sector awards. Further consultation with the sector was undertaken in 2018 and a supplementary submission in response to the Interim Report was submitted to the review in early May addressing the proposed recommendation and transitional considerations, and is due for consideration by WALGA's State Council in July 2018. WALGA eagerly awaits the publication of the final report and will continue to advocate for the sector as this matter progresses.

Biosecurity – Review of the BAM Act

Following WALGA State Council's resolution and strong representation on behalf of the sector, the State Government has now committed to a review of the *Biosecurity and Agriculture Management Act (2007)*, to commence in the second half of 2018.

Plastic Bag Ban

After considerable engagement and feedback from Local Government, in July 2017, the WALGA State Council resolved to support a State-wide ban on single use plastic bags. This support was promoted to Government and the community. In September 2017, the WA Premier Mark McGowan announced that single use plastic bags would be banned on 1 July 2018. The effective advocacy of Local Government and WALGA has assisted in ensuring this positive step was taken.

New Administrative Classification for Metropolitan Local Roads

Perth has grown rapidly since the last review of the process used to designate whether a road should be managed by Main Roads or Local Government was completed in the mid 1990's. With very high volumes of light and heavy vehicle traffic on some Local Government roads and the lack of any link between the classification methodology and the network role and function of roads as set out in strategic transport plans, a review was urgent. After more than two years' work, a new Administrative Classification methodology was agreed during 2018. Detailed studies will now progressively be undertaken on nearly 30 metropolitan roads that could meet the criteria for reclassification as State roads.

Underground Power Program

The first projects approved under Round Six of the popular State Underground Power Program commenced during the year. Seventeen Major Residential Projects were selected in Round 6, from the 56 proposals received. This is a record number of projects for a funding round and will result in approximately 18,000 properties having old overhead power lines replaced with underground connections by 2021. The Association worked with participating Local Governments, State Agencies and Western Power to achieve the best possible outcomes.

Effective Leadership

State and Local Government Partnership Agreement

To facilitate the State Local Government Partnership Agreement signed at last year's convention, a Partnership Executive Group has been formed comprising the Premier, Treasurer, Minister for Transport; Planning and Lands, Minister for Local Government; Heritage; Culture and the Arts, WALGA and LG Professionals. The group had its first meeting in June with issues addressed including: introducing the State to the WALGA Jobs Plan; establishing agreements on climate change; the need for a major review of the planning system; the need for a major review of Local Government fees and charges; and the need for relationship management in the sector at a number of levels, including Elected Members and CEOs.

Members First Program

Commenced in mid-2017, the Members First Program was created to better engage Member Local Governments and enhance their opportunity to realise value from the Association. The program has three broad components – a cultural development program to enhance customer service; acquisition and implementation of Customer Relationship Management software; and an engagement program that includes the production of personalised compendiums for Members, production of publications to support Members; and visits to Ordinary Council Meetings by WALGA Executive.

Member Advisors

As part of the Engagement Strategy, a separate program was trialled involving WALGA Member Advisors visiting Ordinary Council Meetings to

provide insight and support for Elected Members. During the four-month trial period, 20 Local Governments were visited by Member Advisors. The success of the trial has confirmed the adoption of the program into the 2018/19 operational budget.

Quarterly Reports to Members

A key initiative of the Engagement Strategy was the introduction of Quarterly Reports to Members. The reports are provided electronically to every Elected Member and Council for which WALGA is provided contact details. The reports detail the specific contacts and services that each Member Council has accessed from WALGA during the quarter. The intent of the Quarterly Reports is to assist Elected Members' awareness of the activities engaged by their Council with WALGA.

Container Deposit Scheme for WA

The Government undertook consultation on scope of the Container Deposit Scheme for WA in 2017. WALGA, and Local Governments, provided a range of important feedback to the Government. The current Government is still committed to the implementation of a Scheme, but is keen to learn from the implementation of CDS in NSW and QLD, therefore the Scheme is likely to commence in WA in late 2019/early 2020. WALGA, through the CDS Policy Forum, continues to provide constructive feedback to the Government on this important issue.

WALGA Commitment to Reconciliation

WALGA is committed to ensuring that the Association has a Reconciliation Australia's Action Plan (RAP) program in place. A RAP provides a common framework to develop plans that outline practical actions the organisation will take to build strong relationships and enhance respect between Aboriginal and Torres Strait Islander peoples and other Australians. WALGA has developed a Reflect RAP and commences the development of an Innovate RAP in the new financial year.

Library Strategy

In December 2017 the Minister for Art and Culture released the WA Public Library Strategy after several years of discussions with the Local Government sector. The Strategy establishes strategic priorities for public libraries across Western Australia for the next four years and ensures the Local Government sector is represented and acknowledged within the Strategy. The Strategy will bring a broad range of benefits

and services that will enhance the capacity of Local Governments to continue to provide quality services to their communities.

State Government Planning Reform Program

Following advocacy from the Association in line with the 2016 WALGA AGM resolution, the new Minister for Planning, Hon Rita Saffioti announced in December 2017 that an independent review of decision making within the WA planning system would be initiated. The Independent Review team have now released a Green Paper entitled 'Modernising WA's Planning System', outlining a series of possible changes to roles and responsibilities of State and Local Government and other decision making agencies, Development Assessment Panels (DAPs) and the State Administrative Tribunal appeal process. Many of the Association's suggested changes to the Planning system are included in the Green Paper.

The public consultation period closes on the 20 July, and submissions will inform the development of a White Paper for the Government's consideration. WALGA will continue to advocate that any reforms must not remove the 'local' out of the Local Planning Scheme and that the sector must be fully engaged in all discussions on the proposed reforms.

Review of Emergency Services Levy

WALGA has been advocating for a full review of the Emergency Services Levy (ESL) for over ten years. In 2017 the Economic Regulation Authority (ERA) was tasked with conducting a full and independent review and in September 2017, finalised the final report of the Review of the ESL. The Treasurer tasked the ERA to prepare a report on the current arrangements for, and options to improve, the management and distribution of the ESL in Western Australia; an outcome of the Special Inquiry into the Waroona Fires (2015). The final report included 27 recommendations, and incorporated findings from an extensive public consultation process, including submissions received in response to an issues paper and draft report. WALGA undertook an extensive engagement process with Members which culminated in a submission informing the ERA's final report. The State Government are yet to respond to the report in detail.

Positive Profile

Media Reports

Throughout the course of the past 12 months, WALGA and the Local Government sector were featured in approximately 1295 media reports of which the overwhelming majority were either neutral or positive in their representation. The majority of the negative reports were in relation to Elected Member behaviour.

Know Your Council Campaign and Website

The Know Your Council website and supporting metropolitan and regional television campaign was established to assist the community awareness of services provided by the Local Government sector. In addition to a search function by which users can identify local amenities and events, the website provides information and links to Member Councils across key functions including local laws, local roads, rates, planning and building and waste services. The residential rates information for each Council is collected by an independent financial consultant and is updated annually. The website includes the most recent 2017/18 information on rates. The State Governments MyCouncil website was recently updated to include 2016/17 data.

Social Media Enhancing Community Engagement in Road Safety

The WALGA RoadWise road safety network is made up of nearly 6000 individuals and the organisations they are associated with, all with a common interest in making our communities safer. Social media has become a much stronger component of the way in which the network communicate, raise awareness, influence and promote RoadWise campaigns and projects. During the year a separate social media presence for the RoadWise network was established enabling this to grow and flourish.

2017 WA Local Government Convention

Wednesday, 2 – Friday, 4 August 2017
Perth Convention & Exhibition Centre

The 2017 WA Local Government Convention and Trade Exhibition was held at the Perth Convention and Exhibition Centre. Themed *Members First*, the program reflected WALGA's fresh perspective on how to better understand and respond to the needs of Local Government by focusing on improving Member engagement and service. In all, 430 Full Delegates and 56 Day Delegates were registered for the Convention, with 106 Exhibitors in the Trade

Pavilion. Around 150 Officers also made their way through the Trade Pavilion during the event.

Other Sector Events

Throughout the year WALGA coordinated special events to help enhance leadership within the sector. Among these were:

NAMN Forum – Feral Animal Management **Thursday, 1 June 2017**

Henderson Environmental Centre, North Beach

Presentations at this Forum addressed the research and management of current and emerging feral animal control issues. 50 Local Government Officers attended the Forum and eight attendees participated via webinar.

Members of Parliament Breakfast

Tuesday, 13 June 2017

Frasers, Kings Park

This annual breakfast provided an opportunity for WALGA State Councillors and Executive staff to meet with State Members of Parliament in a relaxed environment to assist with building a greater understanding of the challenges and expectations in Local Government. This year's breakfast was attended by 27 MLAs, six MLCs, and 21 WALGA State Councillors and Executive staff.

ALGA NGA Breakfast for WA Delegates and Federal MPs

Tuesday, 20 June 2017

National Convention Centre

WALGA arranged this breakfast for WA delegates attending the National General Assembly in Canberra in order to enhance networking opportunities and strengthen links with WA's Federal Parliamentarians. 50 WA NGA delegates and nine Federal MPs and Senators were registered to attend.

LG Communications Network Forum

Thursday, 22 June 2017

Ascot Quays, Ascot

Around 50 Local Government Marketing and Communications Officers attended this half day Forum on video and online content. Nine attendees also participated via webinar.

Mayors and Presidents' Forum

Tuesday, 1 August 2017

WALGA Boardroom

The second of two scheduled Mayors and Presidents' Forums for 2017, the guest speakers at

this Forum were Colin Murphy, Auditor General, who presented on the Auditor Generals proposed new responsibility for Local Government Audits, and Duncan Ord, Director General, Department of Local Government, Sport & Cultural Industries who spoke on his plans for the Department. 83 Mayors, Presidents and State Councillors attended. The Forum was followed by discussion on emerging sector issues and the Mayors and Presidents' Reception.

Aboriginal Culture and Heritage Preservation Forum

Wednesday, 2 August 2017

Perth Convention & Exhibition Centre

Held at the Perth Convention & Exhibition Centre, this Forum was attended by over 100 sector representatives. Information presented aimed to assist Local Governments to better engage with Aboriginal groups when planning and undertaking projects in their municipalities.

Climate Change, Risk & Liability Forum

Friday, 4 August 2017

Perth Convention & Exhibition Centre

This Forum provided information on how to actively prepare for climate change as a business priority, to capitalise on opportunities, lower risk, and limit exposure to future liability. Expert speakers for the day included the Hon Cheryl Edwardes AM, and representatives from LGIS, Curtin University and the Eastern Metropolitan Regional Council. The half-day Forum was attended by 30 Local Government Officers.

Cultural Planning and Local Government Workshop

Friday, 4 August 2017

Perth Convention & Exhibition Centre

WALGA hosted a professional development forum on cultural planning and measuring outcomes. Facilitated by Henry Boston from the Chamber of Culture and Arts WA, and John Smithies, Director of the Cultural Development Network, 35 Local Government Officers attended the workshop.

Breakfast with Hon Rita Saffioti MLA, Minister for Transport; Planning and Lands

Thursday, 5 October 2017

Hyatt Regency Perth

WALGA's Special Breakfast Series is an opportunity for Elected Members and Local Government Chief Executive Officers to hear from Ministers and other Members of Parliament whose

portfolios have strong interactions and inter-relationships with Local Government.

People and Culture Seminar

Friday, 13 October 2017

Perth Convention & Exhibition Centre

This full day Seminar provided an opportunity for 90 attendees to engage with a number of interesting and thought-provoking presentations alongside Local Government colleagues from a number of Local Government disciplines at a range of organisational levels. Due to its success, this event is now held annually.

CEO Lunch with Duncan Ord, Director General, Department of Local Government, Sport and Cultural Industries

Thursday, 26 October 2017

WALGA Boardroom

13 Local Government CEOs met for lunch in the WALGA Boardroom for an informal discussion with Duncan Ord, Director General, DLGSC as part of WALGA's CEO Roundtable Lunch Series.

Cyber Challenges in Local Government Forum

Thursday, 2 November 2017

Hyatt Regency Perth

54 Local Government Officers attended the forum, which featured presentations by the Auditor General, LGIS and ECU. In addition to identifying specific vulnerabilities, both internal and external, the forum identified a number of policy and process areas important to Local Government operations.

New Councillors Seminar

Friday, 17 November 2017

Perth Convention & Exhibition Centre

This Seminar provided over 100 new and existing Elected Members the opportunity to hear from Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts, as well as presentations on topics including Elected Member Legal Responsibilities and an Introduction to Town Planning.

CEO Lunch with Duncan Ord, Director General, Department of Local Government, Sport and Cultural Industries

Monday, 20 November 2017

WALGA Boardroom

Eight Local Government CEOs met for lunch in the WALGA Boardroom for an informal discussion with Duncan Ord, Director General, DLGSC as part of WALGA's CEO Roundtable Lunch Series.

President's End of Year Function

Wednesday, 29 November 2017

WALGA Boardroom

This annual gathering was an informal opportunity to meet with colleagues and associates in the Local Government, public and corporate sectors. Over 100 guests came together to mark the end of another exciting and challenging year for WA Local Government.

WALGA End of Year Function for Preferred Suppliers

Thursday, 7 December 2017

Courtyard, ONE70

Around 100 Preferred Suppliers and Local Government Officers attended this sundowner function.

NAMN Forum: Land Use Planning For Environmental Outcomes

Thursday, 22 February 2018

Bendat Parent & Community Centre, Wembley

Attended by approximately 80 Local Government Officers and Elected Members, this Forum explored ways to utilise the power of the Western Australian planning system to improve environmental outcomes during the land development process. The event aimed at assisting 'non-planners' to better understand State and Local Government planning processes, and provide planners with contemporary industry advice on how to effectively integrate natural resource management in Local Government planning strategies and schemes.

Mayors and Presidents' Policy Forum

Tuesday, 6 March 2018

WALGA Boardroom

The first of two scheduled Mayors and Presidents' Forums for 2018, the guest speaker at this Forum was Mayor Albert Jacob, City of Joondalup who discussed his transition from State to Local Government. The presentation was followed by the CEO at the City of Wanneroo, Daniel Simms, who launched the Local Government Performance Monitoring project; discussion on emerging sector issues; and a sundowner.

Launch of WALGA's RAP Document

Wednesday, 7 March 2018

Courtyard, ONE70

WALGA launched the Association's RAP document to State Council, all Staff, and other invited stakeholders, in the courtyard of ONE70. Lunch

was provided by indigenous catering company, Kuditj.

WALGA and LGIS Joint HR Forum

Tuesday, 17 April 2018

Wembley Golf Course, Wembley

For Human Resources practitioners, this forum focussed on facilitated discussions relating to human resources, employee relations and occupational safety and health matters, with a Local Government sector focus. A similar forum is scheduled for Geraldton in September 2018.

Tree Health and Resilience Forum

Wednesday, 2 May 2018

The Boulevard Centre, Floreat

Over 100 attendees took the opportunity to learn about the latest research and management practices to ensure that urban forests are resilient to current and emerging threats, including a changing climate, pests and disease.

Members of Parliament Breakfast

Monday, 9 May 2018

Frasers, Kings Park

This annual breakfast provides an opportunity for WALGA State Councillors and Executive staff to meet with State Members of Parliament in a relaxed environment to assist with building a greater understanding of the challenges and expectations in Local Government. It was attended by 28 Members of Parliament and 11 State Councillors.

Goldfields Waste Summit

Monday, 14 – Tuesday, 15 May 2018

Goldfields Arts Centre

Attended by over 40 people, WALGA's inaugural non-metropolitan Waste Summit was held in the City of Kalgoorlie Boulder. This event brought high profile speakers to the regions as well as showcased local initiatives and opportunities.

Procurement Network Forum (including Marketing & Media Services Panel Launch)

Thursday 31 May 2018

City of Cockburn ARC

The Procurement Network Forum is hosted by WALGA Procurement Services once per quarter. The Forum is an opportunity for Local Government Officers who either work directly in procurement and contracts, or have some interest or involvement in sourcing and managing suppliers, to collaborate and discuss various procurement topics

for the purpose of sharing and building the knowledge base across the sector.

Enhancing Capacity

Preferred Supplier Program

WALGA continued to deliver excellent prices and value for money to Members purchasing goods and services through contracts with more than 800 Preferred Suppliers now participating in the Preferred Supplier Program through 47 Panel arrangements. Approximately \$326 million of goods and services were procured through the program in 2017/18, conservatively achieving aggregate savings of almost \$38 million to the sector. This was a growth of more than 8 per cent over the previous period.

New Supplier Contracts

Eight new and refreshed Preferred Supplier Arrangements (PSA) were established during the year including Energy Services, Business Software Systems, Inter Library Loans contract (Library Vans), Bulk Fuel and Fuel Cards, Waste Management Services, Legal Services, Temporary Personnel, and Marketing and Media Services. In addition, a further five PSA are under development including Financing Services, Parks and Gardens, Hazardous and Emergency Events Services, Road Building and Materials, and National Microsoft Licensing arrangements. The latter is the first of its kind in Australia and promises to deliver significant benefits and innovative Smart City-type outcomes to Members.

Governance Manuals

WALGA has enhanced its governance support over the last 12 months. Governance Forums including information on Meeting procedures, Roles and Responsibilities, Conduct of Elected Members and general good governance information has been held with over 20 Local Governments.

In addition the online governance manuals have continued to be enhanced with further resources. Better decision making tools including a delegation manual has been provided together with new communication and social media resources.

Employee Relations Services

During the past year, the Association assisted Local Governments with 22 formal industrial matters, with 16 successfully concluded and six remaining on foot. Half of all formal industrial matters were unfair dismissal applications with the

balance of claims distributed across anti-bullying, general protections, anti-discrimination and enterprise agreement disputes.

The Association was engaged as expert negotiators for eight organisations in their enterprise agreement bargaining meetings during the 2017/2018 financial year and also provided support to help Local Governments assess existing agreements for compliance, ambiguities and opportunities to align enterprise agreements to organisational strategy.

A high volume of employee relations advice was provided to the sector during the year with an average of 500 advisory contacts being recorded each month.

Salary & Workforce Survey

The Association has undertaken a Local Government remuneration survey for over 20 years with high participation rates from the sector. This year, WALGA launched an online salary and workforce survey portal and new benchmarking report with the inclusion of an online remuneration calculator tool to support Local Governments with remuneration reviews and workforce planning.

Training

WALGA presented 251 training courses this financial year with 110 being delivered in the metropolitan area and 141 in the regions. 51 of these regional programs were delivered with the support of the Department of Local Government, Sport and Cultural Industries (DLGSC) through the State Government's Royalties for Regions funding for Country Local Governments.

WALGA's eLearning program participation increased by 47% in 2017/18 to 1,536 completions, with four webinars also attracting 495 registrations.

Environmental Planning Tool (EPT)

Use of the EPT has increased by 22 members, with 48 Local Governments subscribing to the service in the 2017-18 financial year. Sixteen training sessions were delivered including in-house training delivered at the Shires of York, Capel, Merredin, Chittering, Denmark, Cuballing and the Cities of Busselton and Swan. The EPT's functionality has been expanded to include bushfire risk assessment tools and numerous new datasets, including the Urban Forest Canopy mapping for the Perth and Peel regions.

National Disaster Resilience Program

WALGA has received funding from the NDRP to develop resources to allow Local Governments to better plan for waste likely to be generated from emergency events. The Framework currently being developed, in consultation with sector, provides a step by step process for Local Government to assess risks, identify waste likely to be generated and resolve how to manage that waste.

Procurement Services

Throughout the year, WALGA has provided support to its Members with the delivery of procurement services such as Tender and Contract Management Services. These services were particularly relevant to Local Governments that did not have the capacity to undertake tenders through the use of their own resources. A total of 21 tender processes, predominantly for country Shires were completed on behalf of our Members. In addition, a considerable number of Local Governments utilised WALGA's Procurement Improvement Services and in particular WALGA's customised capacity building workshops to improve and better understand their procurement and contract management requirements.

Sustainable Procurement Guide

The 'WALGA Guide to Sustainable Procurement', launched in September 2017, provides Members with a framework under which they can better source products and services in a more sustainable manner. The framework, derived from ISO 20400, provides Members with the tools and templates to incorporate sustainable procurement practices as part of their procurement processes. It also allows Members to easily identify suppliers that exhibit strong qualities in sustainability as part of that process. Already, a number of WALGA contracts have or are being developed using the sustainability framework with a focus on local and Aboriginal enterprises.

Economic Briefings and Updates

To assist with budget preparation activities, WALGA provided all Elected Members with information to assist them to understand the economic environment, identify likely trends in revenue and demand for services, and recognise risks that may prevent the projected budget outcome from being achieved. This included information on key financial management topics including as financial indicators, long term financial

planning and use of debt, as well as a special edition of the Economic Briefing publication containing statistics and forecasts for the WA economy, and insights into cost pressure and funding opportunities.

Economic Development Framework

WALGA commenced a project to support Local Government economic development activities. The project aims to develop a practical framework to assist Local Governments across the State in the implementation of their economic development strategies and activities and to ensure ongoing alignment with contemporary practice. A reference group of Local Governments has been established to guide the project and ensure it meets the sectors' needs. This is an ongoing work area and WALGA is looking to launch the framework at the end of the calendar year.

Changing Places and Community Infrastructure Grants

In 2014, Disability Services engaged WALGA to investigate the availability of community bathroom facilities for people with disability whose needs prevent them from using standard universal access toilets. The WA State Government provided a total of \$2.9 million to the *Changing Places* and *Community Infrastructure* Grant Programs that WALGA administered over the last three years. \$2.1 million was provided through the *Changing Places* Grant Program to establish a network of Changing Places across WA to support Local Governments to construct Changing Places as part of their community infrastructure. A total of \$675,000 was allocated to the *Community Infrastructure* Grant Program to fund the instalment of community equipment, facilities and spaces that improves access and supports people with disability to join in community life. A total of 17 Changing Places have been constructed through this funding, with an additional 25 projects completed with the Community Infrastructure component of the grant funding.

South West Native Title Settlement & Noongar Standard Heritage Agreement

The South West Native Title Settlement is the largest and most comprehensive agreement to settle Aboriginal interests over land in Australia. It involves six Noongar Native Title Agreement Groups, covers 200,000 square kilometers of land and incorporates 103 Local Governments. To assist in navigating the process of implementation,

WALGA has been meeting with both the South West Aboriginal Land and Sea Council (SWALSC) and the Southwest Settlement Implementation Unit (SWIU) to gain a clear understanding of the implications for Local Government. It is anticipated that the establishment of the *Noongar Standard Heritage Agreement* will provide a uniform approach to heritage surveys and streamline land approvals in compliance with the *Aboriginal Heritage Act (1972)*. It provides all parties with a clear, timetabled framework about their various obligations and is a good starting point for engagement between Local Government and Noongar peoples.

Model Policies for Managing Heavy Vehicle Impacts on the Road Network

There are many situations where Local Governments have been faced with major deterioration of a road as a result of a large new freight task. Most commonly this occurs where a

new mining or quarrying operation commences on an access road which was constructed for low traffic volumes. A model policy was developed and endorsed that covers statutory powers, triggers to consider negotiated cost recovery with the freight generator, equitable cost estimation, management of revenue collected and other matters.

Coupled with a separate model policy to support Local Government decision making on applications to operate Restricted Access Vehicles on local roads, also endorsed during the year, it is hoped that more efficient and sustainable heavy vehicle transport infrastructure can be delivered.

4. Consideration of Executive and Member Motions

4.1 Proposal to Amend the Association Constitution

Executive Member to move:

MOTION

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

IN BRIEF

- A number of Constitutional amendments proposed by State Council as well as some technical clarifications.
- Proposed amendments endorsed by State Council in May 2018.

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 48 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)~~ 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.~~

SECRETARIAT COMMENT

This item proposes a number of amendments to WALGA’s Constitution that have been raised or identified since the last governance review and amendments to WALGA’s Constitution in 2016.

Amendment of the Constitution involves a two-step process, as detailed in Clause 29 of the Constitution, as follows:

The Constitution of the Association may be altered, added to or repealed by:

- (1) *A resolution at any meeting of the State Council on the receipt of a special majority of not less than 75% of representatives as, being entitled to do so, vote in person or by their deputy representatives; and*
- (2) *A resolution at an Annual General Meeting or Special General Meeting passed by a majority of not less than 75% of delegates as, being entitled to do so, vote in person or duly authorize a proxy vote to be exercised on their behalf, provided that:*
 - a. *75% of Ordinary Members who are eligible to vote are present or represented; and,*
 - b. *The Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.*

The proposed amendments were endorsed by a Special Majority at the 4 May 2018 meeting of State Council. Endorsement by a Special Majority at the Annual General Meeting is required for the amendments to come into effect.

This report considers seven issues put forward for Constitutional Amendment, with each issue corresponding to the numbered recommendations, as follows:

1. President and Deputy President – Metropolitan and Country Representation
2. President and Deputy President – Rotation of Presidency between Metropolitan and Country constituencies
3. State Councillor Eligibility – Ex-officio Members
4. State Councillor Eligibility – Ministerial Suspension of Council or Councillor
5. Election Procedure – Confirmation that the WALGA President is entitled to vote in elections for the positions of President and Deputy President
6. Change of Name – Local Government Professionals Australia WA
7. Zone Delegate Eligibility – Ministerial Suspension of Council or Councillor

Issue 1 – President and Deputy President: Metropolitan and Country Representation

An emerging issue was raised at the March 2018 meeting of State Council in relation to the representation of both the Metropolitan and Non-metropolitan constituencies in the positions of President and Deputy President of WALGA.

Following consideration of this issue, State Council resolved as follows:

That an item for decision be prepared for the May 2018 State Council agenda to provide consideration to proposed amendments to the WALGA Constitution and Corporate Governance Charter to ensure representation from both Metropolitan and Country constituencies for the President and Deputy President positions.

Since the formation of WALGA as the single Local Government association in 2001, there has been a convention that the President and Deputy President would be elected from opposite constituencies. That is, if the President is from the country constituency, the Deputy President would be elected from the metropolitan constituency and vice-versa.

This convention has not been challenged or broken in the 17 years since WALGA's formation, although it is possible that State Council could elect a President and Deputy President from the same constituency.

The argument in favour of this Constitutional amendment is that it would ensure that the Deputy President is drawn from the alternate constituency from that of the President, ensuring representation for both constituencies.

The argument against this Constitutional amendment is that it reduces the decision-making function of State Council to elect the 'best person for the job' and, as the convention has not been broken since WALGA's formation, it may not be an issue that requires regulation via Constitutional amendments.

To effect the change, amendments are required to Clause 18 – Deputy President, and to Clause 19 – Vacancy: President and Deputy President.

The following amendment is proposed to Clause 18 – Deputy President, by adding the underlined text 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.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The Deputy President's term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

The proposed amendment above would sufficiently address the issue for regular, end-of-term elections following the election of a new State Council.

However, where a vacancy arises in the office of President, the election of a replacement President would need to ensure that metropolitan and country representation remains in the two positions. Ensuring continued representation of both constituencies in the event of a casual vacancy in the office of President could be addressed in one of two ways, both of which have pros and cons.

Either:

- A. The replacement President must be drawn from same constituency as the current President. That is, if the WALGA President is from the country constituency, election of the replacement President for the balance of the President's term must be drawn from the country constituency.

Or:

- B. The office of Deputy President is declared vacant at the time the election for President is held. This would enable State Council to elect a President from amongst all members with the subsequent election for Deputy President being limited to the alternate constituency.

Option A – Replacement President from the same constituency – limits the options of State Council in electing a President to half of State Council, the half representing the same constituency as the departing President. While this may be appropriate in some circumstances, it does not necessarily provide State Council with the ability to elect the 'best person for the job'. Secondly, the Deputy

President may be an appropriate candidate for the position of President, but would be unable to nominate for the position under this scenario unless they resigned from the position of Deputy President.

Option B – Office of Deputy President declared vacant at election of President – addresses the issues with Option A outlined above in that State Council would be able to elect a President from amongst all State Councillors, including the Deputy President who may be suitable. However, it may not be considered appropriate that the Deputy President loses office due to the resignation or inability of the President to continue in the role.

On the basis that electing a President from amongst all State Councillors is considered the most important criteria, amendments in accordance with Option B have been drafted to Clause 19 – Vacancy: President and Deputy President – by adding the underlined text and amending the numbering 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 48 19 shall still be eligible for election to a subsequent two (2) full consecutive terms.

Issue 2 – Rotation of Presidency between Metropolitan and Country Constituencies

Similar to issue 1, above, the Governance and Organisational Services Policy Team of State Council considered the issue of the Presidency of the Association being rotated between the Metropolitan and Country constituencies.

Again, this has been managed since WALGA's formation in 2001 by convention. When a President has retired or stepped down from the role, a representative from the other constituency (often the serving Deputy President) has been elected to the Presidency.

The Governance and Organisational Services Policy Team of State Council requested that the issue of rotating the Presidency between the constituencies on a formal basis through Constitutional amendments be considered.

The Policy Team resolved:

That an item for decision be prepared for the May 2018 State Council agenda to provide amendments to the WALGA Constitution and Corporate Governance Charter to cover the following issues:

- *That the position of WALGA President transfers between the two constituencies following the completion of the incumbent's entitlement to be elected for two full consecutive terms.*

Similar to Issue 1, above, implementation of this concept through Constitutional amendment has pros and cons. While, an amendment of this nature would ensure rotating representation of metropolitan and country constituencies in the office of President, it could also limit State Council's prerogative to elect the 'best person for the job'.

This proposal raises a number of scenarios that are not necessarily simple to deal with through Constitutional amendments. For instance, depending on the amendments to the Constitution, issues could arise if a President resigns part way through a term, or even if a President only completes one two-year term.

For example, if a President from the metropolitan constituency resigned after one two-year term, there would be three possible scenarios:

1. The country constituency could then have a claim to the Presidency as it would be the country's turn and only State Councillors from the country constituency would be eligible to be elected;
2. A replacement President could be elected from the metropolitan constituency as the metropolitan constituency had only held the Presidency for two years (the newly elected President may then expect to be re-elected for a second term, lengthening the reign of the metropolitan constituency to six years, thereby causing further issues); or,
3. State Council could elect a President from either constituency, as per current arrangements.

One option could be to only 'force' the rotation of the Presidency once the President has completed two terms, however this could create an issue if a President resigned part way through their second term as the replacement President would then be 'entitled' to two terms before a constitutionally enforceable rotation of the Presidency.

In the interest of simplicity it is suggested that a new Clause 17A be added to the Constitution to ensure rotation of the office of Presidency no matter the length of time served by the President:

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.

This would mean, at any election for President, only the incumbent President or State Councillors from the alternate constituency would be eligible to nominate. If the President has retired or has completed two full terms (as per sub-clause 17(5)), only State Councillors from the alternate constituency would be eligible to nominate and be elected.

Issue 3 – State Councillor Eligibility: Ex-officio Members

At the July 2017 State Council meeting, an emerging issue was considered in relation to the continuing eligibility of to serve on State Council following a serious breach of the *Local Government Act 1995*.

State Council resolved as follows:

That:

1. *The issue of amending the Constitution relating to State Councillor, ordinary or ex officio, eligibility be considered by the Governance Policy Team;*
2. *The Policy Team to consider the implications of amending the Constitution so that if any State Councillor, ordinary or ex officio, is found guilty of a serious breach of the Local Government Act 1995, as amended, that person will become ineligible to become or continue as a State Councillor, ordinary or ex officio.*

As per State Council's resolution above, the Governance and Organisational Services Policy Team considered this issue at their March 2018 meeting and resolved as follows:

That an item for decision be prepared for the May 2018 State Council agenda to provide amendments to the WALGA Constitution and Corporate Governance Charter to cover the following issues;

- *That if any State Councillor, ordinary or ex officio, is found guilty of a serious breach of the Local Government Act 1995, as amended, that person will become ineligible to become or continue as a State Councillor, ordinary or ex officio.*

Clause 20, sub-clause (e) disqualifies a representative or deputy representative from serving on the State Council if that person is convicted of an offence under the *Local Government Act 1995*.

To give effect to the Policy Team's recommendation, an amendment is required to clarify that Clause 20 of the Constitution also applies to ex-officio members, with the addition of the underlined text, as per below:

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:

- (a) Dies;
- (b) Ceases to be a Councillor of the Ordinary Member;
- (c) Resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) Is a member of State or Federal Parliament;
- (e) Is convicted of an offence under the *Local Government Act 1995*;
- (f) Is permanently incapacitated by mental or physical ill-health;
- (g) Is absent from more than 3 consecutive State Council meetings;
- (h) Is a member of a Local Government that ceases to be a member of the Association;
- (i) Is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative

- of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuance of sub-clause 17(4); or,
- (j) Is a Councillor of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2)(c) of the *Local Government Act 1995*.

Issue 4 – State Councillor Eligibility: Ministerial Suspension of Council or Councillor

A further issue relating to State Councillor eligibility relates to the suspension of Councils and the proposed amendment to the *Local Government Act 1995* to enable the Minister for Local Government to stand down an individual Elected Member.

Currently sub-clause 20(j) of the Constitution states that a State Councillor will not be eligible to be elected or to continue on State Council if “a Councillor of an Ordinary Member that has been peremptorily suspended under Section 8.15C(2)(c) of the *Local Government Act 1995*.”

It is the opinion of the secretariat that sub-clause 20(j) is too specific as Councils can also be suspended under Section 8.19 of the *Local Government Act 1995*. Further, if the *Local Government Amendment (Suspension and Dismissal) Bill 2018* passes the Parliament, as expected, the Minister for Local Government will also have the power to suspend individual Elected Members.

It is therefore recommended that sub-clause 20(j) be amended to clarify that a State Councillor who is suspended or stood down by the Minister using various sections of the *Local Government Act 1995* is not eligible to be elected to, or continue on, State Council, 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 if that person:

- (a) Dies;
- (b) Ceases to be a Councillor of the Ordinary Member;
- (c) Resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) Is a member of State or Federal Parliament;
- (e) Is convicted of an offence under the *Local Government Act 1995*;
- (f) Is permanently incapacitated by mental or physical ill-health;
- (g) Is absent from more than 3 consecutive State Council meetings;
- (h) Is a member of a Local Government that ceases to be a member of the Association;
- (i) Is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuance of sub-clause 17(4); or,
- (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)(c) of the *Local Government Act 1995*.

Issue 5 – Election Procedure – Confirmation that the WALGA President is entitled to vote in elections for the positions of President and Deputy President

Another clarification that has arisen is to confirm that the incumbent President is entitled to vote in elections for President and Deputy President of WALGA.

The Constitution is clear that the President does not exercise a deliberative vote on matters before State Council (but does have a casting vote if there is an equality of votes), but the Constitution is

silent on whether the President is entitled to vote in elections. It has been standard operating practice that the President has voted in elections for the position of President and Deputy President.

Clause 10 – Proceedings of State Council, sub-clause (2) relates to the President's voting and it is proposed that it be amended with the addition of the underlined words, as follows to make clear that the President may vote for office bearer positions:

- (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.

Issue 6 – Change of Name – Local Government Professionals Australia WA

Following the change of name of the Local Government Managers Australia (LGMA) to Local Government Professionals Australia WA it is proposed that the following sub-clauses be amended to reflect the name change:

- 2(1)
- 5(7)(a)
- 9(1)(d)
- 31(4)(b)

Issue 7 – Zone Delegate Eligibility: Ministerial Suspension of Council or Councillor

Similar to Issue 4 above, this amendment proposes that sub-clause 14(4a)(h) be amended to clarify that a Zone delegate who is suspended or stood down by the Minister using various sections of the *Local Government Act 1995* is not eligible to be elected to, or continue on, the Zone, as follows:

- (4a) The term of a person who is a delegate of a member of a Zone expires when the person:
- (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health;
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member; or
 - (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.

4.2 Roadside Vegetation - Regulatory Amendments

Shire of Victoria Plains Delegate to move:

MOTION

That the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* be amended to permit clearing or reduction of vegetation:

- 1. Within 30m of all farm driveways/gates/entrances; and,**
- 2. On road bends and intersections obstructing 'line of sight', be cleared.**

IN BRIEF

- Motion for regulatory amendments to enable clearing of vegetation close to driveways, road bends and intersections;
- With a view to improving road safety.

MEMBER COMMENT

Drivers in country area face multiple issues on the roads, not the least of which is entry onto Shire controlled roads from property entrances and side roads. The issues exist not just for the driver on the continuing road, but for the driver attempting to enter.

Sight distances are often obscured, and in hilly terrain or where the road being entered does not provide a reasonable merging distance, entry can be problematic. This is made worse where the roads have curves or crests close to the entry point.

The issues are even worse for slow moving traffic joining a road that has a 110km/hr limit, such as school buses and heavy transport, often requiring the continuing vehicles to brake for a vehicle that has joined the continuing traffic when all indications were that it was safe and appropriate to do so.

The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* are inadequate.

- Schedule 2 of the Regulations addresses clearing for crossovers from a property, but limits the clearing to what has been previously cleared within the previous 10 years.
- Schedule 3 applies to the maintenance of infrastructure.

The Shire is of the opinion that the proposed change to the Regulations would add significantly to road safety.

4.3 GST Revenue Distribution Share for WA

Shire of Donnybrook Balingup Delegate to move:

MOTION

That WALGA adopts a policy and position as the representative of the WA Local Government section to persistently seek and advocate for an increase of the GST distribution share back to Western Australia.

IN BRIEF

- WA is underrepresented in the amount of GST share received
- Seeking WALGA's support to advocate for an increase to the GST distribution for WA

MEMBER COMMENT

At the Ordinary Meeting on 23 May 2018, the Shire of Donnybrook Balingup Council resolved to support the above motion and present it to the Western Australian Local Government for consideration at the 2018 Annual General Meeting of the Western Australian Local Government Association.

In comparison to other states and territories, Western Australia is underrepresented in the amount of GST revenue share received and remains the only state or territory that receives less than half of the GST it generates. This, in effect, is depriving Western Australia of much needed funds for infrastructure and development.

GST breakdown state by state 2018-19

State	GST share per dollar	GST share %	Total GST distribution \$m
VIC	98c	25.6	\$16,830
WA	47c	4.9	\$3,255
NSW	85c	27.4	\$18,030
SA	\$1.47	10.3	\$6,751
Tas	\$1.77	3.7	\$2,434
ACT	\$1.18	2.0	\$1,298
NT	\$4.26	4.2	\$2,755
Qld	\$1.09	22.0	\$14,447

4.4 Rural, Regional and Remote Community State Government Funding Cuts

Shire of Moora Delegate to move:

MOTION

That WALGA express its deep concern to the W.A State Government regarding the continued attack on rural, regional and remote communities in W.A through reducing funding to critical services and infrastructure programs, cuts that disproportionately discriminate against already disadvantaged communities across W.A.

IN BRIEF

- Concern regarding funding cuts, particularly to education services and infrastructure, affecting rural communities.

MEMBER COMMENT

In December 2017, Shire of Moora was advised by the Department of Education Director General, Sharyn O'Neill that the Moora Residential College would close at the end of the 2018 school year. The State Government of W.A cited reasoning of commitment to budget repair measures to deliver sustainable growth and an operating surplus by 2020/2021.

Notwithstanding the immediate effect on the Moora community and wider region because of the decision to close the Moora Residential College, the Shire of Moora is extremely concerned with the State Governments continued attack on rural, regional and remote W.A. communities, many of which are already at serious disadvantage because of isolation and population decline.

As an example, access to education and health infrastructure and services are important to rural, regional and remote communities and greatly enhances their ability to attract residents, workers and businesses.

Access to the full range of health services (including GP's, acute and high care hospital, allied health, aged care, dental care) and educational services (K-12, Childcare, TAFE) becomes a major decision factor for anyone looking to move to a rural, regional and remote community. In the case of Moora, the existing infrastructure and services, including the current education offered at the Central Midlands Senior High School, has featured prominently in many local resident's decision to move to the area. This resonates across many W.A communities.

Funding reductions to key areas of services and infrastructure such as education, health, transport and sewerage augurs to further erode and put at risk fair and equitable access to the very basics of amenity and lifestyle in rural, regional and remotes areas of W.A many of which are experiencing continued population, service and infrastructure decline.

Attachment 1: Association Standing Orders

- 1. INTERPRETATIONS**
For the purposes of these Standing Orders, if not inconsistent with the context, the following words shall have the following meanings:
 - 1.1 "Absolute Majority"** means:
a majority of delegates of the Association whether present and voting or not.
 - 1.2 "Association"** means:
all or any part of the Western Australian Local Government Association.
 - 1.3 "Delegate or Deputy Delegate"** means:
those persons duly nominated, from time to time, to represent a Member Local Government at a meeting of the Association.
 - 1.4 "Deputy President"** means:
the Deputy President for the time being of the Association.
 - 1.5 "Meeting"** means:
an Annual or Special General Meeting of the Association.
 - 1.6 "Member Local Government"** means:
a Local Government admitted to ordinary membership of the Association in accordance with the provisions of the Constitution.
 - 1.7 "President"** means:
the President for the time being of the Association.
 - 1.8 "Simple Majority"** means:
a majority of the delegates from the Association that are present and voting.
- 2. CONDUCT OF MEETINGS**
The proceedings and business of meetings of the Association shall be conducted according to these Standing Orders.
- 3. NOTICE OF MEETING**
 - 3.1 Annual General Meeting**
The Chief Executive Officer of the Association shall give at least ninety (90) days notice of an Annual General Meeting to all Member Local Governments, advising of the closing date for submission of motions for inclusion on the agenda.
 - 3.2 Special General Meeting**
A Special General Meeting of the Association is to be held if a request is received by the Association President, in accordance with the requirements of the Association's Constitution. No business shall be transacted at a Special General Meeting other than that for which the Special General Meeting was called.
- 3.3** Notice shall be given at the destinations appearing in the records of the Association.

Notice will be deemed to have been delivered immediately if transmitted electronically or on the second working day after posting.
- 4. QUORUM**
 - 4.1** The Association shall not conduct business at a meeting unless a quorum is present.
 - 4.2** At any meeting of the Association greater than one half of the delegates who are eligible to vote must be present to form a quorum.
 - 4.3** The Association is not to transact business at a meeting unless a quorum is present.
 - 4.4** If a quorum has not been established within the 30 minutes after a meeting is due to begin then the Association can be adjourned –
 - (a) by the President or if the President is not present at the meeting, by the Deputy President;
 - (b) if neither the President nor Deputy President is present at the meeting, by a majority of delegates present;
 - (c) if only one delegate is present, by that delegate; or
 - (d) if no delegate is present, by the Chief Executive Officer or a person authorised by the Chief Executive Officer.
 - 4.5** If at any time during a meeting a quorum is not present, the President shall thereupon suspend the proceedings of the meeting for a period of five (5) minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been adjourned and the person presiding is to reschedule it for some future time.
 - 4.6** Notice of a meeting adjourned because of absence of a quorum is to be given to all Member Local Governments.
- 5. MEETINGS OPEN TO THE PUBLIC**
The business of the Association shall be open to the public except upon such occasions as the Association may by resolution otherwise decide.
- 6. ORDER OF BUSINESS**
Unless the Association should decide otherwise, the order of business at meetings of the Association, with the exception of special meetings or an adjourned meeting, shall be as follows:
 - (a) Record of attendance and apologies;
 - (b) Announcements;
 - (c) Confirmation of minutes of previous meetings;

- (d) President's report;
- (e) Financial report for the financial year; and
- (f) Consideration of Executive and Member Motions.

7. VOTING ENTITLEMENTS

- 7.1 Each Member Local Government shall be entitled to be represented at any meeting of the Association.
- 7.2 Only eligible and registered delegates may vote.
- 7.3 A delegate shall be entitled to exercise one vote on each matter to be decided. Votes are to be exercised in person.
- 7.4 A delegate unable to attend any meeting of the Association shall be entitled to cast a vote by proxy.
- 7.5 A proxy shall be in writing and shall nominate the person in whose favour the proxy is given, which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer of the Association before the commencement of the meeting at which the proxy is to be exercised and shall be signed by the delegate or by the Chief Executive Officer of the Member Local Government that nominated the delegate.

8. SPECIAL URGENT BUSINESS

At any time during a meeting a delegate may, with the approval of an absolute majority, introduce a motion relating to special urgent business that calls for an expression of opinion from the meeting.

In presenting an item of special urgent business, a delegate shall have sufficient copies of the motion in writing for distribution to all delegates present at the meeting and, where practicable, give prior notice to the President of such intention.

9. PRESIDENT

In the construction of these Standing Orders unless the context requires otherwise, the word "*President*" shall in the absence of the President include the Deputy President or the delegate chosen by resolution to preside at any meeting of the Association.

10. DELEGATE AND DEPUTY DELEGATE

- 10.1 In the construction of these Standing Orders unless the context requires otherwise, the word "delegate" shall in the absence of the delegate include the deputy delegate.
- 10.2 A deputy delegate acting in the capacity of a delegate unable to attend a meeting of the Association shall exercise all rights of that delegate.

11. PRESIDENT TO PRESIDE

- 11.1 The President shall preside at all meetings of the Association, but in absence of the President, the Deputy President shall preside.

- 11.2 In the absence of the President and the Deputy President, the delegates shall choose by resolution, a delegate present to preside at the meeting.

12. SPEAKING PROTOCOL

- 12.1 Only registered delegates and members of the Association's State Council shall be entitled to speak at meetings of the Association.

- 12.2 The first person that is entitled to speak at a meeting who attracts the attention of the person presiding shall have precedence in speaking.

- 12.3 Speakers are to use the microphones supplied.

- 12.4 When addressing a meeting, speakers are to:
 - (a) rise and remain standing unless unable to do so by reason of sickness or disability;
 - (b) address the meeting through the person presiding;
 - (c) state their name and Local Government before otherwise speaking;
 - (d) refrain from reading comment printed in the agenda paper in support of a motion, but may identify key points or make additional comment; and
 - (e) refrain from using provoking or discourteous expressions that are calculated to disturb the peaceful current of debate.

- 12.5 Mobile phones shall not be switched on while the meeting is in session.

13. DEBATE PROCEDURES

- 13.1 A delegate moving a substantive motion may speak for –
 - (a) 5 minutes in his or her opening address; and
 - (b) 3 minutes in exercising the right of reply.

- 13.2 Other speeches for or against motions are to be limited to 3 minutes unless consent of the meeting is obtained which shall be signified without debate.

- 13.3 No delegate, except the mover of a motion in reply, is to speak more than once on the same motion except by way of personal explanation.

- 13.4 As soon as the right of reply has been exercised, the motion is to be forthwith put to the vote without further comment.

- 13.5 No discussion shall take place on any motion unless it is moved and seconded. Only one amendment on any one motion shall be received at a time, and such amendment shall be disposed of before any further amendment can be received. Any number of amendments may be proposed.

- 13.6** The provisions of these Standing Orders applicable to motions apply mutatis mutandis to amendments, except that the mover of an amendment shall have no right of reply.
- 13.7** When a motion has been moved and seconded, the person presiding shall at once proceed to take a vote thereon unless a delegate opposes it or an amendment is proposed.
- 13.8** No more than two delegates shall speak in succession on one side, either for or against the question before the meeting, and if at the conclusion of the second speaker's remarks, no delegate speaks on the other side, the motion or amendment may be put to the vote.
- 13.9** Notwithstanding clause 13.7, where a composite motion is moved which embodies the core aspects of subsequent motions listed on the agenda, a delegate whose motion has been superseded shall have the opportunity to speak on the question of the composite motion before it is put.
- Once a composite motion has been carried, no further debate shall be permitted in respect of the superseded motions.
- 13.10** At any time during a debate, but after the conclusion of a delegate's comments, a delegate who has not spoken during the debate may move, without discussion, "that the question be now put". If that motion is seconded and carried by a majority, the question shall be submitted at once to the meeting, after the mover has replied.
- 14. QUESTIONS**
Any delegate seeking to ask a question at any meeting of the Association shall direct the question to the President.
- 15. POINT OF ORDER**
A delegate who is addressing the President shall not be interrupted except on a point of order, in which event the delegate shall wait until the delegate raising the point of order has been heard and the question of order has been disposed of, whereupon the delegate so interrupted may, if permitted, continue.
- 16. MOTION - SUBSTANCE TO BE STATED**
A delegate seeking to propose an original motion or amendment shall state its substance before addressing the meeting thereon and, if so required by the President, shall put the motion or amendment in writing.
- 17. PRIORITY OF SPEAKERS**
If two or more delegates wish to speak at the same time, the President shall decide who is entitled to priority.
- 18. PRESIDENT TO BE HEARD**
Whenever the President signifies a desire to speak during a debate, any delegate speaking or offering to speak is to be silent, so that the President may be heard without interruption.
- 19. WITHDRAWAL OF MOTION**
A motion or amendment may be withdrawn by the mover with the consent of the meeting, which shall be signified without debate, and it shall not be competent for any delegate to speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.
- 20. PRESIDENT MAY CALL TO ORDER**
The President shall preserve order, and may call any delegate to order when holding an opinion that there shall be cause for so doing.
- 21. RULING BY PRESIDENT**
The President shall decide all questions of order or practice. The decision shall be final and be accepted by the meeting without argument or comment unless in any particular case the meeting resolves that a different ruling shall be substituted for the ruling given by the President. Discussions shall be permitted on any such motion.
- 22. RESOLUTIONS**
- 22.1** Except as otherwise provided in the Association Constitution and these Standing Orders, all motions concerning the affairs of the Association shall be passed by a simple majority.
- 22.2** Any matter considered by the Association at a Special Meeting shall not be passed unless having received an absolute majority.
- 23. NO DISCUSSION**
Where there is no discussion on a motion, the President may deem the motion to be passed unless the meeting resolves otherwise.
- 24. PERMISSIBLE MOTIONS DURING DEBATE**
- 24.1** When a motion is under debate, no further motion shall be moved except the following:
(a) that the motion be amended;
(b) that the meeting be adjourned;
(c) that the debate be adjourned;
(d) that the question be now put;
(e) that the meeting proceed with the next item of business; or
(f) that the meeting sits behind closed doors.
- 24.2** Any delegate who has not already spoken on the subject of a motion at the close of the speech of any other delegate, may move without notice any one of the motions listed in clause 24.1 (b)-(f) and, if the motion is seconded, it shall be put forthwith.
- 24.3** When a debate is adjourned, the delegate who moves the adjournment shall be the first to speak on the motion when the debate is

resumed unless the delegate advises of no desire to speak on the motion. Where this occurs, the President shall then call for further speakers, with the exception of those delegates who have previously spoken (unless the meeting otherwise agrees).

25. RESCISSION OF RESOLUTION

25.1 At the same meeting

Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may, by simple majority at the same meeting at which it is passed, rescind or alter a resolution if all delegates who were present at the time when the original resolution was passed are present.

25.2 At a Future Meeting

Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may rescind or alter a resolution made at an earlier meeting:

- (a) by simple majority, where the delegate intending to move the motion has, through the Chief Executive Officer, given written notice of the intended motion to each delegate at least seven (7) days prior to the meeting; or
- (b) by absolute majority, in any other case.

26. METHOD OF TAKING VOTES

The President shall, in taking a vote on any motion or amendment, put the question first in the affirmative, and then in the negative and may do so as often as is necessary to enable formation and declaration of an opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands or by an electronic key pad voting system.

27. DIVISION

The result of voting openly is determined on the count of official voting cards and, immediately upon a vote being taken, a delegate may call for a division.

28. ALL DELEGATES TO VOTE

28.1 At meetings of the Association, a delegate present at the meeting when a question is put shall vote on the question.

28.2 Each delegate shall be entitled to exercise one deliberative vote on any matter considered.

29. PRESIDENT'S RIGHT TO VOTE

The President shall have a casting vote only.

30. SUSPENSION OF STANDING ORDERS

30.1 In cases of urgent necessity or whilst the Association is sitting behind closed doors, any of

these Standing Orders may be suspended on a motion duly made and seconded, but that motion shall not be declared carried unless a simple majority of the delegates voting on the question have voted in favour of the motion.

30.2 Any delegates moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place.

31. NO ADVERSE REFLECTION ON ASSOCIATION

A delegate shall not reflect adversely upon a resolution of the Association, except on a motion that the resolution be rescinded.

32. NO ADVERSE REFLECTION ON DELEGATE

A delegate of the Association shall not reflect adversely upon the character or actions of another delegate nor impute any motive to a delegate unless the Association resolves, without debate, that the question then before the Association cannot otherwise be adequately considered.

33. MINUTES

33.1 The Chief Executive Officer of the Association is to cause minutes of the meeting to be kept and preserved.

33.2 The minutes of a meeting are to be submitted to the next Annual or Special General Meeting for confirmation.

33.3 Copies of the minutes will be supplied to all delegates prior to the meeting.

Attachment 2: Previous Minutes 2017 AGM



WALGA

WORKING FOR LOCAL GOVERNMENT

MINUTES

Annual General Meeting

Perth Convention Exhibition Centre
Perth

Wednesday, 2 August 2017

MINUTES

Annual General Meeting of the Western Australian Local Government Association

held at the
Perth Convention Exhibition Centre
21 Mounts Bay Road, Perth
Riverside Theatre (Level 2)
on
Wednesday, 2 August 2017
at 1.30 pm



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Record of Attendance and Apologies

Apologies

- City of Busselton
- Town of Claremont
- Shire of Denmark
- Shire of Exmouth
- City of Vincent
- Shire of West Arthur
- Shire of Wongan-Ballidu

Announcements

Nil.

1.0 Confirmation of Minutes

Minutes of the 2016 WALGA Annual General Meeting are contained within the AGM Agenda.

Moved: Cr Fiona Reid (South Perth)

Seconded: Cr Julie Brown (Gosnells)

That the Minutes of the 2016 Annual General Meeting be confirmed as a true and correct record of proceedings.

CARRIED

2.0 Adoption of President's Annual Report

The President's Annual Report for 2016/2017 is contained within the AGM Agenda.

Moved: Cr Gerry Pule (Bassendean)
Seconded: Mayor Giovanni Italiano (Stirling)

That the President's Annual Report for 2016/2017 be received.

CARRIED

3.0 WALGA 2016/2017 Financial Statements (Item Under Separate Cover)

The audited 2016/2017 WALGA Financial Statements have been distributed to all members prior to the meeting.

Moved: Mayor Henry Zelones (Armadale)
Seconded: Mayor Giovanni Italiano (Stirling)

That the WALGA Financial Statements for 2015/2016 be received.

CARRIED

4.0 Consideration of Executive and Member Motions

As per motions listed.

5.0 Closure

There being no further business, the Chair declared the meeting closed at 4:20pm.

4. Consideration of Executive and Member Motions

4.1A MATTER OF SPECIAL URGENT BUSINESS: Exemption from the Requirements of AASB 124 Related Party Disclosures

Shire of Trayning delegate to move:

Moved: Cr Freda Tarr

Seconded: Cr Geoff Waters

That the members agree that the following item of Special Urgent Business relating to seeking an exemption from the requirements of AASB 124 Related Party Disclosures be considered.

CARRIED BY ABSOLUTE MAJORITY

4.1B Exemption from the Requirements of AASB 124 Related Party Disclosures

Shire of Trayning delegate to move:

Moved: Cr Freda Tarr

Seconded: Cr Geoff Waters

That:

1. **WALGA lobbies on behalf of local governments' for an exempt regulation to be introduced to the *Local Government (Financial Management) Regulations 1996* seeking an exemption from complying with AASB 124 Related Party Disclosures, and Business Operating Procedure-Related Party Disclosure; and,**
2. **This include WALGA considering the matter as part of the *Local Government Act 1995* review process.**

CARRIED

IN BRIEF

- Compliance with this standard provides no benefit to Local Governments or the communities that they serve. Rather, there is a cost to comply.
- Compliance does not further add to the transparency of financial dealings as provided for under the various provisions of the *Local Government Act 1995*.
- Such compliance requirements are a further disincentive to both sitting and potential elected members and executive staff.

MEMBER COMMENT

The introduction of additional accounting standards by the Australian Accounting Standards Board under the current legislation, by default, are required to be met by Local Government in the absence of an regulated exemption.

This accounting standard may well be beneficial to entities that do not already have transparency requirements.

Local Governments already have adequate transparency disclosure provisions by way of the Primary and Annual Report provisions enshrined in legislation.

We believe the additional requirements imposed by AASB 124 provides no direct benefit to neither local government nor the communities we serve. In fact, compliance will have a direct cost and an indirect additional dis-incentive to both sitting and potential elected members and executive staff.

SECRETARIAT COMMENT

This issue can be considered as part of the current Local Government Act review process.

4.2A MATTER OF SPECIAL URGENT BUSINESS: Road Funding Cuts to Direct Grants

Shire of Trayning delegate to move:

Moved: Cr Freda Tarr
Seconded: Cr Geoff Waters

That the members agree that the following item of Special Urgent Business relating to road funding cuts proposed by the current State Government be considered.

CARRIED BY ABSOLUTE MAJORITY

4.2B Road Funding Cuts to Direct Grants

Shire of Trayning delegate to move:

Moved: Cr Freda Tarr
Seconded: Cr Geoff Waters

That WALGA:

1. Lobbies the Minister for Transport;
 - a. To seek a reversal of their stated intent to reduce the State Road Funds to Local Government Agreement by \$10.3 million in 2017/18; and
 - b. For the reinstatement of the fixed percentage of licencing fees.
2. Investigate options for the Local Government sector to reduce services and assistance provided to State Government entities unless financial compensation is provided.

CARRIED

IN BRIEF

- The Minister of Transport has stated the intent to cut \$10.3 million out of the Direct Grants portion of the State Roads to Local Government Agreement.
- Such a cut equates to a 42% reduction in Direct Grants to all Local Governments.
- The agreement whereby 27% of vehicle licencing fees were allocated to Local Governments was reduced to approximately 20% by the previous government.
- This allocation is to be further reduced by this government.

MEMBER COMMENT

Local Government exercised its democratic right to lobby against the removal of licence fee concessions and a disallowance motion was successful.

The Minister for Transport, rather than accepting the will of the parliament, has retaliated by indicating that she will remove \$10.3 million dollars from the State Road Funds to Local Government Agreement 2017/18.

How this will be achieved is by reducing Local Governments Direct Road Grants by 42%.

For the Shire of Trayning this equates to a reduction of \$44,591.

Additionally, the previous government broke an agreement with the sector whereby 27% of vehicle licencing fees collected would be allocated to Local Government road funding. Progressively this eroded to approximately 20% of vehicle licencing fees.

The current Minister has flagged that this will be further eroded by \$10.3 million despite signalling that licencing fees will rise by 5.5%.

The timing and methodology of such announcement is appalling in that many Local Governments will have already adopted budgets and despatched rates notices.

Local Government undertakes a great deal of surveys and pseudo service provision on behalf of State Government for little or no compensation. Perhaps it is time for the sector to identify and quantify such service provision and take a united position to ensure an equitable and mutually respectful relationship.

SECRETARIAT COMMENT

WALGA has written to the Hon Minister for Transport, Rita Saffioti during July urging her to reconsider the proposed funding cut to the State Road Funds to Local Government Agreement and has been in discussion with senior officers from Main Roads to explore ways to mitigate any impact on Local Government.

The Association's policy position is that funding from the State Government for Local Government roads should be at least 27% of revenue from vehicle licencing fees.

Attachment 3: Action Taken on Resolutions of the 2017 Annual General Meeting

Action Taken on Resolutions of the 2017 Annual General Meeting

<p>4.1 Exemption from the Requirements of AASB 124 Related Party Disclosures</p> <p>That:</p> <ol style="list-style-type: none"> 1. WALGA lobbies on behalf of local governments' for an exempt regulation to be introduced to the <i>Local Government (Financial Management) Regulations 1996</i> seeking an exemption from complying with AASB 124 Related Party Disclosures, and Business Operating Procedure-Related Party Disclosure; and, 2. This include WALGA considering the matter as part of the <i>Local Government Act 1995</i> review process. 	<p>WALGA has adopted a policy position of</p> <p>That Regulation 4 of the <i>Local Government (Financial Management) Regulations</i> be amended to provide an exemption from the application of AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).</p> <p>The above position as been put forward for an Act amendment in stage 2 of the Local Government Act review process where all Financial Management provisions will be considered.</p>
<p>4.2 Road Funding Cuts to Direct Grants</p> <p>That WALGA:</p> <ol style="list-style-type: none"> 1. Lobbies the Minister for Transport; <ol style="list-style-type: none"> a. To seek a reversal of their stated intent to reduce the State Road Funds to Local Government Agreement by \$10.3 million in 2017/18; and b. For the reinstatement of the fixed percentage of licencing fees. 2. Investigate options for the Local Government sector to reduce services and assistance provided to State Government entities unless financial compensation is provided. 	<p>The outcome of protracted discussions between WALGA, Main Roads WA and the Minister for Transport has resulted in agreement that:</p> <ul style="list-style-type: none"> • Direct Road Grans will be returned to the 2016/17 level, reversing the \$10.3 million per year cut applied in 2017/18; and • Funding to the State Road Funds to Local Government Agreement will be established at 20% of motor vehicle licence fee revenue in 2018/19 and 2019/20 with the level to be reviewed in time for consideration in the 2020/21 budget.

17 Urgent Business

Nil

18 Councillor Reports

18.1 Deputy Mayor Peter Feasey

Deputy Mayor Peter Feasey reported that he had attended the City of Kwinana Lyric Awards and that the City has very talented people.

Deputy Mayor Feasey advised that he had tried out the new sporting equipment at Honeywood with the Member for Brand.

18.2 Councillor Merv Kearney

Councillor Merv Kearney reported that he had attended the Small Business Meeting at the Kwinana Golf Club and that 13 people had attended, two being home businesses. Councillor Kearney passed on his thanks to the Economic Development Specialist for his attendance and added that he is very good at communicating, it was great for people to put a face to the name and that his support is very much appreciated on a small committee.

18.3 Councillor Sandra Lee

Councillor Sandra Lee reported that she had attended the City of Kwinana Lyric Awards and that it was really heartening to see so many young people in our community, that have done great work.

Councillor Lee advised that she had attended the Meet and Greet with Mandurah Police District with attendees from Mandurah, Rockingham and Kwinana and that is great to build relations with the local police.

19 Response to Previous Questions

Question taken on notice at the Ordinary Council Meeting held on 24 April 2018.

19.1 Mr Kevin Desmond, Parmelia

Question 10

Can that decision be overruled by the State Planning Commission?

Response

The Mayor took the question on notice.

19 RESPONSE TO PREVIOUS QUESTIONS

Further response from the City of Kwinana

Council's legal advice suggests that there is no question regarding the validity of a Council decision on an application for development approval, that is inconsistent with State Planning Policy (SPP), though it may be necessary for Council to be able to demonstrate that it did have due regard to any approved SPP. Additionally, deemed Clause 4(1)b of the Planning and Development Regulations (2015) only requires that... *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the West Australian Planning Commission.* In the case of the draft Mandogalup Local Planning Policy, the Western Australian Planning Commission has been given notice of the draft policy and the WAPC has subsequently made a submission. Once a Local Planning Policy has been adopted by Council in accordance with the Planning and Development Regulations (2015), that decision cannot be overturned by the WAPC.

20 Mayoral Announcements (without discussion)

Mayor Carol Adams reported that she was on a leave of absence at the last Ordinary Council Meeting as she was in Sydney and that she would like to table a few appointments or meetings of note, which she had attended over the past few weeks.

The Mayor advised that along with Councillor Rowse she attended the National Assembly of Local Government in Canberra (19 – 20 June 2018), and explained that this year's theme was a *"Australia's Future Make It Local"* - focusing on Council's abilities to effect fundamental change at a community level. The Mayor added that it had been 18 years since she attended the last National Assembly and provided the below report:

The event was attended by over 800 delegates. It is thought that there was strong attendance due to the upcoming Federal election and many delegates of course take the opportunity to meet with politicians whilst they are in Canberra.

A key part of the event was debating and voting on some 90 motions and they were largely based on infrastructure funding requirements and 'eastern state centric' which was not unsurprising given a large number of the delegates were from the Eastern States.

A few of the event highlights:

"Breakfast with WA Federal Members of Parliament", attended by the Foreign Affairs Minister, Julie Bishop, Brand member Madeleine King MP, Senator Ian Goodenough, One Nation Senator Georgiou and Melissa Pryce MLA, the Federal Member for Durack.

National Growth Areas Alliance (NGAA) – Member Luncheon. Kwinana is a member of the NGAA.

An interesting fact was that 178,000 people have moved into outer metropolitan growth regions since the last conference 12 months ago.

It was also discussed the window of opportunity the NGAA member councils have leading up to the next election given our infrastructure needs and high unemployment issues, which are currently front and centre of the political debate.

20 MAYORAL ANNOUNCEMENTS (WITHOUT DISCUSSION)

Conference Speakers of Note:

ALGA President, David O'Loughlin spoke on the well discussed topic of cost shifting and that council's capacity to raise revenue has never been so compromised as well as the vast and growing infrastructure gap. President O'Loughlin also highlighted that the Federal Assistance Grants (FAGS) are declining; relative to Commonwealth Taxes.

David Speers, Political Editor, Sky News.

David warmed the audience up by stating that "*regional Australia was more than blokes wearing big hats*" (a clear reference to Barnaby Jones), who he went onto state was a bad example of a politician who put self-interest ahead of his party and the national interest.

Bernard Salt (demographer)

39% of Australians are now born outside Australia. India is the next big 'cab off the rank', so we should be looking for trade opportunities with India.

The CENSUS revealed an overwhelming loss of faith from the previous census (- 45%) with religion and faith institutes. This was considered to be a direct result of the Royal Commission into Institutionalised Child Abuse.

This trend will extend to people now losing faith in political parties, Unions, big business (banks) and people wanting more authentic relationships and turning to 'local community'.

Big issue for local governments is the "Lonely Fication of Australian Suburbia" with single households (up 183%) which can lead to social isolation and that local government will be at the coal face of this growing issue.

There is also a clear shift in culture and expectation and the emergence of the "sense of entitlement" as many young people have not ever experienced a recession.

New Acronyms

- PUMCINS: Professional urban middle class in nice suburbs
- NETTEL's: Not enough time to enjoy life

Plenary Session:

I chose the Waste and Recycling plenary session, which I found very thought provoking and would like to follow this up with the relevant officer to see whether our procurement policy include purchases from recycled goods such as paper and road base (if a reliable market exists).

One of the take homes was actually in relation to drones - the need for Kwinana (and all local governments) to implement a drone policy? The conference was advised to implement DRONE policies as it could be a growing area of litigation in respect of liability from DRONES being utilised or launched inappropriately on council owned property. I did make mention of the policy at the WALGA state council and I was advised that Joondalup has now implemented a policy so there would be a template there for Kwinana to consider. This may not be a big problem at the moment, but it could be and we need to be prepared.

20 MAYORAL ANNOUNCEMENTS (WITHOUT DISCUSSION)

The Mayor mentioned that she and the Chief Executive Officer attended the Westport Taskforce Reference Group project update and workshop and further mentioned that the public information sessions will be held in Kwinana at the Darius Wells Library and Resource Centre on 18 July 2018 commencing at 5:30pm to 7:30pm.

The Mayor reported that along with the Chief Executive Officer and the Economic Development Specialist attended a presentation by Mr Adrian Griffin, the Managing Director of Lithium Australia, entitled: "Energy Revolution – closing the loop on the energy metal cycle.

The Mayor advised that along with City's Manager of Environmental Health, were invited to present to the Waste Strategy Summit in Sydney. The Mayor explained that she was invited to present on Waste to Energy (WTE) from a local government perspective and the Manager of Environmental Health presented on the City's recycling initiatives especially with the new Suez Contract. There is certainly an enormous amount of interest in the WTE technology and how it is becoming an essential part of strategic waste management as well as recycling initiatives.

The Mayor mentioned that it was her great pleasure to be on the judging panel and to present the Achievement Award at the recent Lyrik Awards. The Mayor further mentioned that there were 42 nominees and I would like to congratulate all nominees, but in particular Miss Michellie Jones who was the 2018 Lyrik Young Person of the Year. The Mayor passed on her congratulations to the Kwinana Youth Team and the Lyrik Youth Volunteers for a great event. The Mayor noted that it was also a coup to have the Commissioner for Children and Youth, Mr Pettit to attend as a Judge and also to be a presenter. The Mayor has invited Mr Pettit to attend a tour of the Adventure Park, Edge Skate Park and the Zone.

The Mayor reported that she had attended the Rotary Club of Kwinana Changeover Event and passed on her congratulations to President Steve Castrilli and his new executive for 2018/2019. The Mayor further reported that our Councillor Wendy Cooper is the President Elect for 2019/2020.

The Mayor advised that she had attended the WA Local Government Association (WALGA) State Council Meeting and provided the below updates:

- Strategic Forum - presentation and demonstration on WALGA's Environmental Planning Tool which is a very impressive program for officers to access and available to all member local government for a subscription fee of around \$2000 per annum.
- Governance Policy Team update on the Local Government Act Review Updates
- Compulsory training for councillors from the 2019 election. This will extend to those councillors who have been re-elected.
- Endorsed the WALGA communications and social media template policy and the Code of Conduct clause and guidelines.

The Mayor mentioned that the City was also the hosts for the first inaugural meeting of **the Mandurah District Management Team** which has been formed under the changed policing model, the former one being the Local Policing Model. The Mayor said that the attendees were advised that Wandi and Casuarina have now reverted to the Kwinana District and Baldivis is back in the Rockingham District. The Mayor further mentioned that they welcomed Superintendent Andy Greatwood and that it was clear that the Police are looking to continue a strong professional working relationship with the local governments of Kwinana, Rockingham and Mandurah, which now fall into the new district.

21 Matters Behind Closed Doors

Nil

22 Meeting Closure

The Mayor declared the meeting closed at 7:40pm.