



**Shire of Derby /  
West Kimberley**

# **MINUTES**

## **Ordinary Council Meeting Thursday, 31 March 2022**

**Date:** Thursday, 31 March 2022

**Time:** 5:30pm

**Location:** Fitzroy Crossing – Karrayili Adult Education Centre  
8 Flynn Dr, Fitzroy Crossing WA 6765



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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY  
ORDINARY COUNCIL MEETING  
HELD IN FITZROY CROSSING AT THE KARRAYILI ADULT EDUCATION CENTRE  
ON THURSDAY, 31 MARCH 2022 AT 5:30PM**

**PRESENT:** Cr Geoff Haerewa (Shire President), Cr Peter McCumstie (Deputy Shire President)(via telephone), Cr Paul White, Cr Geoff Davis, Cr Andrew Twaddle, Cr Linda Evans, Cr Rowena Mouda (via telephone), Cr Pat Riley (via telephone from 6:04pm), Cr Keith Bedford (via telephone)

**IN ATTENDANCE:** Amanda Dexter (Chief Executive Officer), Wayne Neate (Director Technical and Development Services), Sarah Smith (Executive Services Coordinator), Neil Hartley (Director of Strategic Business)(via telephone), Alan Thornton (Acting Director of Corporate), Christie Mildenhall (Acting Director of Community Services) and Rob Paull (Manager of Development Services).

**VISITORS:** Nil

**GALLERY:** Nil

**APOLOGIES:** Nil

**APPROVED LEAVE OF ABSENCE:** Nil

**ABSENT:** Nil

**1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS**

The meeting was opened at 5:30pm by Geoff Haerewa, Shire President.

**2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS**

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

- Cr Peter McCumstie (Deputy Shire President);
- Cr Rowena Mouda;
- Cr Keith Bedford; and
- Cr Pat Riley (entered at 6:04pm).

**NOTE:** His Excellency the Governor, in Executive Council, has approved regulations (Gazetted 25 March 2020) to allow all Western Australian local government councils to hold meetings electronically during a public health emergency or a state of emergency. This can be via teleconference, video conference or other electronic means. The Shire of Derby/West Kimberley will provide this option for Councillors until further notice, or the COVID-19 state of emergency provision is modified accordingly.

### 3 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

#### 3.1 Declaration of Financial Interests

- Nil.

#### 3.2 Declaration of Proximity Interests

- Nil.

#### 3.3 Declaration of Impartiality Interests

- Cr Peter McCumstie – 10.1 - Minutes of the Audit Committee Meeting held on 24 March 2022  
**Nature:** Family member involved.
- Cr Keith Bedford – 10.1 - Minutes of the Audit Committee Meeting held on 24 March 2022  
**Nature:** Community Member for Junjuwa.
- Cr Keith Bedford – 17.1 - Request for Comment - Application for Mining Lease 04/481 on part Lot 450 Great Northern Highway, Fitzroy Crossing  
**Nature:** Patrick green is his uncle.

#### 4 APPLICATIONS FOR LEAVE OF ABSENCE

##### LEAVE OF ABSENCE

**RESOLUTION 20/22****Moved: Cr Paul White****Seconded: Cr Geoff Davis**

That the Leave of Absence received from Cr Andrew Twaddle for the Ordinary Council Meeting on 28 April 2022 be accepted and leave of absence granted.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 8/0**

#### 5 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- Nil.

#### 6 PUBLIC TIME

##### 6.1 Public Question Time

- Nil.

##### 6.2 Public Statements

- Nil.

#### 7 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

- Nil.

#### 8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

- Nil.

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****RESOLUTION 21/22****Moved: Cr Geoff Davis****Seconded: Cr Linda Evans**

**That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Clarendon Street, Derby, on 24 February 2022 and the Special Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Clarendon Street, Derby, on 24 March 2022 be CONFIRMED.**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 8/0**

**10 RECOMMENDATIONS AND REPORTS OF COMMITTEES****10.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 24 MARCH 2022****File Number: 4110****Author: Sarah Smith, Executive Services Coordinator****Responsible Officer: Amanda Dexter, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

For Council to receive the Audit Committee Minutes.

**ATTACHMENTS****1. Minutes of the Audit Committee Meeting held on 24 March 2022****RESOLUTION 22/22****Moved: Cr Linda Evans****Seconded: Cr Paul White****THAT COUNCIL:****Receive the Minutes of the Audit Committee Meeting held on 24 March 2022 and the recommendations therein be adopted.****In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie****Against: Nil****CARRIED 8/0****COMMITTEE RESOLUTION AC23/22****Moved: Cr Peter McCumstie****Seconded: Cr Keith Bedford****That the Audit Committee recommends that Council notes the list of accounts for February 2022 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$1,282,920.93.****In Favour: Crs Keith Bedford, Peter McCumstie and Andrew Twaddle****Against: Nil****CARRIED 3/0**



**COMMITTEE RESOLUTION AC24/22****Moved: Cr Peter McCumstie****Seconded: Cr Keith Bedford**

**That the Audit Committee recommends Council RECEIVES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 28th February 2022.**

In Favour: Crs Keith Bedford, Peter McCumstie and Andrew Twaddle

Against: Nil

**CARRIED 3/0****COMMITTEE RESOLUTION AC25/22****Moved: Cr Peter McCumstie****Seconded: Cr Keith Bedford**

**That the Audit Committee recommend that Council:**

- 1. Endorse the Long Term Financial Plan 2022/23 – 2036/37 per attachment to this report for Council's on going consideration.**

In Favour: Crs Keith Bedford, Peter McCumstie and Andrew Twaddle

Against: Nil

**CARRIED 3/0****COMMITTEE RESOLUTION AC26/22****Moved: Cr Peter McCumstie****Seconded: Cr Keith Bedford**

**That the Audit Committee recommends that Council;**

**Request the Chief Executive Officer to apply to the Western Australia Treasury Corporation for access to the Short-term Lending Facility for a 12 month term. Funds to be used for Disaster Recovery flood damage claims AGRN907 and AGRN951.**

In Favour: Crs Keith Bedford, Peter McCumstie and Andrew Twaddle

Against: Nil

**CARRIED 3/0**

**COMMITTEE RESOLUTION AC27/22****Moved: Cr Peter McCumstie****Seconded: Cr Keith Bedford**

**That the Audit Committee recommends that Council, conditional on a new sub-lease being executed by the Shire and the Kimberley Mineral Sands group:**

- 1. Writes off the insurance contribution claim made upon the Derby Port lessee's, Thunderbird Operations Pty Ltd and Sheffield Resources Limited (of \$172,958.16); and**
- 2. Notes that insurance contributions by the lessee will apply (as per the lease's new position) from 1 January 2022.**

**In Favour: Crs Keith Bedford, Peter McCumstie and Andrew Twaddle**

**Against: Nil**

**CARRIED 3/0 BY ABSOLUTE MAJORITY**

**COMMITTEE RESOLUTION AC28/22****Moved: Cr Keith Bedford****Seconded: Cr Peter McCumstie**

**That the Audit Committee:**

**Recommends that Council receives the information contained in the report detailing Sundry Debtors as at 28 February 2022.**

**In Favour: Crs Keith Bedford, Peter McCumstie and Andrew Twaddle**

**Against: Nil**

**CARRIED 3/0 BY ABSOLUTE MAJORITY**

**COMMITTEE RESOLUTION AC29/22****Moved: Cr Keith Bedford****Seconded: Cr Peter McCumstie**

**That the Audit Committee recommends that Council:**

- 1. Receives the report on outstanding rate and service charge debt by financial year to the end of February 2022.**

**In Favour: Crs Keith Bedford, Peter McCumstie and Andrew Twaddle**

**Against: Nil**

**CARRIED 3/0**

**REPORTS****11 EXECUTIVE SERVICES****11.1 MINUTES OF THE JOINT MEETING OF THE KIMBERLEY ZONE AND KIMBERLEY REGIONAL GROUP HELD 15 FEBRUARY 2022****File Number:** 4221**Author:** Sarah Smith, Executive Services Coordinator**Responsible Officer:** Amanda Dexter, Chief Executive Officer**Authority/Discretion:** Advocacy**SUMMARY**

This report presents for Council endorsement the Minutes from the Joint Meeting of the Kimberley Zone of the Western Australian Local Government Association (WALGA) and the Kimberley Regional Group held on 15 February 2022.

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

A copy of the minutes from the joint meeting held 15 February 2022 between members of the Kimberley Zone of WALGA (Zone) and Kimberley Regional Group (KRG) is attached for Council consideration.

As a result of a past decision of the group, both the Kimberley Zone and KRG meetings are joined.

It should be remembered that the Kimberley Zone of WALGA is a group established to represent regional issues to the State Council of WALGA. This group includes the four Kimberley Shires in addition to the Shires of Christmas Island and Cocos Keeling Islands.

The KRG is a group defined through a deed of agreement between the four Kimberley local governments with the Minister for Local Government.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUTCOME</b>	<b>STRATEGY</b>
1. Leadership and	1.2 Capable, inclusive and	1.2.1 Provide strong civic leadership.

Governance	effective organisation.	1.2.2 Provide strong governance.
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**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Community:</b> That the Shire’s interests and contribution to the zone are represented and reflect the views of the community	Unlikely	Minor	Low	Minutes received and endorsed by Council to allow for transparency and assist zone attendees with clear direction

**CONSULTATION**

Nil.

**COMMENT**

The minutes and respective background information are attached to this report and the following comments are made in relation to the resolutions passed by the Group. Additional recommendations have been made where necessary for Council’s consideration.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. Zone KRG Joint Meeting Minutes - 15 February 2022  

<p><b>RESOLUTION 30/22</b></p> <p><b>Moved: Cr Andrew Twaddle</b>  <b>Seconded: Cr Rowena Mouda</b></p> <p><b>That Council</b></p> <p><b>Receives and endorses the resolutions of the Kimberley Zone of WALGA and Kimberley Regional Group as attached in the minutes from the Joint Meeting held 15 February 2022</b></p> <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 8/0</b></p>
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**KIMBERLEY REGIONAL GROUP  
Meeting**

**UNCONFIRMED  
MINUTES**

**1:00PM, 15 FEBRUARY 2022**

**LGIS, 170 Railway Parade, Leederville,  
WA, 6007**

**SHIRE OF BROOME**  
**KIMBERLEY REGIONAL GROUP**  
**TUESDAY 15 FEBRUARY 2022**  
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**MINUTES OF THE KIMBERLEY REGIONAL GROUP OF THE SHIRE OF BROOME,  
HELD IN THE LGIS BOARDROOM, 170 RAILWAY PARADE, LEEDERVILLE, WA, 6007,  
ON TUESDAY 15 FEBRUARY 2022, COMMENCING AT 1:00PM.**

**1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

The Chair welcomed Members and Officers and declared the meeting open at 1:09pm.

**2. RECORD OF ATTENDANCE / APOLOGIES**

**ATTENDANCE:**

Sam Mastrolembo	Shire of Broome (from 1:13pm)
Cr Chris Mitchell	Shire of Broome (from 1:13pm)
Cr Harold Tracey	Shire of Broome(from 1:13pm)
Amanda Dexter	Shire of Derby West Kimberley
Cr Geoff Haerewa	Shire of Derby West Kimberley
Cr Peter McCumstie	Shire of Derby/West Kimberley
Vernon Lawrence	Shire of Wyndham East Kimberley (Teams)
Cr David Menzel	Shire of Wyndham East Kimberley
Noel Mason	Shire of Halls Creek (Teams)
Cr Malcolm Edwards	Shire of Halls Creek (Teams)
Kelli Small	Shire of Cocos (Keeling) Islands (Teams)
James Watt	Shire of Broome (Teams)
Debra Goostrey	Zone Executive - ATEA

**APOLOGIES:**

Vernon Lawrence	Shire of Wyndham East Kimberley
Cr Tony Chafer	Shire of Wyndham East Kimberley
Cr Chris Loessl	Shire of Halls Creek
Cr Jeanette Young	Shire of Cocos (Keeling) Islands
Cr Hua (Helen) Liu	Shire of Cocos (Keeling) Islands
David Price	Shire of Christmas Island
Cr Gordon Thomson	Shire of Christmas Island
Cr Kee Heng Foo	Shire of Christmas Island

**3. DECLARATION OF INTERESTS**

FINANCIAL INTEREST			
Member	Item	Item	Nature of Interest

	<b>No</b>		
Nil.			

IMPARTIALITY			
Member	Item No	Item	Nature of Interest
Nil.			

**4. CONFIRMATION OF MINUTES**

**KIMBERLEY ZONE & KIMBERLEY REGIONAL GROUP RESOLUTION:**  
*Minute No. KRG/0222/001*  
*Moved: G Haerewa* *Seconded: M Edwards*  
*That the Minutes of the Kimberley Regional Group held on 22 November 2021, as published and circulated, be confirmed as a true and accurate record of that meeting.*  
*CARRIED UNANIMOUSLY 3/0*

**5. BUSINESS ARISING FROM PREVIOUS MEETING**

Nil.

**6. PRESENTATIONS FROM REPRESENTATIVES**

Nil.

**7. REPORTS FROM REPRESENTATIVES**

- 7.1 RDA KIMBERLEY  
Janine Hatch, Executive Officer
- 7.2 AUSTRALIA’S NORTH WEST TOURISM  
Natasha Maher, Chief Executive Officer
- 7.3 WALGA ROADWISE  
Greg Hayes, Road Safety Advisor
- 7.4 KIMBERLEY DEVELOPMENT COMMISSION  
Chuck Berger, Chief Executive Officer  
Tim Bray, Director
- 7.5 DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES  
Tim Fraser, Executive Director  
Mitch Hardy, Director Regional Services  
Kristina Dickman, Regional Manager Kimberley
- 7.6 WALGA  
Nick Sloan, Chief Executive Officer



**Cr Karen Chappel, Acting WALGA President**  
**Kelly McManus, Principal Policy and Advocacy**  
**Chris Hossen, Policy Manager Planning and Building**

**8. REPORTS FROM KIMBERLEY COUNTRY ZONE**

**8.1 WALGA STATE COUNCIL AGENDA**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01; RCG03
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**  
 To consider the recommendations on Matters for Decision that will be considered at the WALGA State Council meeting on 2 March 2022.

**COMMENT**

The next WALGA State Council meeting will be held on 2 March 2022. The following matters for decision will be considered.

	<b>Matters for Decision</b>	<b>WALGA Recommendation</b>	<b>Zone Comment &amp; Recommendation</b>
5.1	Short-Term Accommodation Regulatory Scheme	1. The intergovernmental working group be re-formed to guide the establishment of a state-wide registration scheme, which includes Local Government as a key stakeholder to ensure that the experience and knowledge of the sector informs the scheme’s formulation.  2. A state-wide registration scheme be developed for short-term accommodation and peer-to-peer platforms with the inclusion of the following features:  a. All hosted and un-hosted short-term accommodation must be required to be registered with the scheme before being able to advertise the property  b. All peer-to-peer platforms that seek to let short-term accommodation must be regulated through the scheme as a host platform  c. Obligations of registration for both hosts and platforms must be clear and appropriate infringements and compliance tools should be embedded	SUPPORT  The submission is largely consistent with proposed requirements in Shires in the Kimberley with higher volume unhosted short stay accommodation.

		<p>in the regulatory framework</p> <p>d. Local Governments must be able to maintain the ability to require the provision of additional information and impose additional licencing or operational requirements, depending on their circumstances</p> <p>e. Local Government’s must be able to set fees commensurate with the cost of providing the service for any role undertaken as part of the scheme, and</p> <p>f. Local Governments must have access to all necessary data collected by the scheme to adequately manage the potential impacts of short-term accommodation providers and to ensure local requirements are being met by hosts.</p> <p>3. No exemptions for ‘unhosted accommodation’ are allowed until the details of the state-wide registration scheme are finalised and deemed sufficient to adequately manage the impacts of short-term accommodation.</p>	
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- 6.1 COVID-19 UPDATE
- 6.2 2022-23 Federal Budget Submission (05-088-03-0004 DM)
- 6.3 Detection of Polyphagous Shot-hole Borer and Implications for Local Government (05-046-03-0017 RZ) (note; borer not present in the Kimberley)
- 6.4 State Planning Policy 2.9: Planning for Water - Submission (05-036-03-0070 AR) (Note: State Council endorsed the submission by Flying Minute on 8 November 2021. The submission was provided to the DPLH on 8 November 2021).
- 6.5 Submission to Salaries and Allowances Tribunal – Local Government Remuneration Inquiry (05-034-01-0102 TL) (note: Due to the timeframes involved, the submission was endorsed by State Council by Flying Minute following consideration by the State Council Governance and Organisational Services Policy Team).

Organisational Reports

- Report on Key Activities, Commercial and Communications (01 006-03-0017 CH)
- Report on Key Activities, Governance and Organisational Services ((01 006-03-0007 TB))
- Report on Key Activities, Infrastructure (05-001-02-0003 ID)
- Report on Key Activities, Strategy, Policy and Planning (Report on Key Activities, Strategy, Policy and Planning Unit (01-006-03-0017 NM)
- Policy Forum Reports (01-006-03-0007 TB)

WALGA President’s Report

The following matters are covered in the WALGA President’s Report

- COVID-19 – Update

- Rapid Anti-Gen Tests (RATs)
- Local Government Legislative Reform
- Work Health and Safety Legislation
- Aboriginal Cultural Heritage Act
- Submission to Salaries and Allowances Tribunal Remuneration Inquiry
- 2022 Local Government Honours Program

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

**Economy Goal – A sustainable and diverse economy:**

Sustainable Local Government revenue

**VOTING REQUIREMENTS**

*Simple Majority*

**COMMITTEE RESOLUTION:**

<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0222/002</b>
<b>Moved: Cr C Mitchell</b>	<b>Seconded: G Haerewa</b>

**That the Kimberley Regional Group:**

- 1. Notes the State Council Agenda Items;**
- 2. Supports the recommendations in the Matters for Decision; and**
- 3. Notes the WALGA President’s December Report.**

**CARRIED UNANIMOUSLY 4/0**

**Attachments**

1. WALGA March State Council Meeting
2. President’s Report March 2022

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*Item 8.1 - WALGA STATE COUNCIL AGENDA*

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# State Council Agenda

2 March 2022

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*Attachment 1 - WALGA March State Council Meeting*

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**Item 8.1 - WALGA STATE COUNCIL AGENDA**



**NOTICE OF MEETING**

Meeting No. 1 of 2022 of the Western Australian Local Government Association (WALGA) State Council to be held at WALGA, ONE70, LV1, 170 Railway Parade, West Leederville on Wednesday, 2 March beginning at **4:00pm**.

**1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS**

**1.1. Attendance**

<p><b>Members</b></p> <p>Acting President of WALGA - <b>Chair</b></p> <p>Avon-Midland Country Zone</p> <p>Central Country Zone</p> <p>Central Metropolitan Zone</p> <p>Central Metropolitan Zone</p> <p>East Metropolitan Zone</p> <p>East Metropolitan Zone</p> <p>Goldfields Esperance Country Zone</p> <p>Gascoyne Country Zone</p> <p>Great Eastern Country Zone</p> <p>Great Southern Country Zone</p> <p>Kimberley Country Zone</p> <p>Murchison Country Zone</p> <p>North Metropolitan Zone</p> <p>North Metropolitan Zone</p> <p>North Metropolitan Zone</p> <p>Peel Country Zone</p> <p>Pilbara Country Zone</p> <p>South East Metropolitan Zone</p> <p>South East Metropolitan Zone</p> <p>South Metropolitan Zone</p> <p>South Metropolitan Zone</p> <p>South Metropolitan Zone</p> <p>South West Country Zone</p>	<p>President Cr Karen Chappel JP</p> <p>Cr Ken Seymour</p> <p>President Cr Phillip Blight</p> <p>Cr Paul Kelly</p> <p>Cr Helen Sadler</p> <p>Cr Catherine Ehrhardt</p> <p>Cr John Daw</p> <p>President Cr Laurene Bonza</p> <p>President Cr Cheryl Cowell</p> <p>President Cr Stephen Strange</p> <p>President Cr Chris Pavlovich</p> <p>Cr Chris Mitchell JP</p> <p>Cr Les Price</p> <p>Cr Frank Cvitan JP</p> <p>Mayor Mark Irwin</p> <p>Cr Russ Fishwick JP</p> <p>President Cr Michelle Rich</p> <p>Mayor Peter Long</p> <p>Cr Carl Celedin</p> <p>Mayor Ruth Butterfield</p> <p>Cr Doug Thompson</p> <p>Mayor Carol Adams OAM</p> <p>Mayor Logan Howlett JP</p> <p>President Cr Tony Dean</p>
<p><b>Ex Officio</b></p> <p>Lord Mayor – City of Perth</p> <p>Local Government Professionals WA</p>	<p>Lord Mayor Basil Zempilas</p> <p>Ms Annie Riordan</p>
<p><b>Secretariat</b></p> <p>Chief Executive Officer</p> <p>EM Governance &amp; Organisational Services</p> <p>EM Infrastructure</p> <p>Acting EM Strategy, Policy &amp; Planning</p> <p>Principal Special Projects and Acting EM Communications</p> <p>Acting EM Commercial</p> <p>Manager Strategy &amp; Association Governance</p> <p>Manager Governance &amp; Procurement</p> <p>Chief Financial Officer</p> <p>Principal, Policy and Advocacy</p>	<p>Mr Nick Sloan</p> <p>Mr Tony Brown</p> <p>Mr Ian Duncan</p> <p>Ms Nicole Matthews</p> <p>Ms Narelle Cant</p> <p>Mr Craig Hansom</p> <p>Mr Tim Lane</p> <p>Mr James McGovern</p> <p>Mr Rick Murray</p> <p>Ms Kelly McManus</p>

**1.2. Apologies**

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**1.3. Announcements**

- 1.3.1. WALGA acknowledges the Whadjuk Nyoongar people who are the Traditional Custodians of the land on which we meet today and pays respect to their Elders past and present.

**2. MINUTES**

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**2.1. Minutes of the Meeting held 1 December 2021**

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**RECOMMENDATION**

That the Minutes of the WALGA State Council Meeting held on [Wednesday, 1 December 2021](#) be confirmed as a true and correct record of proceedings.

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**2.2. Flying Minute – Submission to Salaries and Allowances Tribunal Local Government Remuneration Inquiry**

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**RECOMMENDATION**

That the [Flying Minute – Submission to Salaries and Allowances Tribunal Local Government Remuneration Inquiry](#) be confirmed as a true and correct record of proceedings.

**3. DECLARATIONS OF INTEREST**

Pursuant to our Code of Conduct, State Councillors must declare to the Chair any potential conflict of interest they have in a matter before State Council as soon as they become aware of it.

**4. EMERGING ISSUES**

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

**5. MATTERS FOR DECISION**

- As per matters listed.
- Items Under Separate Cover to State Council only.

**6. MATTERS FOR NOTING / INFORMATION**

- As per matters listed.

**7. ORGANISATIONAL REPORTS****7.1 Key Activity Reports**

- 7.1.1 Commercial and Communications Unit
- 7.1.2 Governance and Organisational Services Unit
- 7.1.3 Infrastructure Unit
- 7.1.4 Strategy, Policy and Planning Unit

**7.2 Policy Forum Report**

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7.3 Policy Team Reports

- 7.3.1 Environment and Waste Policy Team
- 7.3.2 Governance and Organisational Services Policy Team
- 7.3.3 Infrastructure Policy Team
- 7.4.4 People and Place Policy Team

7.4 President's Report

**RECOMMENDATION**

That the President's Report for March 2022 be received.

7.5 CEO's Report

**RECOMMENDATION**

That the CEO's Report for March 2022 be received.

7.6 Ex Officio Reports

- 7.6.1 Local Government Professionals WA President, Annie Riordan, to provide the LG Professionals report to the meeting.
- 7.6.2 The Rt. Hon. Lord Mayor Basil Zempilas to provide City of Perth report to the meeting.

**8. ADDITIONAL ZONE RESOLUTIONS**

To be advised following Zone meetings.

**9. DATE OF NEXT MEETING**

The next ordinary meeting of the WALGA State Council will be hosted by the South Metropolitan Zone at the City of Cockburn Administration Centre on Wednesday, 4 May.

**10. CLOSURE**





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## 5. MATTERS FOR DECISION

### 5.1 Short-Term Accommodation Regulatory Scheme (05-036-03-0016 CH)

By Chris Hossen, Policy Manager, Planning and Building

#### RECOMMENDATION

**That the draft Short-Term Accommodation Regulatory Reform submission be endorsed**

#### Executive Summary

- In December 2021, the Department of Planning, Lands and Heritage (DPLH) released [Draft Position Statement: Planning for Tourism and Guidelines](#) (the position statement) for public consultation.
- The Department of Local Government, Sport and Cultural Industries (DLGCS) simultaneously [sought comment](#) on the implementation of a new state-wide registration system for short-term accommodation.
- The proposal is in response to the State Government's acceptance of the recommendations of the Inquiry into Short-Stay Accommodation by the Legislative Assembly's Economics and Industry Standing Committee in 2019.
- The proposals are broadly consistent with the Inquiry's findings that Local Governments are best placed to plan for tourism within their communities and WALGA's existing Advocacy Position on short-term accommodation.

#### Attachment

- Draft Short-Term Accommodation submission

#### Policy Implications

WALGA's existing policy position on short-term accommodation was adopted in 2017 (Advocacy Position 6.40 Short-Stay Accommodation). This position called for a review of the planning framework for short-term accommodation, contemporary land-use definitions and a preferred approach for home-sharing in the planning framework. The proposed policy measures in the [Draft Position Statement: Planning for Tourism and Guidelines](#) are broadly consistent with the existing position. It is proposed that recommendations 1, 2 and 3 of the draft submission will supersede the existing policy position, and the existing position will be deleted.

#### Background

The short-term accommodation sector, and the tourism sector more broadly, plays an important role in local economic development, providing employment, training opportunities, and injections of tourist expenditure into local communities across the State. Changes in the short-term accommodation market have been challenging for Local Governments and their communities, particularly amenity issues such as noise, parking and waste management. Several Local Governments have sought to address these challenges through their local planning frameworks and through local registration schemes governed by local laws. These approaches have had varying degrees of success in addressing amenity concerns.

In 2017, WALGA prepared a [Short-Term Rental Accommodation Discussion Paper](#) in consultation with Local Governments. This Discussion Paper led to the adoption of a formal advocacy policy position by WALGA State Council in December 2017.

WALGA made a [submission](#) to the Legislative Assembly Economics and Industry Standing Committee [Inquiry into Short-Stay Accommodation](#) in 2019 and appeared before the Committee with a number of other Local Governments. The [Inquiry Report](#), tabled in September 2019, was generally welcomed by the Local Government sector. All 45 of the Inquiry's findings and 9 of the 10 recommendations were accepted by the State Government. The sector was pleased that the Government accepted Recommendations 2 (updated land use definitions), 3 (updated planning guidance), 7 (working group to be established), 9 (data sharing) and 10 (Local Government

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responsibilities as part of registration scheme) and these recommendations form the basis of the matters included in the current consultation being administered by the DPLH and DLGSC.

The [Draft Position Statement: Planning for Tourism and associated Guidelines](#) are part of the Government's response to the Inquiry's recommendations. Consultation on the Statement and Guidelines is open from 6 December 2021 until 7 March 2022.

No formal consultation with Local Government or WALGA occurred prior to the release of the position statement and that the consultation does not include any details to justify certain aspects of the position statement or policy guidance. The items outlined in Recommendation 7 of the Inquiry provided a robust set of considerations that would have adequately guided the working group. The recommendation and the Government's response also outlined the importance of engaging with the Local Government sector to support the working group's activities. However, there has not been a formal approach by the working group to Local Government or WALGA to support their work.

WALGA hosted a sector webinar with officers of DPLH and DLGSC on 16 December 2021 which was attended by officers and Councillors from over 50 Local Governments. Attendees were surveyed on key elements of the position statement and proposed regulatory scheme, with this feedback used to inform the draft Submission.

WALGA sought comment on the draft Submission from Local Governments over a three-week period in January 2022. Officer comments were received from the Shires of Augusta-Margaret River, Dowerin, and Serpentine Jarrahdale, the Towns of East Fremantle and Victoria Park, and the City of Vincent. Formal Council support was received from the Shire of Merredin.

**Comment**

The Position Statement is a positive step forward in the provision of clear and consistent direction to Local Governments on the definition and treatment of short-term rental accommodation in the Western Australia planning framework. In particular:

- Planning Bulletin 99 - Holiday Home Guidelines, has been superseded and replaced with a contemporary range of 'Land Use' definitions and a preferred model for the management of home-sharing in the planning framework. These approaches are consistent with WALGA's current policy advocacy positions.
- The Position Statement identifies that '*Local Governments are best placed to plan for tourism within their communities, with local knowledge of tourism activities, opportunities, constraints, including potential impacts and what requirements, if any, should be places on tourism proposals*'. The general and specific policy measures generally align with this intent and the position statement's intent and objectives are supported.
- The Association supports the establishment of a state-wide registration scheme for short-term accommodation. Local Governments have indicated strong support for such a scheme and the benefits it would bring to the regulation of short-term accommodation in their localities. However, given the limited detail provided, the Association's support for the scheme is conditional upon a range of conditions being satisfied.

The sector has raised significant concerns regarding the proposal to exempt 'unhosted accommodation' from the need to obtain development approval where this use is not proposed to be let for more than 60 days per calendar year. This policy response was not proposed in either the Parliamentary Inquiry or the Government's response. There is broad sector support for the exemption of 'hosted accommodation', and incorporation of the existing bed and breakfast land-use definition into this definition.



### **Item 5.1 Short-Term Accommodation Regulatory Scheme Attachment – Draft Short-Term Accommodation Submission**

#### **Introduction**

The Western Australian Local Government Association is the united voice of Local Government in Western Australia. The Association is an independent, membership-based group representing and supporting the work and interests of 139 Local Governments in Western Australia.

The Association provides an essential voice for 1,212 elected members and approximately 22,600 Local Government employees, as well as over 2 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

The short-term accommodation sector, and the tourism sector more broadly, plays an important role in local economic development, providing employment, training opportunities, and injections of tourist expenditure into local communities across the state.

Changes in the composition of the short-term accommodation market have been challenging for Local Governments and their communities, particularly amenity issues such as noise, parking and waste management. Several Local Governments have sought to address these challenges through their local planning frameworks and through local registration schemes governed by local laws. These approaches have had varying degrees of success in addressing amenity concerns. Most concerningly, requirements set at the local level have not been sufficient to compel compliance from peer-to-peer platforms on matters such as data sharing and compliance with local requirements.

The Association therefore welcomes the opportunity to provide feedback on short-term accommodation to the Department of Planning Lands and Heritage (DPLH) and Department of Local Government, Sports and Cultural Industries (DLGSC) to inform the effective and efficient regulation of this sector.

This submission reflects the Association's existing positions as well as key issues and concerns raised by WALGA members during the consultation period.

#### **Background**

The emergence and rapid rise of the 'sharing economy', which utilises peer-to-peer platforms to rapidly connect customers and service providers, has produced several challenges for Local Government. In particular, platforms that support short-term rental accommodation offer these services in residential buildings and neighbourhoods that have not been designed to accommodate or provide these services.

The growth in short-term rental accommodation platforms and associated services has been rapid; however, planning legislation that governs short-term accommodation in Western Australia has not been revised since 2009. The absence of adequate State Government guidance about how to manage these services has been challenging for some Local Governments, which has led to many Local Governments regulating short-term accommodation through their local planning framework and the *Local Government Act 1995*.

In 2017, the Association prepared a *Short-Term Rental Accommodation Discussion Paper* in consultation with Local Governments. This discussion paper led to the adoption of a formal advocacy policy position by the WALGA State Council in December 2017, which states:

1. That WALGA request the Minister for Planning to establish, through the Department of Planning, Lands and Heritage, a Technical Working Group, with a goal to reviewing the planning framework in relation to short-term rental accommodation, that gives consideration to:

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- a. A review of Planning Bulletin 99 – Holiday Home Guidelines, with a particular emphasis on expanding the scope of Planning Bulletin 99 beyond 'Holiday Homes', to reflect changes in the accommodation market,
- b. A review of 'Land Use' definitions within the Planning framework that relate to short-term accommodation, and
- c. Establishing a 'preferred' approach for the management of 'home-sharing' within the planning framework

**Parliamentary Inquiry into Short-Stay Accommodation**

Considering WALGA's adopted policy advocacy positions, the Association welcomed the nature and scope of the terms of reference for the Inquiry into Short-Stay Accommodation by the Legislative Assembly's Economics and Industry Standing Committee in 2019.

The detail of the Association's submission to the inquiry focused on points one (1) and three (3) of the terms of reference, providing a snapshot of the way Local Governments regulate short-term accommodation in Western Australia. WALGA's submission also outlined the various concerns of Local Government and local communities regarding the impact that changes to the short-term accommodation market have had, and are continuing to have, on their localities. Finally, commentary was made on the issue of data-sharing, or lack thereof, between online listing websites, holiday house providers and government authorities and the issues this creates for authorities.

The findings and recommendations of the Inquiry, tabled in September 2019, were generally welcomed by the Local Government sector. For example, Recommendations 2 and 3 sought to contemporise land-use definitions through the *Planning and Development (Local Planning Scheme) Regulations 2015* and update planning guidance to reflect the changes to the definitions. These recommendations largely aligned with the Association's adopted policy advocacy positions.

Recommendations 7 through 10 proposed the need for a state-wide registration scheme, established through appropriate legislative or regulatory mechanisms, and developed by an interdepartmental government working group in consultation with industry and the Local Government sector. The Committee's findings placed considerable weight on the collective evidence provided by Local Government on how the short-term accommodation sector needs to be managed in line with local conditions and context. Recommendation 7 makes clear reference to the need for any state-wide registration scheme to 'ensure that Local Governments maintain the ability to require the provision of additional information and impose additional licencing or operational requirements, depending on their circumstances'. Recommendation 10 listed a range of matters that Local Governments should be responsible for. The State Government accepted both recommendations noting that the relationship between State and Local Government will be a critical issue in implementing a state-wide scheme.

The Association was pleased that the Government accepted Recommendations 2, 3, 7, 8, 9 and 10 and notes that these recommendations form the basis of the matters included in the current consultation being administered by the Department of Planning, Lands and Heritage (DPLH) and Department of Local Government, Sport and Cultural Industries (DLGSC).

**General Comments**

The Association welcomes the recent release of the *draft Position Statement: Planning for Tourism* and associated Guidelines for public consultation. The draft Position Statement and Guidelines are a positive step forward in the provision of clear and consistent direction to Local Governments on the definition and treatment of short-term rental accommodation in the Western Australia planning framework. Amongst other things, the draft Position Statement and Guidelines supersede and replace Planning Bulletin 99 and provide a more contemporary range of 'Land Use' definitions and a preferred model for the management of home-sharing in the planning framework. These approaches are consistent with WALGA's current policy advocacy positions.

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The draft Position Statement identifies that *'Local Governments are best placed to plan for tourism within their communities, with local knowledge of tourism activities, opportunities, constraints, including potential impacts and what requirements, if any, should be places on tourism proposals'*. The general and specific policy measures generally align with this intent and the draft Position Statement's intent and objectives are supported.

The Association does have significant concerns regarding the proposal to exempt 'unhosted accommodation' from the need to obtain development approval where this use is not proposed to be let for more than 60 days per calendar year. This policy response was not proposed in either the Parliamentary Inquiry or the Government's inquiry response. Furthermore, the draft Position Statement provides limited justification as to why the exemption is being proposed. Consultation with Local Governments indicates that there is broad opposition to this exemption for a range of reasons. Detailed commentary on this matter is outlined in the Specific Comments section (Appendix 1).

The Association supports the exemption of 'hosted accommodation', and incorporation of the existing bed and breakfast land-use definition into this definition. Detailed commentary on this can be found in the Specific Comments section (Appendix 1).

The Association is concerned that there has not been any consultation with Local Government or WALGA prior to the release of the position statement and that the consultation does not include any details to justify certain aspects of the position statement or policy guidance. The Government accepted the finding of the Inquiry in February 2020 and shortly after formed the interdepartmental working group to advance the matter. The items outlined in Recommendation 7 of the Inquiry provided a robust set of considerations that would have adequately guided the working group. The recommendation and the Government's response also outlined the importance of engaging with the Local Government sector to support the working group's activities. However, there has not been a formal approach by the working group to Local Government or WALGA to support their work. The Association understands that the DLGSC has only recently been appointed as the lead agency for the proposed registration scheme. WALGA looks forward to the opportunity to engage with the Department on the development of this scheme in line with the Inquiry's recommendations and the State Government's response.

The Association supports in-principle the establishment of a state-wide registration scheme. Local Governments have indicated strong support for a scheme and the benefits it would bring to the regulation of short-term accommodation in their localities. However, given the limited detail provided, the Association's support for the scheme is conditional upon inclusion of the following features:

1. All hosted and un-hosted short-term accommodation must be required to be registered with the scheme before being able to advertise the property
2. All peer-to-peer platforms that seek to let short-term accommodation must be regulated through the scheme as a host platform
3. Obligations of registration for both hosts and platforms must be clear and appropriate infringements and compliance tools should be embedded in the regulatory framework
4. Local Governments must be able to maintain the ability to require the provision of additional information and impose additional licencing or operational requirements, depending on their circumstances
5. Local Government's must be able to set fees commensurate with the cost of providing the service for any role undertaken as part of the scheme, and
6. Local Governments must have access to all necessary data collected by the scheme to adequately manage the potential impacts of short-term accommodation providers and to ensure local requirements are being met by hosts.

**Recommendations:**

1. **The intergovernmental working group be re-formed to guide the establishment of a state-wide registration scheme, which includes Local Government as a key stakeholder to ensure that the experience and knowledge of the sector informs the scheme's formulation.**

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2. A state-wide registration scheme be developed for short-term accommodation and peer-to-peer platforms with the inclusion of the following features:
  - a. All hosted and un-hosted short-term accommodation must be required to be registered with the scheme before being able to advertise the property
  - b. All peer-to-peer platforms that seek to let short-term accommodation must be regulated through the scheme as a host platform
  - c. Obligations of registration for both hosts and platforms must be clear and appropriate infringements and compliance tools should be embedded in the regulatory framework
  - d. Local Governments must be able to maintain the ability to require the provision of additional information and impose additional licencing or operational requirements, depending on their circumstances
  - e. Local Government's must be able to set fees commensurate with the cost of providing the service for any role undertaken as part of the scheme, and
  - f. Local Governments must have access to all necessary data collected by the scheme to adequately manage the potential impacts of short-term accommodation providers and to ensure local requirements are being met by hosts.
3. No exemptions for 'unhosted accommodation' are allowed until the details of the state-wide registration scheme are finalised and deemed sufficient to adequately manage the impacts of short-term accommodation.

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**Specific Comments**

Section	Comment
Hosted accommodation	<p>The draft Position Statement proposes that a new definition of 'hosted accommodation' be incorporated into the Local Planning Scheme Regulations as a model provision. It is proposed that the definition of hosted accommodation will encompass all low-scale proposals where a host resides on site, this would include bed and breakfasts. The current definition of bed and breakfast would be deleted from the model provisions. The proposed definition of hosted accommodation would apply to all dwelling types and limit the number of visitors to 4 adult persons in a maximum of 2 bedrooms, this aligns with the current definition of bed and breakfast. Comments received in response to WALGA's discussion paper in 2017 and in response to this consultation indicate broad support for the new definition of hosted accommodation and the subsequent deletion of bed and breakfast from the LPS Regulations. The Association supports this change.</p> <p>It is also proposed that hosted accommodation be exempt from requiring development approval through an amendment to clause 61 of the Deemed Provisions. That is to say that where the proposal meets certain conditions, such as the number of rooms and number of guests, there would be no requirement to seek development approval for the use. Local Governments indicated broad support for the use of exemptions for hosted accommodation. The Association supports this change.</p> <p>The draft Position Statement indicates that all hosted accommodation (including those not requiring development approval) would be required to be registered on the state-wide registration scheme. This would ensure that Local Governments are aware of relevant matters that would enable suitable regulation of the land uses to protect amenity issues should they arise.</p> <p>The Draft Guidelines indicate that Local Governments should consider including hosted accommodation as a 'permitted' land use in the residential zone and as Local Governments deem appropriate in other zones. Current practice generally specifies bed and breakfast as either an 'A' or 'D' use in most suitable zones. It is unusual for a bed and breakfast to be a 'P' use. DPLH will need to consider transitional arrangements for existing schemes and definitions and how the exemption will be incorporated into</p>



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	<p>the deemed provisions to facilitate the policy objectives of the Draft Position Statement. DPLH will also need to consider the appropriateness of exempting unhosted accommodation in bushfire prone areas and the alignment of such a decision with the intent and objectives of <i>State Planning Policy 3.7 Planning for Bushfire Protection</i>.</p> <p><b>Recommendations:</b></p> <p><b>4. Establish new definitions for hosted accommodation</b></p> <p><b>5. Include hosted accommodation as a matter exempt from seeking development approval in clause 61 of the Deemed Provisions, subject to suitable conditions relating to number of guests and number of rooms, and consideration of bushfire or other natural hazard.</b></p>
<p>Unhosted short-term accommodation</p>	<p>The draft Position Statement proposes that two new and one amended definition related to unhosted accommodation be incorporated into the LPS Regulations as a model provision. Currently the model provisions provide a single definition for 'holiday house'. It is proposed to split this definition into three definitions that reflect the three types of dwellings in the Residential Design Codes: Single House, Grouped Dwelling, and Multiple Dwelling. The definitions are identical except for the type of dwelling.</p> <p>Several Local Governments currently use definitions to distinguish between holiday homes in single houses and either grouped or multiple dwellings. Generally, land-use permissibility and number of guests vary between the two definitions with lower maximum guests' numbers on proposals in grouped and multiple dwellings. The draft Position Statement proposes that guest numbers and room caps would be managed through the local planning framework.</p> <p>There is merit in splitting the land-use definitions by dwelling type, and this is supported. It is recommended that the words, 'for hire or reward' be added to the end of all three draft definitions. This will clarify that this land use is only to be applied to those holiday houses/units that are being used in a commercial manner and not for the personal use of a holiday home by the owner. Consideration should also be given to maintaining limits on the maximum number of guests and number of rooms that can be accommodated in each proposed definition. For example, limiting the maximum number of guests to 2 persons per bedroom.</p> <p>The Draft Guidelines indicate that Local Governments should consider including holiday house/unit/apartments as a 'discretionary' land use in appropriate zone and suggest</p>

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	<p>that advertising be required for proposals with more than 7 or more guests. This is generally consistent with current practice and supported.</p> <p>Lastly, it is proposed that unhosted short-term accommodation (in a single house, grouped or multiple dwelling) will be exempt from requiring development approval where it is let for less than 60 days per calendar year. As already stated, no justification has been provided to support this proposal and this proposal was not contemplated or deemed necessary by the Parliamentary Inquiry. Submissions from Local Governments indicate that the practicalities of enforcing this requirement would be impossible and for many Local Governments that have established comprehensive regulatory regimes the change would mean a significant reduction in the ability to adequately manage short-term accommodation and manage the amenity issues in line with community expectations.</p> <p>It is noted that all unhosted accommodation, including those exempt from development approval, would be required to be registered through the state-wide scheme, and that this may allow for adequate regulatory oversight of unhosted accommodation. The lack of information in this consultation on how the scheme will operate, the data reporting requirements, and how local requirements will be incorporated into the scheme does not allow positions to be taken or recommendations made by the Association. Until such a time that additional information is provided, the Association is not able to support or oppose the exemption for unhosted accommodation. This position will be reassessed following the release of information on the Scheme and further consultation with Local Government.</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>6. Include the words 'for hire or reward' to the draft definitions of holiday house, holiday unit and holiday apartment</li> <li>7. Consider the need for maximum guest and room limits for each draft definition</li> </ol>
<p>State-wide registration scheme</p>	<p>The Association supports the establishment of a state-wide registration scheme for short-term accommodation. Consultation with members demonstrates overwhelming support for a scheme and the benefits it would bring to the regulation of short-term accommodation in their localities.</p>

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	<p>Local Government experience of local regulation of short-term accommodation through local laws shows the benefits of registration and regulation outside the planning system. The planning system has traditionally not been a useful instrument to manage ongoing compliance, and the use of local laws has shown to be successful at ensuring amenity is maintained and hosts are held to account for the behaviour of their guests and the suitability of the premises.</p> <p>Experience shows that local laws, and their registration scheme in Western Australia, has had limited success in compelling peer-to-peer hosting platforms to ensure compliance with local requirements prior to accepting properties for hire. As has been experienced in New South Wales and Tasmania, state-managed schemes have the power to compel such platforms to follow the rules and ensure compliance. This is vital for the success of any scheme.</p> <p>As has been identified in the draft Guidelines, several Local Governments in Western Australia currently operate local registration and regulatory schemes. This is reflective of the varying impact short-term accommodation has on different communities. It is important that any state-wide scheme be able to capture this variation and reflect the desire of some communities to restrict and/or manage short-term accommodation.</p> <p>In the Government's response to Inquiry recommendation 7 it was noted that the design of the system '<i>...needs to be flexible and not too onerous</i>' and '<i>simple, low cost and user friendly</i>'. Considering these requirements alongside the need to incorporate local requirements into registration, the development of a system similar in design to the section 39 and 40 requests in the liquor licencing regime has merit. This operates by an applicant lodging a request for registration with a state agency, as part of the application process a request for a certificate of compliance from the Local Government would be issued. This would allow the Local Government to determine if all local requirements, such as local registration, development approval, pool permit and food licence etc, had been met. Should those items not be required, this would be indicated in the response. This system would be consistent with the intent of Inquiry recommendation 10 and if adequately resourced would not act as an impediment to registration.</p> <p>As previously stated, as there is limited detail on the scheme, the Association's support for the scheme should be read alongside several features already mentioned in the general comments.</p>
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<p>Implications for Building Classification</p>	<p>Under the National Construction Code apartments are designated as Class 2 Buildings while buildings hosting tourist accommodation are generally classified as Class 3. There are significant differences between the two classes, such as sprinkler protection in Class 3. The design of Class 2 buildings regularly relies on performance solutions that assume a level of resident familiarity with the building, which is not the case for short-term guests. Class 3 buildings address this through higher safety standards.</p> <p>The existence of short-term accommodation in residential class 2 buildings causes difficulties for Local Governments when approving uses. Under current legislation, a change in the classification triggers compliance with the current standards. This would likely be onerous upgrades, particularly in older buildings. Secondly, it is unclear if the trigger would apply to only the apartment or the whole building. More guidance is needed on this issue.</p> <p><b>Recommendation:</b>  <b>8. DLGSC should seek guidance from DMIRS on possible solutions regarding the different safety standards for Class 2 and 3 buildings for short-term accommodation. This issue should be discussed in collaboration with Local Government.</b></p>
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Item 8.1 - WALGA STATE COUNCIL AGENDA**6. MATTERS FOR NOTING / INFORMATION****6.1 COVID-19 – Update**

*By Nicole Matthews, Acting Executive Manager, Strategy, Policy and Planning / COVID-19 Response*

**Please note: The information in this report is current as of 31 January 2022. Supplementary information will be provided at Zone and State Council meetings, as well as through other channels, including regular COVID-19 Updates from the WALGA President and CEO.**

**RECOMMENDATION**

**That the COVID-19 Update report be noted.**

**Executive Summary**

- At the time of writing the Omicron variant of COVID-19 is circulating Western Australia with community cases reported in many regions of the State.
- The reopening of Western Australia's borders that was scheduled for February 5 has been delayed, with further reviews of border controls to be considered over the next 2-3 weeks.
- State of Emergency Directions, particularly in relation to mandatory vaccination, proof of vaccination and mask wearing have had significant implications for Local Governments.
- WALGA has continued to provide dedicated COVID-19 support and advocacy for Members, including regular updates, webinars, guidance and analysis.

**Background**

The Omicron COVID-19 variant, which appears to be milder but more contagious, is now the dominant strain of the virus in Australia and around the world. Case numbers, hospitalisations and deaths have increased dramatically since late December. At the time of writing, it appears some eastern states may have reached a peak in daily cases.

**COVID-19 in WA**

The latest information on COVID-19 in WA can be found at [COVID-19 coronavirus \(www.wa.gov.au\)](https://www.wa.gov.au) and on the [WA Department of Health website](#).

Omicron is circulating in Western Australia, with cases reported in many regions of the State. The Chief Health Officer has indicated that it will not be possible to eliminate Omicron in WA.

**Vaccinations**

91 per cent of the WA 12+ population are double dose vaccinated and 36 per cent of 18+ Western Australians have received a third dose. Vaccination rates in country regions are lower at approximately 84 percent double dose, with particular areas of concern in the Pilbara (57 per cent), Kimberley (71 per cent) and Goldfields (79 per cent).

Current information on vaccination rates by Local Government Area can be found [here](#). It should be noted that for some Local Government areas the information is not available, may be inaccurate and is based on the 15+ population (WA vaccination rates are based on 12+ population).

**Restrictions and Directions**

[WA State of Emergency and State of Health Emergency Declarations](#) remain in force.

On Thursday, 20 January 2022 the Premier announced that the WA border would not be opening as planned on 5 February 2022 based on [advice from the Chief Health Officer](#).

A revised [Transition Plan for Western Australia](#) has been released.

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The State Government has also [released the settings](#) that will apply when WA moves into a high COVID-19 caseload environment:

- a new close contact definition will apply, and casual contacts will cease
- new testing and isolation protocols will take effect, including the use of Rapid Antigen Testing (RAT)
- critical workers will be those that cannot work from home and are vital to maintain critical services and avoid catastrophic losses. For Local Governments this includes waste management services and social assistance services workers.

*Mask Wearing*

The wearing of face masks has been made mandatory in Perth, Peel, and the South West, Wheatbelt and Great Southern areas in all public indoor settings, vehicles (unless the person is travelling alone or with members of the same household), indoor and outdoor residential aged or disability care facilities and hospitals.

*Mandatory Vaccination*

The Government implemented mandatory vaccination requirements in late 2021. The Directions relating to these requirements are available [here](#). Local Governments employ 22,000 people in over more than 170 occupations groups which are impacted by at least 10 of the Directions.

It has been difficult for Local Governments to navigate, interpret and communicate the Mandatory Vaccination Directions which only provided for a very short implementation time. Local Governments are now in the process of managing those employees who do not wish to be vaccinated.

*Vaccination Proof of Entry*

Proof of vaccination requirements for ages 16+ were extended to venues and events state-wide on 31 January 2022. Local Government venues (and staff working in these venues) covered by the requirements include:

- Cafés and hospitality venues, which may be part of a larger facility for example in a recreation centre, sporting venue or hall
- Live music venues
- Indoor play centre
- Cinemas – including drive in and outdoor cinemas
- Gyms, indoor sporting centres, health clubs and dance studios
- A place where an event with more than more than 500 patrons, whether in public or private, and whether undertaken or engaged in on a for profit or not for profit basis (other than an excluded gathering).

Community sport, even if being undertaken in one of the venues covered by the Directions, are exempt from proof of vaccination requirements.

The Directions are available [here](#).

**Comment**WALGA Sector Support and Advocacy

WALGA has continued to provide dedicated COVID-19 support and advocacy for the sector, including through:

- Direct engagement with the Chief Health Officer, Department of Health and Department of Premier and Cabinet regarding mandatory vaccination and proof of vaccination requirements under the Directions.
  - Based on feedback from the sector, WALGA strongly advocated for all Local Government owned and operated facilities and premises, and workers required to enter those facilities and premises, to be covered by the mandatory vaccination Directions to remove confusion. This outcome would have provided Local Governments with a mandate to ensure employees are vaccinated and to enable the continued provision of critical and essential Local Government services when there is widespread community transmission

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- of COVID-19 in WA. The Government did not progress this approach which has caused considerable confusion across the sector and significant employee relations challenges.
- Proof of vaccination entry requirements are also causing considerable confusion and implementation issues for the sector. WALGA has received a large volume of queries from Local Governments, particularly in relation to mixed use facilities, such as recreation centres, and is seeking urgent clarification.
  - Responding to a large volume of COVID-19 related queries from the sector – more than 300 to WALGA Employee Relations and over 100 to WALGA COVID-19 Response from October 2021 to January 2022.
  - Representing the sector at Ministerial Roundtables, meetings of the State Emergency Management Committee COVID-19 Coordination Group, State Welfare Emergency Committee, State Recovery Advisory Group and the State Health Incident Coordination Centre.
  - Waste services continuity and planning – WALGA has updated the Mutual Assistance MoU for Local Government and preferred suppliers of waste collection, processing and disposal services. This provides a mechanism for assistance to be sought from other organisations if a workforce is impacted by COVID-19.
  - Undertaking a bulk purchase of competitively priced Rapid Antigen Test kits for the sector, with over 70,000 ordered in the first tranche.
  - Regular [WALGA COVID-19 Local Government Updates](#) – 136 updates have been issued since March 2020. There are over 1500 subscribers to these updates.
  - COVID-19 Local Government Survey – WALGA is surveying the sector monthly to inform its COVID-19 support and advocacy. 77 Local Governments responded to the first survey with 40 per cent reporting a shortage of workers or skilled workers, 70 per cent reporting shortages of building material supplies and 60 per cent reporting shortages of machinery, all of which are leading to longer lead times on contracts and resulting in higher costs.
  - Webinars and seminars:
    - 29 October 2021: HR Responses to COVID-19 Breakfast Seminar, attended by 86 representatives from Local Government
    - 21 January 2022: Preparing for Omicron, attended by 300 representatives from Local Government (webinar recording available [here](#))
    - 3 February 2022: COVID-19 Preparedness in the Regions
  - WALGA Employee Relations subscriber resources – 83 per cent of the sector subscribes to the WALGA ER Service. The Service has developed in-depth FAQs, template letters and checklists and COVID-19 specific ER alerts to assist Local Governments in implementing the COVID-19 mandatory vaccination requirements.

*Item 8.1 - WALGA STATE COUNCIL AGENDA***6.2 2022-23 Federal Budget Submission (05-088-03-0004 DM)**

*By Dana Mason, Manager Economics and Strategic Projects*

**RECOMMENDATION**

**That the 2022 WALGA Federal Budget Submission be noted.**

**Executive Summary**

- The WALGA President has written to the Federal Treasurer and Assistant Treasurer to support the initiatives identified in ALGA's 2022-23 Federal Budget Submission.
- WALGA's submission also seeks a commitment to address additional issues of particular importance for WA Local Governments:
  1. funding to build the capacity, reliability and resilience of telecommunications infrastructure across remote, regional and peri-urban areas;
  2. additional funding for road programs, including Local Government road priorities across the agricultural region; and
  3. the creation of a funding model for managing coastal erosion hot spots and additional funding from the Commonwealth to support the implementation of coastal hazard risk planning;
- The submission was provided to Commonwealth Treasury, the Treasurer and Assistant Treasurer in January 2022, and will be sent to all WA Members of Federal Parliament in coming weeks.

**Attachment**

- [WALGA 2022 Federal Budget Submission Letter](#)
- [ALGA 2022 Federal Budget Submission](#)

**Background**

The Federal Assistant Treasurer recently called for submissions for the 2022-23 Budget.

Each year, ALGA prepares a submission on behalf of the Local Government sector nationally. The 2022-23 ALGA submission requests funding for a range of initiatives across the following key themes:

- Economic recovery;
- Transport and Community Infrastructure;
- Building Resilience (including disaster mitigation; climate change; Closing the Gap initiatives; health; and arts and culture); and
- Circular economy.

These initiatives have been assessed by independent economists, and if funded and implemented would contribute at least \$6.58 billion to Australia's Gross Domestic Product and create 44,436 new jobs per annum.

A copy of ALGA's 2022-23 Budget Submission is attached.

The WALGA Acting President wrote to the Treasurer and Assistant Treasurer in January 2022 in support of the ALGA submission. WALGA's submission (attached) also seeks a commitment to address additional issues of particular importance for WA Local Governments:

- Telecommunications and digital connectivity – Additional funding to build the capacity, reliability and resilience of critical telecommunications infrastructure across remote, regional and peri-urban Western Australia through programs such as the Mobile Network Hardening Program (MNHP); Strengthening Communications Against Natural Disasters (STAND); and Peri-urban Mobile Program (PUMP);
- Road Transport – In addition to funding for key programs such as Roads to Recovery and the Local Roads and Community Infrastructure Program, additional funding of \$50 million is being sought for the Local Government roads prioritised across the agricultural region; and



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- Managing coastal erosion hot spots – Creation of a sustainable, equitable and efficient funding model to enable the implementation of coastal hazard risk planning. A funding contribution from the Commonwealth is being sought to assist Local Governments with the costs associated with the implementation of coastal hazard risk planning.

These priorities have previously been endorsed by State Council in September 2017, March 2018 and December 2021.

WALGA's submission has also been provided to all WA Members of Federal Parliament to highlight these priority initiatives.

**Comment**

The 2022-23 Federal Budget is an ideal opportunity to advocate for priority initiatives for the WA Local Government sector in advance of the upcoming Federal Election.

WALGA will be seeking opportunities to engage with WA Members of Federal Parliament on these and other key issues for the sector in advance of the 2022 Federal Election.

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### 6.3 Detection of Polyphagous Shot-hole Borer and Implications for Local Government (05-046-03-0017 RZ)

By Renata Zelinova, Policy Officer, Biodiversity and Natural Area Management

#### RECOMMENDATION

That State Council note:

1. The emerging biosecurity threat following the detection of the polyphagous shot-hole borer (PSHB) in the metropolitan area.
2. That PSHB has the potential to significantly impact on Local Governments' street trees and public open space.
3. The response activities being coordinated by the Department of Primary Industries and Regional Development, including the imposition of a Quarantine Area Notice covering 17 Local Government areas and expanded surveillance program.

#### Executive Summary

- Polyphagous shot-hole borer (PSHB), an exotic wood-boring beetle not previously found in Australia, was detected in Perth in September 2021.
- Establishment of this pest would have significant impact on amenity trees, native vegetation and the fruit and nut industries.
- There is currently no known effective eradication treatment for PSHB. Early detection, removal and advanced treatment of infested trees/branches and tree stumps are the best control methods.
- A PSHB Quarantine Area (QA) has been imposed across 17 metropolitan Local Government areas that restricts the movement of wood and plant material from properties within the QA and requires machinery used to process green waste to be cleaned before leaving the QA.
- The Department of Primary Industries and Regional Development (DPIRD) has expanded PSHB surveillance to selected regional towns by distributing pest specific traps (which will remain in place for up to six months).
- DPIRD is continuing to work with Local Governments, other government agencies and residents to control PSHB populations while the incursion is fully considered as part of the nationally coordinated response to pest incursions.
- WALGA has facilitated DPIRD briefing sessions for the sector, is providing updates to the sector and has established a dedicated webpage for downloadable resources for Local Government to support communications to residents.
- WALGA will continue to work with DPIRD to ensure the implications of the incursion for Local Governments are considered in the ongoing response to PSHB.

#### Background

Polyphagous shot-hole borer (PSHB) is a 2mm long wood boring beetle native to South-East Asia. It has a symbiotic relationship with a *Fusarium* fungus, cultivating it inside a tree for food. In susceptible trees, this fungus causes dieback and tree death, killing some trees within two years.

PSHB had not been detected in Australia until September 2021 when it was found in a tree in East Fremantle. It is believed to have arrived via infested wood products from its country of origin or other areas of known infestations.

Due to its small size and its lifecycle, PSHB detection and potential control treatments are challenging. Research is underway in South Africa and California on chemical treatment options but results to date are limited and chemicals tested are not registered for use in Australia.

An initial PSHB Quarantine Area (QA) imposed in September 2021 to control the spread of PSHB was further expanded in November to cover 17 Local Government areas: Cambridge, Canning, Claremont, Cockburn, Cottesloe, East Fremantle, Fremantle, Melville, Mosman Park, Nedlands, Peppermint Grove, Perth, South Perth, Stirling, Subiaco, Victoria Park and Vincent. The expanded

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QA conditions are less onerous on impacted Local Governments as green waste movement within the QA is unrestricted. Exemptions have also been arranged for selected green waste processing facilities outside the QA to allow the continuation of green waste collections within the 17 Local Government areas.

DPIRD is working directly with impacted Local Governments to provide them with information on the borer, QA Notice restrictions and communications material to help support affected residents. Local Governments in the Perth metropolitan region have assisted DPIRD investigations by providing information on the locations of one of the key host trees, the box elder (*Acer negundo*) as well as information on green waste processing facilities.

DPIRD's has also undertaken extensive inspections of potential host trees (555 inspections completed during 13-16 December 2021), responded to public reports of suspected infestations and placed PSHB traps at strategic locations (358 traps deployed during 13-16 December 2021).

On 22 December 2021, DPIRD delivered a stakeholder update which noted that 39 properties were identified with infested trees, all within the QA. Analysis of tissue samples showed that the species of *Fusarium* fungi found in the Perth infestations is different to the species used elsewhere in the world. Consequently, a list of host tree species may also be different to the known list of hosts. [Twenty one species of trees](#) have been identified as host trees within the QA, including two new species; mango and sea hibiscus/cottonwood that were not previously listed elsewhere.

To determine how far PSHB may have spread, DPIRD is placing specifically designed traps in 18 regional Local Government areas, including Albany, Bunbury, Busselton, Greater Geraldton, Bridgetown-Greenbushes, Chittering, Dandaragan, Donnybrook-Ballingup, Esperance, Katanning, Lake Grace, Manjimup, Moora, Plantagenet, Wickepin, Wongan-Ballidu, Narrogin and Northam. Up to five traps are being placed in priority towns and will remain in place for up to six months.

The detection of PSHB has also triggered a national level response via the Consultative Committee on Emergency Plant Pests (CCEPP) and the National Management Group which consider the technical feasibility of eradication and response plans to new pest incursions in Australia. DPIRD's ongoing investigations inform the PSHB response decisions.

**Comment**

Since the establishment of the PSHB QA, WALGA has facilitated DPIRD briefing sessions, provided regular updates to the sector and established a dedicated [webpage](#) for downloadable resources for Local Government to support communications to residents.

PSHB has potentially significant implications for affected Local Governments' management of green waste, street trees and public open space. Initial WALGA analysis of street tree lists and street tree mapping data from four metropolitan Local Governments indicates that more than half of the tree species used by these Local Governments are potential hosts for the PSHB.

While DPIRD continues undertaking investigations to determine the most appropriate response to PSHB, Local Governments are encouraged to monitor their trees for any [signs of PSHB](#) and consider the implications of the establishment of the PSHB in their area, especially the impact on the tree canopy.

WALGA will continue to work with DPIRD to ensure the implications of the incursion for Local Governments are considered in the ongoing response to PSHB.

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#### 6.4 State Planning Policy 2.9: Planning for Water - Submission (05-036-03-0070 AR)

By Ashley Robb, Senior Policy Advisor, Planning

#### RECOMMENDATION

**That the endorsed Draft State Planning Policy 2.9: Planning for Water submission be noted.**

#### Executive Summary

- In August 2021, the Department of Planning, Lands and Heritage (DPLH) released *Draft State Planning Policy 2.9: Planning for Water* (the policy) and policy guidelines for public consultation.
- The draft policy is an amalgamation of six different state planning policies related to water, and the Government Sewerage Policy.
- WALGA provided extensive input on the draft policy's formulation as a member of the stakeholder reference group.
- Many of WALGA's recommendations were included in the draft policy and guidelines. Consequently, WALGA's submission proposed mostly minor amendments to strengthen existing provisions and support the policy's implementation.
- State Council endorsed the submission by Flying Minute on 8 November 2021. The submission was provided to the DPLH on 8 November 2021.

#### Attachment

- [Flying Minute: State Planning Policy 2.9: Planning for Water](#)

#### Background

In August 2021, the Department of Planning, Lands and Heritage (DPLH) released [Draft State Planning Policy 2.9: Planning for Water](#) and policy guidelines for public consultation.

The intent of the new policy is "to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes". The policy's objectives are broad and encompass environmental, social, cultural and economic water related values; protection of drinking water sources; riverine flooding; water supply and reuse; resiliency to climate change; and wastewater management.

The draft policy is an amalgamation of the *Government Sewerage Policy* (2019) and six different state planning policies related to water: *SPP 2.1 - Peel-Harvey coastal plain catchment* (1992); *SPP 2.2 - Gnamptara Groundwater Protection* (2005); *SPP 2.3 - Jandakot Groundwater Protection* (2017); *SPP 2.7 - Public drinking water source* (2003); *SPP 2.9 - Water resources* (2006); and *SPP 2.10 - Swan-Canning river system* (2006).

Preparation of the new policy commenced in 2018. As part of the process, the DPLH established a stakeholder reference group that included representatives from the Department of Water and Environmental Regulation; the Department of Biodiversity, Conservation and Attractions; Main Roads Western Australia; Water Corporation; the Peel Harvey Catchment Council; and the Urban Development Institute of Australia (WA). WALGA was represented on this group by its Planning and Building Team and Environment Team.

WALGA's advocacy in relation to the preparation of SPP 2.9 and this submission included:

- Representation on the stakeholder reference group since 2018;
- A Local Government workshop in 2019 attended by approximately 30 participants including Local Government planners and engineers, representatives from DPLH, the Western Australian Planning Commission (WAPC) and private consultant Urbaqua, to seek Local Government input early in the policy formulation process;
- Targeted consultation with Local Governments most likely to be affected by the policy, particularly those in Perth's growth areas in 2020;

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- The release of WALGA's draft submission for sector feedback; and
- A webinar in October 2021 attended by approximately 70 Local Government planners, engineers and other officers with water related responsibilities, and representatives from the DPLH, to discuss the policy and draft submission.

**Comment**

Many of the recommendations proposed by WALGA during the policy review process were included in the draft policy and guidelines, demonstrating the productive working relationship between WALGA and the DPLH and the Department's comprehensive approach to stakeholder engagement in preparing the policy.

The following key areas of WALGA advocacy and support were addressed in the draft policy:

- Clarity on the role of planning instruments that can be used to apply the policy, such as special control areas and local planning policies;
- The importance of preserving ecological linkages to mitigate ecological system fragmentation;
- Local Government discretion to exempt dams from the requirement to seek planning approval;
- Strengthening the need for proposals to manage nutrient exports within acceptable levels, particularly for intensive agricultural land uses and in accordance with State Government requirements;
- A four-stage process for assessing the cumulative impact of large development proposals;
- A clear presumption against the intensification of development within defined floodways;
- Requirement for site and soil evaluators to be accredited and registered; and
- Key implementation recommendations such as fact sheets, consistent planning scheme and policy provisions, and support for Local Governments to identify approaches that ensure appropriate development can continue on subdivided, unsewered lands within the bounds of the policy and guideline requirements.

WALGA's submission therefore contains mostly minor amendments to strengthen existing provisions within the policy and guidelines to ensure:

- Public open spaces have adequate fit-for-purpose water resources so new communities have access to irrigated public open spaces; and
- Proponents seek the support of the relevant Local Government when that Local Government is not the relevant planning authority, where it is intended that Local Government will be the infrastructure asset manager or where the proposed location of water infrastructure assets impact Local Government assets or facilities.

The submission also makes recommendations to support the policy's implementation. The DPLH has advised that budget has been allocated to support on-ground policy implementation following the policy's formal adoption.

The People and Place Policy Team endorsed the submission on 25 October 2021. State Council endorsed the submission by Flying Minute on 8 November 2021. The submission was submitted to the DPLH on 8 November 2021.

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**6.5 Submission to Salaries and Allowances Tribunal – Local Government Remuneration Inquiry (05-034-01-0102 TL)**

*By Tim Lane, Manager Strategy and Association Governance*

**RECOMMENDATION**

**That the endorsed Submission to the Salaries and Allowances Tribunal Remuneration Inquiry for Local Government Chief Executive Officers and Elected member be noted.**

**Executive Summary**

- The Salaries and Allowance Tribunal (SAT) are undertaking their annual Inquiry into Local Government Chief Executive Officer and Elected Member Remuneration, with submissions sought by Friday, 28 January 2022.
- Due to the timeframes involved, the submission was endorsed by State Council by Flying Minute following consideration by the State Council Governance and Organisational Services Policy Team.
- The submission makes three recommendations relating to Elected Member remuneration and the Regional/Isolation Allowance that may be payable to Chief Executive Officers as follows:
  - That Elected Member Fees and Allowances (including maximum reimbursable expenses) are increased by up to four percent.
  - That the maximum payable Regional/Isolation Allowance be increased for Local Governments that are particularly isolated, long distances from population centres with low amenity.
  - That the Salaries and Allowances Tribunal publish the methodology, criteria, and weightings for the Regional/Isolation Allowance.

**Attachment**

- [Flying Minute – Submission to Salaries and Allowances Tribunal – Local Government Remuneration Inquiry](#)
- [Submission to Salaries and Allowances Tribunal – Remuneration Inquiry: Local Government Chief Executive Officers and Elected Members](#)

**Background**

The Salaries and Allowances Tribunal wrote to WALGA on 2 December 2021 advising of their annual Inquiry into Local Government Chief Executive Officers' and Elected Members' Remuneration with submissions invited from Local Governments and other stakeholders by Friday, 28 January 2022.

Given the late January deadline, which does not align with State Council's meeting schedule, the draft submission was considered by State Council via Flying Minute, following consideration by State Council's Governance and Organisational Services Policy Team.

**Comment**

The submission discusses two issues:

1. The need for a broad increase in remuneration for Elected Members given very limited increases over the past five years coupled with increasing responsibilities and time commitments of the role, and
2. A need for an increase in the maximum payable Regional/Isolation Allowance for particularly remote and isolated Local Governments, coupled with a request for more detail of the Regional/Isolation Allowance's methodology to be published.

In relation to Elected Member remuneration, the submission:

- Highlights that Elected Member remuneration has increased by one percent during the past five years while, in the four years to June 2021, the consumer price index for Perth has increased by 7.14 percent and the public sector wage price index has risen by 4.68 percent.

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- Argues that the responsibilities and workload of Elected Members is increasing and references mandatory training requirements, data from the 2021 Local Government elections in terms of uncontested and unfilled vacancies, and the Minister for Local Government's proposal to reduce the number of Elected Members in many Local Governments.
- Argues that the remuneration framework should not be a barrier to enhanced diversity in Elected Member representation to reflect community demography.
- Recommends that Elected Member Fees and Allowances, including limits for reimbursable expenses, are increased by up to four percent.

In relation to the [Regional/Isolation Allowance](#) which may be payable to Chief Executive Officers, the submission:

- Notes the inadequacy of the Regional/Isolation Allowance is a concern to many of WALGA's members, particularly remote and isolated Local Governments, and therefore recommends that the maximum payable Allowance be increased for remote and isolated Local Governments to facilitate Chief Executive Officer attraction and retention.
- Highlights the confusion and uncertainty in the Local Government sector regarding the methodology for calculating the Regional/Isolation Allowance and, on that basis, recommends that further information regarding the methodology, criteria and weightings be published.

The [final submission](#), which was first considered and endorsed by State Council's Governance and Organisational Services Policy Team, was endorsed by State Council by Flying Minute on 25 January 2022 and has been put forward to the Salaries and Allowances Tribunal for their consideration.

The Local Government Remuneration Determination is expected to be published in early April 2022.



## 7. ORGANISATIONAL REPORTS

### 7.1 Key Activity Reports

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

By Craig Hansom, Acting Executive Manager Commercial

#### RECOMMENDATION

**That the Key Activity Report from the Commercial and Communications unit to the March State Council meeting be noted.**

Commercial and Communications comprises of the following WALGA work units:

- Commercial Development
- Commercial Management
- LGIS Contract Management
- Communications (Marketing and Events)

#### Commercial Development

With the first phase of the Energy Contract now complete, and phased transitions into aggregate supply rates between now and 1 April 2022, attention will now turn towards scoping for PPA infrastructure, and options for bill verification and carbon measurement services.

The Commercial team has completed a number of small tenders with approximately 50 new Preferred Suppliers onboarded to the program.

A new Preferred Supplier Program (PSP) for Built Environment and Construction is being developed. Tenders will shortly be called for modular and temporary housing as the first category of supply for the new Panel.

The VMWare licensing arrangement that is utilised by 25 WALGA Members has been refreshed for a new Contract Term.

#### Commercial Management

##### PSP Annual Report

During the 2021-22 Q1 period, the program delivered \$80.06 million of goods, services and works, providing estimated savings of \$8.25 million. Additional benefits are realised through a reduction in administrative activities, alongside the added value of contract management oversight, due diligence and risk mitigation. More than 500 supplier engagements were facilitated through WALGA's eQuotes portal during this time.

##### Member Engagement

The Contract Management team continues with Member engagement to support use of the WALGA PSP. During the October to December 2021 quarter, there were 20 Member visits to the following regional Members:

- City of Greater Geraldton
- City of Kalgoorlie-Boulder
- Shire of Broome
- Shire of Coolgardie
- Shire of Cue
- Shire of Derby-West Kimberley
- Shire of Dundas
- Shire of Esperance
- Shire of Halls Creek



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- Shire of Laverton
- Shire of Leonora
- Shire of Meekatharra
- Shire of Menzies
- Shire of Mount Magnet
- Shire of Murchison
- Shire of Ravensthorpe
- Shire of Sandstone
- Shire of Wiluna
- Shire of Wyndham-East Kimberley
- Shire of Yalgoo

During the 2021 calendar year, more than 120 visits were made to regional Member by the Commercial Management Contract Managers. Metropolitan Members were engaged on a needs focused basis.

**LGIS Contract Management**

An item under separate cover for this State Council meeting covers a new LGIS Scheme Management Agreement between WALGA and JLT.

A summary of the LGISWA Scheme Board meeting held on 25 November along with the Minutes from that meeting are also provided under separate cover.

The following WALGA sponsored projects are currently in progress:

- Review of LGIS reporting against APRA standards;
- LGIS Board remuneration review; and
- Updates to the LGIS Corporate Governance Charter to reflect recent State Council endorsed changes.

**Marketing and Communications****Happy Place Campaign Placements**

The remaining sector promotion budget is being used to continue the Happy Place Campaign using TV and press advertising over summer. TV placements are run in nightly news and half-page press placements in the Saturday West on a light schedule to extend until March.

**New Website**

Work is complete on the refresh of the WALGA website that includes integration with the Preferred Supplier CRM and updated search functionality. Content on the site has been rearranged to match usage patterns.

**Your Everyday Production**

During the 2021 calendar year, more than 26 Your Everyday productions were published on the website. The Your Everyday now has over 242 productions promoting our Members right across the state.

This year will focus on any Members where there has been a change of Mayor or President and any other Members that have not yet been represented.

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<b>7.1.2 Report on Key Activities, Governance and Organisational Services Unit (01-006-03-0007 TB)</b>
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*By Tony Brown, Executive Manager Governance and Organisational Services*

### RECOMMENDATION

**That the Key Activity Report from the Governance and Organisational Services Business Unit to the March 2022 State Council meeting be noted.**

Governance and Organisational Services comprises of the following WALGA work units: Governance and Procurement, Employee Relations, Training, Regional Capacity Building and Strategy & Association Governance.

The following provides an outline of the key activities of Governance and Organisational Services since the last State Council meeting.

#### Strategy & Association Governance

##### Best Practice Governance Review

State Council, at their December 2021 meeting, resolved to undertake a Best Practice Governance Review during 2022 and 2023.

Identified as a key strategic initiative during the development of WALGA's [Corporate Strategy 2020-2025](#), the following drivers underscore the importance of the project:

1. Alignment with the Corporate Strategy: *We have contemporary governance and engagement models,*
2. State Council's 3 September 2021 resolution requesting amendment to the Constitution to "deal with matters related to State Councillors' Candidature for State or Federal Elections",
3. Misalignment between key governance documents – Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from amendments over the past 15-20 years, and
4. Proposed legislative reforms to remove WALGA from being constituted under the *Local Government Act 1995*.

The project will incorporate the following five stages over the 2022 and 2023 calendar years:

1. Planning and Commencement – including appointment of a Steering Committee
2. Review and Assessment – incorporating a review of WALGA's governance model, examination of similar organisations, consideration of options, and development of recommendations
3. Recommendations and Determination – resulting in a final report to be considered at the December 2022 meeting of State Council
4. Drafting Governance Documents – ensuring the Constitution, Corporate Governance Charter, State Council Code of Conduct and Standing Orders are contemporary and aligned, and
5. Final Approval and Implementation – following the 2023 Annual General Meeting.

The Local Government sector will be engaged and consulted as the project progresses.

##### 2022 Local Government Honours Program

The Local Government Honours Program affords significant public recognition and celebration of the outstanding achievements and lasting contributions made by Elected Members and employees to their respective Councils, the Local Government sector and the wider community.

Nominations for this year's Program are now open. Following a thorough review of the Program last year, two new awards have been added, alongside four existing awards:

1. Local Government Medal
2. Life Membership
3. Eminent Service Award

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4. Merit Award (*new for 2022*)
5. Local Government Distinguished Officer Award
6. Young Achievers Award (*new for 2022*)

The new Merit Award has combined two previous awards (Merit and Long & Loyal Service) and is intended to recognise notable contributions to WALGA, Local Government and/or the Local Government sector. The Young Achievers Award is open only to Elected Members and employees aged 35 years or younger, recognising notable commitment and demonstrated potential for professional success.

Nomination forms and further information can be found on the WALGA website [here](#). Nominations will close at 5:00pm on Friday, 24 June.

**Employee Relations****New Industrial Relations Legislation Amendment Act 2021**

The Industrial Relations Legislation Amendment Bill 2021 (IR Bill) was given [Royal Assent](#) on 22 December 2021 as Act No. 30 of 2021. Part 1 of the [Industrial Relations Legislation Amendment Act 2021](#) (WA) (IRLA Act) commenced on 22 December, which deals with preliminary matters. All other parts of the IRLA Act will be proclaimed by publishing a notice of proclamation in the Western Australian Government Gazette.

The declaration that all Local Governments are not national system employers will have the effect of transitioning all Local Governments to the State industrial relations system if it is endorsed by the Federal Minister for Industrial Relations, Senator the Hon Michaelia Cash.

We have not received confirmation on whether the declaration will be endorsed by the Federal Minister, however WALGA has secured an upcoming meeting with the General Advisor to the Federal Minister.

**WA Government's Mandatory COVID-19 Vaccination Policy**

The WALGA Employee Relations service has been receiving a high number of queries regarding the WA Government's mandatory COVID-19 vaccination requirements for employees. WALGA Employee Relations is regularly updating its Frequently Asked Questions documents and has released a number of template letters and checklists to assist subscribers to the service.

**Governance and Procurement****Council Meetings and COVID-19**

During a state of emergency, public health emergency or under a Direction, options are available for Local Governments to meet online rather than in person.

In March 2020, in response to COVID-19, the Government introduced the *Local Government (Administration) Regulations* 14C, 14D and 14E. These provisions apply to ordinary council meetings, special council meetings, committee meetings and audit committee meetings.

A Local Government may determine to hold a meeting by electronic means (eMeeting) during a state of emergency, public health emergency or due to a Direction. To do so, either the Mayor/President or Council can authorise an eMeeting if they consider this appropriate due to a public health emergency or state of emergency, or if a Direction prevents meetings being held in person – r.14D(2). Please note that r.14D(2)(b)(ii) permits the Mayor/President or Council to authorise, by a single authorisation, that more than one council meeting will be held by electronic means, e.g. authorise that the March 2022 through to June 2022 council meetings will be held by electronic means.

If choosing to hold ordinary council meetings as eMeetings, the Local Government should give local public notice under r.12(3) to ensure the community is aware the meetings will not be held in-person. WALGA has had this advice confirmed by the Department of Local Government, Sport and Cultural Industries.

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The Mayor/President or Council, in consultation with the Local Government CEO, can determine the means by which an eMeeting will be held – r.14D(3).

Regulation 14C introduced the option that permits individual Council Members to seek authorisation to attend electronically at an in-person Council meeting if "*because of the public health emergency or state of emergency, the member is unable, or considers it inappropriate, to be present at an in person meeting*" – r.14C(2)(b).

When conducting eMeetings, Local Governments are to observe modifications made to the *Local Government Act* under r.14E relating to public question time, giving notice of meetings etc. WALGA developed the [Electronic Council Meetings \(eMeeting\) Guideline](#) to assist Local Governments meet the requirements for online meetings.

**Annual Electors Meetings**

WALGA has been receiving queries from Local Governments on the ability to hold Electors Meetings electronically in the case of the potential increase in community spread of COVID-19. Electors Meetings are treated differently to Council and Committee meetings and currently Electors Meetings are required to be held in-person.

Previously in 2020, there was a Ministerial Order that suspended Electors Meetings, and this could occur again should there be widespread community infection rates or in anticipation of the State border re-opening. We are in regular communication with the Department of Local Government, Sport and Cultural Industries on this matter and will update the sector accordingly.

**Local Government (Administration) Regulations (No.2) 2021– Electronic Meetings**

The Department of Local Government, Sport and Cultural Industries is looking at draft amendments to the *Local Government (Administration) Regulations 1996*, to enable electronic meetings outside of a declared state of emergency. This will require amendments to Regulations 14A-E.

WALGA is generally supportive of this proposal subject to retaining the requirement for a Suitable Place to be approved, but only to the extent of the place providing for confidentiality and not based upon distance from meeting place.

**Item 8.1 - WALGA STATE COUNCIL AGENDA****7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)**

*By Ian Duncan, Executive Manager Infrastructure*

**RECOMMENDATION**

**That the Key Activity Report from the Infrastructure Unit to the March 2022 State Council meeting be noted.**

**Roads****Condition Assessment of Roads of Regional Significance**

Funding has been provided through the State Road Funds to Local Government Agreement to perform visual condition surveys of Significant sealed roads and video of the Significant unsealed roads over a five-year cycle. The first two phases of this project, covering the Mid West, Great Southern and Goldfields-Esperance regions have been completed. In addition, the survey has included condition reporting on access roads to remote Aboriginal communities. It is proposed to cover the Wheatbelt regions in the next phase which is scheduled for the start of 2022.

**Road Safety Management System**

WALGA, Main Roads WA and the South West Regional Road Group have finalised modifications to the project prioritisation guidelines and multi criteria assessment model to provide a greater focus on road safety when setting the annual roads program for the region. This is an important pilot to deliver the commitment agreed in the State Road Funds to Local Government Agreement 2018/19 to 2022/23 to work towards establishing a road safety management system. With agreement from the Regional Road Group chairs, WALGA will examine the common elements of the prioritisation guidelines and multi criteria assessment models for all the regions and develop a standard template including road safety and sustainability in the prioritisation process for setting the annual roads program for each region. Any changes will need to be supported by the relevant Regional Road Group.

**Road – Rail Interface Agreements**

WALGA, Main Roads WA and the Public Transport Authority (PTA) have made substantial progress toward developing a revised Road-Rail Interface Agreement. The draft Agreement, which identifies the responsibilities of the parties to manage risks associated with a road/rail crossing on the PTA network, will be provided to Local Governments for consideration and feedback, once finalised.

**Local Government Road Research Program**

WALGA and Main Roads will be developing a research program that will deliver guidance to Local Governments to assist in the adoption of technologies and practices that will enhance productivity and delivery of roads and transport initiatives. WALGA is currently collecting topic proposals that will then be prioritised by an operations team of Local Government practitioners.

**Funding****State Road Funds to Local Government Agreement**

The current Agreement expires in June 2023. The Minister of Transport and Planning has given approval to proceed with negotiations for a new Agreement and SAC has endorsed a timeline and process. WALGA and Main Roads will be meeting fortnightly to facilitate the process which will include consultation with Regional Road Groups, Zones and State Council.

**Urban and Regional Transport****Regional Roadworks Signage Review**

Recommendations from a working group, that included WALGA, overseeing a review of regional roadworks signage, presented a report to the Minister for Transport in August. The State Government announced in October that it had accepted all the recommendations. The data and trends in other jurisdictions indicate that effective identification and treatment of risks to road users and road workers

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is required, even on low volume rural roads. Changes proposed will be reflected in the Codes and Standards that guide temporary traffic management for road works.

**Road Safety****Traffic Management Information Seminar**

WALGA and Main Roads WA recently held a Traffic Management Information Seminar, which provided an update on the state of practice of Traffic Management in Western Australia. This seminar provided an opportunity for Local Governments in the Perth Metropolitan area to receive an update on the state of practice and liaise directly with Main Roads WA and other Local Governments.

At the seminar, Main Roads provided an overview of the current Traffic Management for Works on Roads Code of Practice (updated 2021) and the AustRoads Guide to Temporary Traffic Management (published 2021) and discussed other new developments in this area. The sessions closed with a presentation from the City of Swan, providing the Local Government perspective.

**Road Safety Council Update**

The Road Safety Council have met on two occasions since October 2021. At the 25 November meeting the Road Safety Council received presentations on the Regional Roadworks Signage Review (Department of Transport), the Road Safety Outcomes Framework designed to monitor the Driving Change road safety strategy (Road Safety Commission) and speed zoning policies and practices (Main Roads WA). Information around the new regulations for eRideables was noted and preliminary consideration given to the projects submitted for Road Trauma Trust Account (RTTA) funding in 2022-2023. The 17 December meeting focused on compiling the RTTA budget which has subsequently been recommended to the Minister responsible for road safety, in accordance with the *Road Safety Council Act 2022*.

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

*By Nicole Matthews, Acting Executive Manager, Strategy, Policy and Planning*

**RECOMMENDATION**

**That the Key Activity Report from the Strategy, Policy and Planning Unit to the March 2022 State Council meeting be noted.**

The Strategy, Policy and Planning (SPP) Portfolio comprises:

- Economics and Strategic Projects
- Environment
- Planning and Building
- Resilient Communities
- Waste and Recycling (see MWAC Report)

The following provides outlines the key activities of SPP since the last State Council meeting.

**Economics and Strategic Projects**
Federal Budget Submission

WALGA's submission to the Federal Government in advance of the 2022-23 Budget supports the priorities put forward by ALGA and identifies the need for additional funding for local priorities including telecommunications, agricultural freight routes and coastal hazard management (Agenda Item 6.2 refers).

Economic Briefing

In December 2021, WALGA released its latest Economic Briefing, which contained updated forecasts for the Local Government Cost Index (LGCI). The LGCI is used to estimate future changes in costs to Local Governments based on the spending patterns of the sector across the State. WALGA forecasts the LGCI to rise 3.9% in 2021-22 as the increased demand from Government stimulus arrives at the same time as labour supply is constrained by closed interstate and international borders, and supply issues continue for materials from both domestic and global challenges. Cost increases experienced by Local Governments in recent months are now being reflected in the data.

The LGCI forecasts will be updated in February 2022. To subscribe to the quarterly briefing or find out more contact WALGA Economist Daniel Thomson on [dthomson@walga.asn.au](mailto:dthomson@walga.asn.au).

COVID-19 Survey

WALGA has commenced a monthly, sector-wide survey to gather data and an on-the-ground assessment of the impact of COVID-19 on Local Governments and their communities. This information will be used by WALGA to inform WALGA's advocacy on behalf of the sector.

**Environment**
Biosecurity and Agriculture Management Act (BAM Act) Review

It is expected that the review of the BAM Act will commence in mid to late 2022. WALGA is continuing to engage with the Department of Primary Industries and Regional Development and as a member of the Biosecurity Senior Officers Group to influence the direction and content of the review and ensure there is comprehensive consultation with the sector.

National Carbon Accounting Guidelines

WALGA is working with the Australian Local Government Association (ALGA) to promote a nationally consistent approach to carbon accounting for Local Governments to assist the sector in measuring its progress towards net zero emissions. The proposal, which was developed by WALGA in consultation with Climate Active (a Federal Government agency), will see Guidelines developed specifically for Local Government in measuring their emissions.

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**Electric Vehicles**

Over 80 Local Government Officers from 39 Councils have responded to WALGA's expression of interest regarding transitioning fleets and EV Infrastructure arrangements. An internal WALGA working group will be progressing this work over coming months.

WALGA is holding an [Electric Vehicles and Hydrogen Technology Forum](#) on 31 March 2022, focussing on charging infrastructure governance and procurement considerations, guidance on transition strategies, heavy vehicles hydrogen fuel cell technology, and WALGA's new Energy Preferred Supplier Panel.

**Planning and Building****Development Assessment Panel (DAP) Regulations**

Consultation on proposed amendments to the DAP Regulations are expected to begin in early February, in response to previously flagged changes to the system as part of Phase 2 of the State's Planning Reform agenda. It is understood that this will include the introduction of a Special Matters DAP. WALGA will consult with the sector to prepare a submission and work with DPLH to ensure Local Government is engaged during the consultation period.

**Swimming Pool Inspector Training**

WALGA hosted a professional development day for Local Government swimming pool inspectors on 6 December 2021 attended by over 100 Local Government swimming pool inspectors. The provision of professional development was recommended by the Ombudsman WA in its report, Investigation into Ways to Prevent or Reduce Deaths of Children by Drowning.

**Energy Efficiency Discussion Paper**

The Planning and Building and Environment teams have been working with the Environmentally Sustainable Building Design Reference Group – represented by Local Government planners and building surveyors – to prepare a discussion paper on energy efficiency in the built environment. The discussion paper will identify key challenges and opportunities for Local Governments who are seeking to improve the thermal performance and energy use of residential and non-residential buildings in their local built environment. The paper is the next step following WALGA State Council's endorsement of a policy position to support the Trajectory for Low Energy Buildings, in December 2021. The paper will be ready for consultation with Members in February.

**Carport/Patio Fire Separation State Building Variation**

The report to DMIRS to support a draft proposal for a state addition to the National Construction Code (NCC) to address the historical application of the carport exemption to patios in Western Australia has been finalised. Local Government building surveyors have been calling for this change through WALGA's working groups. The report supports WALGA's advocacy for clear and consistent regulations for the assessment of structures used as covered outdoor living areas which are currently not adequately addressed in the NCC. Meetings have been held with both DMIRS and DFES following the report's completion and WALGA's advocacy will continue in line with the current policy position to encourage good decision making and effective administration and regulation in building control.

**Local Government Coastal Facilitator**

WALGA has appointed a Local Government Coastal Facilitator with funding provided by the CoastWA Program. The Coastal Facilitator will support coastal and estuarine Local Governments to access CoastWA funding and develop and implement Coastal Hazard Risk Management and Adaptation Plans.

**Resilient Communities****Work Health and Safety Act 2020 (WHS Act) and Volunteer Bushfire Brigades**

Following advocacy efforts by WALGA and other stakeholders, the commencement of the WHS legislation was delayed from January to March 2022.



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WALGA and LGIS are continuing to support the sector with the transition to the WHS Act, particularly in relation to the management of volunteer Bushfire Brigades. On 9 February 2022 WALGA is hosting a sector webinar, with presentations from the Department of Mines, Industry Regulation and Safety (DMIRS) and LGIS providing an overview of the requirements of the new legislation for Local Governments with responsibility for managing Bushfire Brigades. LGIS is currently developing a resource to support Local Governments, and WALGA has developed a dedicated webpage with relevant information and resources.

Consolidated Emergency Management Legislation

In October 2021 the Department of Fire and Emergency Services (DFES) re-established the Interagency Working Group for the proposed *Consolidated Emergency Services Act*, which had not met since 2015. The new legislation will replace the *Fire Brigades Act 1942*, the *Bush Fires Act 1954*, and the *Fire Emergency Services Act 1998*. It is anticipated that an Exposure Draft Bill will be released for public comment in mid-2022.

Local Government Emergency Management (LEMA) Review

WALGA and DFES have received grant funding to undertake a review of Local Emergency Management Arrangements (LEMA). WALGA will engage an officer to undertake consultation with the sector in order to identify and pilot options for contemporary, scalable and sustainable emergency management arrangements for Local Governments.

Office of Auditor General Audit of Funding of Volunteer Fire and Emergency Services Groups

The Office of the Auditor General (OAG) is conducting a performance audit of the management of funding for volunteer fire and emergency services groups in Western Australia. In December 2021 WALGA met with the OAG to provide preliminary information relating to Local Government management of volunteer bushfire brigades and the Local Government Grants Scheme for their consideration in determining the scope of the audit.

The Community Industry Reference Group (CIRG)

The CIRG has been established to provide WALGA with strategic advice and expertise to assist in the development of effective advocacy and policy. The CIRG comprises a diverse group of senior regional and metropolitan Local Government executives' extensive leadership experience in community development and social policy. The CIRG has identified five social policy priorities: Reconciliation; Community and Cultural Infrastructure; Homelessness and Housing; Mental Health and Wellbeing; and Volunteering.

Public Libraries Strategy

WALGA CEO Nick Sloan is the current chair of the Public Libraries Working Group (PLWG) which comprises WALGA, the State Library of Western Australia, Public Libraries WA, a representative from a Tier 2 regional public library, the Department of Local Government, Sport and Cultural Industries, the Office of Digital Government, the Department of Primary Industries and Regional Development and LG Professionals WA. The PLWG has developed a new 5-year Public Library Strategy. Public consultation on the draft strategy will commence in February 2022.

Upcoming Submissions

The Resilient Communities Team is developing the following submissions:

- Senate Estimates Committee *Homelessness Services Inquiry*,
- *Food Act Review* by the Department of Health; and
- WA Health Promotion Strategic Framework consultation by Department of Health.



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

*By Tony Brown, Executive Manager, Governance and Organisational Services*

The following provides an outline of the key activities of Policy Forums that have met since the last State Council meeting.

### **RECOMMENDATION**

**That the report on the key activities of WALGA Policy Forums to the March 2022 State Council meeting be noted.**

#### **Mining Communities Policy Forum**

The Mining Communities Policy Forum meet for the first time since 2019 on 8 November 2021 via Microsoft Teams.

In attendance were President Cr Karen Chappel (Chair), Mayor Peter Long, President Cr Malcolm Cullen, Cr Les Price, CEO Paul Martin, and from WALGA, CEO Nick Sloan, Executive Manager Tony Brown and Principal Policy and Advocacy Kelly McManus.

The Forum discussed how Local Governments have very little say about mining companies that operate within their boundaries. The *Mining Act* is old, and a review is long overdue. Mining companies are more focussed on mining than the community. Mining Agreements have become city centric with most major mining companies head offices located in the Perth CBD.

There is a need for a more formal communications structure as a point of reference for Local Government and mining companies.

More alignment is needed with the Aboriginal Heritage Bill and Native Title. Local Government must be recognised by the State Government as a significant stakeholder and engaged appropriately. One way to achieve this is to seek membership on the Mining and Management Program Liaison Group (MMPLG). The MMPLG is chaired by the Department of Industry and Resources on behalf of the Minister for State Development.

It was noted during the meeting that there is little Government appetite for a full review of the *Mining Act*. A suggestion was made that the sector seeks to identify the relevant parts of the Act associate Regulations that require Advocacy from WALGA.

The next meeting of the Mining Communities Policy Forum will be held in the first quarter of 2022.



### 7.3 Policy Team Reports

#### 7.3.1 Environment and Waste Policy Team Report

*By Nicole Matthews, Acting Executive Manager Strategy, Policy and Planning*

*The Environment and Waste Policy Team includes the following subject areas:*

- *Climate change*
- *Native vegetation and biodiversity*
- *Biosecurity*
- *Water resources*
- *Sustainability*
- *Waste management*

This Report provides an update on matters considered by the Environment and Waste Policy Team at its meeting held on 13 December 2021.

#### 1. Matters for State Council Decision

Nil

#### 2. Matters for Noting by State Council

##### 2.1 Election of Chair

The Policy Team elected Cr Les Price (Murchison Country Zone), Chair.

##### 2.2 Policy Team Priorities

The Policy Team discussed key priorities for 2022, which included:

- Climate Change – the Policy Team discussed the role of Local Government in all aspects of Climate change prevention, mitigation and adaption. There was also a focus on Electric Vehicles and an update was requested for the next meeting.
- Biosecurity – the Policy Team requested an item for noting for State Council on the Polyphagous Shot Hole Borer.
- A review of Environment Policies and the need for the sector to strong and focused advocacy on these key priority areas.

#### POLICY TEAM RECOMMENDATION

**That State Council note the matters considered by the Environment and Waste Policy Team.**



**7.3.2 Governance and Organisational Services Policy Team Report**

By Tony Brown, Executive Manager Governance and Organisational Services

The Governance and Organisational Services Policy Team includes the following subject areas:

- Employee relations
- Governance
- Strategy and Association Governance
- Training
- Regional Capacity Building / Local Government Reform

This Report provides an update on matters considered by the Governance and Organisational Services (GOS) Policy Team at its meetings held on 6 July, 10 September, 2 November and 16 December 2021.

**1. Matters for State Council Decision**

**1.1 WALGA Advocacy Position Reviews [GOS-06/07/2021-6.0]**

The GOS Policy Team reviewed five WALGA Advocacy Positions as per below and provides recommendations for State Council consideration. Where the GOS Policy Team has recommended the Advocacy Position be retained, it may be reviewed in the WALGA [Advocacy Position Manual](#).

Advocacy Position 2.2 Local Government Reform

GOS Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND that WALGA Advocacy Position 2.2 Local Government Reform is retained.**

Advocacy Position 2.2.1 Structural Reform

GOS Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND that WALGA Advocacy Position 2.2.1 Structural Reform is retained.**

Advocacy Position 2.4.2 Country Local Government Fund

GOS Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND that WALGA Advocacy Position 2.4.2 Country Local Government Fund is retained.**

Advocacy Position 2.1.13 Rates Notices

Position Statement      *Section 6.41 of the Local Government Act 1995 should be amended to:*  
    1. *Permit rates notices to be issued electronically; and,*  
    2. *Introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc.) without the requirement to issue individual instalment notices.*

State Council Resolution      December 2017 – 123.6/2017

GOS Policy Team Comment: The [Local Government Legislation Amendment Act 2019](#) amended s.6.41 of the *Local Government Act 1995* inserting a new subsection s.6.41(4) as follows:

- (4) The rate notice may be given by email if the local government has obtained the consent of the owner or occupier, as the case requires, to giving the rate notice in that way.

This amendment achieved part 1 of the WALGA Advocacy Position 2.1.13 Rates Notices, however part 2 has not yet been achieved.

**RECOMMEND that WALGA Advocacy Position 2.1.13 Rates Notices be reviewed and submitted for State Council consideration to:**

- **Note that Part 1 was achieved through the *Local Government Legislation Amendment Act 2019*; and therefore**
- **Delete Part 1 from the Advocacy Position.**

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**Advocacy Position 2.6.6 Panel Tenders**

Position Statement                      WALGA supports amendment to the Functions and General Regulations to permit panel tenders.

State Council Resolution                July 2015 – 74.4/2015  
September 2014 – 88.4/2014

GOS Policy Team Comment: The [Local Government \(Functions and General\) Amendment Regulations 2015](#) were gazetted on 18 September 2015 resulting in Part 4, Division 3 being inserted into the Functions and General Regulations, which established new regulatory provisions enabling Local Governments to establish Panels of Prequalified Suppliers. WALGA's July 2015 Advocacy Position has therefore been achieved.

**RECOMMEND that WALGA Advocacy Position 2.6.6 is noted as achieved and removed.**

**2. Matters for State Council Noting**

**2.1 Election of Policy Team Chair**

At its meeting on 16 December 2021, the GOS Policy Team elected Cr Russ Fishwick (North Metropolitan Zone), Chair.

**2.2 Submission to Salaries and Allowances Tribunal Local Government Remuneration Inquiry (GOS-17/01/2022-3.1)**

At its meeting on 17 January 2022, the GOS Policy Team SUPPORTED the draft Secretariat submission recommendations regarding:

- Elected Members, subject to amending the recommendation for Elected Member Fees and Allowances to be increased by **up to four percent a minimum of three percent**.
- Chief Executive Officers.

State Council endorsed the Submission to Salaries and Allowances Tribunal Local Government Remuneration Inquiry Submission by Flying Minute.

**2.3 Local Government (Administration) Regulations (No.2) 2021 - Electronic Meetings (GOS-17/01/2022-3.2)**

Also at the 17 January 2022 meeting, the GOS Policy Team SUPPORTED the draft Secretariat feedback on the Local Government (Administration) Regulations (No.2) 2021 – Electronic Meetings, subject to the following amendments:

- Retain the requirement for a Suitable Place to be approved, but only to the extent of the place providing for confidentiality and not based upon distance from meeting place.
- Provide for the Council or the Mayor/President to approve a request for Council Member to attend a meeting electronically, with provisions that enable the Council to review a decision of the Mayor/President [Reg.14D].

WALGA's feedback was provided to the Department of Local Government, Sport and Cultural Industries on 18 January 2022.

**2.4 Local Government Reform Proposals**

The GOS Policy Team met on 2 February 2022 to consider the draft submission on the proposed Local Government reforms, as included in the Agenda for the special meeting of State Council on 23 February 2022.

**POLICY TEAM RECOMMENDATION**

**That State Council:**

1. **determine to:**
  - a. **retain the following Advocacy Positions unchanged:**
    - i. **2.2            Local Government Reform**
    - ii. **2.2.1       Structural Reform**
    - iii. **2.4.2       Country Local Government Fund**

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- b. note the following Advocacy Positions as achieved and approve removal from the WALGA Advocacy Position Manual:
    - i. 2.6.6 Panel Tenders
  - c. retain and amend the following Advocacy Position:
    - i. 2.1.13 Rates Notices – removing part 1 as it is achieved.
2. note the matters considered by the Governance and Organisational Services Policy Team.



### 7.3.3 Infrastructure Policy Team Report

By Ian Duncan, Executive Manager Infrastructure

The Infrastructure Policy Team includes the following subject areas:

- Roads and paths
- Road safety
- Transport
- Freight
- Utilities (including telecommunications and underground power)

This Report provides an update on matters considered by the Infrastructure Policy Team at its meeting held on 23 December 2021.

#### 1. Matters for State Council Decision

The Infrastructure Policy Team reviewed the below WALGA Advocacy Positions and provides recommendations for State Council consideration. Where the Infrastructure Policy Team has recommended the Advocacy Position be retained, it may be reviewed in the WALGA [Advocacy Position Manual](#).

##### 1.1 WALGA Advocacy Positions Reviews

The following Advocacy Positions were considered by the Infrastructure Policy Team:

- Advocacy Position 5.1.3 Defined Heavy Vehicle Network
- Advocacy Position 5.1.4 Concessional Mass Loading
- Advocacy Position 5.1.5 Performance Based Standards (PBS)
- Advocacy Position 5.1.6 Heavy Vehicle Road User Pricing
- Advocacy Position 5.1.7 National Freight and Supply Chain Priorities
- Advocacy Position 5.1.8 Heavy Vehicle Cost Recovery Policy Guideline for Sealed Road
- Advocacy Position 5.1.8 Heavy Vehicle Cost Recovery Policy Guideline for Sealed Road
- Advocacy Position 5.1.9 Assessing Applications to Operate Restricted Access Vehicles on Local Government Roads
- Advocacy Position 5.1.10 Review of the Western Australian Rail Access Regime
- Advocacy Position 5.1.11 Restricted Vehicle Operating Condition CA07 Letter of Approval
- Advocacy Position 5.2.3 Default Open Speed Limit in WA
- Advocacy Position 5.2.5 The Role of Local Government in the Future Management of Warden Controlled Children's Crossings
- Advocacy Position 5.2.6 Speed Enforcement
- Advocacy Position 5.2.7 Road Safety Strategy (Imagine Zero)
- Advocacy Position 5.2.9 Review of the Administrative Road Classification Methodology
- Advocacy Position 5.3.1 Public Transport
- Advocacy Position 5.3.2 Western Australian Bicycle Network
- Advocacy Position 5.3.3 Cycling on Footpaths
- Advocacy Position 5.3.4 Licensing Cyclists and Registering Bicycles
- Advocacy Position 5.5 Street Lighting
- Advocacy Position 5.5.1 LED Street Lighting
- Advocacy Position 5.9 Bus Stop Infrastructure

**RECOMMEND that the above WALGA Advocacy Positions be retained.**

#### 2. Matters for State Council Noting

##### 2.1 Election of Infrastructure Policy Team Chair

On 23 December 2021, the Infrastructure Policy Team elected President Cr Stephen Strange (Great Eastern Country Zone), Chair.

**Item 8.1 - WALGA STATE COUNCIL AGENDA****2.2 Matters Raised by Zones**

In relation to driving on closed roads, the Gascoyne Country Zone resolved:

*That WALGA:*

1. *Investigate technologies available to physically close roads remotely and provide costings for such;*
2. *Investigate the current legislative frameworks and provide comment on the remedies practicality of enforcing such;*
3. *Investigate and make comment on what other State Jurisdictions legislative interventions are used and the remedies provided thereunder to discourage motorists driving on closed roads.*

In response to the above, the Infrastructure Policy Team resolved at its meeting on 23 December 2021:

*That advice be sought from the next meeting of the Goldfields-Esperance, Kimberley, Mid West and Pilbara Zones regarding the magnitude of road damage arising from vehicles being driven on closed roads and potential measures that would effectively reduce this risk. Advice from the Zones be considered at the next Infrastructure Policy Team meeting.*

**2.3 Other Items**

- Delegates asked to note that a Transport and Roads Forum and trade day is provisionally planned for **Wednesday, 30 March 2022** at the Cannington Expo and Showgrounds.
- The Association has responded to concerns raised by Local Governments about the lack of available Diesel Exhaust Fluid (marketed as AdBlue etc) with the Australian Government through ALGA and with the Western Australian Freight and Logistics Council. This is on-going

**POLICY TEAM RECOMMENDATION**

**That State Council:**

1. **determine to retain the following Advocacy Positions unchanged:**
  - a. **5.1.3 Defined heavy vehicle network**
  - b. **5.1.4 Concessional Mass Loading**
  - c. **5.1.5 Performance Based Standards (PBS)**
  - d. **5.1.6 Heavy Vehicle Road User Pricing**
  - e. **5.1.7 National Freight and Supply Chain Priorities**
  - f. **5.1.8 Heavy Vehicle Cost Recovery Policy Guideline for Sealed Road**
  - g. **5.1.9 Assessing Applications to Operate Restricted Access Vehicles on Local Government Roads**
  - h. **5.1.10 Review of the Western Australian Rail Access Regime**
  - i. **5.1.11 Restricted Vehicle Operating Condition CA07 Letter of Approval**
  - j. **5.2.3 Default Open Speed Limit in WA**
  - k. **5.2.5 The Role of Local Government in the Future Management of Warden Controlled Children's Crossings**
  - l. **5.2.6 Speed Enforcement**
  - m. **5.2.7 Road Safety Strategy (Imagine Zero)**
  - n. **5.2.9 Review of the Administrative Road Classification Methodology**
  - o. **5.3.1 Public Transport**
  - p. **5.3.2 Western Australian Bicycle Network**
  - q. **5.3.3 Cycling on Footpaths**
  - r. **5.3.4 Licencing cyclists and registering bicycles**
  - s. **5.5 Street Lighting**
  - t. **5.5.1 LED Street Lighting**
  - u. **5.9 Bus Stop Infrastructure**
2. **note the matters considered by the Infrastructure Policy Team.**



Item 8.1 - WALGA STATE COUNCIL AGENDA**7.3.4 People and Place Policy Team Report**

*By Nicole Matthews, Acting Executive Manager Strategy, Policy and Planning*

*The People and Place Policy Team includes the following subject areas:*

- Community
- Emergency Management
- Planning and Building

This Report provides an update on matters considered, since the last State Council meeting, by the People and Place Policy Team at its meetings held on 6 August, 25 October and 16 December 2021.

**1. Matters for State Council Decision**

The People and Place Policy Team reviewed WALGA Advocacy Positions as per below and provides recommendations for State Council consideration. Where the People and Place Policy Team has recommended the Advocacy Position be retained, it may be reviewed in the WALGA [Advocacy Position Manual](#).

**1.1 WALGA Planning and Building Advocacy Positions Reviews**

On 6 August 2021, the People and Place Policy Team endorsed an initial review of WALGA's Advocacy Positions as they relate to planning and building.

WALGA has 20 active policy advocacy positions that relate to the Planning and Building policy areas. A number of these have been in place for over ten years and have not been subject to a review to determine their ongoing suitability. To ensure that WALGA's policy guidance remains relevant, the Policy Team was requested to review and support a proposed timeframe and approach for the review of these policy areas.

An initial review of the existing planning and policy advocacy positions was undertaken. This review has made an initial recommendation as to whether the existing position should be retained, deleted or updated.

As per the Policy Team recommendation, those matters requiring review or deletion will be presented to State Council in the future for actioning. For those matters deemed to be retained without modification they are provided to State Council below for endorsement of the Policy Team's recommendation.

Advocacy Position 6.4 Third Party Appeal Rights

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND that Advocacy Position 6.4 is retained.**

Advocacy Position 6.5 Development Assessment Panels

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.5 is retained.**

Advocacy Position 6.8 Planning Fees and Charges

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.8 is retained.**

Advocacy Position 6.12 Town Planning and Alcohol Outlets

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

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**RECOMMEND Advocacy Position 6.12 is retained.**

Advocacy Position 6.18 Industrial Planning

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.18 is retained.**

Advocacy Position 6.15 Senior Housing Strategy

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.15 is retained.**

Advocacy Position 6.19 Special Residential Zones

People and Place Policy Team Comment: No change to this Advocacy Position – issue remains current.

**RECOMMEND Advocacy Position 6.19 is retained.**

Advocacy Position 6.3 Local Government Planning Improvement Program

Position Statement	The Association supports the establishment of a Planning Improvement Program specifically for the Local Government sector.
Background	The Program’s key mission statement is to ‘ensure better outcomes through consistency and efficiency’ providing best practice examples and information for local government planning departments to undertake improvements within their organisation rather than the imposition of reform measures.
State Council Resolution	September 2012 – 108.5/2012
Supporting Documents	Local Government Planning Improvement Program - Action Plan
People and Place Policy Team Comment:	This Advocacy Position is no longer relevant and should be removed.

**RECOMMEND Advocacy Position 6.3 is removed from the WALGA Advocacy Position Manual.**

Advocacy Position 6.9 Prostitution Legislation

Position Statement	The Local Government sector supports in principle, the recognition and licensing of prostitution in WA as it allows normal regulatory controls to be put in place, on condition that brothels should be excluded from predominantly residential areas.
Background	The Association has been involved in discussions / proposals to decriminalize prostitution since 1999. State Council has determined the position through consultation with all member Councils (on several occasions), and consideration of feedback and representative position papers, workshops, discussions with other government agencies, support groups and members of the prostitution industry. The Association will only comment on regulatory, operational, amenity and cost implications that arise for local government from any proposed legislation – not moral issues.
State Council Resolution	October 2011 – 109.5/2011
People and Place Policy Team Comment:	This Advocacy Position is no longer relevant and should be removed.

**RECOMMEND Advocacy Position 6.9 is removed from the WALGA Advocacy Position Manual.**

Advocacy Position 6.10 Directions 2031

Position Statement	To enable the success of Directions 2031 and its associated policies, the Association recommends that the Minister for Planning re-establish a State/Local Government consultative committee to assist with the implementation of <i>Directions 2031 and Beyond</i> and its associated policies.
Background	Additional recommendations specifically requested that:

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- the Minister for Planning establish implementation funding for the implementation of *Directions 2031 and Beyond* and its associated policies; and
- the WAPC seek a partnership approach between State/Local Government and UDIA in reviewing urban infill and greenfield dwelling targets in the Peel Sub-Regional Strategy area based upon a reassessment of Urban Investigation Areas linked with employment generating activity centres, industrial precincts and transport networks over a longer term planning horizon to prevent land shortages that will drive up housing prices and reduce affordability.

State Council Resolution 18 February 2011 – 11.1/2011

People and Place Policy Team Comment: This Advocacy Position is no longer relevant and should be removed.

**RECOMMEND Advocacy Position 6.10 is removed from the WALGA Advocacy Position Manual.**

**2. Matters for State Council Noting**

**2.1 Election of Policy Team Chair**

At its 16 December 2021 meeting, the People and Place Policy Team elected President Cr Tony Dean (South West Country Zone), Chair.

**2.2 WALGA Emergency Management Advocacy Position Review**

WALGA has a number of State Council endorsed Advocacy Position Statements relating to Emergency Management that have been developed over the years. To ensure that WALGA's advocacy positions remain contemporary, the Policy Team is requested to support a proposed approach for the review of existing Advocacy Position Statements.

An initial review of the existing Emergency Management Advocacy Position Statements has been undertaken. This review resulted in an initial recommendation for all existing advocacy statements to be reviewed. A review of State Council Minutes for the previous 10-year period was also undertaken in order to ensure that issues previously considered by State Council are captured in the process.

The proposed steps to this review are:

1. Seek Policy Team agreement to the development of a Comprehensive set of Emergency Management Advocacy Position Statements.
2. WALGA Resilient Communities Team to develop a Comprehensive set of Emergency Management Advocacy Position Statements for consultation with the sector through the development of a Discussion Paper.
3. The WALGA Resilient Communities Team will work collaboratively with other WALGA policy areas where there is cross-over in subject matter (for example, infrastructure, environment and planning) to ensure that Position Statements are interdisciplinary in focus.
4. Present Comprehensive set of Emergency Management Advocacy Position Statements to People and Place Policy Team for endorsement.
5. Present final Comprehensive set of Emergency Management Advocacy Position Statements to State Council for endorsement.

During the meeting, Policy Manager Resilient Communities Susie Moir gave an overview of the proposed policy position review. Members were supportive of the proposed steps for review.

**2.3 Advocacy Position for Future Review**

At future meetings, the People and Place Policy Team will review the following Advocacy Positions:

- Advocacy Position 6.1 Planning Principles
- Advocacy Position 6.2 Planning Reform

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- Advocacy Position 6.6 Bush Fire Hazard Mitigation and Planning
- Advocacy Position 6.7 Building Act and Fees
- Advocacy Position 6.11 Coastal Planning
- Advocacy Position 6.13 Public Open Space
- Advocacy Position 6.14 Affordable Housing
- Advocacy Position 6.16 Capital City Planning Framework
- Advocacy Position 6.17 Built Heritage
- Advocacy Position 6.20 Short-Stay Accommodation

**POLICY TEAM RECOMMENDATION**

**That State Council:**

1. **determine to:**
  - a. **retain the following Advocacy Positions unchanged:**
    - i. **6.4 Third Party Appeal Rights**
    - ii. **6.5 Development Assessment Panels**
    - iii. **6.8 Planning Fees and Charges**
    - iv. **6.12 Town Planning and Alcohol Outlets**
    - v. **6.15 Senior Housing Strategy**
    - vi. **6.18 Industrial Planning**
    - vii. **6.19 Special Residential Zones**
  - b. **note the following Advocacy Positions are no longer relevant and approve removal from the WALGA Advocacy Position Manual:**
    - i. **6.3 Local Government Planning Improvement Program**
    - ii. **6.9 Prostitution Legislation**
    - iii. **6.10 Directions 2031**
2. **note the matters considered by the People and Place Policy Team.**

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**STATUS REPORT ON STATE COUNCIL RESOLUTIONS  
To the March 2022 State Council Meeting**

MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<b>1 December 2021</b> <b>Item 5.1</b> Paid Family and Domestic Violence Leave Entitlements	That WALGA: Endorse the submission to the Fair Work Commission (FWC) regarding paid family and domestic violence leave (FDVL) which: 1. highlights that FDVL for employees is an important issue for the sector; 2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year as a minimum entitlement; 3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and 4. does not support the introduction of a new entitlement in modern awards, at this point in time, for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU). RESOLUTION 292.7/2021	Submission was forwarded to the Fair Work Commission.	Completed	Tony Brown Executive Manager Governance & Organisational Services
<b>1 December 2021</b> <b>Item 5.2</b> Payment to Independent Committee Members	That WALGA request the Minister for Local Government to amend the Local Government Act 1995 to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the Local Government Act 1995. RESOLUTION 293.7/2021	Correspondence has been sent to the Minister for Local Government advocating for this position.  A response was received from the Minister advising of in principle support for reimbursing a committee member for their time and application of relevant skills and expertise through committees. The Minister has asked the Department of Local Government, Sport and Cultural Industries to examine the implementation of WALGA's request in the ongoing process of the development and drafting of legislative reforms.	Ongoing February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>1 December 2021</b> <b>Item 5.3</b> 2021 Annual General Meeting	That: 1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:  <u>Cost of Regional Development</u> That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.	WALGA will make representations on this issue with the Minister for Housing; Lands; Homelessness; Local Government and the Minister for Regional Development.  WALGA will also raise with Development WA.	February 2022	Nicole Matthews Acting Executive Manager Strategy, Policy and Planning

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MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	... RESOLUTION 294.7/2021			
<b>1 December 2021</b> <b>Item 5.3</b> 2021 Annual General Meeting	That: 1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action: ... <u>CSRFF Funding Pool and Contribution Ratios</u> That WALGA lobby the State Government to: 1. Increase the CSRFF funding pool to at least \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered. 2. Increase the \$1 million per annum quarantined for female representation to at least \$2 million per annum. RESOLUTION 294.7/2021	The Acting WALGA President wrote to the Minister for Sport and Recreation, Minister Templeman, on this issue on 28 January 2022 and will raise in a meeting with the Minister on 31 January 2022.	Ongoing	Nicole Matthews Acting Executive Manger Strategy, Policy and Planning
<b>1 December 2021</b> <b>Item 5.3</b> 2021 Annual General Meeting	That: 1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action: ... <u>Regional Telecommunications Project</u> That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service. RESOLUTION 294.7/2021	A multi-prong approach will be implemented over time to take advantage of opportunities to improve mobile phone coverage in regional (including peri-urban) areas.  Since the last State Council meeting, working through the State Emergency Management Committee, a \$240,000 grant from the joint Commonwealth State funded National Disaster Risk Reduction Program has been secured. This grant is to create a consolidated data set of mobile phone towers, including their power supply, to identify how to best improve regional telecommunications availability and reliability.  The Association has also highlighted and encouraged eligible Local Governments to take advantage of additional Federal funding under the Peri-urban Mobile Black Spot program (PUMP) and identify mobile Black Spots.	Ongoing	Ian Duncan Executive Manager Infrastructure
<b>1 December 2021</b> <b>Item 5.3</b> 2021 Annual General Meeting	That: ... 2. The following resolution passed at the 2021 WALGA Annual General Meeting be referred to the Mining Communities Policy Forum and the People and Place Policy Team for advocacy work to be undertaken: <u>Review of the Environmental Regulations for Mining</u> Regarding a review of the Mining Act 1978: 1. To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective	This issue will be considered at the next meeting of the Mining Communities Policy Forum.	Ongoing	Tony Brown Executive Manager Governance & Organisational Services

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MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.</p> <p>2. That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.</p> <p><b>RESOLUTION 294.7/2021</b></p>			
<p><b>1 December 2021</b>  <b>Item 5.4</b>                      Review of advocacy positions relation to the <i>Building Act 2011</i> and Building Regulations 2012</p>	<p>That State Council endorses the replacement of Section 6.7: Building Act and Fees of WALGA's advocacy positions document relating to the Building Act 2011 and Building Regulations 2012 with the following:</p> <ol style="list-style-type: none"> <li>1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the Building Act 2011.</li> <li>2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.</li> <li>3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:                             <ol style="list-style-type: none"> <li>a. Quality buildings that are cost efficient.</li> <li>b. Functional, safe and environmentally friendly buildings.</li> <li>c. Good decision making in all aspects of building.</li> <li>d. Efficiency and effectiveness in building management, administration and regulation.</li> <li>e. Openness and accountability with respect to all building matters.</li> <li>f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.</li> </ol> </li> </ol>	<p>WALGA's Policy Manual has been updated to reflect the decision of State Council.</p>	<p>Completed</p>	<p>Nicole Matthews                      Acting Executive Manger Strategy, Policy and Planning</p>

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MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.</p> <p>5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.</p> <p>6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.</p> <p>RESOLUTION 295.7/2021</p>			
<p><b>1 December 2021</b>  <b>Item 5.5</b>                      Draft WA Building Surveyors Code of Conduct</p>	<p>That WALGA:</p> <p>1. Recommend to the Department of Mines, Industry Regulation and Safety (DMIRS) that the Draft WA Building Surveyors Code of Conduct be reviewed to ensure it addresses the following matters:</p> <p>a) The impact of the obligations recommended in the draft Code be considered in relation to the current Western Australian building control model to ensure Local Government are able to maintain their statutory functions in line with community expectations.</p> <p>b) That other building reform that will greatly impact the role of Local Government in the current Western Australian building control model, such as mandatory inspections and minimum documentation, be formalised prior to the Code of Conduct being introduced to ensure Local Government in Western Australia are able to maintain their statutory functions in line with community expectations.</p> <p>c) Ensure that communities in remote and regional areas are considered when developing policy to restrict building surveyors being involved in design consultation work.</p> <p>2. Endorse the attached consultation response summary on the draft Code.</p> <p>RESOLUTION 296.7/2021</p>	<p>WALGA provided the submission to DMIRS and has met with DMIRS to discuss the sector's concerns.</p> <p>DMIRS has provided an updated version of the Code that includes a number of positive changes in line with the endorsed submission. WALGA's Regional and Metropolitan Local Government Building Surveyor Working Groups will discuss the updated code at their meetings in February 2022. The result of these discussions will inform WALGA's ongoing engagement with DMIRS on the Code.</p>	Ongoing	Nicole Matthews Acting Executive Manager Strategy, Policy and Planning
<p><b>1 December 2021</b>  <b>Item 5.11</b>                      Constitution and Governance Review</p>	<p>That the proposed Constitution and Governance Review as outlined in this report be endorsed.</p> <p>RESOLUTION 301.7/2021</p>	<p>Project planning has commenced and the project will incorporate the following five stages over the 2022 and 2023 calendar years:</p> <p>1. Planning and Commencement – including appointment of a Steering Committee</p>	February 2022	Tony Brown Executive Manager Governance & Organisational Services



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MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
		2. Review and Assessment – incorporating a review of WALGA’s governance model, examination of similar organisations, consideration of options, and development of recommendations 3. Recommendations and Determination – resulting in a final report to be considered at the December 2022 meeting of State Council 4. Drafting Governance Documents – ensuring the Constitution, Corporate Governance Charter, State Council Code of Conduct and Standing Orders are contemporary and aligned, and 5. Final Approval and Implementation – following the 2023 Annual General Meeting.  State Council will be engaged and consulted as the project progresses.		
<b>1 December 2021</b> <b>Item 5.12</b> WALGA President Vacation of Office	1. That State Council note and accept the President’s resignation and thank her for her service to WALGA and wish her best for the future. 2. That State Council determine that the vacancy be filled by the current Deputy President until the next scheduled election (being 2 March 2022).	This item has been actioned. The election process for the positions of President and Deputy President has commenced and an election will be held on 2 March 2022	February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>1 December 2021</b> <b>Item 5.13</b> Appointments to State Council Policy Teams and Committees	That the appointments to Policy Teams and the Finance and Services Committee outlined below be endorsed (subject to the election of the President and Deputy President):  Finance and Services Committee – (four State Councillors) • WALGA President (Chair) • President Cr Karen Chappel • Mayor Logan Howlett • Cr Paul Kelly • Cr Carl Celedin • Mr Colin Murphy (independent representative) Environment and Waste Policy Team – • Cr Doug Thompson • Cr Les Price • President Cr Michelle Rich • Mayor Ruth Butterfield • Cr John Daw Governance and Organisational Services Policy Team – • Mayor Carol Adams • Mayor Mark Irwin • Cr Ken Seymour • Cr Russ Fishwick JP	Committee and Policy Team appointments endorsed subject to the election of the President and Deputy President at the 2 March 2022 State Council meeting.	February 2022	Tony Brown Executive Manager Governance & Organisational Services

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MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<ul style="list-style-type: none"> <li>• President Cr Cheryl Cowell</li> <li>Infrastructure Policy Team –</li> <li>• President Cr Stephen Strange</li> <li>• President Cr Laurene Bonza</li> <li>• President Cr Chris Pavlovich</li> <li>• Cr Chris Mitchell</li> <li>• Cr Helen Sadler</li> <li>People and Place Policy Team –</li> <li>• President Cr Phil Blight</li> <li>• Mayor Peter Long</li> <li>• President Cr Tony Dean</li> <li>• Cr Catherine Ehrhardt</li> <li>• Cr Frank Cvitan JP</li> </ul> RESOLUTION 303.7/2021			
<b>1 December 2021</b> Item 5.13 Appointments to State Council Policy Teams and Committees	That the appointments to the remaining State Council Committees be referred back to the Secretariat in liaison with the Acting President for consideration and that recommendation for appointments be presented to State Council at the next ordinary meeting on 2 March 2022. RESOLUTION 304.7/2021	A State Council agenda item will be prepared for the March State Council meeting in liaison with the Acting President.	February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>1 December 2021</b> Item 8 Additional Zone Resolutions	That WALGA requests that the Minister for Local Government extends the consultation period by 1 month to 4 March 2022. RESOLUTION 310.7/2021	The Minister for Local Government extended the submission deadline to 25 February 2022.	February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>3 September 2021</b> Item 5.1 External Oversight of Local Level Complaints	That WALGA advocate for an external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework. RESOLUTION 263.5/2021	The Minister for Local Government released a local Government legislative reform program that has included an external oversight framework.	February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>3 September 2021</b> Item 5.2 Tender Exemption Provisions – General Practitioner Services	That WALGA: 1. Adopt a new Advocacy Position Statement under 'Local Government Legislation - Tender Exemption General Practitioner Services': <i>WALGA advocates for the inclusion of a tender exemption for General Practitioner (GP) services under Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996, to support Local Governments to secure and retain necessary primary health care services for their communities; and</i> 2. Undertake additional research in support of the Advocacy Position with the following aims:	1. Correspondence has been sent to the Minister for Local Government advocating for this position. 2. Further research is carried out as per this resolution.	Ongoing – February 2022	Tony Brown Executive Manager Governance & Organisational Services

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MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	a. Identify State and Federal Government policy settings and other factors contributing to gaps in primary health care services in regional communities; and b. Quantify the number of regional Local Governments that have current contracts, or are proposing to enter into contracts, for General Practitioner services and the associated costs to Local Government incurred. RESOLUTION 264.5/2021			
<b>3 September 2021</b> <b>Item 6.1</b> Stop Puppy Farming Legislation	1. That the update on the Dog Amendment (Stop Puppy Farming) Bill 2021 be noted. 2. That: a. any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and b. the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index. RESOLUTION 275.5/2021	Correspondence has been written to the Minister for Local Government advising of resolution 2.	Ongoing – February 2022	Tony Brown Executive Manager Governance & Organisational Services
<b>5 May 2021</b> <b>Item 5.4</b> Review of the State Industrial Relations System	That WALGA: 1. Seek confirmation from the State Government on whether it intends to re-introduce legislation for Local Governments to operate solely in the State Industrial Relations System. 2. If the State Government reintroduces legislation to require all Local Governments to operate within the State Industrial Relations System, continue to advocate for the State Government to: a. Amend the <i>Industrial Relations Act 1979</i> (WA) to include additional provisions to modernise the State IR system; and b. Provide adequate funding and resourcing to ensure Local Governments are equipped with the appropriate tools and training to enable a smooth transition. RESOLUTION 207.2/2021	Correspondence has been sent to the Minister for Industrial Relations advising of this resolution.  The Industrial Relations Legislation Amendment Bill 2021 (IR Bill) was given Royal Assent on 22 December 2021 as Act No. 30 of 2021. Part 1 of the <i>Industrial Relations Legislation Amendment Act 2021</i> (WA) (IRLA Act) commenced on 22 December, which deals with preliminary matters. All other parts of the IRLA Act will be proclaimed by publishing a notice of proclamation in the Western Australian Government Gazette.  The declaration that all Local Governments are not national system employers will have the effect of transitioning all Local Governments to the State industrial relations system if it is endorsed by the Federal Minister for Industrial Relations, Senator the Hon Michaelia Cash.  We have not received confirmation on whether the declaration will be endorsed by the Federal Minister, however WALGA has secured an upcoming meeting with the General Advisor to the Federal Minister.	February 2022	Tony Brown Executive Manager Governance and Organisational Services

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MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
<p><b>3 March 2021</b>  <b>Item 5.3</b>                      Eligibility of Slip On Fire Fighting Units for Local Government Grants Scheme Funding</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> <li>Supports the inclusion of capital costs of Trailer Fire Fighting Units and Slip On Fire Fighting Units including for Farmer Response Brigades (for use on private motor vehicles) on the Eligible List of the Local Governments Grants Scheme (LGGS).</li> <li>Requests the Local Government Grants Scheme Working Group to include this matter on the Agenda of their next Meeting (expected March 2021).</li> <li>Requests WALGA to work with the Local Government Grants Scheme Working Group to develop appropriate operational guidelines and procedures for the safe use of Slip On Fire Fighting Units funded in accordance with the LGGS.</li> <li>Supports the update of the WALGA membership of the Local Government Grants Scheme Working Group to include one Local Government Elected Member and one Local Government Officer, with these appointments determined through the WALGA Selection Committee process.</li> </ol> <p>RESOLUTION 180.1/2021</p>	<p>A letter was sent to DFES Commissioner Klemm on 16 March 2021 advising of State Council's decision on 3 March. The Local Government Grants Scheme Working Group met on 20 March 2021 however did not discuss eligible items in the Manual. An EOI process for the Officer position was successful but a second round process will be run for the Elected member position.</p> <p>DFES has advised that the Local Government Grants Scheme Working Group has been discontinued. WALGA CEO Nick Sloan is meeting with the DFES Commissioner Darren Klemm on 2 August to discuss how Local Government input to the LGGS Manual will be collected in future.</p> <p>DFES advised on 4 June 2021 that the matter of eligibility of slip on units was not yet finalized. A further follow up email was sent on 26 July 2021.</p> <p>A further follow up email was sent to DFES on 20 January 2022.</p>	Ongoing	Nicole Matthews Acting Executive Manger Strategy, Policy and Planning
<p><b>2 December 2020</b>  <b>Item 5.3</b>                      Family and Domestic Violence and the Role of LGs</p>	<p>That:</p> <ol style="list-style-type: none"> <li>WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.</li> <li>WALGA advocates to the State Government:                             <ol style="list-style-type: none"> <li>to work with Local Government in defining the role and responsibilities and expectations of Local Governments in family and domestic violence.</li> <li>for adequate funding for family and domestic violence programs and services, particularly in regional areas.</li> <li>for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy.</li> <li>to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government.</li> </ol> </li> </ol>	<p>In February 2021 WALGA wrote a letter to then Director General Communities, Michelle Andrews, to advise of WALGA State Council's newly adopted policy position on family and domestic violence. A follow up meeting was held with the Department in February 2021 to discuss WALGA State Council's endorsed policy position and key advocacy statements. The key message provided was that the Department of Communities needs to engage more thoroughly with Local Governments, and in particular more engagement and communication is required regarding the State Strategy which was adopted in July 2020.</p> <p>WALGA is a member of the Department of Communities Path to Safety: Western Australia's Strategy to Reduce Family and Domestic Violence 2020 – 2030 Reference Group, which reconvened 8 December 2021.</p> <p>A report on the progress of the first Action Plan 2020-2022 highlighted of State Government funding of \$23 million provided as part of the WA Recovery Plan , to help address family and domestic violence in the community. These measures are further supported by the National Partnership Agreement COVID-19 Domestic and Family Violence</p>	Ongoing	Nicole Matthews Acting Executive Manger Strategy, Policy and Planning

Item 8.1 - WALGA STATE COUNCIL AGENDA



MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>e. to continue advocacy to the Commonwealth Government for additional funding and support.</p> <p>3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.</p> <p>RESOLUTION 144.6/2020</p>	<p>Responses (National Partnership Agreement). The WA State Government has issued all the \$14.2 million funding received through the National Partnership Agreement. Approximately \$7.9 million in grants have been awarded to WA family and domestic violence service organisations. A quarter of the grants were awarded to Aboriginal Controlled Community Organisations (ACCOS), further building capacity in this sector to deliver culturally safe supports, including services that are specifically targeted at regional and remote parts of the State.</p> <p>WALGA continues to work closely with ALGA and Our Watch, the national peak body in the primary prevention of violence against women and their children in Australia. In consultation with ALGA and representatives from all Local Government Associations Our Watch is developing a suite of webinars and other resources targeting Local Government to support the ongoing roll out and implementation of the Prevention Toolkit. The new webinars will be delivered to the sector in March – June 2022.</p> <p>WALGA in collaboration with the Local Government Community Safety Network Steering Committee delivered an event for the sector on 18 May 2021 focusing on family and domestic violence.</p>		
<p><b>5 December 2018</b>                      Item 5.1                      Proposed Removal by Main Roads WA of the "Letter of Approval" Restricted Access Vehicle Operating Condition</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> <li>1. Opposes withdrawal of the "Letter of Approval" Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed;</li> <li>2. Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network;</li> <li>3. Supports the development of standard administrative procedures including fees and letter formats; and</li> <li>4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage as determined by the Local Government.</li> <li>5. Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from</li> </ol>	<p>On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and that the position adopted by State Council in December 2018 has not changed.</p> <p>WALGA has subsequently met with Main Roads who confirm that the status quo remains in place until further notice.</p>	Ongoing	Ian Duncan Executive Manager Infrastructure

**Item 8.1 - WALGA STATE COUNCIL AGENDA**



MEETING	RESOLUTION	COMMENT	Completion Date	Officer Responsible
	<p>the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance.</p> <p>RESOLUTION 132.7/2018</p>			
<p><b>5 December 2018</b> <b>Item 4.1</b> State / Local Government Partnership Agreement on Waste Management and Resource Recovery</p>	<p>1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery.</p> <p>2. That the item be referred to MWAC for is development and negotiation with the State Government.</p> <p>3. A report regarding a proposed "State / Local Government Partnership Agreement on Waste Management and Resource Recovery" be brought back to the next meeting of State Council.</p> <p>RESOLUTION 131.7/2018</p>	<p>A new Partners in Government Agreement between WALGA, LG Professionals and the State Government, endorsed by State Council, was signed on 20 September 2021. Focus areas of the Partners in Government Agreement will evolve over time. Current focus areas are: Economic Sustainability, Infrastructure, Community Support, Climate Action, the Local Government Act, Closing the Gap Agreement and National Cabinet.</p> <p>The WALGA Acting President and the MWAC Chair will seek a meeting with the new Environment Minister, Hon Reece Whitby and raise this issue.</p>	Ongoing	Nicole Matthews Acting Executive Manger Strategy, Policy and Planning

## President's Report

### March 2022



#### COVID-19 – Update

WALGA is continuing to support the sector through the latest phase of COVID-19 and preparations for the yet to be announced date for the reopening of WA's borders. While the number of new cases in the community has remained steady, it is most likely an underestimate given low testing numbers. I hosted a WALGA Sector Webinar on 3 February where the WA Country Health Service presented on the preparation for COVID in the regions and it was clear that there has been much planning, however workforce shortages will exacerbate what is like to be a challenging period over coming months across the State. Local Governments have again been tested in seeking to implement complex and sometimes contradictory State Directions on proof of vaccination, particularly in multi-use facilities at short notice. WALGA has responded to a large volume of queries from the sector and has raised these issues and the need for clear and timely information with both Ministers Templeman and Carey.

WALGA has continued to provide dedicated COVID-19 support and advocacy for the sector, including through:

- Direct engagement with the Chief Health Officer, Department of Health and Department of Premier and Cabinet regarding mandatory vaccination and proof of vaccination requirements under the Directions.
- Based on feedback from the sector WALGA strongly advocated for all Local Government owned and operated facilities and premises, and workers required to enter those facilities and premises to be covered by the mandatory vaccination Directions to remove confusion. This outcome would have provided Local Governments with a mandate to ensure employees are vaccinated and to enable the continued provision of critical and essential Local Government services when there is widespread community transmission of COVID-19 in WA. The Government did not progress this approach which has caused considerable confusion across the sector and significant employee relations challenges.
- Proof of vaccination entry requirements are also causing considerable confusion and implementation issues for the sector. WALGA has received a large volume of queries from Local Governments, particularly in relation to mixed use facilities, such as recreation centres, and is seeking urgent clarification.
- Responding to a large volume of COVID-19 related queries from the sector – more than 300 to WALGA Employee Relations and over 100 to WALGA COVID-19 Response from October 2021 to January 2022.

#### Rapid Anti-Gen Tests (RATs)

We are pleased to advise that more than 120,000 RATs will shortly be distributed to 98 WALGA Members throughout the State, a further example of Members utilising WALGA to harness the collective purchasing power of the sector.

This RATs sourcing project was initiated by WALGA in response to Member requests, initially in anticipation of a February 5 border opening. In addition to the cancellation of the border opening, a number of other changes have occurred throughout the ordering period, including Government and industry sourcing of RATs in large quantity volumes that will progressively reach the market over the coming months. Currently, the supply of RATs in Western Australia still remains scarce, yet preparatory measures within COVID plans commonly include obtaining stock of RATs. The price point obtained for this consignment remains

#### CONTACTS

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**Item 8.1 - WALGA STATE COUNCIL AGENDA**

significantly lower – around 25-30% - than other commercial supply options in the market, representing a direct collective cost saving to Members in excess of \$300,000.

**Local Government Legislative Reform**

An agenda item has been distributed on the sector's response to the Minister for Local Government's legislative reform proposals.

WALGA distributed a Discussion Paper to the sector on 24 November 2021, including commentary on the sector's current positions contained in the reform proposals together with recommendations on new positions required on matters not canvassed in the reforms.

WALGA received 65 submissions by close of response on Friday, 28 January 2022.

The overall response indicates majority support for many of the proposed reforms, most commonly where reforms align with current sector advocacy positions.

There was strong commentary from the sector on the following proposed reforms that are of concern:

- Item 6.6 Majority Independent Audit Committees – 89% Opposed
- Item 4.3 Introduction of Preferential Voting – 85% Opposed
- Item 4.4 Public Vote to Elect Mayor or President of Band 1 and 2 Local Governments – 66% Opposed
- Item 4.5 Tiered Limits on the Number of Councillors – 67% Opposed (Prefer 5 to 7 Elected Members for Local Governments with a population less than 5,000)
- Item 3.5 Chief Executive Officer Key Performance Indicators – 62% Opposed

There is significant commentary throughout the sector response that the proposed reforms lack necessary detail in terms of how they will be operationalized, and the associated implications to Local Government in terms of implementation cost and resourcing. WALGA supports the view that additional information is required and that it should be part of future consultation. It is recommended the Minister for Local Government provide assurance that the detail of each proposed reform be the subject of further consultation with the sector.

It is also recommended that once a comprehensive and detailed consultation process has concluded, that WALGA be included in the legislative drafting process to provide an operational perspective necessary to the development of a workable Local Government Act Amendment Bill.

**Work Health and Safety Legislation**

Following advocacy efforts by WALGA and other stakeholders, the Government announced that the commencement of the WHS legislation would be delayed from January to March 2022. WALGA and LGIS continue to work to support the Local Government sector with the transition to the new WHS legislation, in particular in relation to the management of volunteer Bushfire Brigades. On 9 February 2022 WALGA hosted a webinar information session for the sector, with presentations from LGIS and the Department of Mines, Industry Regulation and Safety (DMIRS) providing an overview of the requirements of the new legislation for Local Governments with responsibility for managing Bushfire Brigades, as well as the Department of Fire and Emergency Services (DFES) outlining the functionality of the Volunteer Hub. LGIS is developing a resource to support Local Governments due for release in mid-February, and WALGA has developed a dedicated webpage with relevant information and resources. WALGA continues to regularly engage with DFES on a number of matters relating to training and management of bushfire brigades.

**Aboriginal Cultural Heritage Act**

In December 2021 the new Aboriginal Cultural Heritage Act was passed by the Western Australian Parliament. On 17 February 2022 WALGA and the Department of Planning, Lands and Heritage (DPLH) hosted a webinar update for Local Government on the key aspects of the new legislation, opportunities for the sector to be involved in the design of the supporting resources including the Regulations, and the use

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of Aboriginal heritage agreements. WALGA will continue to engage with the sector and advocate to DPLH around the ongoing design of the heritage framework.

**Submission to Salaries and Allowances Tribunal Remuneration Inquiry**

State Council has endorsed WALGA's [submission](#) to the Salaries and Allowances Tribunal Remuneration Inquiry relating to Local Government Chief Executive Officers and Elected Members.

The [submission](#), which State Council endorsed by Flying Minutes due to the timing of the Inquiry, makes three recommendations relating to Elected Member remuneration and the Regional/Isolation Allowance that may be payable to Chief Executive Officers:

1. That Elected Member Fees and Allowances (including maximum reimbursable expenses) are increased by up to four percent.
2. That the maximum payable Regional/Isolation Allowance be increased for Local Governments that are particularly isolated, long distances from population centres with low amenity.
3. That the Salaries and Allowances Tribunal update and publish the methodology, criteria, and weightings for the Regional/Isolation Allowance.

I would like to highlight that recommendations 2 and 3 were initiated from GVROC.

**2022 Local Government Honours Program**

The Local Government Honours Program affords significant public recognition and celebration of the outstanding achievements and lasting contributions made by Elected Members and employees to their respective Councils, the Local Government sector and the wider community.

Nominations for this year's Program are now open. Following a thorough review of the Program last year, two new awards have been added, alongside four existing awards:

1. Local Government Medal
2. Life Membership
3. Eminent Service Award
4. Merit Award (*new for 2022*)
5. Local Government Distinguished Officer Award
6. Young Achievers Award (*new for 2022*)

The new Merit Award has combined two previous awards (Merit and Long & Loyal Service) and is intended to recognise notable contributions to WALGA, Local Government and/or the Local Government sector. The Young Achievers Award is open only to Elected Members and employees aged 35 years or younger, recognising notable commitment and demonstrated potential for professional success.

Nomination forms and further information can be found on the WALGA website. Nominations will close at 5:00pm on Friday, 24 June.

**Acting President's Contacts**

The Acting President's contacts since 1 December and scheduled before 2 March are as follows:

**State Government Relations**

- Minister for Housing; Lands; Homelessness; Local Government, Hon John Carey MLA
- Minister for Environment; Climate Action Hon Reece Whitby MLA
- Minister for Culture and the Arts; Sport and Recreation; International Education; Heritage, Hon David Templeman MLA
- State Road Funds to Local Government Advisory Committee x 2
  - Pre - meeting
  - Committee Meeting
- Department of Fire and Emergency Services x 2

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**Item 8.1 - WALGA STATE COUNCIL AGENDA**

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- COVID-19 Mandatory Vaccination Associations meeting
- COVID-19 Mandatory Vaccination Update
- WALGA and Department of Health Panel Webinar

**Zone Meetings**

- Goldfields Voluntary Regional Organisation of Councils meeting
- Northern Country Zone meeting
- Kimberley Country Zone meeting
- Pilbara Country Zone meeting
- Great Southern Country Zone meeting

**Local Government Relations**

- State Council Meeting
- Special State Council Meeting
- Finance and Services Committee Meeting
- Local Government House Trust
- LGS Board Meeting
- ALGA:
  - Board meeting
  - Strategic Planning Meeting
- Municipal Waste Advisory Council meeting
- Regional Capitals Alliance WA meeting
- Meeting with City of Fremantle Mayor, Elected Members and Acting CEO
- Aboriginal Heritage Bill with President, Shire of Cue
- LGC22 Committee x 2
- Farewell event – Shire President and CEO, Shire of Chapman Valley
- Shire of Bruce Rock – bushfire emergency meeting with Shire President, CEO and Minister for Emergency Services

Please take care and keep safe.

**President Cr Karen Chappel JP**  
**Acting WALGA President**

**CONTACTS**

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<b>8.2 WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION</b>	
<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**  
 WALGA has finalised the Local Government Reform Proposal submission and is seeking endorsement from State Council. The Kimberley Zone provided feedback for the development of the WALGA submission.

**BACKGROUND**

Previous Considerations

Nil.

**COMMENT**

WALGA has finalised the Local Government Reform Proposal submission and is seeking endorsement from State Council.

The recommendation is that the recommendations contained in the 'Local Government Reform Proposal Submission' be endorsed and, that WALGA:

- seek assurance from the Minister for Local Government that further detail on the proposed reforms will be provided to the sector for comment prior to the formulation of a draft Local Government Act Amendment Bill; and
- seek a formal commitment from the Minister for Local Government that WALGA actively participates in the legislative drafting process necessary to formulate a draft Local Government Act Amendment Bill.

The recommendations are largely consistent with the Kimberley Zone Submission to WALGA which supported most of the WALGA positions, some with caveats relevant to remote Shires.

The matters opposed in the Submission align in full or in part with matters raised by the Zone in their feedback to WALGA or as identified in WALGA’s initial considerations and supported by the Kimberley Zone.

Item 6.6 Audit Committees – 89% Opposed

The proposed reform to require a majority of independent members on Audit Committees, and mandate that the Audit Committee chair be an independent person, was strongly challenged.

The fundamental purpose of an Audit Committee is to provide the vehicle for governance of a Local Government's affairs, a primary role of Council under section 2.7(1)(a) of the *Local Government Act 1995* ('the Act'). For this reason, the sector supports a Council Member majority on Audit Committees and acknowledges the role of the Office of the Auditor General as the independent auditor of Local Governments. The sector confirmed that appointing independent members to Audit Committees is supported and practiced, and that Audit Committees can elect an independent member as Chair under provisions of s.5.12 of the Act.

The sector supports the concept of shared regional Audit Committees on proviso there be a majority of Council Members, and the payment of meeting fees or defined reimbursements to independent Audit Committee members be legislatively authorised (State Council resolution no. 293.7/2021).

#### Item 4.3 Introduction of Preferential Voting – 85% Opposed

The sector remains in favour of the first past the post method of vote counting. Risk of the infiltration of party politics, and that preference swapping leading to alliances among candidates has potential for factionalisation of Councils were pre-eminent in the response. First past the post voting remains favoured on the grounds of its simplicity, efficiency, ease of voter understanding, transparency and candidates campaigning based on the merits of the individual. However, if 'first past the post' is not retained then optional preferential voting is preferred.

#### Item 4.4 Public Vote to Elect Mayor or President of Band 1 and 2 Local Governments – 66% Opposed

Retaining the discretion to choose between popularly-elected Mayors and Presidents of Band 1 and 2 Local Governments remains the favoured option. Respondents queried the lack of detailed benefit of the proposal to enshrine one system of election over another, commenting that the alternate method of election provided under s.2.11 and s.2.12 of the Act permits both a Local Government and electors of the district to exercise agency for change.

#### Item 4.5 Tiered Limits on the Number of Councillors – 67% Opposed

There is broad support for WALGA's proposed option that Local Governments with populations up to 5,000 be represented by between 5 and 7 Council Members. The remaining categories of representation are supported.

#### Item 3.5 Chief Executive Officer Key Performance Indicators – 62% Opposed

There is support for the reporting of CEO KPI's that reflect the strategic direction and operational function of the Local Government, to the exclusion of reporting KPI's of a confidential nature (i.e workplace or risk-based matters). There is also support for the exclusion of reporting performance review results which is regarded as a private matter between employer and employee to be maintained as a confidential record of the Local Government.

Other feedback provided by the KRG:

#### Item 3.4 Additional Online Registers

The Zone opposed the inclusion of leases if commercial details were to be included. The WALGA submission acknowledges the concern by stating the proposal generally being supported based on additional advice from the Minister about the information which will be captured in the registers.

Item 4.2 Ratepayer Satisfaction Surveys (Band 1&2)

Whilst the Zone supported surveys, concern was expressed about the broader community and challenges of literacy and numeracy. This has been acknowledged with WALGA suggesting it should be more inclusive than just ratepayers and should be a community satisfaction survey. The WALGA submission was silent on the issue of literacy levels.

The Special WALGA State Council meeting and the WALGA submission are attached.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

**VOTING REQUIREMENTS**

*Simple Majority*

**COMMITTEE RESOLUTION:**

<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0222/003</b>
<b>Moved: G Haerewa</b>	<b>Seconded: M Edwards</b>

**That the Kimberley Regional Group:**

1. **Notes the Special WALGA State Council meeting to be held on 23 February 2022, and;**
2. **Endorses the WALGA Local Government Reform Proposal Submission.**

**CARRIED UNANIMOUSLY 4/0**

**Attachments**

1. State Council Special Meeting Agenda and Local Government Reform Proposal Submission.



# State Council Agenda

## Special Meeting

23 February 2022

**Item 8.2 - WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION**



**NOTICE OF MEETING**

Special meeting of the Western Australian Local Government Association (WALGA) State Council to be held via Microsoft Teams on **Wednesday, 23 February 2022** beginning at **4:00pm**.

**1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS**

**1.1. Attendance**

Members	Acting President of WALGA, Northern Country Zone - <b>Chair</b> Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone Central Metropolitan Zone East Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone North Metropolitan Zone North Metropolitan Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South East Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South Metropolitan Zone South West Country Zone	President Cr Karen Chappel JP  Cr Ken Seymour President Cr Phillip Blight Cr Paul Kelly Cr Helen Sadler Cr Catherine Ehrhardt Cr John Daw President Cr Laurene Bonza President Cr Cheryl Cowell President Cr Stephen Strange President Cr Chris Pavlovich Cr Chris Mitchell JP Cr Les Price Cr Frank Cvitan JP Mayor Mark Irwin Cr Russ Fishwick JP President Cr Michelle Rich Mayor Peter Long Cr Carl Celedin Mayor Ruth Butterfield Cr Doug Thompson Mayor Carol Adams OAM Mayor Logan Howlett JP President Cr Tony Dean
Secretariat	Chief Executive Officer EM Governance & Organisational Services EM Infrastructure Acting EM Strategy, Policy & Planning Principal Special Projects and Acting EM Communications Acting EM Commercial Manager Strategy & Association Governance Manager Governance & Procurement Chief Financial Officer Principal, Policy and Advocacy Executive Officer Governance	Mr Nick Sloan Mr Tony Brown Mr Ian Duncan Ms Nicole Matthews Ms Narelle Cant  Mr Craig Hansom Mr Tim Lane Mr James McGovern Mr Rick Murray Ms Kelly McManus Ms Kathy Robertson
Observers	Deputy State Councillor, North Metropolitan Zone Deputy State Councillor, Central Country Zone Deputy State Councillor, Peel Country Zone Deputy State Councillor, South East Metropolitan Zone Deputy State Councillor, East Metropolitan Zone	Cr Felicity Farrelly President Cr Katrina Crute Cr Lauren Strange Cr Melissa Northcott  Cr Paige McNeil

**1.2. Apologies**



### **1.3. Announcements**

#### **1.3.1. Acknowledgement of Country**

WALGA acknowledges the Whadjuk Nyoongar people, the Traditional Custodians of the land on which we meet in person today and acknowledges the Traditional Custodians of the lands on which people are remotely participating in this meeting and pays respect to their Elders past, present and emerging.

#### **1.3.2. Vale Troy Pickard**

WA Local Government Association State Council and Staff are greatly saddened at the passing of former WALGA President Troy Pickard.

Mr Pickard was committed to bringing about positive change for his local communities in Stirling and Joondalup and a passionate advocate for the sector at both the State and National level as President of WALGA and the Australian Local Government Association.

Across his 15 years of service as an Elected Member, Troy made an immense contribution to the local communities of Stirling and Joondalup, both as a Councillor and in leadership roles of Deputy Mayor and Mayor.

Mr Pickard made great strides in representing the WA Local Government sector in his roles as WALGA President from 2010 and 2015 and Deputy President for three years prior; and on the national stage as ALGA President from 2014 to 2016 and Deputy President from 2010 to 2014.

He also achieved significant wins for the Local Government sector in his role as ALGA President including securing \$1.1 billion dollars in additional road funding, which formed the biggest single funding commitment from any Federal Government since Federation to the Local Government sector at the time.

Troy will be sadly missed and we offer our condolences to his family and friends.

### **2. DECLARATIONS OF INTEREST**

Pursuant to our Code of Conduct, State Councillors must declare to the Chair any potential conflict of interest they have in a matter before State Council as soon as they become aware of it.





### 3. MATTER FOR DECISION

#### 3.1. Local Government Reform Proposal Submission

*By Tony Brown, Executive Manager, Governance and Organisational Services & James McGovern, Manager Governance and Procurement*

#### RECOMMENDATION

1. That the recommendations contained in the 'Local Government Reform Proposal Submission' be endorsed.
2. That WALGA:
  - a. seek assurance from the Minister for Local Government that further detail on the proposed reforms will be provided to the sector for comment prior to the formulation of a draft Local Government Act Amendment Bill; and
  - b. seek a formal commitment from the Minister for Local Government that WALGA actively participates in the legislative drafting process necessary to formulate a draft Local Government Act Amendment Bill.

#### Executive Summary

- The Minister for Local Government, Hon. John Carey MLA, commenced the consultation period for the Local Government Reform Proposals on 10 November 2021.
- WALGA distributed a Discussion Paper to the sector on 24 November 2021, including commentary on the sector's current positions contained in the reform proposals together with recommendations on new positions required on matters not canvassed in the reforms.
- Feedback from Local Governments was initially requested by 5pm on Wednesday, 12 January 2022, however this was adjusted following the Minister's extension to the consultation period.
- WALGA received 65 submissions by close of response on Friday, 28 January 2022

#### Attachment

- Local Government Reform Proposal Submission

#### Policy Implications

The adoption of advocacy positions will inform WALGA policy positions and will be incorporated in WALGA's [Advocacy Positions Manual](#).

#### Budgetary Implications

Nil

#### Background

The proposed Local Government Reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

Information is available on the [Department of Local Government, Sport and Cultural Industries](#) website.

#### Comment

65 Local Governments responded by 28 January 2022, categorized by band as follows:

- Band 1 – 17%
- Band 2 – 15%
- Band 3 – 22%
- Band 4 – 46%

Item 8.2 - WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION

The overall response indicates majority support for many of the proposed reforms, most commonly where reforms align with current sector advocacy positions.

There was strong commentary from the sector on the following proposed reforms that were not supported:

Item 6.6 Audit Committees – 89% Opposed

The proposed reform to require a majority of independent members on Audit Committees, and mandate that the Audit Committee chair be an independent person, was strongly challenged. The fundamental purpose of an Audit Committee is to provide the vehicle for governance of a Local Government's affairs, a primary role of Council under Section 2.7(1)(a) of the *Local Government Act 1995* ('the Act'). For this reason, the sector supports a Council Member majority on Audit Committees and acknowledges the role of the Office of the Auditor General as the independent auditor of Local Governments. The sector confirmed that appointing independent members to Audit Committees is supported and practiced, and that Audit Committees can elect an independent member as Chair under provisions of s.5.12 of the Act. The sector supports the concept of shared regional Audit Committees on proviso there be a majority of Council Members, and the payment of meeting fees or defined reimbursements to independent Audit Committee members be legislatively authorised (State Council resolution no. 293.7/2021).

Item 4.3 Introduction of Preferential Voting – 85% Opposed

The sector remains in favour of the first past the post method of vote counting. Risk of the infiltration of party politics, and that preference swapping leading to alliances among candidates has potential for factionalisation of Councils were pre-eminence in the response. First past the post voting remains favoured on the grounds of its simplicity, efficiency, ease of voter understanding, transparency and candidates campaigning based on the merits of the individual. However, if 'first past the post' is not retained then optional preferential voting is preferred.

Item 4.4 Public Vote to Elect Mayor or President of Band 1 and 2 Local Governments – 66% Opposed

Retaining the discretion to choose between popularly-elected Mayors and Presidents of Band 1 and 2 Local Governments remains the favoured option. Respondents queried the lack of detailed benefit of the proposal to enshrine one system of election over another, commenting that the alternate method of election provided under s.2.11 and s.2.12 of the Act permits both a Local Government and electors of the district to exercise agency for change.

Item 4.5 Tiered Limits on the Number of Councillors – 67% Opposed

There is broad support for WALGA's proposed option that Local Governments with populations up to 5,000 be represented by between 5 and 7 Council Members. The remaining categories of representation are supported.

Item 3.5 Chief Executive Officer Key Performance Indicators – 62% Opposed

There is support for the reporting of CEO KPI's that reflect the strategic direction and operational function of the Local Government, to the exclusion of reporting KPI's of a confidential nature (i.e workplace or risk-based matters). There is also support for the exclusion of reporting performance review results which is regarded as a private matter between employer and employee to be maintained as a confidential record of the Local Government.

Local Governments were requested to provide comment on the reform proposal under Item 5.7 'Remove WALGA from the Act'.

The basis of the reform proposal is a recommendation from the Local Government Review Panel that WALGA not be constituted under the Act, with the following comment:

*The Panel deliberated the merits of WALGA being constituted under the Local Government Act and determined that it was not appropriate to incorporate a member body under this*

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*legislation. This created confusion as to the extent of the Minister's powers over the organisation and WALGA's level of independence.<sup>1</sup>*

WALGA has concerns that unforeseen negative consequences might arise should the reform proposal proceed in the absence of surety for the protection of the preferred supplier program and mutual insurance scheme provisions that are currently embedded in the Act, the merits of which are supported by the Review Panel. WALGA will continue with the due diligence review of the broader implications of the proposal and will consult further with member Local Governments.

There is significant commentary throughout the sector response that the proposed reforms lack necessary detail in terms of how they will be operationalized, and the associated implications to Local Government in terms of implementation cost and resourcing. WALGA supports the view that additional information is required and that it should be part of future consultation. It is recommended the Minister for Local Government provide assurance that the detail of each proposed reform be the subject of further consultation with the sector.

It is also recommended that once a comprehensive and detailed consultation process has concluded, that WALGA participates in the legislative drafting process to provide an operational perspective necessary to the development of a workable Local Government Act Amendment Bill.

**4. CLOSURE**

There being no further business, the Chair declared the meeting closed at \_\_\_pm.

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<sup>1</sup> Local Government Review Panel - Final Report 'Recommendations for a new Local Government Act for Western Australia' May 2020, page 46

Local Government Reform – Member Response

# Local Government Reform Proposal

## Submission

February 2022

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Local Government Reform – Member Response

### About WALGA

The WA Local Government Association (WALGA) is working for Local Government in Western Australia. As the peak industry body, WALGA advocates on behalf of 139 Western Australian Local Governments. As the united voice of Local Government in Western Australia, WALGA is an independent, membership-based organization representing and supporting the work and interests of Local Governments in Western Australia. WALGA provides an essential voice for 1,212 Elected Members, approximately 22,000 Local Government employees (16,500 Full Time Equivalent's) as well as over 2.5 million constituents of Local Governments in Western Australia.

### Contacts

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**Local Government Act Review Process**

WALGA, through consultation with the Local Government Sector, endorsed sector advocacy positions relating to Local Government Act amendments in March 2019 and December 2020. These advocacy positions were developed considering (but not limited to):

- The Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The City of Perth Inquiry Report (mid 2020)
- The State Parliament's Select Committee Report into Local Government (late 2020)

In December 2020, WALGA endorsed the following principles for any review of the Local Government Act:

**Local Government Reform – WALGA Principles**

That the following key principles be embodied in the Local Government Act:

1. Uphold the general competence principle currently embodied in the Local Government Act
2. Provide for a flexible, principles-based legislative framework
3. Promote a size and scale compliance regime
4. Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration Local Governments' role in creating a sustainable and resilient community through:
  - a. Economic development
  - b. Environmental protection, and
  - c. Social advancement
5. Avoid red tape and 'de-clutter' the extensive regulatory regime that underpins the Local Government Act, and
6. The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.

It is worth noting that of the above principles, items 1, 2 and 3 are addressed in these legislative reform proposals and principles 4 and 5 are partially addressed.

**Local Government Response**

WALGA released the Local Government Reform Proposals – Summary of Proposed Reforms Discussion Paper on 24 November 2021, calling for a response by 28 January 2022.

This document is based on submissions made by 65 respondent Local Governments. The overall response indicates majority support for many of the proposed reforms, most commonly where reforms align with current sector advocacy positions.

**Key Issues**

The submissions included strong commentary on the following proposed reforms that are of concern:

**Item 6.6 Audit Committees – 89% Opposed**

The proposed reform to require a majority of independent members on Audit Committees, and mandate that the Audit Committee chair be an independent person, was strongly challenged. A fundamental purpose of an Audit Committee is to provide the vehicle for governance of a Local Government's affairs, and this links directly with the role of Council under Section 2.7(1)(a) of the *Local Government Act* ('the Act'). For this

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## Local Government Reform – Member Response

reason, the sector supports a Council Member majority on Audit Committees and acknowledges the role of the Office of the Auditor General as the independent auditor of Local Governments. The sector confirmed that appointing independent members to Audit Committees is supported and practiced, and that Audit Committees can elect an independent member as Chair under provisions of s.5.12 of the Act. The sector supports the concept of shared regional Audit Committees on proviso there be a majority of Council Members, and the payment of meetings fees or defined reimbursements to independent Audit Committee members be legislatively authorised.

Item 4.3 Introduction of Preferential Voting – 81% Opposed

The sector remains in favour of the first past the post method of vote counting. Risk of the infiltration of party politics, and that preference swapping leading to alliances amongst candidates has potential for factionalisation of Councils, were pre-eminent in the response. 'First past the post' voting remains favoured on the grounds of its simplicity, efficiency, ease of voter understanding, transparency and candidates campaigning based on the merits of the individual. However, if 'first past the post' is not retained, then optional preferential voting is preferred.

Item 4.4 Public Vote to Elect Mayor or President of Band 1 and 2 Local Governments – 67% Opposed

Retaining the discretion to choose between popularly-elected Mayors and Presidents of Band 1 and 2 Local Governments remains the favoured option. Respondents queried the lack of detailed benefit of the proposal to enshrine one system of election over another, commenting that the alternate method of election provided under s.2.11 and s.2.12 of the Act permits both a Local Government and electors of the district to exercise agency for change.

Item 4.5 Tiered Limits on the Number of Councillors – 65% Opposed

There is broad support for WALGA's proposed option that Local Governments with populations up to 5,000 be represented by between 5 and 7 Council Members. The remaining categories of representation are supported.

Item 3.5 Chief Executive Officer Key Performance Indicators – 66% Opposed

There is support for the reporting of CEO KPIs that reflect the strategic direction and operational function of the Local Government, to the exclusion of reporting KPIs of a confidential nature (i.e. workplace or risk-based matters). There is also support for the exclusion of reporting performance review results which is regarded as a private matter between employer and employee, to be maintained as a confidential record of the Local Government.

The following provides a detailed response to each legislative reform proposal.

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Local Government Reform – Member Response

**Theme 1: Early Intervention, Effective Regulation and Stronger Penalties**

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>1.1 Early Intervention Powers</b>		
<ul style="list-style-type: none"> <li>It is proposed to establish a Chief Inspector of Local Government (the <b>Inspector</b>), supported by an Office of the Local Government Inspector (the <b>Inspectorate</b>).</li> <li>The Inspector would receive minor and serious complaints about elected members.</li> <li>The Inspector would oversee complaints relating to local government CEOs.</li> <li>Local Governments would still be responsible for dealing with minor behavioural complaints.</li> <li>The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified.</li> <li>The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation.</li> <li>The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism.</li> <li>The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations.</li> <li>The Inspector would be supported by a panel of <b>Local Government Monitors</b> (see item 1.2).</li> </ul>	<p><b>Current Local Government Position</b>                      Items 1.1, 1.2 and 1.3 <u>generally align</u> with WALGA Advocacy Position 2.6.8 - 'Establish Office of Independent Assessor'</p> <p><i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> <li>Establishing an Office of the Independent Assessor to replace the Standards Panel to provide an independent body to receive, investigate and assess complaints against Elected Members and undertake inquiries.</li> <li>Remove the CEO from being involved in processing complaints.</li> <li>That an early intervention framework of monitoring to support Local Governments be provided with any associated costs to be the responsibility of the State Government.</li> <li>An external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.</li> </ol> <p><b>Comment</b>                      The Local Government sector is in favour of early intervention and a swift response to potentially disruptive or dysfunctional behaviours. The Proposed Reforms state 'Local Governments would still be responsible for dealing with minor behavioural complaints' and therefore do not go as far as the Sector's recent request for an external oversight model for the independent assessment of local level complaints (State Council Res:</p>	<p><b>Member Response:</b>  <b>95% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b>  <i>'Support the establishment of a Chief Inspector of Local Government, supported by an Office of the Local Government Inspector. Early intervention is supported, and the introduction of the Inspectorate will support a swift response to disruptive or dysfunctional behaviours.'</i></p> <p><i>The City does have concern with the local government being responsible for dealing with minor behavioural complaints and submits to the Department that this also be within the scope of the Inspectorate.</i></p> <p><i>The City does not support the process of peer decision making for behavioural complaints due to the potential to increase animosity or conflict within local governments. Professional intervention at the earliest opportunity by an independent body is preferred.</i></p> <p><i>These matters should be dealt with by the Inspectorate in completeness with the ability to recoup complaint costs from local governments per current practice with the Local Government Standards Panel.'</i></p> <p><i>'Request the Minister to explore alternate mechanisms for resolving minor behavioural complaints.'</i></p>



**Item 8.2 - WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION**

Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<ul style="list-style-type: none"> <li>The existing Local Government Standards Panel would be replaced with a new <b>Conduct Panel</b> (see item 1.3).</li> <li><b>Penalties</b> for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4).</li> <li>These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6).</li> </ul>	<p>264.5/2021 – September 2021). However this will be mitigated with the Inspector able to respond to a Local Government having unresolved matters by appointing a monitor to assist the Local Government.</p> <p>It is expected the Local Government Inspector would be funded by the State Government, however it is noted that the cost of the Local Government Monitors and the Conduct Panel would be borne by the Local Government concerned.</p> <p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li><b>Support the proposed reforms as they align with the sectors position on external oversight and support.</b></li> <li><b>Request the Minister to explore alternate mechanisms for resolving local level complaints.</b></li> </ol>	<p><i>'Support the Reforms, subject to appropriate resourcing to ensure the reforms achieve the intended outcome and subject to amendments so that all complaints, including current Code of Conduct Division 3 behaviour complaints, are handled external to the local government.'</i></p> <p><i>'More information and a clearer understanding, of how 'Early Intervention Powers', 'Local Government Monitors' and other related reforms will be implemented, is needed before council can form an informed response or position.'</i></p> <p><b>Updated Recommendation – Items 1.1 to 1.3</b></p> <ol style="list-style-type: none"> <li><b>Support the proposed reforms as they align with the sectors position on external oversight and support.</b></li> <li><b>Request the Minister to explore alternate mechanisms for resolving local level complaints.</b></li> </ol>
<b>1.2 Local Government Monitors</b>		
<ul style="list-style-type: none"> <li>A panel of <b>Local Government Monitors</b> would be established.</li> <li>Monitors could be appointed by the Inspector to go into a local government and try to resolve problems.</li> <li>The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence.</li> <li>Monitors would be qualified specialists, such as:</li> </ul>	<p>As above</p>	<p><b>Member Response:</b>  <b>97% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b>  <i>'The Shire supports these proposed reforms in principle but wishes to raise several issues that need further detail and/or clarification:</i></p> <ol style="list-style-type: none"> <li><i>What will be the financial impost on Local Governments if monitors are appointed?</i></li> <li><i>What would be the basis of granting Local Government requests to appoint monitors?</i></li> <li><i>How will conflicts of interest be managed?</i></li> </ol>

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Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<ul style="list-style-type: none"> <li>○ Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators</li> <li>○ Dispute resolution experts - to address the breakdown of professional working relationships</li> <li>○ Certified Practicing Accountants and other financial specialists - to assist with financial management and reporting issues</li> <li>○ Governance specialists and lawyers - to assist councils resolve legal issues</li> <li>○ HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction.</li> <li>● Only the Inspector would have the power to appoint Monitors.</li> <li>● Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose.</li> </ul> <p><b>Monitor Case Study 1 – Financial Management</b> The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p><b>Monitor Case Study 2 – Dispute Resolution</b> The Inspector receives a complaint from one</p>		<p>4. <i>What happens if the mediation fails? Will there be an appeal process?</i></p> <p>5. <i>What authority will monitors have?</i></p> <p><i>'Support though wish to seek further clarity on who can make complaints.'</i></p> <p><i>'It would be appropriate for the pool of monitors include people located in the regions and not be metropolitan based only. Will there be a cost to access Monitors as the pool aims to be highly qualified to assist, this may come at a high price?'</i></p>

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Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<p>councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council's code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.</p>		
<p><b>1.3 Conduct Panel</b></p>		
<ul style="list-style-type: none"> <li>The Standards Panel is proposed to be replaced with a new Local Government <b>Conduct Panel</b>.</li> <li>The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel.</li> <li>The Inspector would provide evidence to the Conduct Panel for adjudication.</li> <li>The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism.</li> </ul>	<p>As above</p>	<p><b>Member Response:</b>  <b>98% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b>  <i>'Presume the Conduct Panel will be more efficient and effective than the Standards Panel, noting that some Councillors would view adverse findings of the Standards Panel as badges of honour, rather than a genuine form of punishment for improper behaviour. Procedural fairness will be crucial to the success of the Panel, as will simplicity of process.'</i></p> <p><i>'Support proposed reforms in principle and requests the following be given consideration.'</i></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<ul style="list-style-type: none"> <li>For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts.</li> <li>Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision.</li> </ul>		<ol style="list-style-type: none"> <li>What constitutes evidence and how would it be gathered?</li> <li>How many professionals are proposed to be appointed to the panel?</li> <li>What is the definition of 'suitably qualified professional'?</li> <li>The context of the local government is important, i.e. larger vs smaller, metro vs regional, coastal vs inland, demographics, and should be considered when appointing members to the Conduct Panel.</li> <li>How will conflicts of interest be managed?'</li> </ol>
<p><b>1.4 Review of Penalties</b></p>		
<ul style="list-style-type: none"> <li>Penalties for breaching the Local Government Act are proposed to be strengthened.</li> <li>It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion.</li> <li>Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address).</li> <li>It is proposed that a councillor who is suspended multiple times may become disqualified from office.</li> <li>Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances.</li> </ul>	<p><u>Current Local Government Position</u> Items 1.4 and 1.5 <b>expand upon</b> Advocacy Position 2.6.9 - 'Stand Down Proposal'</p> <p><i>WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their duties when they are under investigation, have been charged, or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken. Further policy development of the Stand Down Provisions must involve active consultation with WALGA and specific consideration of the following issues of concern to the Sector:</i></p> <ol style="list-style-type: none"> <li>That the Department of Local Government endeavour to ensure established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and</li> </ol>	<p><b>Member Response:</b> <b>98% support the proposed reform.</b></p> <p><b>Indicative Member Comment:</b> 'Support a review of penalties and note there is limited information provided in terms of the scale of the penalty to be applied and what breaches/offending is prescribed. The penalty should be commensurate with the seriousness of the offence or history of offending and set as an "up to X months" etc so the penalty is scalable. Councillors who are suspended should not get sitting fees or allowances while subject to a suspension. The City supports clarity and certainty around when a councillor will be disqualified for multiple offences.'</p> <p><b>Update Recommendation - Item 1.4 Supported</b></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
	<p>2. <i>That activities associated with the term 'disruptive behaviour', presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.</i></p> <p><b>Comment</b> The Local Government sector has long-standing advocacy positions supporting stronger penalties as a deterrent to disruptive Council Member behaviours. Clear guidance will be required to ensure there is consistent application of the power given to Presiding Members.</p> <p><b>Recommendation Supported</b></p>	
<b>1.5 Rapid Red Card Resolutions</b>		
<ul style="list-style-type: none"> <li>• It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1).</li> <li>• It is proposed that Presiding Members have the power to "red card" any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would:                         <ul style="list-style-type: none"> <li>○ Require the Presiding Member to issue a clear first warning</li> <li>○ If the disruptions continue, the Presiding Member will have the power to "red card" that person, who must be silent for the</li> </ul> </li> </ul>	<p>As above</p>	<p><b>Member Response:</b> <b>94% support the proposed reform.</b></p> <p><b>Indicative Member Comment:</b> <i>'Question if a red card is considered to be contemporary best practice for corporate businesses or not for profit boards.'</i></p> <p><i>'Support the principle of Rapid Red Card Resolutions and requests the regulations provide clear guidance to ensure consistent application of the power given to presiding members. There is the potential for this power to be abused, therefore consideration should be given to the ability for</i></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<p>rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions</p> <ul style="list-style-type: none"> <li>○ If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting.</li> <li>• Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector.</li> <li>• Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector.</li> </ul>		<p><i>other councillors to call point of order to overrule the presiding member by absolute majority.'</i></p> <p><i>'Requiring a 'red carded member' to sit silent for the rest of the meeting is not supported, they should be given a first and final warning and be able to speak to and move motions as to do otherwise may infringe implied political freedom of speech and may be unconstitutional (see: McCloy v NSW [2015] HCA 34). There should be clarity about when a member can be directed to leave the chamber (first and final warning and then you are out, but ejection by Presiding Member should also be subject to a point of order too). A Mayor should not only have to notify the Inspector of an ejection but provide the video and/or audio recording.'</i></p> <p><b>Update Recommendation - Item 1.5</b>  <b>Supported subject to a provision permitting council members to call a point of order to overrule the presiding member by absolute majority.</b></p>
<p><b>1.6 Vexatious Complaint Referrals</b></p>		
<ul style="list-style-type: none"> <li>• Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government’s operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner.</li> <li>• Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has</li> </ul>	<p><b>Current Local Government Position</b>                      Item 1.6 <u>expands upon</u> Advocacy Position 2.6.11 – ‘Vexatious complainants in relation to FOI applications’                      WALGA advocates for the Freedom of Information Act 1992 (WA) to be reviewed, including consideration of:</p> <ol style="list-style-type: none"> <li>1. Enabling the Information Commissioner to declare vexatious applicants similar to the provisions of section 114 of the Right to Information Act 2009 (QLD);</li> </ol>	<p><b>Member Response:</b>  <b>95% support the proposed reform.</b></p> <p><b>Indicative Member Comment:</b>  <i>'This should encompass an entity as well as a person to deal with vexatious complainant-like conduct from organised groups who have the capacity to consume an inordinate amount of City resources. In respect to 3), supported provided that the function is optional rather than mandatory and the CEO still retains the ability to make their</i></p>

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<p>already provided a substantial response to the person's query.</p> <ul style="list-style-type: none"> <li>It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious.</li> </ul>	<p>2. <i>Enabling an agency to recover reasonable costs incurred through the processing of a Freedom of Information access application where the application is subsequently withdrawn; and</i></p> <p>3. <i>Modernisation to address the use of electronic communications and information.</i></p> <p><b>Comment</b> The Act has been expanded significantly in recent years to permit an increased level of public involvement, scrutiny and access to information relating to the decisions, operations and affairs of Local Government in WA. Introducing a means to limit capacity for unreasonable complainants to negatively impact Local Governments will provide a necessary balance between the openness and transparency of the sector and the reasonable entitlement of citizens to interact with their Local Government.</p> <p><b>Recommendation Supported</b></p>	<p><i>own determination as to whether a complainant is vexatious in accordance with Council policy.'</i></p> <p><i>'Vexatious complaints are a problem in Local Government and establishing a system to deal effectively with them is considered important. It may be worth considering a specific provision which grants the power to a CEO to determine vexatious complaints in accordance with set criteria to increase efficiency.'</i></p> <p><b>Updated Recommendation – Item 1.6 Supported</b></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>1.7 Minor Other Reforms</b>		
<ul style="list-style-type: none"> <li>• Potential other reforms to strengthen guidance for local governments are being considered.</li> <li>• For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed.</li> <li>• It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations.</li> </ul>	<p><b>Current Local Government Position</b>                      Item 1.7 aligns with Advocacy Position 2.6 - 'Support DLGSC as service provider / capacity builder'</p> <p><i>WALGA supports the continuance of the Department of Local Government, Sport and Cultural Industries as a direct service provider of compliance and recommend the Department fund its capacity building role through the utilisation of third party service providers. In addition, WALGA calls on the State Government to ensure there is proper resourcing of the Department of Local Government, Sport and Cultural Industries to conduct timely inquiries and interventions when instigated under the provisions of the Local Government Act 1995.</i></p> <p><b>Comment</b>                      Operational guidance from the Department of Local Government, Sport and Cultural Industries leads to consistent understanding and application of statutory provisions by Local Government. The proposed reform that the Inspector issue non-compliance notices appears to replicate the Minister's powers under Section 9.14A – 'Notice to prevent continuing contravention'</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b>                      97% support the proposed reform.</p> <p><b>Indicative Member Comment:</b>  <i>'Guidance notes are useful as long as they are reviewed and updated and they remain current and relevant. Some existing Department guidelines have not been reviewed for many years yet remain available as a resource on the DLGSC website.'</i></p> <p><i>'Guidance notices and templates would be appreciated and valued by smaller Local Governments. Important that the authors of such notices consider the capacity and resourcing challenges across the sector so that guidance materials do not place unrealistic expectations on smaller Local Governments. Recommend peak bodies (WALGA, LG Professionals WA) are engaged in this process to ensure the outcomes are operationally practical and suitable.'</i></p> <p><b>Updated Recommendation – Item 1.7 Supported</b></p>



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**Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity**

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>2.1 Resource Sharing</b>		
<ul style="list-style-type: none"> <li>Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees.</li> <li>Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1.</li> </ul>	<p><b>Current Local Government Position</b> Item 2.1 aligns with Advocacy Position 2.6 – Local Government Legislation – ‘Avoid red tape and ‘de-clutter’ the extensive regulatory regime that underpins the Local Government Act’ and Advocacy Position 2.3.1 - ‘Regional Collaboration’.</p> <p><i>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</i></p> <p><b>Comment</b> The proposed reforms will rely upon statutory provisions that enable and enhance regional collaboration. Recent over-regulation of Regional Subsidiaries in 2016 resulted in no subsidiaries being formed since that time.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>97% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>‘It is noted the objective of this proposed reform is to encourage resource sharing practices among smaller regional local governments. It is not practical for band 1 local governments to implement practices such as sharing a CEO, however, such practices will be beneficial to smaller regional local governments and will encourage regional collaboration.’</i></p> <p><i>‘Increased support for shared resource arrangements is welcomed. The proposal could also link to the innovation proposal (Item 2.3) and a principle based on sustainability, whereby collaboration between Local Governments (beyond boundaries and geographic restrictions) are encouraged, and there is potential to seek greater legislative freedom/flexibility (potentially with Inspectorate/Ministerial sign-off).’</i></p> <p><b>Updated Recommendation – Item 2.1 Supported</b></p>
<b>2.2 Standardisation of Crossovers</b>		
<ul style="list-style-type: none"> <li>It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on local roads.</li> </ul>	<p><b>Current Local Government Position</b></p> <p><b>Comment</b> WALGA developed the Template Crossover Guideline and Specification resource in 2017 and have been part of the Minister’s working group on</p>	<p><b>Member Response:</b> <b>94% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>‘Provided there is consideration for regional areas and further disparity is not created for Shires with rural or</i></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<ul style="list-style-type: none"> <li>A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this.</li> <li>The DLGSC will work with the sector to develop standardised design and construction standards.</li> </ul>	<p>red tape reduction that has been looking at standardisation of crossovers.</p> <p><b>Recommendation Supported</b></p>	<p><i>semi-rural residential.</i></p> <p><b>Updated Recommendation – Item 2.2 Supported</b></p>
<b>2.3 Introduce Innovation Provisions</b>		
<ul style="list-style-type: none"> <li>New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for:                             <ul style="list-style-type: none"> <li>Short-term trials and pilot projects</li> <li>Urgent responses to emergencies.</li> </ul> </li> </ul>	<p><b>Current Local Government Position</b> There is currently no advocacy position in relation to Item 2.3.</p> <p><b>Comment</b> It is arguable communities expect all levels of Government will apply innovative solutions to complex and emerging issues difficult to resolve by traditional means. Exemptions constructed with appropriate checks and balances, particularly where expenditure of public funds are concerned, has potential to facilitate efficient and effective outcomes.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>98% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'Provided the inclusion of legislation does not result in more red tape. Very limited information has been provided on this point considering the many commercial, health, tourism or land projects Councils are regularly requested to engage in.'</i></p> <p><i>'Consideration should be given to allowing local governments to maintain an interest in corporations in certain circumstances.'</i></p> <p><b>Updated Recommendation – Item 2.3 Supported</b></p>
<b>2.4 Streamline Local Laws</b>		
<ul style="list-style-type: none"> <li>It is proposed that local laws would only need to be reviewed by the local government every 15 years.</li> <li>Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable.</li> <li>Local governments adopting Model Local</li> </ul>	<p><b>Current Local Government Position</b> Items 2.4, 2.5 and 2.6 <u>expand upon</u> Advocacy Position 2.6.35 - 'Local law-making process should be simplified'.</p> <p><i>The Local Law making process should be simplified as follows:</i></p> <ul style="list-style-type: none"> <li>The requirement to give state-wide notice</li> </ul>	<p><b>Member Response:</b> <b>98% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'Support the simplification of the local law-making process and the application of model local laws. However, as with guidance notes, model local laws need to be reviewed and updated to remain current</i></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<p>Laws will have reduced advertising requirements.</p>	<p><i>should be reviewed, with consideration given to Local Governments only being required to provide local public notice;</i></p> <ul style="list-style-type: none"> <li>• <i>Eliminate the requirement to consult on local laws when a model is used;</i></li> <li>• <i>Consider deleting the requirement to review local laws periodically. Local Governments, by administering local laws, will determine when it is necessary to amend or revoke a local law; and</i></li> <li>• <i>Introduce certification of local laws by a legal practitioner in place of scrutiny by Parliament's Delegated Legislation Committee.</i></li> </ul> <p><b>Comment</b> Proposed reforms meet the Sector's preference for simplified local law-making processes. Model local laws are supported, whilst recognising the models themselves will require review by State Government departments with the relevant administrative responsibility. For example, the Model Local Law (Standing Orders) 1998 formed the basis of many Local Government meeting procedures local law but no review was completed. This model was superseded by individual local laws with added contemporary provisions. This pattern will repeat itself if model local laws are not reviewed to remain contemporary to the Sector's requirements.</p> <p><b>Recommendation</b> <b>Supported</b></p>	<p><i>and relevant. There also needs to be the opportunity for Local Government to modify model local laws to meet local needs.'</i></p> <p><i>'Supported in part. Item 2 is not supported. The proposed automatic deletion is not supported and should be replaced with an automatic roll over to a model local law so that there is no vacuum of regulation that could affect public safety. The City welcomes further information for local governments consideration with respect to the proposed Model Local Laws.'</i></p> <p><i>'It is highly desirable that the model local laws are reviewed to ensure they are appropriate for smaller local governments (so that smaller local governments can enjoy the efficiency gains from having templates and reduced advertising requirements). Scalability should be considered in the drafting of any model local laws, i.e. potentially different models for Bands 1 &amp; 2 vs Bands 3 &amp; 4.'</i></p> <p><b>Updated Recommendation – Items 2.4 to 2.6</b> <b>Supported</b></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>2.5 Simplifying Approvals for Small Business and Community Events</b>		
<ul style="list-style-type: none"> <li>• Proposed reforms would introduce greater consistency for approvals for:                             <ul style="list-style-type: none"> <li>○ alfresco and outdoor dining</li> <li>○ minor small business signage rules</li> <li>○ running community events.</li> </ul> </li> </ul>	As above	<p><b>Member Response:</b>                      97% support the proposed reform.</p> <p><b>Indicative Member Comments:</b>                      'As long as there is engagement to develop rules for events and signage. The health guidelines (which leave much discretion for Environmental Health Officers) are often not practical for regional areas. It would be counterproductive to be stuck with "An ambulance is required to hold a market day and sell cupcakes because you are 200+km from a primary healthcare facility". Differentiated service models in regional areas need to be better understood by people who only know what it's like to live in a metropolitan area.'</p> <p>'Support, subject to further clarification. It is recommended that Council support this reform, however it is unclear as to what the ramifications are in terms of:</p> <ul style="list-style-type: none"> <li>· practical impacts on existing and future alfresco and outdoor dining areas;</li> <li>· the level of risk the local government would be assuming; and</li> <li>· whether such a reform impacts on the Shire's level of insurance.' </li></ul>
<b>2.6 Standardised Meeting Procedures, Including Public Question Time</b>		
<ul style="list-style-type: none"> <li>• To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State.</li> </ul>	As above	<p><b>Member Response:</b>                      98% support the proposed reform.</p> <p><b>Indicative Member Comments:</b>                      'The standardisation of the standing orders is supported either through a local law or regulations,</p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<ul style="list-style-type: none"> <li>Regulations would introduce standard requirements for public question time, and the procedures for meetings generally.</li> <li>Members of the public across all local governments would have the same opportunities to address council and ask questions.</li> </ul>		<p><i>provided that sufficient flexibility is given and that the requirements are not overly complex, onerous or prescriptive.'</i></p> <p><i>'There is a degree of standardisation through current legislation. However, standardisation creates a one-size-fits-all situation which has created either inefficiencies or additional workloads across the sector. This is a problem the current legislative proposals are seeking to undo so it is important that similar problems are not created with these proposals.'</i></p>
<b>2.7 Regional Subsidiaries</b>		
<ul style="list-style-type: none"> <li>Work is continuing to consider how Regional Subsidiaries can be best established to:                             <ul style="list-style-type: none"> <li>Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments</li> <li>Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds</li> <li>Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk</li> <li>Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments.</li> </ul> </li> </ul>	<p><b>Current Local Government Position</b> Item 2.7 aligns with Advocacy Position 2.3.1 - 'Regional Collaboration': <i>Local Governments should be empowered to form single and joint subsidiaries, and beneficial enterprises. In addition, compliance requirements of Regional Councils should be reviewed and reduced.</i></p> <p><b>Comment</b> Under the Regional Subsidiary model, two or more Local Governments can establish a regional subsidiary to undertake a shared service function on behalf of its member Local Governments. The model provides increased flexibility when compared to the Regional Local Government model because regional subsidiaries are primarily governed and regulated by a charter rather than legislation. While the regional subsidiary model's governance structure is primarily representative, it allows independent and commercially focussed directors to be appointed to the board of management.</p>	<p><b>Member Response:</b> <b>97% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'Supported in part. With respect to employee conditions, not all local governments have the same Enterprise Agreements and henceforth different conditions and benefits apply. The employees of a regional subsidiary should have the Local Government Award as their base conditions with the ability for their own enterprise agreement to be negotiated.'</i></p> <p><i>'Support proposed reforms and the submission from NEWROC which incorporates the following governance model:</i></p> <ul style="list-style-type: none"> <li><i>• use of a charter as the primary governance and regulatory instrument (approved by the Minister)</i></li> <li><i>• regular assessment of performance so that elected representatives on the Board have the necessary skills and qualifications to deliver upon the charter and strategic priorities of the regional subsidiary</i></li> </ul>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
	<p>A key advantage of the regional subsidiary model is the use of a charter, as opposed to legislation, as the primary governance and regulatory instrument. Accordingly, the legislative provisions governing the establishment of regional subsidiaries should be light, leaving most of the regulation to the regional subsidiary charter, which can be adapted to suit the specific circumstances of each regional subsidiary.</p> <p><b>Recommendation Supported</b></p>	<ul style="list-style-type: none"> <li>• <i>policies and procedures within the regional subsidiary to reduce risk and improve oversight</i></li> <li>• <i>regular financial reporting and annual audits to members and communities.</i></li> </ul> <p><i>'Where Regional Subsidiaries are established as shared service centres for difficult to recruit skill sets the legislation should treat them as if a local government was employing a consultant. A regional subsidiary should only need to report back to the member local governments rather than the Department. It should be up to the member local governments to ensure the good governance of the subsidiary, not the State Government. This approach would simplify compliance.'</i></p> <p><b>Updated Recommendation – Item 2.7</b>  <b>Supported subject to the use of a charter as the primary governance and regulatory instrument.</b></p>

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**Theme 3: Greater Transparency & Accountability**

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>3.1 Recordings and Live-Streaming of All Council Meetings</b>		
<ul style="list-style-type: none"> <li>It is proposed that all local governments will be required to record meetings.</li> <li>Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives.</li> <li>Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment.</li> <li>Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives.</li> <li>Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings.</li> <li>Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used.</li> <li>Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings.</li> <li>All council meeting recordings would need to</li> </ul>	<p><b>Current Local Government Position</b>                      Item 3.1 <b>expands upon</b> Advocacy Position 2.6 – ‘Promote a size and scale compliance regime’ and Advocacy Position 2.6.31 - ‘Attendance at Council Meetings by Technology’</p> <p><i>A review of the ability of Elected Members to log into Council meetings should be undertaken.</i></p> <p><b>Comment</b>                      Local Governments introducing electronic meeting procedures and the means for remote public attendance in response to the COVID-19 pandemic led to a swift uptake of streaming Council meetings. The proposed reform that Band 1 and 2 Local Governments will be required to livestream meetings may be problematic where technical capability such as reliable bandwidth impacts the district.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b>  <b>66% support the proposed reform.</b>  <b>32% oppose the proposed reform.</b></p> <p><b>Indicative Member Comments:</b></p> <ol style="list-style-type: none"> <li>‘Support Band 1 and 2 live streaming and video recordings;</li> <li>Support Band 3 and 4 audio recordings;</li> <li>Reject the need to provide recordings of confidential matters to the department for archiving.’</li> </ol> <p>‘Council generally supports the proposed reforms with the following additional comment.</p> <ol style="list-style-type: none"> <li>Given the potential cost impact to smaller local government to retain the audio recordings a reasonable time frame should be set for their retention.</li> <li>Live streaming of meetings should not encourage attendance remotely by Councillors and attendance in-person should be the default position.</li> <li>Forwarding the recorded confidential part of the meeting to the Department for record keeping appears to be an unnecessary impost with no valid reason given for this proposal.</li> <li>If meetings are livestreamed why would there be a requirement to publish the recording when the minutes are published.’</li> </ol> <p>‘Support the principle of recording and live-streaming all Council meetings for band 1 and 2</p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<p>be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving.</p>		<p><i>local governments. The proposal lacks some detail which the City would like the opportunity to make further submissions with respect to. Of particular concern is the requirement to record confidential items and the submission of those recordings to the DLGSC for archiving, particularly pertaining to confidential legal advice. There is insufficient information available regarding the controls to be put in place to ensure confidential recordings remain confidential, and what the purpose is for archiving by the DLGSC, how Freedom of Information will be treated by the DLGSC, how access will be authorised and local governments notified.'</i></p> <p><i>'The City is not supportive of submitting recordings of confidential items to the Department. Confidential items may include legal advice which is subject to legal privilege. Such privilege is at risk of being lost by the dissemination of the advice.'</i></p> <p><b>Updated Recommendation – Item 3.1</b></p> <ol style="list-style-type: none"> <li><b>1. Support live streaming the ordinary and special council meetings of Band 1 and 2 Local Governments and audio recording the ordinary and special council meetings of Band 3 and 4 Local Governments.</b></li> <li><b>2. Do not support archiving the recordings of confidential matters by the Department of Local Government, Sport and Cultural Industries.</b></li> </ol>



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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>3.2 Recording All Votes in Council Minutes</b>		
<ul style="list-style-type: none"> <li>To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber.</li> <li>Regulations would prescribe how votes are to be consistently minuted.</li> </ul>	<p><b>Current Local Government Position</b> There is currently no advocacy position in relation to Item 3.2.</p> <p><b>Comment</b> There is an evolving common practice that Council Minutes record the vote of each Council Member present at a meeting.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>90% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'It makes sense that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber.'</i></p> <p><b>Updated Recommendation – Item 3.2 Supported</b></p>
<b>3.3 Clearer Guidance for Meeting Items that may be Confidential</b>		
<ul style="list-style-type: none"> <li>Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances.</li> <li>It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public.</li> <li>Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector.</li> <li>All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC (see Item 3.1).</li> </ul>	<p><b>Current Local Government Position</b> There is currently no advocacy position in relation to Item 3.3.</p> <p><b>Comment</b> Clarifying the provisions of the Act has broad support within the sector. New reforms requiring Local Governments to video or audio record Council meetings (Item 3.1) will add to the formal record of proceedings that includes written Minutes. While being supported, the requirement to provide audio recordings of confidential matters to the DLGSC is queried on the basis that written and audio records can be readily accessed from a Local Government if required.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>93% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'Support greater transparency and the proposed reforms in principle. Further detail is required about what is likely to be prescribed, and the probable timeframe required for prior written consent of the Inspector.'</i></p> <p><b>Updated Recommendation – Item 3.3 Supported</b></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>3.4 Additional Online Registers</b>		
<ul style="list-style-type: none"> <li>It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included.</li> <li>The following new registers, each updated quarterly, are proposed:                             <ul style="list-style-type: none"> <li><b>Lease Register</b> to capture information about the leases the local government is party to (either as lessor or lessee)</li> <li><b>Community Grants Register</b> to outline all grants and funding provided by the local government</li> <li><b>Interests Disclosure Register</b> which collates all disclosures made by elected members about their interests related to matters considered by council</li> <li><b>Applicant Contribution Register</b> accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking</li> <li><b>Contracts Register</b> that discloses all contracts above \$100,000.</li> </ul> </li> </ul>	<p><b>Current Local Government Position</b> There is currently no advocacy position in relation to Item 3.4.</p> <p><b>Comment</b> This proposal follows recent Act amendments that ensure a range of information is published on Local Government websites. WALGA has sought clarity that the contracts register excludes contracts of employment.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>87% support the proposed reform.</b> <b>13% oppose the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'Supported for Tier 1 and 2 LGs. Whilst the need for transparency is understood, this creates an additional administrative burden for smaller local governments who are already struggling with compliance-related workload. Annual publication of these registers, rather than quarterly, would be far more achievable for smaller LGs.'</i></p> <p><i>'The proposals are generally supported based on additional advice from the Minister about the information which will be captured in the registers.'</i></p> <p><b>Updated Recommendation – Item 3.4 Supported</b></p>
<b>3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published</b>		
<ul style="list-style-type: none"> <li>To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs:                             <ul style="list-style-type: none"> <li>Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period)</li> </ul> </li> </ul>	<p><b>Current Local Government Position</b> There is currently no advocacy position in relation to Item 3.5.</p> <p><b>Comment</b> In principle, this proposal has some merit and would be particularly effective if all CEO KPIs</p>	<p><b>Member Response:</b> <b>30% support the proposed reform.</b> <b>66% oppose the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'Council would support the IPR (strategic direction) KPI's being published online but don't</i></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<ul style="list-style-type: none"> <li>○ The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period)</li> <li>○ The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs).</li> </ul>	<p>consistently reflect Strategic Community Plans and Corporate Business Plans of Local Governments, together with KPIs reflective of the CEO’s statutory functions under Section 5.41 of the Act. This approach would inform the community of the CEO’s performance related to the strategic direction and operational function of the Local Government.</p> <p>In practice, the drafting of statutory provisions will require sensitive consideration of certain KPIs i.e. those relating to issues affecting the workplace or identified risk-based concerns, to reflect the way Audit Committees currently deal with some internal control, risk and legislative compliance issues confidentially. This approach will protect the interests of Local Governments and other parties associated with such KPIs. It would be prudent for exemptions to be provided, based on matters of confidentiality. The proposed reforms and recent Act amendments signal a clear intent to permit closer community involvement and scrutiny of Local Government. However, negative consequences are likely if Local Government Council’s responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence KPIs and the performance review process. Additionally, the publication of CEO KPI’s will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. It is worth investigating whether the proposed reforms considered whether this factor could impact on the recruitment of CEO’s, particularly from outside the Local Government sector. The results of performance reviews</p>	<p><i>support the results of the CEO performance reviews being published online. KPIs published online, have no background, knowledge of how they are prepared and so could result in unnecessary criticism from the community. Could result in the performance review being undertaken by the community, not the Council.’</i></p> <p><i>‘Support the publication of an overview of CEO KPIs but does not support publication of the results of the CEO’s performance review. The community elects the councillors who are responsible for the employment and management of the CEO. Additionally, the publication of CEO KPI’s will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. The results of performance reviews should be confidential information between the employer and employee and should not be published, and should remain within the confidential human resource records of the organisation.’</i></p> <p><i>‘Supportive of the KPIs set for a CEO being published where they align to the local government’s strategic direction and subject to exemptions which do not require KPIs of a confidential or sensitive nature to be published. Not supportive of proposals to publish results of CEO performance reviews. Organisation performance review results should be published through strategic and corporate reporting and through the annual report process.’</i></p> <p><i>‘The City opposes publishing of CEO KPIs. It would not be appropriate on the basis that it may</i></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
	<p>should be confidential information between the employer and employee and should not be published and should remain within the confidential human resource records of the organisation.</p> <p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li>1. Conditionally Support the reporting of CEO KPIs that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential nature;</li> <li>2. Do not support the results of performance reviews being published.</li> </ol>	<p><i>result in personal information or sensitive information on internal working of the City being disclosed. Furthermore, it may result in the review being politicised review, being carried in a public arena.'</i></p> <p><b>Updated Recommendation – Item 3.5</b></p> <ol style="list-style-type: none"> <li>1. Conditionally support the reporting of CEO KPIs that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential nature;</li> <li>2. Do not support the results of performance reviews being published.</li> </ol>

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**Theme 4: Stronger Local Democracy and Community Engagement**

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>4.1 Community and Stakeholder Engagement Charters</b>		
<ul style="list-style-type: none"> <li>It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community.</li> <li>A model Charter would be published to assist local governments who wish to adopt a standard form.</li> </ul>	<p><b>Current Local Government Position</b>                      Items 4.1 and 4.2 <b>generally align</b> with Advocacy Position 2.6.34 - 'Support responsive, aspirational and innovative community engagement principles'</p> <p><i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> <li>Responsive, aspirational and innovative community engagement principles</li> <li>Encapsulation of aims and principles in a community engagement policy, and</li> <li>The option of hosting an Annual Community Meeting to present on past performance and outline future prospects and plans.</li> </ol> <p><b>Comment</b>                      As indicated in Item 4.1 commentary, many Local Governments have already developed stakeholder engagement charters, or similar engagement strategies, that reflect their unique communities of interest. The development of guidance by the DLGSC, based on standards such as the International Standard for Public Participation practice, is supported in favour of taking a prescriptive approach or conducting a survey for the sake of a survey. Item 4.2 has potential to provide benchmarking of community satisfaction levels across Band 1 and 2 Local Governments.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b>  <b>87% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b>                      'Suggest multiple model charters relevant to banding.'                      'Council supports the adoption of a community and stakeholder engagement charter that benefits the community's understanding of the Local Government's processes and decisions.'                      'Supported, however maintain that a proposed model Charter must take into account the varying needs and geographical factors across the sector. The sector must be consulted on the content of the proposed Charter. A community engagement charter, which includes minimum standards for community engagement, allows a streamlined opportunity for local governments to communicate clearly when, how and on what matters the community will be engaged. A charter can help councils identify the matters on which to engage, evaluate the resources needed and provide guidance on the best methods to engage on a particular issue. Council has previously adopted policy COMD 2 Community Engagement.'</p> <p><b>Updated Recommendation – Item 4.1 Supported</b></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)</b>		
<ul style="list-style-type: none"> <li>It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey.</li> <li>Results would be required to be reported publicly at a council meeting and published on the local government's website.</li> <li>All local governments would be required to publish a response to the results.</li> </ul>	As above	<p><b>Member Response:</b> 85% support the proposed reform.</p> <p><b>Indicative Member Comments:</b> 'Supportive although suggest it should be more inclusive to be a community satisfaction survey rather than just ratepayers.'</p> <p><b>Updated Recommendation – Item 4.2</b> Support the conduct of community, rather than ratepayer, satisfaction surveys.</p>
<b>4.3 Introduction of Preferential Voting</b>		
<ul style="list-style-type: none"> <li>Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections.</li> <li>In preferential voting, voters number candidates in order of their preferences.</li> <li>Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect.</li> <li>All other states use a form of preferential voting for local government.</li> </ul>	<p><b>Current Local Government Position</b> Item 4.3 <b>does not align</b> with Advocacy Position 2.5.1 – 'First Past the Post voting system'</p> <p><i>The Local Government sector supports:</i></p> <ol style="list-style-type: none"> <li>Four year terms with a two year spill</li> <li>Greater participation in Local Government elections</li> <li>The option to hold elections through: <ul style="list-style-type: none"> <li>Online voting</li> <li>Postal voting, and</li> <li>In-person voting</li> </ul> </li> <li>Voting at Local Government elections to be voluntary</li> <li>The first past the post method of counting votes</li> </ol> <p><b>Comment</b> It should be noted that the sector's advocacy against compulsory voting and 'All in, All out' 4</p>	<p><b>Member Response:</b> 14% support the proposed reform. 81% oppose the proposed reform.</p> <p><b>Indicative Member Comments:</b> 'Not convinced that the introduction of preferential voting will not discourage party politics and other alliances forming. Could the notion of optional preferential voting be considered?'</p> <p>'Council supports the First Past the Post (FPTP) system as opposed to the differential voting system. The FPTP has been used very effectively in the past and reduces the potential for 'groups' or 'tickets' to form as part of an election campaign. A FPTP system encourages candidates to campaign on their own merits.'</p> <p>'Simply put, there is too great of a risk moving to preferential voting as it will allow for the infiltration</p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
	<p>year terms has been successful and these items are not included in the reform proposals.</p> <p>The introduction of preferential voting will be a return to the system of voting prior to the <i>Local Government Act 1995</i>. The Local Government Advisory Board reported on voting systems in 2006 (<i>Local Government Structural Reform in Western Australia: Ensuring the Future Sustainability of Communities</i>) and provided the following comments in support of both first past the post voting and preferential voting:  <i>'Comments in support of retaining first past the post include:</i></p> <ul style="list-style-type: none"> <li>• <i>Quick to count. Preferential voting is time consuming to count.</i></li> <li>• <i>Easily understood.</i></li> <li>• <i>Removes politics out of campaigning. Preferential will encourage alliances formed for the distribution of preferences and party politics into local government.</i></li> <li>• <i>Preferential voting allows election rigging through alliances or 'dummy' candidates.</i></li> <li>• <i>In a preferential system, the person that receives the highest number of first preference votes does not necessarily get elected.'</i></li> </ul> <p><i>'Comments in support of replacing first past the post include:</i></p> <ul style="list-style-type: none"> <li>• <i>Preferential voting is more democratic and removes an area of confusion.</i></li> <li>• <i>Preferential voting ensures that the most popular candidates are elected who best reflect the will of the voters.</i></li> <li>• <i>Preferential system should be introduced. In FPP elections, candidates work together to get votes for each other. Preferential would make it</i></li> </ul>	<p><i>of party politics and ultimately drive up the costs associated with elections. Online voting needs to be implemented as a priority over voting system.'</i></p> <p><i>'Do not support the introduction of preferential voting, particularly given there is no proposal to make LG voting compulsory. The existing FPTP system functions well and assists in limiting the formation of political factions in Councils.'</i></p> <p><i>'Not Supported as preferential voting has been tried before and removed. First past the post is:</i></p> <ul style="list-style-type: none"> <li>- <i>Simple</i></li> <li>- <i>Quick to count</i></li> <li>- <i>Doesn't promote factionalism</i></li> <li>- <i>Transparent'</i></li> </ul> <p><i>'Strongly opposes the introduction of preferential voting. It is a long-standing position of objection by WALGA and the sector generally that preferential voting is not supported nor needed in local government. We support WALGA's position. Preferential voting in other jurisdictions in Australia is in effect on the premise that voting is compulsory. Compulsory voting should be mandated if preferential voting is adopted. There are no relevant case studies in Australia to reference for preferential voting where voting is not compulsory, so the success of this approach cannot be measured. It is not supported.'</i></p> <p><i>'Council continues to support Optional Preferential voting, as outlined in its submissions to Phase 1- 27 September 2017 and Phase 2 – 30 January 2019 of the most recent review of the Local Government Act 1995. It should be noted that optional preferential voting was also the</i></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
	<p><i>more difficult for this practice to take place.</i></p> <ul style="list-style-type: none"> <li>• <i>FPP does not adequately reflect the wishes of electors when there are three candidates or more.</i></li> <li>• <i>FPP is unsuitable when there is more than one vacancy.</i></li> <li>• <i>Allows for a greater representation from a range of interest groups and prevents domination of elections by mainstream party politics.'</i></li> </ul> <p>The Sector supports first past the post voting for its simplicity and fundamental apolitical nature, therefore the proposed reforms are not supported. Feedback is sought to ensure the advocacy position for first past the post elections remains the preferred option.</p> <p><b>Recommendation</b>  <b>Not currently supported - Local Government feedback requested</b></p>	<p><i>recommendation of the Local Government Review Panel.'</i></p> <p><i>'Generally support WALGA recommendation(s) It is the Councils position that FPP is a less political form of counting votes, the most popular candidate attains the highest number of votes, the second most popular candidate achieves the second highest number of votes, and so on. In rural and remote settings nearly everyone knows all of the candidates personally and so there is unlikely to be unknown candidates sneaking in to power. Preference deals to alter the result to ensure that aligned parties / candidates are elected will politicise what is supposed to be a community role, not a party political one. There is evidence of this leading to poor outcomes for communities and for unwanted pressures on staff and CEOs. Broader political aspirations should not affect the decision making process to the detriment of staff and the wider community. Council does not support this change.'</i></p> <p><b>Updated Recommendation – Item 4.3</b></p> <ol style="list-style-type: none"> <li>1. Support first past the post method of counting votes.</li> <li>2. However, if 'first past the post' is not retained then optional preferential voting is preferred.</li> </ol>
<p><b>4.4 Public Vote to Elect the Mayor and President</b></p>		
<ul style="list-style-type: none"> <li>• Mayors and Presidents of all local governments perform an important public leadership role within their local communities.</li> </ul>	<p><u>Current Local Government Position</u>                      Item 4.4 <b>does not align</b> with Advocacy Position 2.5.2 - 'Election of Mayors and Presidents be at the discretion of Local Government.' <i>Local</i></p>	<p><b>Member Response:</b>                      21% support the proposed reform.                      67% oppose the proposed reform.</p>



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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<ul style="list-style-type: none"> <li>Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4.</li> <li>Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system.</li> <li>A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham.</li> </ul>	<p><i>Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</i></p> <p><b>Comment</b> There are 43 Band 1 and 2 Local Governments with 22 popularly electing the Mayor or President: Band 1 - 15 Band 2 - 7</p> <p>The remaining 21 Local Governments have a Council-elected Mayor or President. The cited examples of the City of Rockingham and City of Stirling electors determining by referendum to change the process for electing the Mayor are examples of the current system working as intended. There is no evidence of elector support for uniform direct election of Mayors.</p> <p><b>Recommendation</b> <b>Not currently supported - Local Government feedback requested</b></p>	<p><b>Indicative Member Comments:</b> <i>'Removing the discretion from local government and requiring bands 1 and 2 Mayors and Presidents to be directly elected while bands 3 and 4 are elected by Councillors neither provides consistency as some will be one or another or discretion of Councillors. The decisions of Councillors should be respected in this regard as this more likely to be reflective of their community's preference. This is not supported.'</i></p> <p><i>'The City does not support a requirement for the role of Mayor or President to be determined by electors. The City considers that its current system of having the Mayor elected directly by Council assists in ensuring the Mayor has the support of the majority of Council. Further, it assists in avoiding party politics.'</i></p> <p><i>A review of all recent election results for the City shows that City's chosen Mayor (in election years during which they are a candidate) has received the highest number of votes from the community for their seat as a Councillor. The City is supportive of introducing further ability of local governments to address and stand down 'rogue' Mayors.'</i></p> <p><b>Updated Recommendation – Item 4.4</b> <b>Support retaining the current provision, that the election of Mayors and Presidents be at the discretion of each Local Government.</b></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>4.5 Tiered Limits on the Number of Councillors</b>		
<ul style="list-style-type: none"> <li>• It is proposed to limit the number of councillors based on the population of the entire local government.</li> <li>• Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers.</li> <li>• The <a href="#">Local Government Panel Report</a> proposed:                             <ul style="list-style-type: none"> <li>○ For a population of up to 5,000 – five councillors (including the President)</li> <li>○ population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President)</li> <li>○ population of above 75,000 – nine to fifteen councillors (including Mayor).</li> </ul> </li> </ul>	<p><b>Current Local Government Position</b>                      Item 4.5 <b>does not align</b> with Advocacy Position 2.5.1 – ‘Councils consist of between six and 15 (including the Mayor/President)’  <i>Local Governments being enabled to determine the number of Elected Members required on the Council between six and 15 (including the Mayor/President)</i></p> <p><b>Comment</b>                      The proposed reform to restrict Local Governments with populations under 5,000 to 5 Council Members does not reflect the varied communities of interest within this grouping. Some Local Governments are essentially regional centres such as the Shires of Katanning (9), Dandaragan (9), Merredin (9), Moora (9) and Northampton (9) (current Councillor numbers bracketed). Local Governments such as the Shire of Ngaanyatjarraku (9) manage substantial land areas, manage isolated communities such as the Shire of Meekatharra (7) and culturally diverse communities such as the Shire of Christmas Island (9). Some Local Governments with populations up to 5,000 warrant a greater number of Councillors to effectively share the representative role that Council Members play within their communities.                      The additional proposed reforms in population categories over 5,000 generally reflect the current Councillor numbers.</p> <p><b>Recommendation</b>                      Recommend 5 to 7 Council Members for populations up to 5,000 and support the remaining proposed reforms.</p>	<p><b>Member Response:</b>  <span style="color: green;">30% support the proposed reform.</span>  <span style="color: red;">65% oppose the proposed reform.</span></p> <p><b>Indicative Member Comments:</b>  <i>‘Suggest that the number of councillors for districts with up to 5,000 electors should be set at between 5 to 7 councillors with the decision determined by the local government.’</i>  <i>‘Council does not have enough information to form a position on the ‘tiered limits of number of councillors. More information is needed to understand the application of the proposed reform relating to how the number of elected members is determined within the individual ranges given. For instance, is it intended that there will be bands within each tier?’</i>  <i>‘Council supports a population of up to 5,000 being permitted to have between 5-7 Councillors, whilst supporting the remaining proposed reforms.’</i>  <i>‘The City supports this Reform, subject to Tier 2 having 7 to 9 Councillors and Tier 3 having a maximum of 13 Councillors. The rationale for this view is that the increase in the number of elected members should be equally relative to the population. Further, the City views 15 Councillors as a significant number that may, without benefit, place an increased financial and resourcing burden on the ratepayer.’</i></p> <p><b>Updated Recommendation – Item 4.5</b>                      Recommend 5 to 7 Council Members for populations up to 5,000 and support the remaining proposed reforms.</p>

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<b>4.6 No Wards for Small Councils (Band 3 and 4 Councils only)</b>		
<ul style="list-style-type: none"> <li>It is proposed that the use of wards for councils in bands 3 and 4 is abolished.</li> <li>Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election.</li> <li>In smaller local governments, the population of wards can be very small.</li> <li>These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes.</li> <li>There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards.</li> </ul>	<p><b>Current Local Government Position</b> There are no advocacy positions in relation to Items 4.6, 4.7, 4.8 or 4.9.</p> <p><b>Comment</b> The proposed reform to discontinue wards in Band 3 and 4 Local Governments brings alignment with the majority and provides that affected Local Governments will no longer have to conduct 8 year ward reviews or make representation to the Local Government Advisory Board to revert to a no wards system. Remaining proposed reforms will improve and clarify election processes.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>77% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'The main issue with this recommended change is for Local Governments that have vast areas and numerous towns/areas that are basically very different to the remainder of the shire.'</i></p> <p><i>'Object to the proposal. Councils and the communities they represent should decide if they retain wards or abolish. The circumstances of each LG district are different and the option should be available.'</i></p> <p><b>Updated Recommendation – Items 4.6 to 4.9 Supported</b></p>
<b>4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility</b>		
<ul style="list-style-type: none"> <li>Reforms are proposed to prevent the use of "sham leases" in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council.</li> <li>The City of Perth Inquiry Report identified sham leases as an issue.</li> <li>Electoral rules are proposed to be strengthened:                         <ul style="list-style-type: none"> <li>A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council.</li> <li>Home based businesses will not be eligible to register a person to vote or run</li> </ul> </li> </ul>	<p>As above</p>	<p><b>Member Response:</b> <b>98% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'Council strongly supports the introduction of tightened rules that provide clear lease requirements for candidate nomination and elector enrolment provisions.'</i></p> <p><i>'Council notes the Department has identified issues surrounding sham leases following recent inquiries. The proposed reforms for Candidate and Voter Eligibility are supported.'</i></p>

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<p>for council, because any residents are already the eligible voter(s) for that address.</p> <ul style="list-style-type: none"> <li>○ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council.</li> <li>● The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases.</li> <li>● The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors.</li> </ul>		
<b>4.8 Reform of Candidate Profiles</b>		
<ul style="list-style-type: none"> <li>● Further work will be undertaken to evaluate how longer candidate profiles could be accommodated.</li> <li>● Longer candidate profiles would provide more information to electors, potentially through publishing profiles online.</li> <li>● It is important to have sufficient information available to assist electors make informed decisions when casting their vote.</li> </ul>	As above	<p><b>Member Response:</b>  <b>95% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b>  <i>'Supported, and note there is limited detail regarding the proposed reforms while further work is to be undertaken to evaluate how longer candidate profiles could be accommodated. To extend candidate profiles in a significant manner may decrease voter participation, genuine engagement, and equity to those drawing a later ballot position. The use of technology may assist to avoid excessively sized voter packs.'</i></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>4.9 Minor Other Electoral Reforms</b>		
<ul style="list-style-type: none"> <li>• Minor other electoral reforms are proposed to include:                             <ul style="list-style-type: none"> <li>○ The introduction of standard processes for vote re-counts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required)</li> <li>○ The introduction of more specific rules concerning local government council candidates' use of electoral rolls.</li> </ul> </li> </ul>	As above	<p><b>Member Response:</b>  <b>88% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b>  <i>'The standardisation and clarification of elections is supported. Other reforms are suggested including on-line voting through a secure central portal in addition to either in person or mail in voting, making it easier for individuals to check their eligibility to vote (through an online service) and to register to vote.'</i></p>

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**Theme 5: Clear Roles and Responsibilities**

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>5.1 Introduce Principles in the Act</b>		
<ul style="list-style-type: none"> <li>It is proposed to include new principles in the Act, including:                             <ul style="list-style-type: none"> <li>The recognition of Aboriginal Western Australians</li> <li>Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal)</li> <li>Community Engagement</li> <li>Financial Management.</li> </ul> </li> </ul>	<p><b>Current Local Government Position</b>                      Item 5.1 <u>generally aligns</u> with Advocacy Position 2.6 - Legislative Intent  <i>Provide flexible, principles-based legislative framework.</i></p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b>                      95% support the proposed reform.</p> <p><b>Updated Recommendation – Item 5.1 Supported</b></p>
<b>5.2 Greater Role Clarity</b>		
<ul style="list-style-type: none"> <li>The <a href="#">Local Government Act Review Panel</a> recommended that roles and responsibilities of elected members and senior staff be better defined in law.</li> <li>It is proposed that these roles and responsibilities are further defined in the legislation.</li> <li>These proposed roles will be open to further consultation and input.</li> </ul> <p>These roles would be further strengthened through <b>Council Communications Agreements</b> (see item 5.3).</p> <p><b>5.2.1 - Mayor or President Role</b></p> <ul style="list-style-type: none"> <li>It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President.</li> <li>While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for:</li> </ul>	<p><b>Current Local Government Position</b>                      Item 5.2 <u>aligns</u> with Advocacy Position 2.6.36 - 'Roles and Responsibilities'</p> <p><i>That clarification of roles and responsibilities for Mayors/ Presidents, Councillors and CEOs be reviewed to ensure that there is no ambiguity.</i></p> <p><b>Recommendation Supported</b></p> <p>5.2.1 As above</p>	<p><b>Member Response:</b>                      98% support the proposed reform.</p> <p><b>Indicative Member Comments:</b>  <i>'Greater clarification between the roles of Mayor/President; Council; Councillors and the CEO is supported. As above, this should be principles based rather than prescriptive. The proposed reforms appear to be very prescriptive and inaccessible. Much of this information could be provided as guidance notes and not need to be legislated.'</i></p> <p><b>Updated Recommendation – Item 5.2 Supported</b></p> <p><b>5.2.1 – Mayor or President Role Member Response:</b>                      100% support the proposed reform.</p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<ul style="list-style-type: none"> <li>○ Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council</li> <li>○ Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act</li> <li>○ Developing and maintaining professional working relationships between councillors and the CEO</li> <li>○ Performing civic and ceremonial duties on behalf of the local government</li> </ul> <p>Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government.</p> <p><b>5.2.2 - Council Role</b></p> <ul style="list-style-type: none"> <li>• It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President.</li> <li>• While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for:                         <ul style="list-style-type: none"> <li>○ Making significant decisions and determining policies through democratic deliberation at council meetings</li> <li>○ Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council</li> <li>○ Providing a safe working environment for the CEO;</li> <li>○ Providing strategic direction to the CEO;</li> </ul> </li> </ul>	<p>5.2.2 As above</p>	<p><b>5.2.2 – Council Role</b>  <b>Member Response:</b>  <b>100% support the proposed reform.</b></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<p>Monitoring and reviewing the performance of the local government.</p> <p><b>5.2.3 - Elected Member (Councillor) Role</b></p> <ul style="list-style-type: none"> <li>• It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors.</li> <li>• While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for:                         <ul style="list-style-type: none"> <li>○ Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward)</li> <li>○ Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council</li> <li>○ Applying relevant law and policy in contributing to the decision-making of the council</li> <li>○ Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions</li> <li>○ Communicating the decisions and resolutions of council to stakeholders and the public</li> <li>○ Developing and maintaining professional working relationships with all other councillors and the CEO</li> <li>○ Maintaining and developing their knowledge and skills relevant to local government</li> <li>○ Facilitating public engagement with local government.</li> </ul> </li> </ul>	<p>5.2.3 As above</p>	<p><b>5.2.3 – Elected Member Role</b>  <b>Member Response:</b>  <b>100% support the proposed reform.</b></p>



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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<p>It is proposed that elected members should not be able to use their title (e.g. "Councillor", "Mayor", or "President") and associated resources of their office (such as email address) unless they are performing their role in their official capacity.</p> <p><b>5.2.4 - CEO Role</b></p> <ul style="list-style-type: none"> <li>• The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council.</li> <li>• To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs.</li> <li>• While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for:                         <ul style="list-style-type: none"> <li>○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions</li> <li>○ Facilitating the implementation of council decisions</li> <li>○ Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council</li> <li>○ Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council</li> <li>○ Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3)</li> <li>○ Overseeing the compliance of the</li> </ul> </li> </ul>	<p>5.2.4 As above</p>	<p><b>5.2.4 – CEO Role</b>  <b>Member Response:</b>  <b>98% support the proposed reform.</b></p> <p><u>Updated Recommendation – Items 5.2.1 to 5.2.4</u>  <b>Supported</b></p>

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Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<p>operations of the local government with State and Federal legislation on behalf of the council</p> <ul style="list-style-type: none"> <li>○ Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council.</li> </ul>		
<p><b>5.3 Council Communication Agreements</b></p>		
<ul style="list-style-type: none"> <li>• In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided.</li> <li>• It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO.</li> <li>• These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided.</li> <li>• A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election.</li> </ul>	<p><b>Current Local Government Position</b> There is no advocacy position in relation to Item 5.3.</p> <p><b>Comment</b> The availability of information not already in the public domain to Councillors under Section 5.92 of the Act can become contentious in the absence of a clear statement in support of the function the Council Member is performing. This can place CEO's in the invidious position of ruling on the availability of a record of the Local Government, when it is also their function under Section 5.41(h) of the Act to 'ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law'. Consistent availability of information motivates this proposed reform and it does not appear that individual Council Communication Agreements will be a means to that end. There is a better case for a uniform approach in the form of a regulated Agreement, in much the same way that the Communication Agreements between Ministers and agencies are based on provisions of the <i>Public Sector Management Act 1994</i>.</p> <p><b>Recommendation</b> <b>Support a consistent, regulated Communications Agreement.</b></p>	<p><b>Member Response:</b> <b>92% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'Overall supports the proposed reforms providing the agreement relevant to the size and scale of the community and a 'one size fits all' approach is not taken.'</i></p> <p><i>'The Council Member – Requests/Contact with City Employees policy provides direction to Council Members on the procedure for submitting requests for information or action from Administration on matters concerning the Local Government. Support a consistent regulated communication agreement which would replace this policy. To be consistent with the LG Act, we suggest this could be referred to as a Council policy rather than differentiated as an "Agreement".'</i></p> <p><b>Updated Recommendation – Item 5.3</b> <b>Support a consistent, regulated Communications Agreement.</b></p>

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Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>5.4 Local Governments May Pay Superannuation Contributions for Elected Members</b>		
<ul style="list-style-type: none"> <li>It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances.</li> <li>Superannuation is widely recognised as an important entitlement to provide long term financial security.</li> <li>Other states have already moved to allow councils to make superannuation contributions for councillors.</li> <li>Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people.</li> <li>Providing superannuation to councillors recognises that the commitment to elected office can reduce a person’s opportunity to undertake employment and earn superannuation contributions.</li> </ul>	<p><b>Current Local Government Position</b> There is no advocacy position in relation to Item 5.4.</p> <p><b>Comment</b> WALGA was in the process of consulting with the sector when this reform was announced. The feedback to date from Local Governments varied. The proposed discretionary approach will permit Local Governments to exercise general competence powers to make their own determination on paying superannuation to Council Members.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> 63% support the reform. 30% oppose the reform.</p> <p><b>Indicative Member Comments:</b> <i>‘Supported. Elected Members should receive superannuation contributions to encourage equality for people represented on Council, and it recognises the commitment to elected office can reduce the opportunity for an Elected Member to undertake employment and earn superannuation contributions. It is for this reason Council support superannuation contributions for Elected Members, on the proviso that it is mandated in legislation.’</i></p> <p><i>‘Not supported. The provision of superannuation may blur the lines between Council Members and staff members. Council Members are not employees. Making payment of superannuation optional would not provide equity across the sector with some local governments choosing to pay and others not. Optional payments may politicise the decision of a local government.’</i></p> <p><b>Updated Recommendation – Item 5.4 Supported</b></p>
<b>5.5 Local Governments May Establish Education Allowances</b>		
<ul style="list-style-type: none"> <li>Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council.</li> </ul>	<p><b>Current Local Government Position</b> Item 5.5 <u>generally aligns</u> with Advocacy Position 2.8 - Elected Member Training <i>Support Local Governments being required to establish an Elected Member Training Policy to</i></p>	<p><b>Member Response:</b> 97% support the proposed reform.</p> <p><b>Indicative Member Comments:</b></p>

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Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<ul style="list-style-type: none"> <li>Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members.</li> <li>Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government.</li> <li>Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors.</li> </ul>	<p><i>encourage training and include budgetary provision of funding for Elected Members;</i>  <b>Comment</b>                      The proposal augments recent Act amendments that require Local Governments to adopt a professional development policy for Council Members. Many Local Governments now budget for training requirements that align with the policy statement.</p> <p><b>Recommendation Supported</b></p>	<p><i>Supported. Many local governments have a policy position with respect to local government contributions for Elected Member education expenses. This initiative falls under the general competency doctrine provided by the Local Government Act and could be dealt with at a policy level, however the City supports a streamlined approach to Elected Member education allowances.</i></p> <p><i>'Strongly support the provisions of expanded and more appropriate professional development for elected members to undertake training that better equips them to undertake the role.'</i></p> <p><b>Updated Recommendation – Item 5.5 Supported</b></p>
<p><b>5.6 Standardised Election Caretaker period</b></p>		
<ul style="list-style-type: none"> <li>A statewide caretaker period for local governments is proposed.</li> <li>All local governments across the State would have the same clearly defined election period, during which:                             <ul style="list-style-type: none"> <li>Councils do not make major decisions with criteria to be developed defining 'major'</li> <li>Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities.</li> </ul> </li> </ul> <p>There are consistent election conduct rules for all candidates.</p>	<p><b>Current Local Government Position</b>                      There is no advocacy position in relation to Item 5.6</p> <p><b>Comment</b>                      WALGA developed a template Caretaker Policy in 2017 on request for a consistent approach. There are no know instances where Caretaker Policy have led to unforeseen or unmanageable consequences impacting on decision-making functions.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b>  <b>78% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b>  <i>'Consultation required. Local Governments should choose whether to have a caretaker period policy. Further considerations should include how existing Elected Members that are candidates carry out Council duties and any restrictions imposed.'</i></p> <p><i>'It is observed that a caretaker period would mean that during a significant part of each two years, Council cannot make decisions and that this would distract from the "requirement for Councillors to act in the best interests of the</i></p>

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Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
		<p><i>district and the residents at all times”, including the run up to each election.’</i></p> <p><b>Updated Recommendation – Item 5.6 Supported</b></p>
<p><b>5.7 Remove WALGA from the Act</b></p>		
<ul style="list-style-type: none"> <li>The <a href="#">Local Government Panel Report</a> recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>.</li> <li>Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity.</li> </ul>	<p><b>Current Local Government Position</b> There is no advocacy position in relation to Item 5.7.</p> <p><b>Comment</b> WALGA is conducting its own due diligence on this proposal, previously identified in the Local Government Review Panel Report. The outcome of this reform would require a transition of WALGA from a body constituted under the Act to an incorporated association. It is important to the Local Government sector that the provisions relating to the mutual self-insurance scheme and tender exempt prequalified supply panels remain in the Act and are not affected by this proposal. Further work is being carried out by WALGA to fully understand the effect this proposal will have on WALGA and the sector.</p> <p><b>Recommendation</b> <b>WALGA to undertake its due diligence on this proposal and advise the sector accordingly.</b></p>	<p><b>Member Response:</b> <b>57% support the proposed reform.</b> <b>25% conditionally support the proposed reform.</b> <b>18% oppose the reform proposal.</b></p> <p><b>Indicative Member Comments:</b> <i>‘If this is to occur, it is important to the Local Government sector that the provisions relating to the mutual self-insurance scheme and tender exempt prequalified supply panels remain in the Act and are not affected by this proposal. Further work is being carried out by WALGA to fully understand the effect this proposal will have on WALGA and the sector. Support recommendation that WALGA undertake its due diligence on this proposal and advise the sector accordingly.’</i></p> <p><i>‘Undecided. While understanding that it is not appropriate to incorporate WALGA in the LG Act, the retention of WALGA’s current preferred supplier program and mutual insurance coverage is a high priority. These WALGA programs reduce the Shire’s financial and compliance costs significantly.’</i></p>

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Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
		<p><b>Updated Recommendation – Item 5.7</b></p> <ol style="list-style-type: none"> <li>1. Support for this proposal is subject to WALGA undertaking further due diligence on the broader implications of the proposal and subsequent consultation with the sector.</li> <li>2. Any proposed reforms ensure that:                             <ol style="list-style-type: none"> <li>a) The Local Government Act retain statutory provisions permitting WALGA to provide the sector with the mutual self-insurance scheme and preferred supplier program tender exemptions; and</li> <li>b) There be no disadvantages to WALGA's capacity to provide services and represent the interests of the sector.</li> </ol> </li> </ol>
<p><b>5.8 CEO Recruitment</b></p>		
<ul style="list-style-type: none"> <li>• It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels.</li> <li>• Councils will be able to select an independent person from the approved list. Councils will still be able to appoint people outside of the panel with the approval of the Inspector.</li> </ul>	<p><b>Current Local Government Position</b> There is no advocacy position in relation to Item 5.8.</p> <p><b>Comment</b> The proposed reform augments the CEO Standards in relation to recruitment introduced in February 2021.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>68% support the reform.</b> <b>26% oppose the reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'Only supported in the instance that there is no additional cost associated with the recruitment and use of a panel member. Whilst an incredibly important decision, CEO recruitment is already a significant expense for smaller local governments and this requirement has the potential to increase it.'</i></p> <p><b>Updated Recommendation – Item 5.8</b> Supported on the proviso that no cost is associated with the use of the panel approved.</p>

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Local Government Reform – Member Response

**Theme 6: Improved Financial Management and Reporting**

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>6.1 Model Financial Statements and Tiered Financial Reporting</b>		
<ul style="list-style-type: none"> <li>The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government.</li> <li>It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects.</li> <li>Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments.</li> <li>The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity.</li> <li>Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments.</li> <li>It is proposed to establish standard templates for <b>Annual Financial Statements</b> for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4.</li> <li><b>Online Registers</b>, updated quarterly (see item 3.4), would provide faster and greater</li> </ul>	<p><b>Current Local Government Position</b>                      Items 6.1 and 6.2 <b>generally align</b> with Advocacy Position 2.6 – Support a size and scale compliance regime and Advocacy Position 2.6.24 – Financial Management and Procurement.</p> <p><i>The Local Government sector:</i></p> <ol style="list-style-type: none"> <li>1. Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of Financial Statements and Annual Budget Statements for the Local Government sector, in consultation with the Office of the Auditor General.</li> <li>2. Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General.</li> </ol> <p><b>Comment</b>                      The Sector has a long-standing position for a broad review of the financial management and reporting provisions of the Act, which remain largely unchanged since commencing in 1996.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b>  <b>98% support the proposed reform.</b>                      Note: Currently a work in progress and subject to future sector consultation.</p> <p><b>Updated Recommendation – Item 6.1 Supported</b></p>

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Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<p>transparency than current annual reports. Standard templates will be published for use by local governments.</p> <ul style="list-style-type: none"> <li>• <b>Simpler Strategic and Financial Planning</b> (item 6.2) would also improve the budgeting process.</li> </ul>		
<b>6.2 Simplify Strategic and Financial Planning</b>		
<ul style="list-style-type: none"> <li>• Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making.</li> <li>• The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public.</li> <li>• In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers.</li> <li>• Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments.</li> <li>• It is proposed that the plans that are required are:                         <ul style="list-style-type: none"> <li>○ Simplified <b>Council Plans</b> that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC</li> <li>○ Simplified <b>Asset Management Plans</b> to</li> </ul> </li> </ul>	<p>As above</p>	<p><b>Member Response:</b>  <b>93% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b>  <i>'This may need a tiered approach rather than a 'one size fits all' template approach. Most small LG Plans service the organisation and community better the simpler they are.'</i></p> <p><i>'Support the current integrated planning framework and see no significant reason for change. It allows for LGs of any size to prepare plans that meet their needs and are within their capacity to be able to complete them.'</i></p> <p><i>Asset management plans can be as simple or as complex as a local government chooses, as can long-term financial plans and integrated rates and revenue systems. It is not clear as to the approach relating to Asset Management Plans. Recommended that there is a basic template that can be used for councils that are not reasonably progressed in this space, whilst councils who have moved to higher level of competency can utilise their own processes as long as the basic template information can be provided in summary form. Suggestion that Tier 1 and 2 LGs review every 4 years.'</i></p>



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Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<p>consistently forecast costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape</p> <ul style="list-style-type: none"> <li>○ Simplified <b>Long Term Financial Plans</b> will outline any long term financial management and sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years</li> <li>○ A new <b>Rates and Revenue Policy</b> (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years)</li> <li>○ The use of simple, one-page <b>Service Proposals</b> and <b>Project Proposals</b> that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become <b>Service Plans</b> and <b>Project Plans</b> added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments</li> </ul>		<p><i>'Not currently supported - local government consultation required before any new requirements and templates are introduced to determine the content and the resource implications.'</i></p> <p><i>'Standard template plans for reporting is supported however this should not restrict larger local governments from developing and using more comprehensive and detailed plans.'</i></p> <p><b><u>Updated Recommendation – Item 6.2 Supported</u></b></p>

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PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>6.3 Rates and Revenue Policy</b>		
<ul style="list-style-type: none"> <li>The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure.</li> <li>A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services.</li> <li>The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs.</li> <li>A template would be published for use or adaption by all local governments.</li> </ul> <p>The <a href="#">Local Government Panel Report</a> included this recommendation.</p>	<p><b>Current Local Government Position</b> Item 6.3 <b>generally aligns</b> with Advocacy Position 2.1.6 - Rate Setting and WALGA's <a href="#">Rate Setting Policy Statement</a>. <i>Councils' deliberative rate setting processes reference their Integrated Planning Framework – a thorough strategic, financial and asset management planning process – and draw upon the community's willingness and capacity to pay.</i></p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>90% support the proposed reform.</b></p> <p><b>Indicative Member Comments:</b> <i>'Support the introduction of the Rates and Revenue Policy to improve transparency and access to simplified information by ratepayer. The provision of a template for use or adaption by local governments will support efficient adoption of this requirement.'</i></p> <p><i>'Support, however should be included in the Long Term Financial Plan. Do not support a separate rates and revenue policy and recommend that there is a section in the LTFP that captures the objectives that the DLGSC are aiming to achieve. This will ensure the forecast is included in the LTFP.'</i></p> <p><b>Updated Recommendation – Item 6.3 Supported</b></p>
<b>6.4 Monthly Reporting of Credit Card Statements</b>		
<ul style="list-style-type: none"> <li>The statements of a local government's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis.</li> <li>This provides oversight of incidental local government spending.</li> </ul>	<p><b>Current Local Government Position</b> There is no advocacy position in relation to Item 6.4.</p> <p><b>Comment</b> This proposed reform reflects widespread common practice for credit card transactions to be included in monthly financial reports and lists of accounts paid.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>98% support the proposed reform.</b></p> <p><b>Indicative Member Comment:</b> <i>'Support monthly reporting of credit card statements and notes that these statements are already provided by the Local Government.'</i></p> <p><b>Updated Recommendation – Item 6.4 Supported</b></p>

**Item 8.2 - WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION**

Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>6.5 Amended Financial Ratios</b>		
<ul style="list-style-type: none"> <li>Financial ratios will be reviewed in detail, building on work already underway by the DLGSC.</li> <li>The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful.</li> </ul>	<p><b>Current Local Government Position</b> Item 6.5 <b>aligns</b> with Advocacy Position 2.6.25 - Review and reduce financial ratios. <i>Advocate to the Minister for Local Government to amend the Local Government (Financial Management) Regulations 1996 to prescribe the following ratios:</i></p> <ul style="list-style-type: none"> <li>a. Operating Surplus Ratio,</li> <li>b. Net Financial Liabilities Ratio,</li> <li>c. Debt Service Coverage Ratio, and</li> <li>d. Current Ratio.</li> </ul> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>95% support the proposed reform.</b></p> <p>Note: Currently a work in progress and subject to future sector consultation.</p> <p><b>Updated Recommendation – Item 6.5 Supported</b></p>
<b>6.6 Audit Committees</b>		
<ul style="list-style-type: none"> <li>To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government.</li> <li>Audit Committees would also need to consider proactive risk management.</li> <li>To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees.</li> <li>The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson.</li> </ul>	<p><b>Current Local Government Position</b> Item 6.6 <b>does not align</b> with Advocacy Position 2.2.4 – Accountability and Audit</p> <p><i>That audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority and chair.</i></p> <p><b>Comment</b> The Sector's view is well established, that the Council must maintain, and be seen by the community to have, majority involvement and investment in the purpose of an Audit Committee. There is sector support for some independent members on the Audit Committee, however not a majority.</p>	<p><b>Member Response:</b> <b>9% support the reform proposal.</b> <b>89% oppose the reform proposal.</b></p> <p><b>Indicative Member Comments:</b> <i>'Do not support a majority of the Audit Committee, and the chair, being independent members. Councillors should be the majority on the Audit Committee as it currently struggles to have one or two independent members for the existing audit committee. Council supports the opportunity to share a Regional Audit Committee with neighbouring local governments.'</i></p> <p><i>'Partial support WALGA position with:</i></p> <ul style="list-style-type: none"> <li>1. strong opposition to the majority independent committee members for the audit committee noting the number (lack of)</li> </ul>

**Item 8.2 - WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION**

Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
	<p>The dual effect of the proposed reform is to guarantee a place for a majority of independent persons on Audit Committees, with the additional requirement that an independent person Chair this Committee. Presently, not all Local Government Audit Committees are able to include an independent person. This may be for a variety of reasons not least of which is a lack of suitable, available candidates with the required qualification, skill and experience.</p> <p>It would be counter-productive if the proposed reforms led to the appointment of unsuitable independent persons to a skills-based role. The concept of Regional Audit Committees has apparent merit in this case but there is no detail regarding practicalities; for example, is the Regional Audit Committee intended to include the same independent persons who will meet separately with each Local Government within the region?</p> <p>There is too little certainty that the imperative question of appropriate representation will be managed as a consequence of the proposed reforms for it to be supported.</p> <p>The proposal for the Audit Committees to also consider proactive risk management is supported.</p> <p><b>Recommendation</b></p> <ol style="list-style-type: none"> <li><b>1. Do not support majority independent members of the Audit Committee</b></li> <li><b>2. Support Audit Committees of Local Government with an Elected Member majority including independent</b></li> </ol>	<p><i>of qualified independent persons in small communities.</i></p> <ol style="list-style-type: none"> <li><i>2. strong opposition to independent chair, again noting the number of qualified independent persons in small communities.'</i></li> </ol> <p><i>'Support the current provisions in how local government Audit Committees are formed and their role. A local government may choose to appoint independent members to an Audit Committee and that independent member may be appointed as Chair. OAG now oversees all local government financial audits and conducts performance audits. The OAG involvement has seen increased audit costs for the sector and an additional layer of oversight. Depending on the size of an organisation some local governments have a dedicated Internal Audit Function. Independent audit committee members will come at a cost. The formation and member composition should be based on the local government's risk profile not imposed by law.'</i></p> <p><i>'Does not support the majority of Audit Committee members being independent - this erodes the role of Councillors and the fundamentals of democracy.'</i></p> <p><b>Updated Recommendation – Item 6.6</b></p> <ol style="list-style-type: none"> <li><b>1. Support the role of the Office of the Auditor General as the responsible entity for independent oversight of Local Government audits.</b></li> <li><b>2. Support Audit Committees of Local Government with an Elected Member majority including independent members,</b></li> </ol>

**Item 8.2 - WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION**

Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
	<p>members, and to consider proactive risk management issues</p>	<p>and to consider proactive risk management issues.</p> <p>3. Support the proposal to establish shared regional Audit Committees</p> <p>4. Support the appointment of an independent member as chair of the Audit Committee to remain at the discretion of each Local Government.</p> <p>5. Support the payment of meeting fees or defined reimbursements to independent Audit Committee members.</p>
<b>6.7 Building Upgrade Finance</b>		
<ul style="list-style-type: none"> <li>Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures.</li> <li>This would allow local governments to lend funds to improve buildings within their district.</li> <li>Limits and checks and balances would be established to ensure that financial risks are proactively managed.</li> </ul>	<p><b>Current Local Government Position</b> Item 6.7 <b>aligns</b> with Advocacy Position 2.6.26 - Building Upgrade Finance.</p> <p><i>The Local Government Act 1995 should be amended to enable a Building Upgrade Finance mechanism in Western Australia.</i></p> <p><b>Comment</b> Building Upgrade Finance would enable Local Governments to guarantee finance for building upgrades for non-residential property owners. In addition to building upgrades to achieve environmental outcomes, Local Governments have identified an opportunity to use this approach to finance general upgrades to increase the commercial appeal of buildings for potential tenants. In this way, BUF is viewed as means to encourage economic investment to meet the challenges of a soft commercial lease market and achieve economic growth.</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>69% support the current Sector position.</b></p> <p><b>Indicative Member Comment:</b> <i>'Supported, subject to robust regulatory controls being in place to prevent abuse such as nepotism or conflicts of interest. The City supports the principles behind local governments providing loans to third parties for specific building improvements which would allow local governments to lend funds to improve buildings within their district, however it is noted such practices would require sufficient governance controls in place to ensure financial risks are managed, and the process is equitable and in the best interests of the community.'</i></p> <p><i>'Not supported. The guarantee mechanism transfers risk from the market to the local government when banks or commercial entities do not see potential for value realisation.'</i></p> <p><b>Updated Recommendation – Item 6.7 Supported</b></p>

**Item 8.2 - WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION**

Local Government Reform – Member Response

PROPOSED REFORMS	WALGA COMMENTS	RECOMMENDATIONS
<b>6.8 Cost of Waste Service to be Specified on Rates Notices</b>		
<ul style="list-style-type: none"> <li>It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service).</li> <li>This would provide transparency and awareness of costs for ratepayers.</li> </ul>	<p><b>Current Local Government Position</b> There is no advocacy position in relation to Item 6.8.</p> <p><b>Comment</b> This proposed reform will require a relatively simple calculation,</p> <p><b>Recommendation Supported</b></p>	<p><b>Member Response:</b> <b>95% support the current Sector position.</b></p> <p><b>Indicative Member Comment:</b> 'Support this proposed reform and already provide this information on rates notice.'</p> <p>'Support this reform, noting this will require a relatively simple change and improve costs awareness for rate payers.'</p> <p><b>Updated Recommendation – Item 6.8 Supported</b></p>

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**Item 8.2 - WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION**

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Local Government Reform – Member Response

### **Additional Reform Proposals**

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In December 2020, WALGA State Council considered the sector's feedback on the discussion paper 'Advocacy Positions for a New Local Government Act: Key Issues from Recent Inquiries into Local Government' (Rec: 142.6/2020).

It is **recommended** that the Local Government Reform Proposals process be conducted in alignment with the following WALGA advocacy position.

#### **Legislative Intent**

That the following key principles be embodied in the Local Government Act:

1. Uphold the general competence principle currently embodied in the Local Government Act
2. Provide for a flexible, principles-based legislative framework
3. Promote a size and scale compliance regime
4. Promote enabling legislation that empowers Local Government to carry out activities beneficial to its community taking into consideration Local Governments' role in creating a sustainable and resilient community through:
  - a. Economic development;
  - b. Environmental protection; and
  - c. Social advancement
5. Avoid red tape and 'de-clutter' the extensive regulatory regime that underpins the Local Government Act, and
6. The State Government must not assign legislative responsibilities to Local Governments unless there is provision for resources required to fulfil the responsibilities.

It is **recommended** that the following additional advocacy positions be included in the sector's response:

#### **Rating Exemptions**

That an independent review of all rate exemptions be undertaken.

#### **Fees and Charges**

That:

1. An independent review be undertaken to remove fees and charges from legislation and regulation; and
2. Local Government be empowered to set fees and charges for Local Government services.

#### **Financial Management and Procurement**

That the Local Government sector:

- Supports Local Governments being able to use freehold land to secure debt; and
- Supports the alignment of Local Government procurement thresholds, rules and policies with the State Government.

**Item 8.2 - WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION**

Local Government Reform – Member Response

**Disposal of Property Exemption**

Regulation 30 (3) of the *Local Government (Functions and General) Regulations 1996* should not include any financial threshold limitation on a disposition where it is used exclusively to purchase other property. The current limit is \$75,000 and this type of activity commonly applies to a trade-in situation.

**Tender Exemption General Practitioner Services**

That the reform proposals provide for inclusion of a tender exemption for General Practitioner (GP) services under Part 4, Division 2 of the *Local Government (Functions and General) Regulations 1996*, to support Local Governments to secure and retain necessary primary health care services for their communities.

**Technical Amendment Proposals**

WALGA's Governance and Organisational Service team monitors the Local Government Act and associated regulations for inconsistencies and potential error. The following matters are proposed for inclusion in the reform process.

**Part 4 – Elections and other Polls**

<p>s.4.9 <i>Election day for extraordinary elections</i></p>	<p>Section 4.9(1)(a) provides that the President/Mayor <b>may</b> exercise authority to determine the extraordinary election day, if not already fixed under paragraph (b), with s.4.9(1)(b) stating 'if a day has not already been fixed under paragraph (a)'</p> <p>Additionally, s.4.17 provides for Council to determine, with approval of the Electoral Commissioner, to allow a vacancy to remain unfilled. This has potential to lead to a further anomaly in the exercise of power under s.4.9(1)(a) and (b).</p> <p><b><u>Recommend legislative amendment that brings chronological order to the decision-making powers for considering vacancies and determination of extraordinary election day.</u></b></p>
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**Part 5 – Administration**

<p>s.5.36(4) &amp; (5A)  Admin. r.18A(2)  <i>Local government employees</i></p>	<p>Administration Regulations, Schedule.2, clause 6 requires a Local Government to advertise the position of CEO <u>if the position is vacant</u>. Regulations do not, however, prescribe classes of persons under s.5.36(5A). Compliance with Admin.r.18A(2) advertising is unrealistic when a CEO leaves the Local Governments employment with little or no notice period.</p> <p>The WALGA Template Policy for Temporary Employment or Appointment of CEO (s.5.39C), includes protocols for Temporary CEO appointments.</p> <p><b><u>Recommend regulations be made under s.5.36(5A) prescribing classes of persons as a 'temporary CEO appointed under short term contract, where the person appointed is NOT an existing employee of the Local Government'.</u></b></p>
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**Item 8.2 - WALGA SPECIAL COUNCIL MEETING - LOCAL GOVERNMENT REFORM PROPOSAL SUBMISSION**

Local Government Reform – Member Response

<p>s.5.94</p> <p><i>Public can inspect certain local government information</i></p>	<p>The Act requires public access or inspection rights for documents that contain personal information, i.e. electoral roll, owner / occupier, rate record [s.5.94(m) and (s)]. The Act only limits the right to access this information where the CEO is unable to be satisfied that the information will not be used for a commercial purpose [Admin.r.29B ].</p> <p>WALGA members have expressed concern of the risks that may extend to information when combined with other personal information, for example, cyber security / identity theft risks or personal safety risks.</p> <p><b><i>Recommend there be an analysis of the public benefit versus public risk arising from statutory provisions that requires public disclosure of documents containing personal details (i.e. electoral rolls, rate record) in the context of the potential for this information to be manipulated or misused for improper purposes.</i></b></p>
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Local Government (Administration) Regulations 1996

<p>Admin.r. 29D</p> <p><i>Period for which information to be kept on official website</i></p>	<p>Requires list of council members and staff positions that provide primary and annual returns to be kept on the website for 5 years. S.5.88(3) requires returns to be removed from the register when a person is no longer relevant. Admin.r.29D is inconsistent with s.5.88(3), meaning that the names and positions will remain on the website despite the returns being removed from the Financial Interests Register.</p> <p><b><i>Recommend amending Admin.r.29D so that it is consistent with s.5.88(3).</i></b></p>
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<b>8.3 WALGA ZONE STATUS REPORT</b>	
<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**  
 This Status Report provides an update on the WALGA response to relevant Kimberley Zone Resolutions.

**BACKGROUND**

Previous Considerations

Joint Meeting November 2021	Item 8.2
Joint Meeting 28 August 2021	Item 8.3
Joint Meeting 28 June 2021	Item 9.8
Joint Meeting 20 April 2021	Item 11.1

**COMMENT**

Following the submission of resolutions from the Kimberley Zone, WALGA has provided responses in the attached Zone Status Report November 2021 (attached). The following summary is provided for each of the resolutions submitted to WALGA.

*Kimberley Zone Item 9.8 29 June 2021 Rating of Aboriginal Land*

<b><u>KIMBERLEY REGIONAL GROUP RESOLUTION:</u></b>	
<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0621/010</b>
<b>Moved: Cr G Haerewa</b>	<b>Seconded: Cr M Edwards</b>
<b>That the Kimberley Regional Group writes to WALGA to:</b>	
<ol style="list-style-type: none"> <li><b>Highlight the emerging issue of the rating process on Aboriginal lands, and</b></li> <li><b>Request that WALGA write to the State Government to seek clarification about how land uses on Aboriginal Lands should be treated across a range of contexts and tenures.</b></li> </ol>	
<b>CARRIED UNANIMOUSLY 4/0</b>	

**WALGA Response**

The issue of Rating Exemptions is one of the main areas of WALGA’s advocacy in respect to Local Government Act amendments. The rating exemptions that are of concern for the sector relate to the following:

- Rating of Charitable Purpose properties

- Department of Housing: Leasing to Charitable Organisations
- Government Trading Entities
- State Agreement Act projects
- State Owned Unallocated Crown Land

On this basis, the Local Government sector supports an independent review of all rating exemptions to enhance equity among ratepayers in the community.

The State Government has been advised of the WALGA position and a copy of the WALGA Rating Review Advocacy item is attached.

*Kimberley Zone Item 11.1 20 April 2021 Disaster relief and recovery funding arrangements*

**KIMBERLEY REGIONAL GROUP RESOLUTION:**  
**(REPORT RECOMMENDATION)** **Minute No. KRG/0421/007**  
**Moved: Cr D Menzel** **Seconded: Cr M Edwards**  
**That the Kimberley Zone:**  
 1. **Express dissatisfaction with current disaster relief and recovery funding arrangements and call for urgent action from the State Government to investigate and address these shortcomings.**  
 2. **Seek WALGA advocacy to support the motion.**

**CARRIED UNANIMOUSLY 4/0**

**WALGA Response**

WALGA has endorsed advocacy positions seeking improvements to disaster relief and recovery funding including assessment periods, eligibility of certain costs and improving resilience of reconstructed infrastructure. Regular meetings with DFES and Main Roads officers are on-going. Detailed evidence of examples where the process is not effective have been collected and continue to be. Timelines for decision-making and an escalation process would seem to be an important addition to the process.

Note: The KRG met with the Hon Stephen Dawson MLC to discuss the roll out of the disaster relief funding arrangements in WA.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

Recognition of Kimberley Local Government issues and opportunities

**Built Environment Goal – Improved and secure transport, communications, community and essential services:**

Improved regional arterial road network, ports and airports

**Economy Goal – A sustainable and diverse economy:**

Sustainable Local Government revenue

Improved regional infrastructure

**VOTING REQUIREMENTS**

*Simple Majority*

**COMMITTEE RESOLUTION:**

**(REPORT RECOMMENDATION)**

*Minute No. KRG/0222/004*

*Moved: Cr C Mitchell*

*Seconded: G Haerewa*

*That the Kimberley Zone notes the WALGA Zone Status Report February 2022.*

***CARRIED UNANIMOUSLY 4/0***

**Attachments**

There are no attachments for this report.



**9. REPORTS FROM KIMBERLEY REGIONAL GROUP**

<b>9.1 BUSINESS PLAN PROGRESS REPORT</b>	
<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**  
 The Strategic Community Plan and Business Plan for the period 2020-2024 was adopted in June 2021. This report provides an update on progress towards the achievement of the Business Plan which has a four year horizon.

**BACKGROUND**

Previous Considerations

Nil.

**COMMENT**

The Strategic Community Plan and Business Plan for the period 2021-2025 was adopted in June 2021. The summary report attached provides an update on progress towards the achievement of the Business Plan.

Key matters addressed in the Business Plan include:

- Liaison with the Department and meeting with the Hon Minister Papalia MLA in relation the process for adding people to the Banned Drinkers Register and exceptionally high crime levels across the Kimberley. Meeting request for the Hon Tony Buti MLA re alcohol restrictions.
- Organisation and position statement development for meeting with the Hon Sue Ellery MLC to improve educational outcomes and school attendance.
- Meeting with the Hon John Carey MLA in relation to poor affordability and substandard social housing in the Kimberley.
- Meeting with the Hon Stephen Dawson in relation to the rollout of the Disaster Relief Funding in Western Australia.

The attached report provides the linkages to the Strategic Community Plan and Business Plan for the period 2020-2024.

**CONSULTATION**

Nil.

#### **STATUTORY ENVIRONMENT**

***Local Government Act 1995***

#### **FINANCIAL IMPLICATIONS**

Nil.

#### **STRATEGIC IMPLICATIONS**

##### **Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

Secure funding for regional initiatives

Recognition of Kimberley Local Government issues and opportunities

Alignment and integration of regional and local priorities for member Councils.

##### **Natural Environment Goal – Responsible management of the environment:**

Integrated waste management

##### **Built Environment Goal – Improved and secure transport, communications, community and essential services:**

Liveable towns supporting regional communities

Improved regional arterial road network, ports and airports

Adequate land supply

High standard of infrastructure planning

Reliable and adequate power and communications.

##### **Community Goal – A vibrant community based on equity, inclusion and opportunity for all:**

Innovative and joined up approach to housing development, ownership and design through community participation

Improved Kimberley regional outcomes in health

Improved Kimberley regional outcomes in education

Greater participation in the community and workforce

Better alcohol management across the Kimberley.

**Economy Goal – A sustainable and diverse economy:**

Generational advantage that captures the wealth for the region

Improved outcomes in employment

Improved regional infrastructure

**VOTING REQUIREMENTS**

*Simple Majority*

**COMMITTEE RESOLUTION:**

<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0222/005</b>
<b>Moved: M Edwards</b>	<b>Seconded: G Haerewa</b>
<b>That the Kimberley Regional Group notes the Business Plan Update as attached.</b>	
<b>CARRIED UNANIMOUSLY 4/0</b>	

**Attachments**

1. Business Plan Update February 2022



**Item 9.1 - BUSINESS PLAN PROGRESS REPORT**

**ACTIVITY AGAINST THE BUSINESS PLAN**

NOTE: Only matters in the Business Plan responded to this period are reported.

**Our People**

Goal 1: A vibrant community based on equity, inclusion and opportunity for all.

OUTCOME	STRATEGY	ACTIONS
1.1 Substance abuse and associated harm is reduced.	1.1.2 Advocate for fit for purpose and consistent alcohol management systems in the Kimberley.	1.1.2.1 Meet with relevant Ministers to discuss next steps to reduce alcohol related harm. 1.1.2.2 Meet with State Government officers to discuss next steps to reduce alcohol related harm.
ACTION: Meeting with the Minister for Police, the Hon Paul Papalia and staff within the Department of Local Government, Sport and Cultural Industries in relation to the Banned Drinkers Register. Request for meeting with the Minister for Racing and Gaming, the Hon Tony Buti in relation to the Banned Drinkers Register rollout.		
1.2 Kimberley regional health outcomes improve.	1.2.1 Advocate for key health equipment, such as dialysis machines, to be available throughout the Kimberley.	1.2.1.1 Correspond and meet with relevant Ministers to discuss timeframes in relation to budget items and election promises.
ACTION: Ongoing liaison to establish a follow up meeting with the local member.		
1.3 Crime is reduced both across the region and by location	1.3.2 Advocate for improved management of youth anti-social behaviour including funding for diversion programs.	1.3.2.1 Monitor funding allocated or committed to the provision of diversion programs across the Kimberley.
ACTION: Development of a 14 point position statement on creating a "Youth Friendly Kimberley" which includes management of anti-social behavior. Meeting with the Minister for Police the Hon Paul Papalia MLA on record crime rates in the Kimberley. Meeting scheduled with the Minister for Corrective Services the Hon Bill Johnston.		
1.5 School attendance improves with a higher number of students graduating year 12.	1.5.1 Advocate for fit for purpose education facilities and pedagogy to improve school attendance and outcomes.	1.5.1.1. Develop and advocacy document to support the provision of fit-for-purpose education facilities and pedagogy.
	1.5.2 Advocate for enhanced post	1.5.2.1 Develop an advocacy document (in conjunction with

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**Item 9.1 - BUSINESS PLAN PROGRESS REPORT**

	school employment pathways.	1.5.1.1) to support the provision of enhanced post school employment pathways.
1.5.1.1 Meeting scheduled with the Minister for Education, the Hon Sue Ellery MLC, in relation to poor educational outcomes in the Kimberley and strategies to improve attendance rates.		
1.6 Fit for purpose housing is available to meet individual and community needs.	1.6.1 Advocate for appropriate housing typology, location and volume to meet the changing needs of the community.	1.6.1.1 Monitor housing availability and affordability. 1.6.1.2 Advocate for improved housing affordability and availability when stock levels fall below market expectations.
ACTION: Initial data analysis for a background paper on housing shortages and meeting with the Minister for Housing, the Hon John Carey.		

Our Place

Goal 2.

Our region will become a leader in creating a sense of place and liveability whilst preserving history, culture and our unique environment.

OUTCOME	STRATEGY	ACTIONS
2.1 Our towns provide a variety of public spaces that welcome local residents and visitors with shaded spaces and safe access.	2.1.1 Advocate for funding to support master planning and urban renewal.	2.1.1.1 Ensure the Infrastructure Prospectus remains up to date. 2.1.1.2 Advocate to relevant Ministers in relation to the Infrastructure Prospectus.
2.3 We have liveability attractors including sufficient and fit for purpose recreation areas, aquatic facilities, libraries, sporting facilities and a variety of leisure experiences.	2.3.1 Advocate for funding for liveability attractors.	2.3.1.1 Ensure the Infrastructure Prospectus remains up to date.
ACTION: Ongoing promotion		
2.5 A reduced ecological footprint for the region (cont).	2.5.4 Advocate for affordable and reliable energy with a lower carbon footprint.	2.5.4.1 Develop an advocacy paper on energy with that will deliver affordable and reliable energy with a lower carbon footprint.
ACTION: In progress – waiting for additional information.		

**Item 9.1 - BUSINESS PLAN PROGRESS REPORT**

Our Prosperity

Goal 3.

The potential of the Kimberley as a strong and diversified economy is realised with benefits retained in the region and the opportunity to participate available to all.

OUTCOME	STRATEGY	ACTIONS
3.1 The Kimberley region is prosperous with a diversified and sustainable economy.	3.1.1 Advocate for the infrastructure required to attract and retain business and projects in the region.	3.1.1.1 Monitor the Kimberley Infrastructure Prospectus and update annually.
		3.1.1.2 Advocate for agreed infrastructure to attract and retain business and projects in the Kimberley.
ACTION: Ongoing. Letters of support for nbn projects in Wyndham and Fitzroy Crossing.		
3.2 Local businesses and jobs are enhanced through opportunity created through private and government investment.	3.2.2 Advocate for local jobs creation in all new projects to reduce reliance on a FIFO workforce.	3.2.2.1 Promote opportunities and benefits in the Kimberley for the use of a local workforce.
		3.2.2.2 Monitor and identify current and potential barriers to a local workforce and advocate mitigation of those issues.
ACTION: Ongoing		
3.5 Our infrastructure is protected from known and potential threats.	3.5.1 Advocate for improved protection and recovery from natural and other disasters.	3.5.1.1 Advocate for appropriate processes and timeframes for state responses to disasters including funding for recovery projects.
	3.5.2 Advocate for improved Protection from global threats.	3.5.2.1 Monitor global threats and provide and intermittent report on any increased threat. 3.5.2.2 Advocate on the vulnerability of the north of the State to hostile actions towards key infrastructure.
ACTION: Nil this period		

**Item 9.1 - BUSINESS PLAN PROGRESS REPORT**

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Our Performance

Goal 4

As a collective, we will support the delivery of excellence in governance and service delivery that is relevant and of value.

Outcomes		Strategy		Action	
4.1	Shire resources are maximised.	4.1.1	Facilitate shared tendering and contracting where regional benefit can be achieved.	4.1.1.1	Identify projects where shared tendering and contracting processes will be mutually beneficial.
ACTION: Ongoing support for the Kerbside tender contract review – noting the deferral due to the longer timeframes for the purchase of vehicles for proponents.					

**9.2 CONSULTANT REPORT**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This report provides an overview of the activity undertaken by the consultant to support the activities of the WALGA Kimberley Country Zone (Zone) and the Kimberley Regional Group (KRG).

**BACKGROUND**

Previous Considerations

Nil.

**COMMENT**

- Coordination of the Zone response on the Local Government Reform Submission.
- Development of discussion papers associated with crime, housing and youth.
- Liaison with Ministers and members of parliament including:
  - The Hon Steve Dawson, Minister for Emergency Services.
  - The Hon John Carey MLA, Minister for Housing.
  - Hon Tony Buti MLA Minister for Aboriginal Affairs; Racing & Gaming.
  - Hon Sue Ellery MLC, Minister for Education.
  - Hon Simone McGurk, Minister for Child Protection, Prevention of Family and Domestic Violence.
  - Hon Bill Johnston, Minister for Corrective Services.
  - Member for the Kimberley, Davina D’Anna.
- Preparation of media speaking points and media liaison.
- Follow up on the Defence Industry media articles and submission to the NWDA.
- Follow-up on the regional connectivity program and liaison with NBN Co.
- Organisation of the February meeting including change of venue.
- Request for extension for submissions by licensees in relation to the availability of packaged liquor in the Kimberley.

The full report has been circulated under separate cover.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Alignment and integration of regional and local priorities for member Councils.

**VOTING REQUIREMENTS**

*Simple Majority*

**COMMITTEE RESOLUTION:**

<b>(REPORT RECOMMENDATION)</b>	<b>Minute No. KRG/0222/006</b>
<b>Moved: D Menzel</b>	<b>Seconded: Cr C Mitchell</b>
<b>That the Kimberley Regional Group notes the Consultant Report provided by ATEA Consulting.</b>	
<b>CARRIED UNANIMOUSLY 4/0</b>	

*The Chair acknowledged the departing Executive Officer, Debra Goostrey, and thanked her for her outstanding efforts during her tenure.*

**Attachments**

There are no attachments for this report.

**9.3 STRATEGIC POSITION**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	KRG01
<b>AUTHOR:</b>	Zone Executive
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

To develop a strategic position in relation to the rising antisocial behaviour and crime across the region.

**BACKGROUND**

Previous Considerations

Nil

**COMMENT**

The Kimberley Regional Group provides leadership across the region and are seeking to establish a strategic position in relation to the complex matters driving the record levels of crime and anti-social behaviour across the region.

Draft papers have been developed and circulated separately based on feedback received from the KRG.

This item facilitates the suspension of standing orders to enable free discussion of the issues and development of an agreed position for dissemination to Government and other key stakeholders.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

**Governance Goal – A collaborative group demonstrating strong regional governance:**

Effective governance protocols and systems for business efficiency and improved services through collaboration

Secure funding for regional initiatives

Effective engagement with Aboriginal governance structures

Recognition of Kimberley Local Government issues and opportunities

Alignment and integration of regional and local priorities for member Councils.

**Community Goal – A vibrant community based on equity, inclusion and opportunity for all:**

Innovative and joined up approach to housing development, ownership and design through community participation

Improved Kimberley regional outcomes in health

Improved Kimberley regional outcomes in education

Greater participation in the community and workforce

Better alcohol management across the Kimberley.

**Economy Goal – A sustainable and diverse economy:**

Generational advantage that captures the wealth for the region

Improved outcomes in employment

Improved regional infrastructure

**VOTING REQUIREMENTS**

*Simple Majority*

<b><u>REFER ITEM:</u></b>	
	<i>Minute No. KRG/0222/007</i>
<b>Moved: D Menzel</b>	<b>Seconded: Cr C Mitchell</b>
<b>RECOMMENDATION:</b>	
<i>That the Kimberley Regional Group:</i>	
1. <i>Notes the item, and;</i>	
2. <i>Suspends standing orders to enable free discussion of key issues.</i>	
<i>That item be referred back to Council at the next most suitable meeting of Council.</i>	
<b>CARRIED UNANIMOUSLY 4/0</b>	

**Attachments**

Nil





**10. CORRESPONDENCE**

**10.1 CORRESPONDENCE OUT**

<b>To</b>	<b>Subject</b>
Hon Bill Johnston MLA	Request for meeting regarding the Kimberley Juvenile Justice Strategy
Hon Simone McGurk MLA	Improving opportunities for youth and families in the Kimberley
Hon Sue Ellery MLC	Improving Educational Opportunities for Youth in the Kimberley
Hon Tony Butil MLA	Improving Opportunities for Kimberley Youth, BDR
Hon Tony Butil MLA	Congratulations on Ministerial Appointment
Hon Stephen Dawson MLC	Congratulations on Ministerial Appointment and Disaster Relief Funding Arrangements
Hon John Carey	Congratulations on Ministerial Appointment and housing issues in the Kimberley
Hon Reece Whitby MLA	Congratulations on Ministerial Appointment
Mark Davis NBN Co	Support Fitzroy Crossing Fibre to the Premise Project Funding Application
Mark Davis NBN Co	Support Wyndham Fibre to the Premise Project Funding Application

**Attachments**

1. Correspondence Out

**Item 10.1 - CORRESPONDENCE OUT**



1 February 2022

Hon Simone McGurk  
 Minister for Child Protection; Women's Interests;  
 Prevention of Family and Domestic Violence;  
 Community Services  
 8th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

By email: Minister.McGurk@dpc.wa.gov.au

Dear Minister

**Re Meeting on improving Opportunities for Youth and Families in the Kimberley**

On behalf of member Shires, I write to request a meeting with you to discuss the deteriorating outcomes for some youth and families in the Kimberley with rising domestic violence, child neglect and antisocial behaviour.

The Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

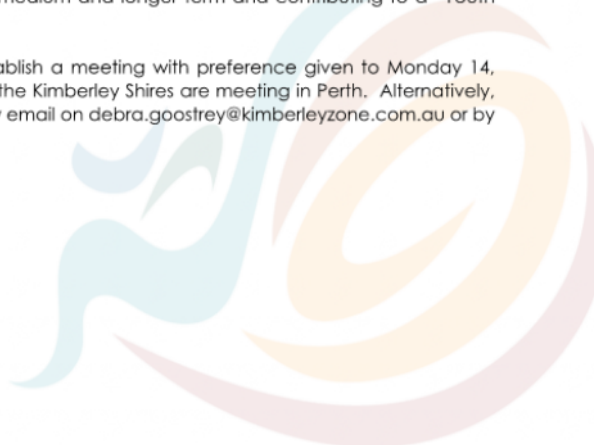
The causal factors for the increasingly desperate situation in the Kimberley are complex and we seek to collaborate with the State Government to find meaningful solutions for individuals, families and communities.

It is recognised that your portfolio is only part of the broader work being undertaken to achieve better outcomes in the Kimberley, however the deteriorating situation has prompted our request to meet with you. We look forward to discussing how the Shires can engage and support the process of improving the lives of residents in our Shires in the short, medium and longer term and contributing to a "Youth Friendly" Kimberley moving forward.

We will make contact with your office to establish a meeting with preference given to Monday 14, Tuesday 15 or Wednesday 16<sup>th</sup> of February as the Kimberley Shires are meeting in Perth. Alternatively, contact can be made with Debra Goostrey by email on [debra.goostrey@kimberleyzone.com.au](mailto:debra.goostrey@kimberleyzone.com.au) or by phone on 0439 380 266.

Your sincerely

Cr David Menzel  
 Chair  
 Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**Item 10.1 - CORRESPONDENCE OUT**



1 February 2022

Hon Sue Ellery MLC  
 Minister for Education and Training  
 Leader in the Legislative Council  
 12th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

By email: Minister.Ellery@dpc.wa.gov.au

Dear Minister

**Re Meeting on improving Educational Opportunities for Youth in the Kimberley**

On behalf of member Shires, I write to request a meeting with you to discuss the educational outcomes and school attendance in the Kimberley.

The Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

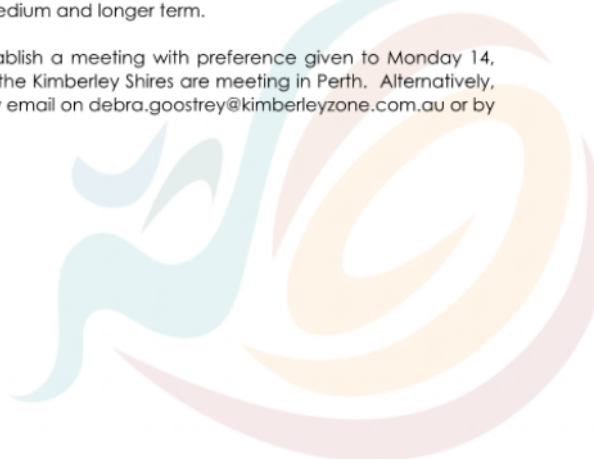
Education is fundamental to the success of young people and we seek to collaborate with the State Government to increase the level of school attendance. This is seen as pivotal to reducing anti-social behaviour, which is causing high levels of anguish across the region, and developing employment ready youth who are equipped to lead positive lives.

It is recognised that your portfolio is only part of the broader work being undertaken to achieve better opportunities for Kimberley youth, however the deteriorating situation has prompted our request to meet with you. We look forward to discussing how the Shires can engage and support the process of improving education outcomes in the short, medium and longer term.

We will make contact with your office to establish a meeting with preference given to Monday 14, Tuesday 15 or Wednesday 16<sup>th</sup> of February as the Kimberley Shires are meeting in Perth. Alternatively, contact can be made with Debra Goostrey by email on [debra.goostrey@kimberleyzone.com.au](mailto:debra.goostrey@kimberleyzone.com.au) or by phone on 0439 380 266.

Your sincerely

Cr David Menzel  
 Chair  
 Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

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**Item 10.1 - CORRESPONDENCE OUT**

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1 February 2022

Hon Tony Buti MLA  
Minister for Aboriginal Affairs; Racing and Gaming  
Citizenship and Multicultural Interests  
5th Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

By email: Minister.Buti@dpc.wa.gov.au

Dear Minister

**Re Meeting on Improving Opportunities for Kimberley Youth**

On behalf of member Shires, I write to request a meeting with you to discuss a range of matters relating to the spiralling antisocial behaviour in the Kimberley and the implementation of the Banned Drinkers Register. Your role as Minister for Aboriginal Affairs and Minister for Racing and Gaming are central to finding solutions in the region.

The Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

The Banned Drinkers Register trial and associated takeaway alcohol management system was jointly funded by the Kimberley Shires and the State Government. When the trial was being sought, there was strong support for improved and streamlined approaches to placing persons on the system that committed offences under the influence of alcohol, including family violence and anti-social behaviour. The model in the Northern Territory provides a pathway for consideration, with immediate short term intervention by police and other referral agencies, as well as longer term bans similar to those in place currently in Western Australia. The former Minister, the Hon Paul Papalia had indicated his interest in the approach prior to the 2021 election and has spoken positively about the reform more recently. Your role as Minister for Aboriginal Affairs is also pivotal as approximately 50 percent of residents identify as Aboriginal. A copy of a previous letter to you, which provides further information, is attached for background.

It is recognised that your portfolio is only part of the broader work being undertaken to achieve better opportunities for Kimberley residents, however the deteriorating situation with violent break-ins, property destruction and car thefts has prompted our request to meet with you as a matter of urgency.

We will make contact with your office to establish a meeting with preference given to Monday 14, Tuesday 15 or Wednesday 16<sup>th</sup> of February as the Kimberley Shires are meeting in Perth. Alternatively, contact can be made with Debra Goostrey by email on [debra.goostrey@kimberleyzone.com.au](mailto:debra.goostrey@kimberleyzone.com.au) or by phone on 0439 380 266.

Your sincerely

Cr David Menzel  
Chair  
Kimberley Regional Group

Kimberley Regional Group and Kimberley Zone  
PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**Item 10.1 - CORRESPONDENCE OUT**

**COPY**



10 January 2022

Hon Tony Buti MLA  
 Minister for Finance; Racing and Gaming; Aboriginal Affairs; Citizenship and Multicultural Affairs  
 5th Floor, Dumas House  
 2 Havelock Street  
 WEST PERTH WA 6005

By email: Minister.Buti@dpc.wa.gov.au

Dear Minister

**Congratulations on your appointment as Minister for Racing and Gaming and Aboriginal Affairs.**

On behalf of member Shires, I would like to congratulate you on your appointment as Minister for Racing and Gaming; Aboriginal Affairs and your ongoing role as Minister for Finance; Citizenship and Multicultural Affairs.

The Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

The portfolios of Aboriginal Affairs and Racing and Gaming are of vital importance in the Kimberley.

As you may be aware, the Kimberley, along with the Pilbara, is undertaking a trial of the Banned Drinkers Register (BDR) and Takeaway Alcohol Management System (TAMS) with roll out in the Goldfields region imminent.

The KRG has been working with member Shires and the regional Liquor Accords in relation to the effective management of alcohol in the Kimberley including the use of Voluntary Alcohol Restrictions, TAMS, and the introduction of the BDR. The KRG is strongly supportive of the BDR Project and has jointly funded this initiative with the State Government.

In summary there are two key issues which the KRG believes should be progressed being:

1. The replacement of the Liquor Control (Section 31)(Kimberley) restrictions with negotiated voluntary restrictions; and
2. Transparent and routine arrangements for placing individuals on the Banned Drinkers Register.

The voluntary restrictions, combined with the Banned Drinkers Register, are seen to provide an appropriate and sustainable response to the issues experience in the Kimberley. As such, we have previously requested that the current Liquor Control (Section 31)(Kimberley) restrictions be lifted in the West Kimberley where the voluntary restrictions have been adopted by the Liquor Accords. In the East Kimberley, the restrictions would revert to the underpinning Section 64 restrictions, noting that the overlay of the Section 31 has created some confusion as aspects of both have primacy.

.../2

Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**Item 10.1 - CORRESPONDENCE OUT**



2

Voluntary Alcohol restrictions were the genesis of alcohol management proposals in the West Kimberley. Voluntary restrictions vary and are applied frequently, at the request of Police, by licensees across locations in the Kimberley region. Our licensees continue to work collaboratively with police and believe that the voluntary restrictions, that are adaptable to meet different circumstances, provide an operating environment that is responsive to community needs and support law enforcement whilst being sustainable for the business.

The Liquor Control (Section 31)(Kimberley) response was requested by the KRG in April 2020 when significant increases in welfare payments exacerbated existing itinerant problem drinker issues in areas without restrictions, such as Broome and Derby. At the time the request was made the Voluntary Restrictions were not formally adopted by Liquor Accords and the impact of COVID-19 was not yet known. The request was conditional on, amongst other things, consultation with the Liquor Accords, noting the intent to move towards finalisation of the voluntary restrictions.

Transparent and routine arrangements for placing individuals on the Banned Drinkers Register is an imperative that the KRG believes should be considered as a matter of urgency by the State Government, noting that as of the 19<sup>th</sup> November 2021 there were only 25 people restricted from purchasing takeaway alcohol through either a Barring Notice (2) or a Prohibition order (23). In addition, there are 27 Voluntary additions to the register which may represent those seeking to stem their personal use or may be people seeking to avoid being asked to purchase alcohol for others.

In the previous government, Minister Papalia indicated that he was open to more a formal arrangement for ensuring that alcohol fuelled violence perpetrators and those that on-sell alcohol illegally are routinely added to the BDR. We would like to draw your attention to the extensive policy adopted in the Northern Territory, with routine processes for adding individuals to the BDR and transparent, public monthly reporting of numbers in geographical areas. The Northern Territory pathway model includes:

1. Police Pathways
  - Protective Custody (Includes Contravention-Protective Custody)
  - Alcohol Related Offence
  - Alcohol Protection Order (historical reporting category)
  - Infringement
  - Courts Pathway
2. Corrections Pathway
3. BDR Corrections Pathway
  - Self-Referral
  - Authorised Person Referral.

It should be noted that the Police Pathway comprises the largest element in the Northern Territory contributing 1,842 people on the register, with the Courts Pathway second (938 persons), followed by the Authorised Person Referral (216 persons) the corrections pathway third (126 persons). Self-Referral (75 persons) is a minor proportion. To put these categories into perspective, Self-Referral in the Northern Territory represents just 2.3% of those on the BDR however in the Kimberley it represents 51.9%.

Whilst the KRG believes that the BDR is the most targeted and potentially the most sustainable approach to the management of alcohol in the Kimberley, it will not function efficiently if there is a highly constrained and lengthy process that sees few individuals added to the BDR. The Northern Territory approach, with the option of more responsive durations than currently used in Western Australia, would allow Police and agencies a greater range of options to effectively manage local alcohol fuelled violence and social disruption in a highly targeted manner.

.../3.

Kimberley Regional Group and Kimberley Zone  
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**Item 10.1 - CORRESPONDENCE OUT**

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3

We recognise that this is likely to be a cross portfolio matter which includes both the Minister for Police and the Attorney General with advice from the Minister for Prevention of Family and Domestic Violence, however we believe that in the first instance it is appropriate to provide a briefing to you as your portfolio includes the management of alcohol.

We also welcome your appointment as Minister for Aboriginal Affairs. The issues in relation to this portfolio are complex, challenging and often have multi-portfolio aspects. We would welcome the opportunity to discuss the experience in the Kimberley and the active role of Local Governments in finding solutions. The KRG looks forward to working with you to realise the potential of this region for current and future generations.

We will make contact your office to establish a meeting. Alternatively, contact can be made with Debra Goostrey by email on [debra.goostrey@kimberleyzone.com.au](mailto:debra.goostrey@kimberleyzone.com.au) or by phone on 0439 380 266.

Your sincerely

Cr David Menzel  
Chair  
Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266



**Item 10.1 - CORRESPONDENCE OUT**



10 January 2022

Hon John Carey MLA  
 Minister for Housing; Lands; Homelessness; Local Government  
 7th Floor, Dumas House 2 Havelock Street,  
 WEST PERTH WA 6005

By email: Minister.Carey@dpc.wa.gov.au

Dear Minister

**Congratulations on your additional Ministerial portfolios: Lands and Homelessness.**

On behalf of member Shires, I would like to congratulate you on your appointment as Minister for Lands and Homelessness which, along with your current portfolios of Housing and Local Government, are of key interest to the Kimberley Regional Group (KRG).

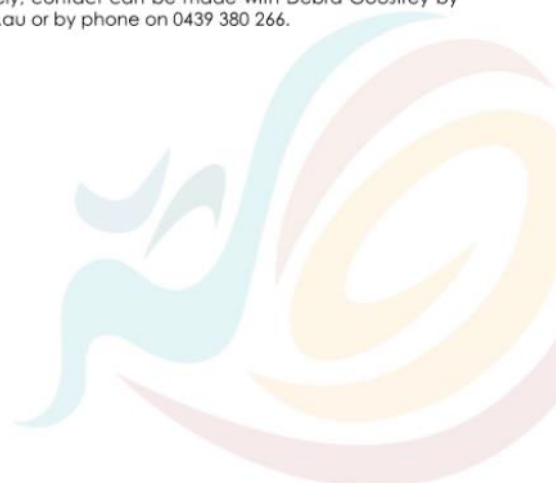
The KRG is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

Housing and homelessness, including housing overcrowding and inadequate housing, remain key issues in the Kimberley and impact on the intergenerational prospects of many of our residents. The Lands Portfolio is also of vital importance as we have significant areas of Unallocated Crown Land (UCL), Aboriginal Lands Trust estate properties and Pastoral Stations where diversification opportunities will support economic growth, local jobs and positive pathways for our youth.

We would welcome the opportunity to discuss your important portfolios and will make contact with your office to establish a meeting. Alternatively, contact can be made with Debra Goostrey by email on [debra.goostrey@kimberleyzone.com.au](mailto:debra.goostrey@kimberleyzone.com.au) or by phone on 0439 380 266.

Your sincerely

Cr David Menzel  
 Chair  
 Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

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**Item 10.1 - CORRESPONDENCE OUT**

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10 January 2022

Hon Reece Whitby MLA  
Minister for Environment and Climate Action  
7th Floor, Dumas House 2 Havelock Street,  
WEST PERTH WA 6005

By email: Minister.Whitby@dpc.wa.gov.au

Dear Minister

**Congratulations on your appointment as Minister Environment and Climate Action.**

On behalf of member Shires, I would like to congratulate you on your appointment as Minister for Environment and Climate Action.

The Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

The portfolio of Environment and Climate Action is of particular importance in the Kimberley. As the most isolated region in Western Australia there is a critical imperative for economic development, jobs and growth to support our local population in balance with the preservation of our iconic landscape, flora and fauna in a period of changing conditions.

We look forward to continuing the strong working relationship with your office established through the introduction of the Banned Drinkers Register Trial and the implementation of the Takeaway Alcohol Management System under your previous portfolio.

Your sincerely

Cr David Menzel  
Chair  
Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**Item 10.1 - CORRESPONDENCE OUT**



10 January 2022

Hon Stephen Dawson MLC  
 Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering  
 Deputy Leader of the Legislative Council  
 12th Floor, Dumas House 2 Havelock Street,  
 WEST PERTH WA 6005

By email: Minister.Dawson@dpc.wa.gov.au

Dear Minister

**Congratulations on your appointment as Minister Emergency Services; Innovation and ICT; Medical Research; Volunteering.**

On behalf of member Shires, I would like to congratulate you on your appointment as Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering.

The Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

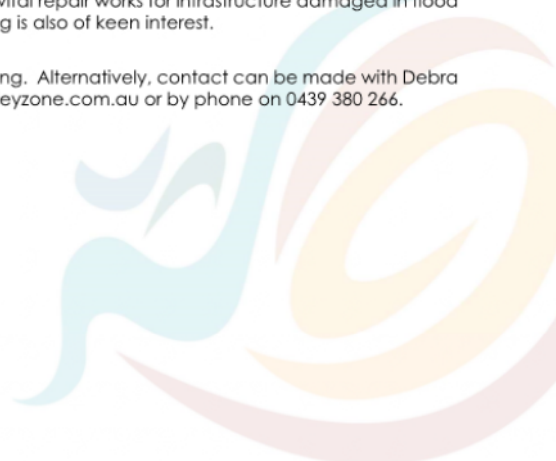
The portfolio of Emergency Services is of particular importance in the Kimberley where we are subject to significant bushfire risk in the dry season and major rainfall events in the wet season which makes many roads impassable, isolating communities.

We would welcome the opportunity to discuss the rollout of the Disaster Relief Funding Arrangements in Western Australia (DRFAWA) which have seen significant delays in the consideration and finalisation of approvals for vital repair works for infrastructure damaged in flood events. Your Ministerial portfolio of Volunteering is also of keen interest.

We will contact your office to establish a meeting. Alternatively, contact can be made with Debra Goostrey by email on [debra.goostrey@kimberleyzone.com.au](mailto:debra.goostrey@kimberleyzone.com.au) or by phone on 0439 380 266.

Your sincerely

Cr David Menzel  
 Chair  
 Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

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**Item 10.1 - CORRESPONDENCE OUT**

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10 January 2022

Hon Tony Buti MLA  
Minister for Finance; Racing and Gaming; Aboriginal Affairs; Citizenship and Multicultural Affairs  
5th Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

By email: Minister.Buti@dpc.wa.gov.au

Dear Minister

**Congratulations on your appointment as Minister for Racing and Gaming and Aboriginal Affairs.**

On behalf of member Shires, I would like to congratulate you on your appointment as Minister for Racing and Gaming; Aboriginal Affairs and your ongoing role as Minister for Finance; Citizenship and Multicultural Affairs.

The Kimberley Regional Group (KRG) is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

The portfolios of Aboriginal Affairs and Racing and Gaming are of vital importance in the Kimberley.

As you may be aware, the Kimberley, along with the Pilbara, is undertaking a trial of the Banned Drinkers Register (BDR) and Takeaway Alcohol Management System (TAMS) with roll out in the Goldfields region imminent.

The KRG has been working with member Shires and the regional Liquor Accords in relation to the effective management of alcohol in the Kimberley including the use of Voluntary Alcohol Restrictions, TAMS, and the introduction of the BDR. The KRG is strongly supportive of the BDR Project and has jointly funded this initiative with the State Government.

In summary there are two key issues which the KRG believes should be progressed being:

1. The replacement of the Liquor Control (Section 31)(Kimberley) restrictions with negotiated voluntary restrictions; and
2. Transparent and routine arrangements for placing individuals on the Banned Drinkers Register.

The voluntary restrictions, combined with the Banned Drinkers Register, are seen to provide an appropriate and sustainable response to the issues experience in the Kimberley. As such, we have previously requested that the current Liquor Control (Section 31)(Kimberley) restrictions be lifted in the West Kimberley where the voluntary restrictions have been adopted by the Liquor Accords. In the East Kimberley, the restrictions would revert to the underpinning Section 64 restrictions, noting that the overlay of the Section 31 has created some confusion as aspects of both have primacy.

.../2

Kimberley Regional Group and Kimberley Zone  
PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**Item 10.1 - CORRESPONDENCE OUT**



2

Voluntary Alcohol restrictions were the genesis of alcohol management proposals in the West Kimberley. Voluntary restrictions vary and are applied frequently, at the request of Police, by licensees across locations in the Kimberley region. Our licensees continue to work collaboratively with police and believe that the voluntary restrictions, that are adaptable to meet different circumstances, provide an operating environment that is responsive to community needs and support law enforcement whilst being sustainable for the business.

The Liquor Control (Section 31)(Kimberley) response was requested by the KRG in April 2020 when significant increases in welfare payments exacerbated existing itinerant problem drinker issues in areas without restrictions, such as Broome and Derby. At the time the request was made the Voluntary Restrictions were not formally adopted by Liquor Accords and the impact of COVID-19 was not yet known. The request was conditional on, amongst other things, consultation with the Liquor Accords, noting the intent to move towards finalisation of the voluntary restrictions.

Transparent and routine arrangements for placing individuals on the Banned Drinkers Register is an imperative that the KRG believes should be considered as a matter of urgency by the State Government, noting that as of the 19<sup>th</sup> November 2021 there were only 25 people restricted from purchasing takeaway alcohol through either a Barring Notice (2) or a Prohibition order (23). In addition, there are 27 Voluntary additions to the register which may represent those seeking to stem their personal use or may be people seeking to avoid being asked to purchase alcohol for others.

In the previous government, Minister Papalia indicated that he was open to more a formal arrangement for ensuring that alcohol fuelled violence perpetrators and those that on-sell alcohol illegally are routinely added to the BDR. We would like to draw your attention to the extensive policy adopted in the Northern Territory, with routine processes for adding individuals to the BDR and transparent, public monthly reporting of numbers in geographical areas. The Northern Territory pathway model includes:

1. Police Pathways
  - Protective Custody (Includes Contravention-Protective Custody)
  - Alcohol Related Offence
  - Alcohol Protection Order (historical reporting category)
  - Infringement
  - Courts Pathway
2. Corrections Pathway
3. BDR Corrections Pathway
  - Self-Referral
  - Authorised Person Referral.

It should be noted that the Police Pathway comprises the largest element in the Northern Territory contributing 1,842 people on the register, with the Courts Pathway second (938 persons), followed by the Authorised Person Referral (216 persons) the corrections pathway third (126 persons). Self-Referral (75 persons) is a minor proportion. To put these categories into perspective, Self-Referral in the Northern Territory represents just 2.3% of those on the BDR however in the Kimberley it represents 51.9%.

Whilst the KRG believes that the BDR is the most targeted and potentially the most sustainable approach to the management of alcohol in the Kimberley, it will not function efficiently if there is a highly constrained and lengthy process that sees few individuals added to the BDR. The Northern Territory approach, with the option of more responsive durations than currently used in Western Australia, would allow Police and agencies a greater range of options to effectively manage local alcohol fuelled violence and social disruption in a highly targeted manner.

.../3.

Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**Item 10.1 - CORRESPONDENCE OUT**

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We recognise that this is likely to be a cross portfolio matter which includes both the Minister for Police and the Attorney General with advice from the Minister for Prevention of Family and Domestic Violence, however we believe that in the first instance it is appropriate to provide a briefing to you as your portfolio includes the management of alcohol.

We also welcome your appointment as Minister for Aboriginal Affairs. The issues in relation to this portfolio are complex, challenging and often have multi-portfolio aspects. We would welcome the opportunity to discuss the experience in the Kimberley and the active role of Local Governments in finding solutions. The KRG looks forward to working with you to realise the potential of this region for current and future generations.

We will make contact your office to establish a meeting. Alternatively, contact can be made with Debra Goostrey by email on [debra.goostrey@kimberleyzone.com.au](mailto:debra.goostrey@kimberleyzone.com.au) or by phone on 0439 380 266.

Your sincerely

Cr David Menzel  
 Chair  
 Kimberley Regional Group



Kimberley Regional Group and Kimberley Zone  
 PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

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**Item 10.1 - CORRESPONDENCE OUT**

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10 January 2022

ATTENTION MR MARK DAVIS  
COMMUNITY ENGAGEMENT MANAGER (NORTH-WEST REGION WA)  
NBN LOCAL

By email: markdavis@nbnco.com.au

Dear Mark

**LETTER OF SUPPORT – FITZROY CROSSING FIBRE TO THE PREMISE PROJECT FUNDING APPLICATION**

The Kimberley Regional Group (KRG) would like to express our support for the Shire of Derby West Kimberley (SDWK) and NBN Co's joint application to seek funding to upgrade the Fitzroy Crossing townsite from NBN satellite to fixed line technology through the Federal Government's Regional Connectivity Funding Program.

The KRG is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

Connectivity has been a long-standing issue and challenge across the Kimberley region and continues to impact the economic and social growth of the region. Within SDWK, access to fixed line broadband is limited outside of the major centre of Derby, with regional residents and businesses often dependent on satellite broadband for internet connectivity. Increasingly, new residents and businesses look to internet connectivity as a key criterion when considering the liveability or economic viability of locating in this area.

Telecommunications and digital connectivity present a significant obstacle for Fitzroy Crossing and the broader region in achieving its promise of significant economic development and growth. In this regard, the KRG supports the application for the town of Fitzroy Crossing to change from NBN satellite to fixed line technology to assist the community in gaining improved connectivity for economic and social development outcomes.

This technology upgrade project is expected to generate considerable social and economic benefits for Fitzroy Crossing and the broader region as well as supporting the attraction and retention of key staff in this remote location through improved communications capacity. Upgrading the fibre infrastructure has the potential to unlock significant business opportunities including the capacity to download and upload large files quickly and concurrent use of multiple devices online. This will support the emerging Aboriginal tourism ventures as well as pastoral and other businesses in the region. Importantly, the children attending school will have the opportunity for fast reliable broadband at home to improve their educational outcomes over the longer term. This is vital in a region of significant social disadvantage.

Thank you for your engagement and I trust you receive a favourable response to your proposal.

Your sincerely

Cr David Menzel  
Chair  
Kimberley Regional Group

Kimberley Regional Group and Kimberley Zone  
PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266

**Item 10.1 - CORRESPONDENCE OUT**



10 January 2022

ATTENTION MR MARK DAVIS  
COMMUNITY ENGAGEMENT MANAGER (NORTH-WEST REGION WA)  
NBN LOCAL

By email: markdavis@nbnco.com.au

Dear Mark

**LETTER OF SUPPORT – WYNDHAM FIBRE TO THE PREMISE PROJECT FUNDING APPLICATION**

The Kimberley Regional Group (KRG) would like to express our support for the Shire of Wyndham East Kimberley (SWEK) and NBN Co's joint application to seek funding to upgrade the Wyndham townsite from NBN satellite to fixed line technology through the Federal Government's Regional Connectivity Funding Program.

The KRG is an alliance of the four Shires of the Kimberley, being the Shire of Broome, the Shire of Derby West Kimberley, the Shire of Halls Creek and the Shire of Wyndham East Kimberley. Collaboratively the group seeks to support outcomes for the region through improved social, economic and cultural outcomes.

Connectivity has been a long-standing issue and challenge across the Kimberley region and continues to impact the economic and social growth of the region. Within SWEK, access to fixed line broadband is limited outside of the major centre of Kununurra, with regional residents and businesses often dependent on satellite broadband for internet connectivity. Increasingly, new residents and businesses look to internet connectivity as a key criterion when considering the liveability or economic viability of locating in this area.

Telecommunications and digital connectivity present a significant obstacle for Wyndham and the broader region in achieving its promise of significant economic development and growth. In this regard, the KRG supports the application for the town of Wyndham to change from NBN satellite to fixed line technology to assist the community in gaining improved connectivity for economic and social development outcomes.

This technology upgrade project is expected to generate considerable social and economic benefits for Fitzroy Crossing and the broader region as well as supporting the attraction and retention of key staff in this remote location through improved communications capacity. Upgrading the fibre infrastructure has the potential to unlock significant business opportunities including the capacity to download and upload large files quickly and concurrent use of multiple devices online.

Thank you for your engagement and I trust you receive a favourable response to your proposal.

Your sincerely

Cr David Menzel  
Chair  
Kimberley Regional Group

Kimberley Regional Group and Kimberley Zone  
PO Box 44, Broome 6725 | (08) 9191 3456 | 0439380266



**11. GENERAL BUSINESS**

**12. MATTERS BEHIND CLOSED DOORS**

Nil

**13. MEETING CLOSURE**

The Chairperson closed the meeting at 4:28pm.

*Amanda Dexter left the meeting at 5:40pm*

**11.2 CHIEF EXECUTIVE OFFICER ANNUAL LEAVE/ ACTING CHIEF EXECUTIVE OFFICER ARRANGEMENTS**

**File Number:** 5355  
**Author:** Sarah Smith, Executive Services Coordinator  
**Responsible Officer:** Amanda Dexter, Chief Executive Officer  
**Authority/Discretion:** Executive

**SUMMARY**

For Council to approve a request from the Chief Executive Officer to take annual leave from the 21 April 2022 to 03 May 2022 inclusive and to appoint an Acting CEO for the duration.

**DISCLOSURE OF ANY INTEREST**

The CEO declares a financial interest as they are the person requesting the leave.

**BACKGROUND**

The CEO is requesting leave for three weeks from 21 April 2022 to 03 May 2022 inclusive and has adequate leave and time and lieu provision to do so.

**STATUTORY ENVIROMENT**

**S. 5.36 (*Local government employees*)** of the Local Government Act 1995 requires that every local government employs a Chief Executive Officer.

**S. 5.39 (*Contracts for CEO and senior employees*)** permits a Council to appoint a person to act in the position of a CEO for a term not exceeding one year without a written contract for that position.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The Acting CEO will receive a higher duties allowance during the term. Provision has been made in the 2021/22 Annual Budget for the CEO’s Leave and this allowance.

**STRATEGIC IMPLICATIONS**

STRATEGIC AREA	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation.	1.2.2 Provide strong governance.

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Business Interruption:</b> Not appointing an acting CEO will limit the Shire’s capacity to satisfactorily manage the organisation and undertake the Council’s directions.	Rare	Major	Low	Appoint a suitably qualified A/CEO to support operations and efficient decision making.

**CONSULTATION**

Shire President.

Director of Strategic Business.

**COMMENT**

The CEO has requested leave from 21 April 2022 to 03 May 2022 inclusive adequate Annual Leave is accrued to take the requested leave.

It is a requirement under the Local Government Act that an Acting Chief Executive Officer be appointed during these periods of absence.

The Director of Strategic Business is adequately qualified and will provide sound support and strategic direction if required, during the CEO’s absence.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

Nil

**RESOLUTION 31/22****Moved: Cr Paul White****Seconded: Cr Geoff Davis****That Council:**

- 1. Approve the executive and annual leave of the Chief Executive Officer, Amanda Dexter for the period commencing on the 21 April 2022 to 03 May 2022, inclusive;**
- 2. Appoint the Director of Strategic Business, Neil Hartley, as the Acting Chief Executive Officer for the period from 21 April 2022 to 03 May 2022, inclusive; and**
- 3. Approve the payment of higher duties to the Director of Strategic Business, equivalent to the current CEO, during this period.**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 8/0**

*Amanda Dexter returned to the meeting at 5:42pm.*

### **11.3 LOCAL COMMUNITY ROADS AND INFRASTRUCTURE PROGRAM PHASE 3 - PROJECT ALLOCATION**

**File Number:** 5280 & 5245

**Author:** Amanda Dexter, Chief Executive Officer

**Responsible Officer:** Amanda Dexter, Chief Executive Officer

**Authority/Discretion:** Executive

#### **SUMMARY**

On the 11 May 2021, as part of the 2021-2022 Federal Budget, the Federal Government announced a further \$1 billion extension of the LRCI Program (Phase 3); following strong community and local government support.

Grant recipients for Phase 1, 2 and 3 LRCI grants can allocate funds to a range of suitable projects within each grant tranche allocated, as approved by the Federal Government. The Shire has now received an allocation of \$1,483,660.00 funding for Phase 3 of the LRCI Program.

Council is requested to endorse the projects that will be allocated to this program.

#### **DISCLOSURE OF ANY INTEREST**

Nil by Author / Responsible Officer.

#### **BACKGROUND**

On 22 May 2020, the Australian Government announced a new \$500 million Local Roads and Community Infrastructure Program (LRCI Program). The LRCI Program aimed to support local Councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

As part of the initial LRCI Program, the Shire received \$741,830.00 which through its 2020-2021 Annual Budget process was allocated to the following projects:

- Derby Cemetery Shade Structure Renewal \$170,000.00 (Waiting Installation);
- Fitzroy Cemetery Shade Structure Renewal \$170,000.00 (Waiting Installation);
- Fitzroy Crossing Visitors Centre Mural, Painting & Maintenance \$105,000.00 (Continuing);
- Sutherland Street Footpath \$135,000.00 (Completed);
- Wharfinger House Access Ramp \$95,000.00 (Waiting Installation); and
- Lane Way Gating and Lighting \$66,830.00 (Completed).

Through the 2020-2021 Budget, the Federal Government announced a \$1 billion extension of the LRCI Program (Phase 2); following strong community and local government support.

As part of Phase 2 of the LRCI Program, the Shire received \$710,158.00 which through its 2021-2022 Annual Budget process was allocated to the following projects:

- Derby Wharf Lighting \$105,000.00 (Completed);
- Gravel Road Grid Replacements and minor Road Repairs (Re-sheeting) - \$230,158.00

(To be completed by June 30 2022);

- Calwynyardah – Nookanbah Road (SLK 3.92);
  - Christmas Creek Road (SLK 15.96);
  - Cherrabun Road (SLK 16.36); and
  - Three grid replacements on the Nerrima and Myroodah Road (SLK's to be confirmed).
- Reconstruction of Fitzroy Crossing Airport Runway Failure on Runway 01/19 and Total Seal Enrichment - \$375,000.00;  
***\*\*The Shire was unsuccessful in seeking matching funding and this project was later exchanged for the following two projects.***
  - Sutherland Street Drainage \$250,000.00 (Completed); and
  - Loch Street Footpaths \$125,000.00 (Completed).

These projects are required to be completed by 31 December 2022.

On the 11 May 2021, as part of the 2021-2022 Federal Budget, the Federal Government announced a further \$1 billion extension of the LRCI Program (Phase 3); following strong community and local government support.

Grant recipients for Phase 1, 2 and 3 LRCI grant tranches can allocate funds to a range of approved projects types (as approved by the Federal Government). The Shire has now received an allocation of \$1,483,660.00 funding for Phase 3 of the LRCI Program.

Projects nominated by the Shire and approved by the Federal Government under its Phase 3 guidelines, can commence from the 3 January 2022 and must be completed by the 31 December 2023.

The LRCI Program encourages local governments to identify projects to maximise the opportunity for a range of workers to be retained, redeployed, and employed to deliver ready to roll-out projects that provide economic stimulus and benefits to communities.

#### **STATUTORY ENVIRONMENT**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

Whilst the LRCI Program grant funding conditions require nominated projects to not be already included in Council's 2021-2022 Budget, staff and other resources will be required to undertake preliminary design and concept works to enable scope development.

The above costs have initially been absorbed into the relevant Business Unit's operating budget, though these direct costs will be reallocated to the capital project budget for projects that are endorsed by Council and completed by the Shire. In the event that nominated projects are successful in obtaining LRCI Program funds, the necessary financial administration will be undertaken via appropriate budget amendments subject to Council endorsement.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.4 Attract and effectively use resources to meet community needs
2. Community	2.2 Healthy Communities	2.2.1 Build, maintain and maximise the use of community facilities

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Financial:</b> Due to increasing construction pressures and shortage of workers, the projects are unable to be delivered on time and on budget.	Possible	Moderate	Medium	The Shire has chosen projects that are well planned and that will utilise local resources and trades in an effort to ensure completion on time and budget.
<b>Financial:</b> Due to the age of the asset to be upgraded there is a high likely hood that cost may increase due to pre-existing issues.	Likely	Moderate	Medium	Contingency has been allocated in the budget planning. Should the contingency not be required the scope of Project 3 will increase..

**CONSULTATION**

Extensive consultation has occurred through the Community Strategic Planning (SCP) process over the last 18 months and the Council has been undertaking strategic asset management planning. This has identified key maintenance requirements and capital infrastructure shortfalls, thereby informing the Executive Team of recognised priority areas within the Council. The projects chosen have been recognised as priorities across the Shire.

**COMMENT**

The LRCI Program Guidelines and Grant Agreements (Phase 3) are available online and the following general conditions in administering this funding will apply:

- a) Infrastructure – built or natural;
- b) Provides increased local community benefit and employment during construction;
- c) Projects are additional to the current approved 2021/2022 Budget and work schedule and must be completed by 31 December 2023\* - in effect this means ‘brought forward’ or urgent need unbudgeted community projects; and
- d) Funding cannot be used to substitute approved Municipal or Reserve funded projects.

Given an allowable construction commencement date of 3 January 2022 and a required completion date (including completion of all related documentation) by the 31 December 2023, being a two year time-frame, the Phase 3 program will allow Shire staff the required time to design and construct any of the projects in this Report, as selected and endorsed for funding by Council.

Given these projects are additional to existing budgeted works and staff, and in the main, will be completed by the existing Shire staff complement, the preference is for projects that have already had some degree of planning, consultation or preliminary design, to minimise resource constraints.

The extension of the LCRI program aims to continue to assist local governments to deliver local road and community infrastructure projects, as well as create local job opportunities, particularly where employment in other sectors have been negatively impacted by the Covid-19 pandemic.

Recommended projects for elected member consideration are as follows:

**1. DERBY MEMORIAL POOL – REFURBISHMENT AND UP GRADES**

<b>Project Outline/ Background</b>	The Upgrade of the Pool includes: <ol style="list-style-type: none"> <li>1. Repair and re grouting of Pipe Work Leaks;</li> <li>2. Repair and replacement of Tiles and Headers;</li> <li>3. Acid wash and repaint of pool;</li> <li>4. Supply and installation of new silicon to control joints;</li> <li>5. Balance Tank Maintenance and replacement of waterproof membrane;</li> <li>6. Upgrade and repair of Wet Deck Gutters;</li> <li>7. Electrical safety upgrade;</li> <li>8. Installation of Disabled Hoist;</li> <li>9. Replacement/ Remediation of corrosion on all posts/ columns and lighting towers at the Pool;</li> <li>10. Minor Change Room upgrades; and</li> <li>11. Miscellaneous minor upgrades and safety initiatives.</li> </ol>
<b>LCRI Estimated Cost</b>	\$434,200.00
<b>Other funding required?</b>	Nil
<b>Project Delivery and Completion</b>	Project will be completed by Dec 2022
<b>Project Benefits</b>	The Pool will have 5 – 7 years of increased life and, give Council adequate time to plan and seek further funding for the strategic capital reconstruction of the pool within the next 5 – 7 years. The repairs and improvements will also assist in decreasing the budgetary impost of emergency repairs and maintenance.
<b>Project Issues and Risks</b>	Whilst no significant risks have been identified, a 25% contingency has been added to the project to provide a financial allowance to accommodate unplanned, unbudgeted, and unexpected works, once the renovation commences.



**2. FITZROY CROSSING VISITORS CENTRE CAR PARK UPGRADE, INSTALLATION OF SHADE AND DUMP POINT**

<b>Project Outline/ Background</b>	The Upgrade of the Car park includes the realignment and reconstruction of the Visitors Centre Carpark <ol style="list-style-type: none"> <li>1. Reconstruction;</li> <li>2. Sealing;</li> <li>3. Line Marking;</li> <li>4. Installation of Shade Shelters around the periphery to assist with Community events, markets etc.; and</li> <li>5. Installation of a dump point.</li> </ol>
<b>LCRI Estimated Cost</b>	\$ 910,460.00
<b>Other funding required?</b>	Nil
<b>Project Delivery and Completion</b>	To be completed by September 2023
<b>Project Benefits</b>	The current carpark is in a dilapidated state and is a poor reflection on the community of Fitzroy Crossing and the Shire. The Carpark is a very central meeting point and often hosts events during the evening. There is limited sheltered outdoor facilities in Fitzroy Crossing the installation of Shade at the carpark will enable increased, amenity, increased capacity to host events, markets and provide locals some respite from the sun during the very hot Kimberley summers.
<b>Project Issues and Risks</b>	The costs may be affected by any market influences being experienced at this time – like increasing fuel prices, pressures on supply chains, pressures on contractors to carry out the works. The project can be broken up into essential works and less essential works where further funding could be provided should costs escalate.

*\*\* Should any funds be left over \*\* It is recommended that funds be allocated to:*

**3. FITZROY CROSSING CCTV PROJECT UPGRADE AND EXPANSION**

<b>Project Outline/ Background</b>	The aim of the project is to upgrade the existing cameras and to expand the CCTV reach within the community as much as possible with the funding available. The existing cameras are over three years old and don't provide the level of increased technology that can assist the WA Police (WAPOL) with arrests and street knowledge. The Shire has been seeking funds over the last two years to put towards the project, with little success. This project would bring some comfort to the Fitzroy Crossing community and WAPOL.
<b>LCRI Estimated Cost</b>	\$139,000.00 (if any projects come in under budget it is expected that the funds would be allocated to this project, to assist with a complete upgrade of the system).
<b>Other funding required?</b>	Nil
<b>Project Delivery and Completion</b>	Project will be completed by December 2023
<b>Project Benefits</b>	Fitzroy Crossing has been experiencing unprecedented

	Youth and Juvenile Crime, in order to be proactive and manage the cohorts and early detection of the young people’s actions it is planned to implement extensive CCTV surveillance across the community.
<b>Project Issues and Risks</b>	The Project may not go ahead or have little impact if there are overruns in projects 1 & 2 of Phase 3.

All projects listed will individually be able to be delivered by the LRCI Phase 3 completion deadline, through Shire managed contractors and existing internal resources as required.

Elected members are requested to consider the projects listed and endorse the listed projects.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

Nil

<p><b>RESOLUTION 32/22</b></p> <p><b>Moved: Cr Andrew Twaddle</b>  <b>Seconded: Cr Rowena Mouda</b></p> <p><b>That Council:</b></p> <p>1. <b>Endorses the allocation of the Phase 3 Local Community and Roads Infrastructure Program – Phase 3 Funding of \$1,485,660.00 to the following projects, which subject to Federal approval will be included in the 2022- 23 annual budget:</b></p> <ul style="list-style-type: none"> <li>• <b>DERBY MEMORIAL POOL – REFURBISHMENT AND UPGRADES \$434,200.00;</b></li> <li>• <b>FITZROY CROSSING VISITORS CENTRE CAR PARK UPGRADE, AND INSTALLATION OF SHADE AND DUMP POINT \$910,460.00; and</b></li> <li>• <b>CCTV UPGRADE AT FITZROY CROSSING \$139,000.00 (subject to available funds).</b></li> </ul> <p><u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 8/0</b></p>
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**12 CORPORATE SERVICES****12.1 BUDGET ADJUSTMENT****File Number:** 5120**Author:** Neil Hartley, Director - Strategic Business**Responsible Officer:** Amanda Dexter, Chief Executive Officer**Authority/Discretion:** Executive**SUMMARY**

The 2021/22 Annual Budget was adopted at the 31 August 2021 Council Meeting. Minor reviews of the budget are requested to be approved, in order to keep the budget in balance, and to also enable the funding of a new or expanded cost item.

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

The 2021/22 Annual Budget was adopted at the 31 August 2021 Council Meeting but throughout every financial year, variations of anticipated budget positions occur. There is a major half yearly review of the budget to address these, but in order to maintain program timelines and to keep adequate control on the anticipated end of year financial position, additional budget reviews are also often warranted.

It is the purpose of this report to bring these additional budget reviews to the attention of Council for its consideration. It is proposed to amend the 2021/22 budget to reflect the adjustments and the overall effect to it, as detailed below. Due to the nature of these variations, they fall outside the annual and mid-year budget review timelines.

This item proposes the following adjustments:

<b>Derby Airport</b>			
<b>General Ledger/Job Number and Description</b>	<b>Current Budget</b>	<b>Variation Amount</b>	<b>Revised Budget</b>
BC069 (AERO Rationalise Infrastructure at Derby Airport to Reduce Asset Management Requirements)	\$50,000	-\$47,000	\$3,000
Derby Airport Water Supply Tank Roof (Gibb River Road site)	\$0	+\$47,000	+\$47,000
<b>Reason for Adjustment:</b> The original officer estimate for demolition of Derby Airport Administration Building was \$50,000. Actual estimates for demolition have revealed that the price is more likely to be \$100,000+. It is proposed to redirect budgeted funds to repair the recent roof collapse of the Airport's Water Supply Tank (at Gibb River Road pump site). A small allocation will remain to clear out the building of old Shire records, with the view that the demolition can be reconsidered as part of the 2022/23 budget.			

**STATUTORY ENVIRONMENT**

**Local Government Act 1995 S. 6.8 (Expenditure from municipal fund not included in annual budget)** states that a local government is not to incur expenditure from its municipal fund for an additional purpose\* except where the expenditure is included in the annual budget; has the prior approval of Council\*; or is properly authorised to address an emergency event.

(\* “additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget).

(\* Absolute majority required).

**POLICY IMPLICATIONS**

Nil applicable.

**FINANCIAL IMPLICATIONS**

Any impacts of the proposed budget amendments are outlined within the variation commentary.

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME	STRATEGY
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance. 1.2.4 Attract and effectively use resources to meet community needs

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p><b>Organisation's Operations:</b></p> <p>Not endorsing the changes will mean that the proposed budget modifications will either result in a budget variation at 30 June (end of year) or an adverse impact on the efficiency or standard of service of the Shire’s operations.</p>	Almost Certain	Moderate	High	Approve the changes to the budget as outlined, or locate an alternative that satisfactorily addresses the cause of the budget review requirement.

**CONSULTATION**

No public consultation is considered to be required.

**COMMENT**

Budget estimates and actual projects costs regularly vary. Minor variations can generally be accommodated within acceptable allowance levels, but more significant variations need to be considered at Council level.

**VOTING REQUIREMENT**

Absolute majority

**ATTACHMENTS**

Nil

**RESOLUTION 33/22**

**Moved: Cr Linda Evans**

**Seconded: Cr Geoff Davis**

**That Council:**

***Approves the required budget variations to the 2022/23 Budget as outlined below:***

Derby Airport			
General Ledger/Job Number and Description	Current Budget	Variation Amount	Revised Budget
BC069 (AERO Rationalise Infrastructure at Derby Airport to Reduce Asset Management Requirements)	\$50,000	-\$47,000	\$3,000
Derby Airport Water Supply Tank Roof (Gibb River Road site)	\$0	+\$47,000	+\$47,000

Reason for Adjustment: Original estimate for demolition of Derby Airport Administration Building was \$50,000. Actual estimates for demolition have revealed that the price is more likely to be \$100,000 or more. It is proposed to redirect funds to repair the recent roof collapse of the Airport’s Water Supply Tank (at Gibb River Road pump site). A small allocation will remain to clear out the building of old Shire records, with the view that the demolition can be reconsidered as part of the 2022/23 budget.

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 8/0 BY ABSOLUTE MAJORITY**

**13 TECHNICAL SERVICES****13.1 AWARD OF TENDER T6-2021 PROJECT 1 – FITZROY STREET – DRAINAGE, STABILIZATION AND BITUMEN SEALING WORKS AND PROJECT 2 – CLARENDON STREET - RECONSTRUCTION, DRAINAGE AND BITUMEN SEALING WORKS.****File Number: 0481****Author: John Dyer, Manager of Infrastructure****Responsible Officer: Wayne Neate, Director Technical and Development Services****Authority/Discretion: Executive****SUMMARY**

This item is for Council to consider the awarding of Tender T6-2021 being the contract works required to resolve drainage issues, repair edge breaks and resurface section of the road along Fitzroy Street and in particular at the intersection of Rodgers Street from Straight Line Kilometre (SLK) 1.77 to SLK 1.03 and in Clarendon Street working from the Elders street intersection to the east. It is proposed that the Tender be awarded to Buckley's Earthworks and Paving (BEP).

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

In Council's 2021-2022 budget, funding has been allocated for improvement works to resolve drainage problems and repair edge breaks along Fitzroy Street from SLK 1.77 to SLK 1.03 and in particular the issue of the Rodgers Street intersection. Similar work is being carried out in Clarendon Street to resolve some drainage problems, repair some surfaces, repair tree root damage and conduct a reseal of the street working east from the intersection of Elder Street.

Shire officers have carried out several inspections on the section of road concerned to ascertain the most appropriate locations for treatment and consulted with Main Roads Western Australia regarding those treatments.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – 3.57 Tenders for the providing goods or services and Local Government (Functions and General) Regulations 1996 Part 4 Tenders for providing goods or services.

**POLICY IMPLICATIONS**

Section 8 - Purchase of Goods and Services

Regional Price preference Policy AF33

**FINANCIAL IMPLICATIONS**

Funds for the undertaking of this contract are contained within the 2021-2022 budget for the Fitzroy and Clarendon Street works, submitted prices as per the confidential attachment. The Funding consists of Road Project Grants (RRG) from Main Roads Western Australia and Roads to Recovery (R2R) from the Commonwealth Government funding programme and Council Funds (RC).

<b>Fitzroy Street</b>		<b>= \$870,000</b>
RRG - \$260,000	= \$390,000	
R2R - \$130,000		
<b>Clarendon Street</b>		
RRG - \$320,000	= \$480,000	
R2R - \$160,000		

**STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUR PRIORITIES</b>	<b>WE WILL</b>
4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Community:</b> Access to communities restricted.	Likely	Moderate	High	Maintain roads to industry standards

**CONSULTATION**

Tender T6-2021 to undertake work on Fitzroy Street from SLK 1.77 to SLK 1.03 and in Clarendon Street was advertised in local and state-wide newspapers, with the tender closing 2.00pm (WST) on 24th February 2022. The advertised Tender allowed for a minimum of fourteen days for individuals or companies to submit tenders, which included the opportunity to view and inspect the construction site.

Following the tender advertisement, one request was made for the applicable tender documents. At the close of tenders on 24th February 2022, submitted tender documents were received from:

- Buckley’s Earthworks and Paving.

**COMMENT**

For the purposes of the project the scope of works was split into separate components as follows:

- Project 1 - Fitzroy Street – Drainage, Stabilization and Bitumen sealing works; and
- Project 2 - Clarendon Street - Reconstruction, Drainage and Bitumen sealing works.

It is recommended that the tender be awarded to the contractor with the highest average score given by three assessors, using the Approved Tender Scoring Criteria that falls within the allocated budget. The Regional Price Preference Policy AF33 was applied to the prices submitted by Buckley’s Earthworks & Paving.

The criteria and weighting for this tender were as follows:

<b>Criteria</b>	<b>%</b>
Related Experience	<b>15</b>
Key Personnel and Experience	<b>15</b>
Tenderer's Resources	<b>15</b>
Demonstrated Understanding	<b>15</b>
Local Supplier Details	<b>10</b>
Quality Management Systems	<b>20</b>
Risk	<b>10</b>

A score summary is shown below:

Buckleys Earthworks and Paving	C1
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		<b>C1</b>
Relevant Experience 15%	Weighted Score	12.0
Key Personnel Skills & Experience 15%	Weighted Score	12.7
Tender Resources 15%	Weighted Score	10.3
Demonstrated Understanding 15%	Weighted Score	13.7
Local Supplier Details 10%	Weighted Score	8.0
Quality Management System 20%	Weighted Score	16.0
Risk 10%	Weighted Score	6.3
<b>Totals</b>	<b>100%</b>	<b>79.0</b>



Buckley's Earthworks and Paving being the only respondent are capable of undertaking the work with a score reflective of their capability. BEP are capable of doing the works with the Shire and in the last few years have completed similar works throughout Derby and Fitzroy Crossing.

It is therefore recommended that this tender be awarded to Buckley's Earthworks and Paving.

#### **VOTING REQUIREMENT**

Simple majority

#### **ATTACHMENTS**

##### **1. Confidential Price Scoring - T6-2021 - Confidential**

#### **RESOLUTION 34/22**

**Moved: Cr Paul White**

**Seconded: Cr Peter McCumstie**

**That Council award Tender T6-2021 Fitzroy and Clarendon works to Buckley's Earthworks and Paving.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 8/0**

**13.2 AWARD OF TENDER T5-2021 - CAMBALLIN ROAD – RESHAPING AND RESHEETING****File Number: 0481****Author: John Dyer, Manager of Infrastructure****Responsible Officer: Wayne Neate, Director Technical and Development Services****Authority/Discretion: Executive****SUMMARY**

This item is for Council to consider the awarding of Tender T5-2021 being the contract works required to Reshape and Re-sheet Camballin Road. It is proposed that the Tender be awarded to Buckley's Earthmoving and Paving (BEP).

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

In Council's 2021-2022 budget, funding has been allocated for improvement works to reshape and re-sheet Camballin Road. The works are proposed to be carried out between Straight Line Kilometre (SLK) 4.30 to 16.00.

It is recognised that the Camballin Road is one of the most used roads outside of the town sites and therefore does require extensive works on a continual basis. Shire officers have carried out several inspections on the section of road concerned to ascertain the most appropriate locations for treatment.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – 3.57 Tenders for the providing goods or services and Local Government (Functions and General) Regulations 1996 Part 4 Tenders for providing goods or services.

**POLICY IMPLICATIONS**

Section 8 - Purchase of Goods and Services

Regional Price preference Policy AF33

**FINANCIAL IMPLICATIONS**

Funds for the undertaking of this contract are contained within the 2021-2022 budget for the Camballin Road works, submitted prices as per the confidential attachment. The funds are made up of Road Project Grant (RRG) from Main Roads Western Australia, Roads to Recovery (R2R) Commonwealth funding programme and Council Funds (RC).

<b>Camballin Road</b>		<b>= \$495,000</b>
RRG158 - \$250,000	<b>= \$495,000</b>	
R2R158 - \$75,000		
RC002 - \$170,000		

**STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUR PRIORITIES</b>	<b>WE WILL</b>
4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Business Interruption:</b> Pastoralists unable to import fuel/fodder and export cattle.	Almost Certain	Severe	Extreme	Maintain roads to industry standards
<b>Community:</b> Access to communities restricted.	Likely	Moderate	High	Maintain roads to industry standards

**CONSULTATION**

The advertised Tender allowed for a minimum of fourteen days for individuals or companies to submit tenders, which included the opportunity to view and inspect the construction site. Following the tender advertisement, three requests were made for the applicable tender documents.

At the close of tenders on 9 March 2022, submitted tender documents were received from:

- Buckley’s Earthworks and Paving;
- AK Evans Group; and
- Northern Goldfields Earthmoving.

**COMMENT**

It is recommended that the tender be awarded to the contractor with the highest average score given by three assessors, using the Approved Tender Scoring Criteria that falls within the allocated budget. The Regional Price Preference Policy AF33 was applied to the prices submitted by the three Tenderers.

The criteria and weighting for this tender were as follows:

Criteria	%
Related Experience	15
Key Personnel and Experience	15
Tenderer's Resources	15
Demonstrated Understanding	15
Local Supplier Details	10
Quality Management Systems	20
Risk	10

A score summary is shown below:

Buckley's Earthworks and Paving	C1
AK Evans	C2
Northern Goldfields Earthmoving	C3

		C1	C2	C3
Relevant Experience 15%	Weighted Score	12.0	10.7	11.7
Key Personnel Skills & Experience 15%	Weighted Score	11.7	12.3	11.3
Tender Resources 15%	Weighted Score	13.0	12.3	13.0
Demonstrated Understanding 15%	Weighted Score	12.3	12.0	12.3
Local Supplier Details 10%	Weighted Score	9.0	8.0	3.3
Quality Management System 20%	Weighted Score	17.7	16.7	12.7
Risk 10%	Weighted Score	8.7	8.7	8.0
Totals	100%	<b>84.3</b>	<b>80.7</b>	<b>72.3</b>

As seen in the table above, the total criteria scores are very similar in the Assessment Criteria for T5-2021 Camballin Reshape and Re-sheet. All of the companies are capable of undertaking the work however, using the best value for money approach it is therefore recommended that this contract be awarded to Buckley's Earthworks and Paving.

### VOTING REQUIREMENT

Simple majority

**ATTACHMENTS****1. Confidential Price Scoring - T5 - 2021 - Confidential****RESOLUTION 35/22****Moved: Cr Andrew Twaddle****Seconded: Cr Linda Evans****That Council;**

- 1. Award Tender T5-2021 Camballin Road Reshape and Re-sheet works to Buckley's Earthmoving and Paving (BEP); and**
- 2. Authorise the CEO to negotiate a reduced scope of work with BEP in order to keep the cost of the project within the available budget amount.**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 8/0**

**14 DEVELOPMENT SERVICES**

**14.1 REVIEW OF FIRE BREAK AND FUEL REDUCTION NOTICE**

**File Number:** 7014

**Author:** Robert Paull, Manager Development Services

**Responsible Officer:** Wayne Neate, Director Technical and Development Services

**Authority/Discretion:** Legislative

**SUMMARY**

The Shire has reviewed the annual ‘Fire Break and Fuel Reduction Notice’ (Notice) to improve clarity and direction. Council is requested to endorse the Notice for publication.

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

A Notice is a legal document issued by local governments that instructs landowners/occupiers of the actions they must take to prepare their properties for the upcoming fire season. Land owners/occupiers who fail to comply with conditions contained in the Notice by the date of inspection may be issued with a penalty of up to \$5,000.00.

**STATUTORY ENVIRONMENT**

Section 33 of the *Bush Fires Act 1954*.

**POLICY IMPLICATIONS**

There are no known policy implications associated with this report.

**FINANCIAL IMPLICATIONS**

There are no known financial implications associated with this report

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	2.1 Safe Communities	1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Legal &amp; Compliance:</b> Need for the Fire Break and Fuel Reduction Notice to be easy to	Possible	Moderate	Medium	That that the reviewed Notice be adopted

read and lawful				
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**CONSULTATION**

No consultation was undertaken in the preparation of this report.

**COMMENT**

It is important that the Notice is an easy and understandable document to read. A landowner/occupier and legal entity is responsible for making sure their land complies with the conditions contained within the Notice.

Accordingly, Shire officers have reviewed and sought a legal confirmation of changes to the 'existing' Notice where a number of changes (for clarity) were identified. The 'marked up' original Notice is included as **Attachment 1** with the revised Notice included as **Attachment 2**. Council is requested to endorse the Notice (**Attachment 2**) for publication.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

- 1. Attachment 1 - 'Marked Up' Fire Break Notice  
- 2. Attachment 2 - Revised Fire Break Notice  

**RESOLUTION 36/22**

**Moved: Cr Paul White**

**Seconded: Cr Geoff Davis**

**That with respect to the review of Fire Break and Fuel Reduction Notice, Council:**

- 1. Endorse the review of Fire Break and Fuel Reduction Notice (the Notice); and**
- 2. Endorse the Notice as provided in Attachment 2 for publication.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 8/0**



**BUSH FIRES ACT 1954**

**SHIRE OF DERBY / WEST KIMBERLEY**

**FIRE BREAK & FUEL HAZARD REDUCTION NOTICE**

**FIRST AND FINAL NOTICE**

**Notice to owners and/or occupiers of land within the Shire of Derby/West Kimberley**

PURSUANT to the powers contained in Section 33 of the *Bush Fires Act 1954*, all owners ~~and/or~~ occupiers of land within the Shire of Derby/West Kimberley (Shire) are hereby required, on or **before 30<sup>th</sup> June 2022** and thereafter up to and **including 31<sup>st</sup> December 2022** to have fire breaks or fire control measures installed and maintained for the period in accordance with the following:

**1. Rural lands - being all land outside townsites (not including pastoral lease land).**

- a) Mineral earth trafficable fire breaks must be installed on the land and be kept clear of flammable material. The fire breaks must not be less than four (4) metres in width, four (4) metres in height and be located within six (6) metres of all external boundaries; and
- b) A building protection zone of twenty-five (25) metres must be established around all buildings on the land and be clear of all flammable material capable of sustaining fire or enabling fire to spread. Any garden beds or vegetation situated within the building protection zone must be maintained so that fuel levels containing mulch, dried leaves or other garden refuse do not exceed fifty (50) mm in height.

**2. Pastoral lease lands – being all land held under pastoral lease.**

Low fuel breaks are required to be not less than twenty-five (25) metres wide, totally surrounding and within three (3) metres of the perimeter of all buildings and/or haystacks or groups of buildings.

**3. Townsite Lands - being all land in the townsites of Derby, Camballin and Fitzroy Crossing.**

- a) **Where the area of the land is 2023m<sup>2</sup> or less** With the exception of living trees and bushes, all ~~inflammable material~~ **is required to be removed** from the whole of the land ~~is required to be removed~~. Any stubble left is not to exceed fifty (50) mm in height.

- b) **Where the area of the land is greater than 2023 m<sup>2</sup>**

Mineral earth trafficable fire breaks must be installed on the land and be kept clear of flammable material. These fire breaks must not be less than three (3) metres in width, four (4) metres in height and must be located within two (2) metres of all external boundaries.;

A building protection zone of twenty (25) metres must be established around all buildings on the land, inclusive of all dwellings, sheds etc. This area must be clear of all flammable material capable of sustaining fire or enabling fire to spread. Reticulated garden beds or vegetation situated within the building protection zone must be maintained so that fuel levels containing mulch, dried leaves or other garden refuse do not exceed fifty (50) mm in height.

**4. Rubbish/landfill Sites.**

Mineral earth trafficable fire breaks must be installed on the land and be kept clear of flammable material. These fire breaks must not be less than four (4) metres in width, four (4) metres in height and must be located within six (6) metres of the perimeter of the rubbish sites.

**5. Fuel dumps and depots.**

Remove all ~~inflammable~~ material where fuel drum ramps or dumps are located, and where fuel drums; (whether containing fuel or not) are stored to a distance of at least ten metres outside the perimeter of any drum, ramp or stack of drums.

**6. Compliance.**

The actions required in ~~sections-Parts~~ **sections-Parts** 1 to 5 (above) must be undertaken to the satisfaction of the Shire.

**Derby**

(08) 9191 0999 | 30 Loch Street  
 sdwk@sdwk.wa.gov.au | PO Box 94, Derby WA 6728

**Fitzroy Crossing**

(08) 9191 5355 | Flynn Drive  
 sdwk@sdwk.wa.gov.au | PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

www.sdwk.wa.gov.au



**7. Alternative Arrangements.**

If for any reason it is considered to be impracticable to clear fire breaks or to remove inflammable material from the land as required by this Notice, you may apply to the Shire **before 30th May 2022** for permission to provide Alternative Arrangements for fire breaks in Alternative Arrangements or to take alternative action to abate fire hazards on the land. If Until and unless the Shire gives permission is not given in writing to the contrary, you must comply with this Notice.

**8. Penalties.**

The penalties for failing to comply with this Notice is a fine of up to \$5000 or infringement penalty of \$250, and an owner or occupier is also liable, whether prosecuted or not a prosecution is commenced or an infringement notice is issued, to pay the cost to Council the Shire of its employees or contractors performing the work carrying out work in default of this Notice. The Shire's Authorised Officer has legal right of entry to any property with any machinery or personnel deemed necessary in order to complete the work, under section 33(4)(b) of the *Bush Fires Act 1954*

**9. Bushfire Management Plans.**

Those property owners/occupiers who reside on properties that have a Bushfire Management Plan (BMP) endorsed by the Shire and Western Australian Planning Commission must ensure that they are implementing and complying with the conditions of the BMP as it applies to their land.

Where an approved BMP exists, land owners and occupiers must still comply with all requirements in this Notice and any additional requirements outlined within the BMP.

**10. Definitions.**

**Alternative Arrangements** includes a written variation as defined in Part Section 7 of this Notice to reduce and mitigate fire hazards within a particular subdivision, lot or other area of land anywhere in the district.

**Authorised Officer** means an employee of the Shire appointed as a Bush Fire Control Officer pursuant to the powers conferred in Section 38 of the *Bush Fires Act 1954*.

**Building Protection Zone** means a fuel-reduced area that surrounds buildings and other built assets.

**'Bushfire Management Plan'** means a comprehensive plan that may be placed on the certificate of title(s) of land that has been developed as a condition of development or subdivision. Bushfire Management Plans may become out dated and it is the responsibility of the property-land owner to review and keep them current. Where a property is affected by an approved bushfire management plan, property owners must still comply with all requirements in the Annual Fire Hazard Reduction Notice and with any additional requirements outlined within that plan.

**Fire breaks** are defined for the purposes of this Notice as 'a strip of land that has been cleared of all trees, bushes, grasses and any other object or thing or flammable vegetation leaving clear, bare mineral earth.'

**Flammable material** is defined for the purposes of this Notice to include long dry grass, leaves, bark, timber, boxes, cartons, paper, rubbish and any other form of combustible matter, but does not include living trees, shrubs, growing bushes and plants under cultivation.

**Fuel Depot / Fuel Storage Area** means an area of land, a building or structure where fuel, i.e. (petrol, diesel, kerosene, liquid gas or any other fossil fuel) is kept in any container or manner.

**Trafficable** means capable of being driven on from one point to another by any Emergency Services Vehicle on a clear surface, without any obstruction that may endanger that vehicle or its occupants. A fire break is not to terminate or lead to a dead end.

**BY ORDER OF CHIEF EXECUTIVE OFFICER**

**Amanda Dexter**

Chief Executive Officer, Shire of Derby/West Kimberley

**Derby**

(08) 9191 0999 | 30 Loch Street  
 sdwk@sdwk.wa.gov.au | PO Box 94, Derby WA 6728

**Fitzroy Crossing**

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ABN: 99 934 203 062

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**BUSH FIRES ACT 1954**

**SHIRE OF DERBY / WEST KIMBERLEY**

**FIRE BREAK & FUEL HAZARD REDUCTION NOTICE**

**FIRST AND FINAL NOTICE**

**Notice to owners and/or occupiers of land within the Shire of Derby/West Kimberley**

PURSUANT to the powers contained in Section 33 of the *Bush Fires Act 1954*, all owners and occupiers of land within the Shire of Derby/West Kimberley (Shire) are hereby required, on or **before 30<sup>th</sup> June 2022** and thereafter up to and **including 31<sup>st</sup> December 2022** to have fire breaks or fire control measures installed and maintained for the period in accordance with the following:

**1. Rural lands - being all land outside townsites (not including pastoral lease land).**

- a) Mineral earth trafficable fire breaks must be installed on the land and be kept clear of flammable material. The fire breaks must not be less than four (4) metres in width, four (4) metres in height and be located within six (6) metres of all external boundaries; and
- b) A building protection zone of twenty-five (25) metres must be established around all buildings on the land and be clear of all flammable material capable of sustaining fire or enabling fire to spread. Any garden beds or vegetation situated within the building protection zone must be maintained so that fuel levels containing mulch, dried leaves or other garden refuse do not exceed fifty (50) mm in height.

**2. Pastoral lease lands – being all land held under pastoral lease.**

Low fuel breaks are required to be not less than twenty-five (25) metres wide, totally surrounding and within three (3) metres of the perimeter of all buildings and/or haystacks or groups of buildings.

**3. Townsite Lands - being all land in the townsites of Derby, Camballin and Fitzroy Crossing.**

- a) **Where the area of the land is 2023m<sup>2</sup> or less**  
With the exception of living trees and bushes, all flammable material is required to be removed from the whole of the land. Any stubble left is not to exceed fifty (50) mm in height.
- b) **Where the area of the land is greater than 2023 m<sup>2</sup>**  
Mineral earth trafficable fire breaks must be installed on the land and be kept clear of flammable material. These fire breaks must not be less than three (3) metres in width, four (4) metres in height and must be located within two (2) metres of all external boundaries.

A building protection zone of twenty (25) metres must be established around all buildings on the land, inclusive of all dwellings, sheds etc. This area must be clear of all flammable material capable of sustaining fire or enabling fire to spread. Reticulated garden beds or vegetation situated within the building protection zone must be maintained so that fuel levels containing mulch, dried leaves or other garden refuse do not exceed fifty (50) mm in height.

**4. Rubbish/landfill Sites.**

Mineral earth trafficable fire breaks must be installed on the land and be kept clear of flammable material. These fire breaks must not be less than four (4) metres in width, four (4) metres in height and must be located within six (6) metres of the perimeter of the rubbish sites.

**5. Fuel dumps and depots.**

Remove all flammable material where fuel drum ramps or dumps are located, and where fuel drums (whether containing fuel or not) are stored to a distance of at least ten metres outside the perimeter of any drum, ramp or stack of drums.

**6. Compliance.**

The actions required in Parts 1 to 5 (above) must be undertaken to the satisfaction of the Shire.

**Derby**

(08) 9191 0999 | 30 Loch Street  
sdwk@sdwk.wa.gov.au | PO Box 94, Derby WA 6728

**Fitzroy Crossing**

(08) 9191 5355 | Flynn Drive  
sdwk@sdwk.wa.gov.au | PO Box 101, Fitzroy Crossing

ABN: 99 934 203 062

[www.sdwk.wa.gov.au](http://www.sdwk.wa.gov.au)

## 7. Alternative Arrangements.

If for any reason it is considered to be impracticable to clear fire breaks or to remove flammable material from the land as required by this Notice, you may apply to the Shire **before 30th May 2022** for permission to provide Alternative Arrangements for fire breaks or to take alternative action to abate fire hazards on the land. Until and unless the Shire gives permission in writing to the contrary, you must comply with this Notice.

## 8. Penalties.

The penalties for failing to comply with this Notice is a fine of up to \$5000 or infringement penalty of \$250. An owner or occupier is also liable, whether or not a prosecution is commenced or an infringement notice is issued, to pay the cost to the Shire of carrying out work in default of this Notice. The Shire's Authorised Officer has legal right of entry to any property with any machinery or personnel deemed necessary in order to complete the work, under section 33(4)(b) of the *Bush Fires Act 1954*

## 9. Bushfire Management Plans.

Those property owners/occupiers who reside on properties that have a Bushfire Management Plan (BMP) endorsed by the Shire and Western Australian Planning Commission must ensure that they are implementing and complying with the conditions of the BMP as it applies to their land.

Where an approved BMP exists, land owners and occupiers must still comply with all requirements in this Notice and any additional requirements outlined within the BMP.

## 10. Definitions.

**Alternative Arrangements** includes a written variation as defined in Part 7 of this Notice to reduce and mitigate fire hazards within a particular subdivision, lot or other area of land anywhere in the district.

**Authorised Officer** means an employee of the Shire appointed as a Bush Fire Control Officer pursuant to the powers conferred in Section 38 of the *Bush Fires Act 1954*.

**Building Protection Zone** means a fuel-reduced area that surrounds buildings and other built assets.

**'Bushfire Management Plan'** means a comprehensive plan that may be placed on the certificate of title(s) of land that has been developed as a condition of development or subdivision. Bushfire Management Plans may become out dated and it is the responsibility of the land owner to review and keep them current.

**Fire breaks** are defined for the purposes of this Notice as 'a strip of land that has been cleared of all trees, bushes, grasses and any other object or thing or flammable vegetation leaving clear, bare mineral earth.'

**Flammable material** is defined for the purposes of this Notice to include long dry grass, leaves, bark, timber, boxes, cartons, paper, rubbish and any other form of combustible matter, but does not include living trees, shrubs, growing bushes and plants under cultivation.

**Fuel Depot / Fuel Storage Area** means an area of land, a building or structure where fuel, i.e. (petrol, diesel, kerosene, liquid gas or any other fossil fuel) is kept in any container or manner.

**Trafficable** means capable of being driven on from one point to another by any Emergency Services Vehicle on a clear surface, without any obstruction that may endanger that vehicle or its occupants. A fire break is not to terminate or lead to a dead end.

**BY ORDER OF CHIEF EXECUTIVE OFFICER**

**Amanda Dexter**

Chief Executive Officer, Shire of Derby/West Kimberley

## 14.2 REQUEST BY HORIZON POWER TO INSTALL ELECTRIC VEHICLE DC FAST CHARGERS ON SHIRE LAND IN DERBY

**File Number:** 4070;

**Author:** Robert Paull, Manager Development Services

**Responsible Officer:** Wayne Neate, Director Technical and Development Services

**Authority/Discretion:** Administrative

### SUMMARY

Council is recommended to:

- support for the installation of electric vehicle DC Fast Chargers (Fast Chargers) at Coach Park, Clarendon Street Derby; and
- request the President and Chief Executive Officer to sign an access agreement with Horizon Power on behalf of the Shire.

### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

### BACKGROUND

At the Ordinary Meeting of 24 February 2022 (resolution 10/22), Council considered the matter of Horizon Power's (HP) request to install electric DC Fast Car Chargers in Derby and Fitzroy Crossing and resolved as follows:

*".....that Council:*

1. *Acknowledge the request from Horizon Power (HP) to install 2 to 4 dedicated bays for electric vehicle DC Fast Chargers (Fast Chargers) on Shire land as identified in this report;*
2. *Advise HP of Council's position on the preferred locations for the Fast Chargers as outlined in the Shire Report; and*
3. *Request the Chief Executive Officer to refer HP's response to the preferred siting for the Fast Chargers back to Council and where appropriate, provide the draft Access Licence Agreement that addresses (but not limited to) any matters raised by the Shire's insurer (LGIS) and WALGA as well as addressing s.3.58 Local Government Act 1995 requirements relevant to the disposal of land."*

### STATUTORY ENVIRONMENT

Whilst there are no known statutory environment implications for the Fast Charger themselves, the exclusive use of Shire land is regarded as '**disposal of land**' under s.3.58 of the *Local Government Act 1995*.

The most appropriate means would be by Private Treaty under Sections 3.58 (3)(a) of the *Local Government Act 1995* by Council accepting the proposed disposition and inviting via public notice (counter) submissions to be made to the local government for a period no less than 2 weeks. HP has not made an offer to use the Shire land for the Fast Chargers but it is anticipated that the installation would be at no cost to the Shire.

There does not appear to be any exemption under either the *Local Government Act 1995* or the *Local Government (Functions & General) Regulation 1996* to dispose of the land.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

There are no known financial implications. If supported by Council, HP advised that they will be responsible for any maintenance or operational costs.

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME	STRATEGY
1. Leadership and Governance	1.1 Collaboration and Partnerships. 1.2 Capable, inclusive and effective organisation. 1.3 Effective Communication.	1.1.1 Maximise local opportunities. 1.2.4 Attract and effectively use resources to meet community needs. 1.3.3 Listen to and respond to the needs of our communities.

**RISK MANAGEMENT CONSIDERATIONS**

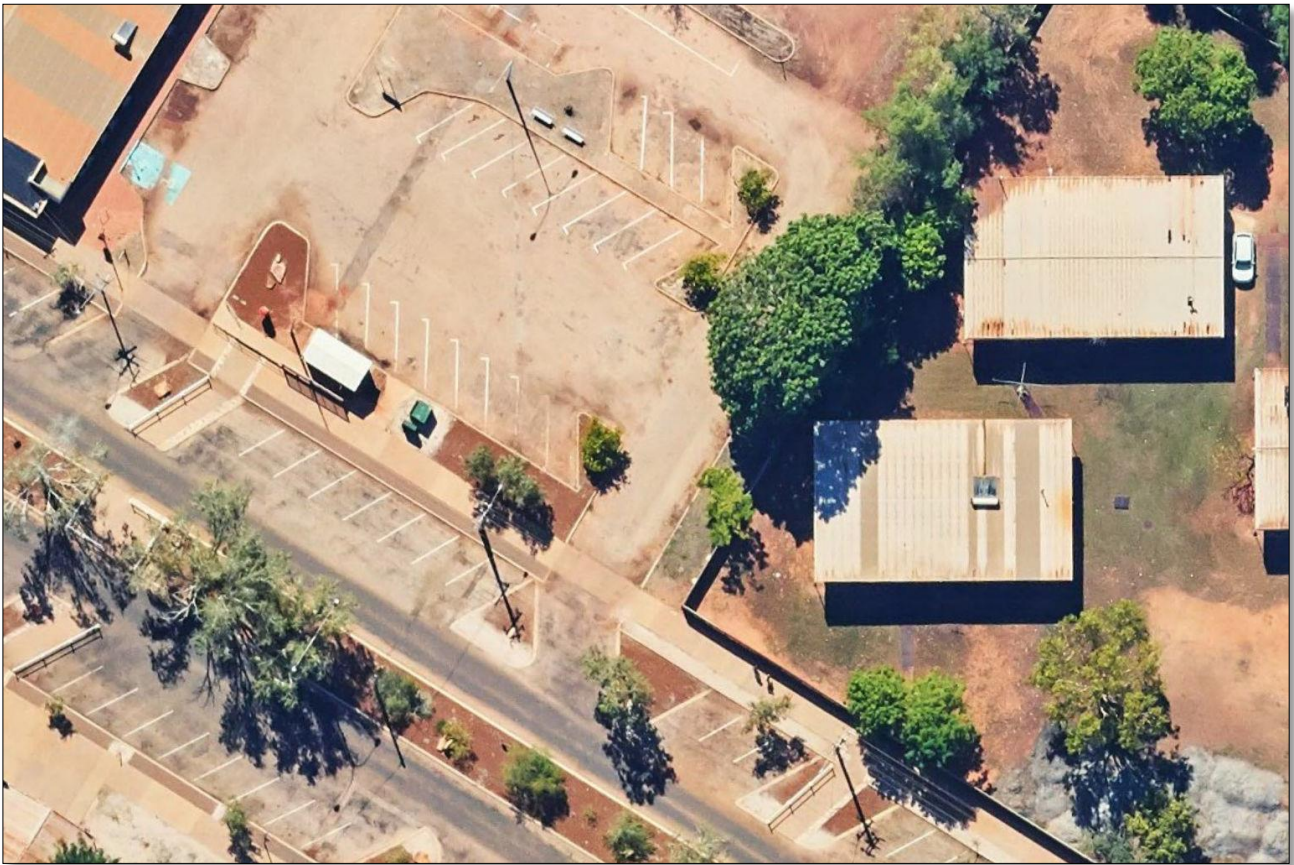
RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Reputation:</b> Whilst Council is not obligated to consider providing access to HP to install the Fast Chargers, without HP’s responsibilities clearly defined, it has the potential to negatively impact the Shire’s asset base and long term finances.	Unlikely	Minor	Medium	Attention to process and procedures, awareness of risk and responsibility for maintain the Fast Chargers.

**CONSULTATION**

The Shire has not conducted any consultation in relation to this matter. The proposal before Council is the consultation being undertaken by HP.

**COMMENT**

Shire officers have discussed the matters raised by Council with HP and the parking area at Coach Park, Clarendon Street Derby was considered an opportune site with an electric substation close by. HP believe that the following siting would be beneficial for electric car users and for their operational needs:



The use of Coach Park is considered to be appropriate.

**VOTING REQUIREMENT**

Absolute majority

**ATTACHMENTS**

Nil

**RESOLUTION 37/22****Moved: Cr Paul White****Seconded: Cr Rowena Mouda****That Council (in relation to request by Horizon Power to install electric vehicle DC Fast Chargers on Shire land in Derby):**

- 1. Accept Horizon Power's (HP) request to establish Fast Chargers at Coach Park as identified in this report;**
- 2. Advertise the disposal of land associated with HP's request to install electric vehicle DC Fast Chargers on Shire land in Derby and Fitzroy Crossing in accordance in with 3.58 (3)(a) of the *Local Government Act 1995*; and**
- 3. At the close of 2. above, the President and Chief Executive Officer be authorised to enter into an appropriate access agreement with Horizon Power and on behalf of the Shire sign and utilise the Council Seal.**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 8/0**

### 14.3 REQUEST FOR COMMENT IN RELATION TO PROPOSED LICENCES UNDER SECTION 91 OF THE LAND ADMINISTRATION ACT 1997 (WA) FOR YIRAMALAY AND PROPOSED WINDJANA SCHOOL SITES, SHIRE OF DERBY-WEST KIMBERLEY

**File Number:** 152510; 7060

**Author:** Robert Paull, Manager Development Services

**Responsible Officer:** Wayne Neate, Director Technical and Development Services

**Authority/Discretion:** Administrative

#### SUMMARY

Council is requested to:

- Not oppose a Licence under Section 91 of the Land Administration Act 1997 (*LA Act*) for Yiramalay school site (Lot 338 on DP 195328) provided the Department of Planning, Lands and Heritage (DPLH) advises the proponent (Studio Schools of Australia (SSA)) that Lot 338 is:
  - in a bush fire risk area;
  - accessed by a road that is not an all-weather road (i.e., access is not available all year round); and
  - it would appear that a portion of the school may be located on adjoining lot 242; and:
- Withholds support for a Section 91 Licence under the of *LA Act* for a proposed Windjana school site on Lot 100 on DP 418930 (Windjana) until the DPLH is provided an assessment:
  - there has been an appropriate engineering assessment of the potential flooding of the land;
  - bushfire management has been adequately addressed; and
  - consideration of the establishment of an all-weather road to the site;has been adequately addressed.

#### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

#### BACKGROUND

DPLH has received a proposal from the Bunuba Dawangarri Aboriginal Corporation to obtain two s91 LAA licences for Lot 338 on DP 195328 (Yiramalay) and Lot 100 on DP 418930 (Windjana) for a period 12 months, with a possible extension. As part of the process to consider the licences, the views of the local government must be sought.

DPLH advise that Yiramalay has been operating in partnership with Wesley School over Lot 338 on DP 195328 over many years and now SSA hope to take over this school; and build a new school on Lot 100 on DP 418930 (Windjana).

DPLH also advise as follows:

*“This matter is part of the Fitzroy River National Park (FRNP) Election Commitment and the broader Department Biodiversity, Attractions and Conservation (DBCA) Plan for Parks.*



*The licences will provide some form of access until the FRNP Indigenous Land Use Agreement (ILUA) is registered and a more long-term form of tenure can be provided. It is a part of the overall negotiations and hence an urgent response is required”.*

The land identified is included as **Attachment 1** (Lot 338) and **Attachment 2** (Lot 100).

**STATUTORY ENVIRONMENT**

*Land Administration Act 1997*

Both Lots 338 and 100 have been identified by Department of Fire and Emergency Services as being within a bushfire prone area.

**POLICY IMPLICATIONS**

There are no known policies relevant to this Report.

**FINANCIAL IMPLICATIONS**

Whilst there are no direct financial implications for the Shire associated with the two s91 LAA licences, the Shire’s experience is that pressure will eventually be placed (on the Shire) to provide and fund an all-weather road to the land.

**STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUR PRIORITIES</b>	<b>WE WILL</b>
1. Leadership and Governance	2.4 Sustainable Communities	1.2.1 Provide strong civic leadership

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Community:</b> That the eventual development of a school on Lot 100 on DP 418930 (Windjana) will be subject to flood, bushfire and be inaccessible during these times.	Likely	Moderate	Medium	To withhold support for the s.91 Licence under the LA Act until the matters identified as ‘risk’ have been adequately addressed.

**CONSULTATION**

No external consultation has been undertaken.

**COMMENT**

**Lot 338 on DP 195328 (Yiramalay)**

The Shire has in the past advised DPLH that although it is supportive of the intent to formalise tenure (for a school) on Lot 338, concern was raised in relation to the land not being accessed by an ‘all weather road’ (Note **Attachment 3**).

It is understood that the School has been operating for several years and access has been periodically cut due to flooding.

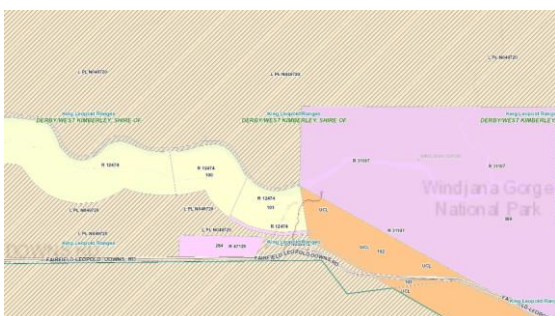
It is considered appropriate that Council not oppose the S.91 Licence for the existing Yiramalay school site (Lot 338) on the condition that DPLH advise SSA (as the proponent) that Lot 338 is a bushfire risk and that all-weather road is not available.



In addition, from DPLH’s website, it would appear that a portion of the school may be sited on adjoining lot 242.

**Lot 100 on DP 418930 (Windjana)**

The concerns associated with Lot 338 are echoed in relation to a future school on Lot 100. Although the issues of inundation, bushfire risk and road access can be considered at the planning application stage, it is reasonable that DPLH addresses these matters prior to the issue of a Section 91 Licence under the LA Act.









In relation to Lot 100, it is considered reasonable for Council to withhold support for a Section 91 Licence for a proposed Windjana school site until DPLH has assessed:

- that an appropriate engineering assessment of the potential flooding of the land has been undertaken;
- bushfire management has been adequately addressed; and
- consideration is made of an all-weather road to the site.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. Attachment 1 - Lot 338  
2. Attachment 2 - Lot 100  
3. Attachment 3 - Previous advice to DPLH (Lot 338)  

*Cr Pat Riley joined the meeting via telephone at 6:04pm*

**RESOLUTION 38/22**

**Moved:** Cr Paul White

**Seconded:** Cr Andrew Twaddle

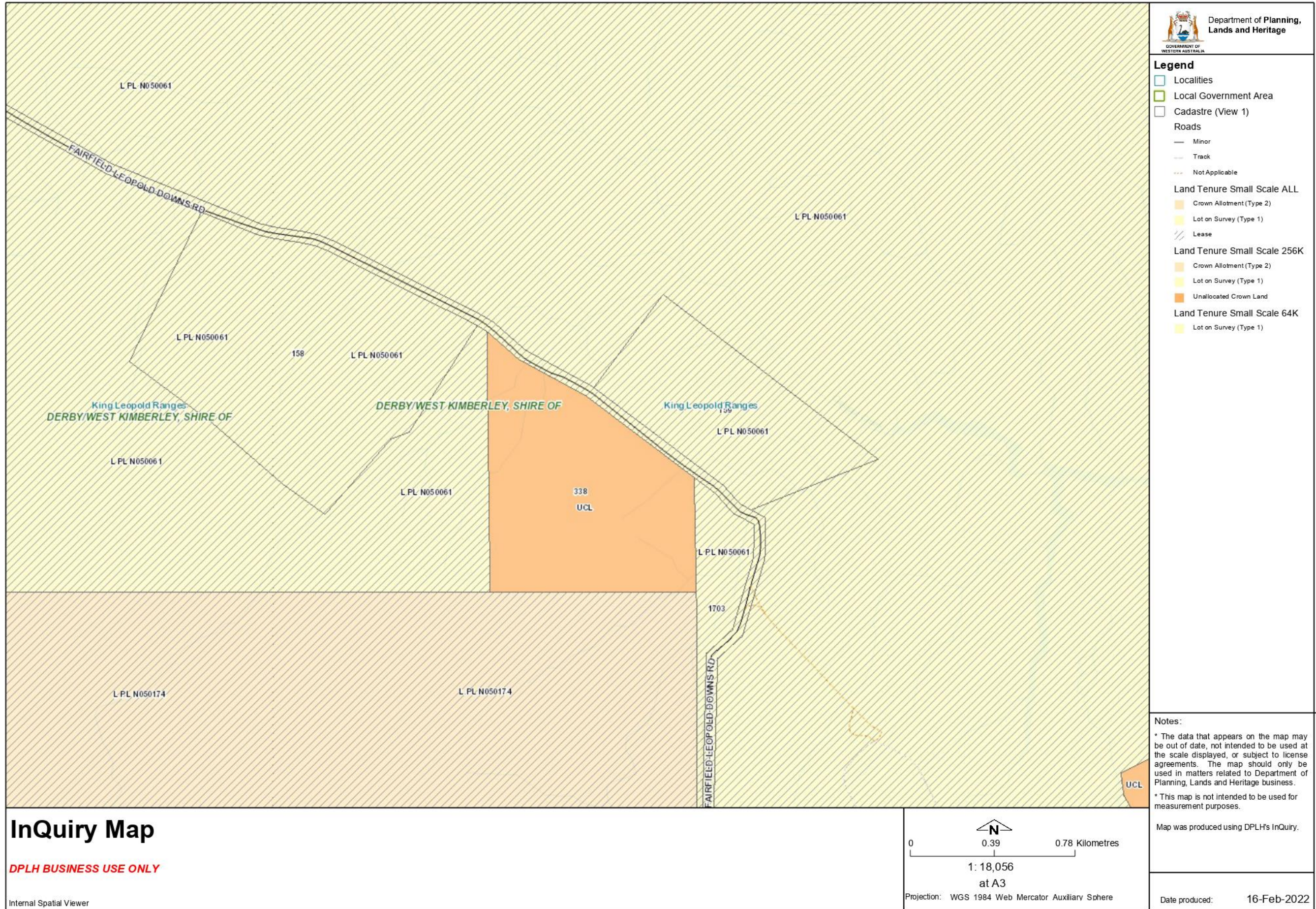
**That request for comment in relation to proposed Licences under Section 91 of the Land Administration Act 1997 for Yiramalay and proposed Windjana school sites, Shire of Derby/West Kimberley that Council:**

1. **Note the Report;**
2. **Advise Department of Planning, Lands and Heritage (DPLH) and Studio Schools of Australia as follows:**
  - (a) **With respect to Lot 338 on DP 195328 (Yiramalay):**
    - i. **Not oppose a Licence under Section 91 of the Land Administration Act 1997 (LA Act) for the Yiramalay school site provided the DPLH inform Studio Schools of Australia (SSA) that:**
      - 1) **Lot 338 is a bushfire risk;**
      - 2) **Lot 338 is not accessed by an all-weather road; and**
      - 3) **it appears a portion of the school may be located on adjoining lot 242; and**
  - (b) **With respect to Lot 100 on DP 418930 (Windjana):**
    - i. **Withholds support for a Section 91 Licence under the of LA Act for the proposed Windjana school site until the DPLH has provided:**
      - 1) **an appropriate engineering assessment of the potential flooding of the land;**
      - 2) **an appropriate bushfire management assessment; and**
      - 3) **the risks of not having an all-weather road to Lot 100 are addressed.**

**In Favour:** Crs Geoff Haerewa, Paul White, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford and Linda Evans

**Against:** Crs Geoff Davis and Peter McCumstie

**CARRIED 7/2**

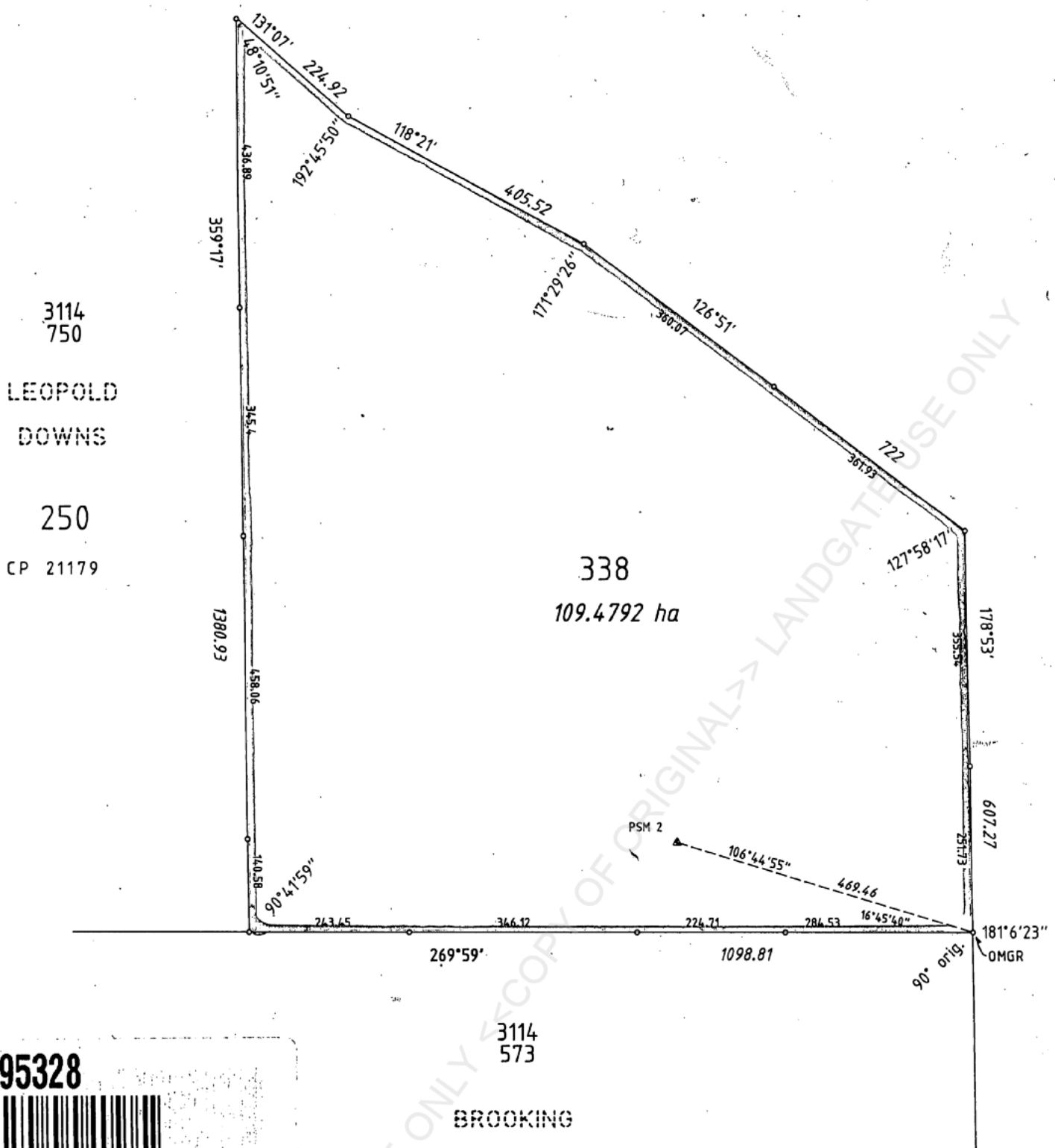


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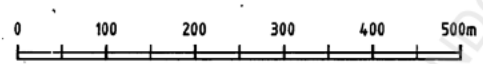
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FORMER TENURE CL/CLR/CLT ON PLANS/DIAGRAMS  
 PT FITZROY LOCATION 250 CL 412/1966

AMENDMENTS



DP 195328  
  
 CD 95328



3114 573  
 BROOKING SPRINGS  
 242  
 CP 20085

BOUNDARIES ARE NOT CLEARED  
 DIMENSIONS ARE DERIVED FROM RTK GPS OBSERVATIONS.  
 AMG84 ZONE 51 COORDINATES FOR PSM 2 ADOPTED FROM PREVIOUS SURVEY  
 (LANDINFO STATIC BASELINE OBS, 751006.241 E, 8036203.616 N  
 FROM SSM C70 IN 1995)

*751146.965 8056363.061*

DISTRICT FITZROY	<b>LOCATION 338</b>		FILE 3030 / 983
TOWNSITE			SCALE 1: 7500 ALL DISTANCES ARE IN METRES
SURVEYOR'S CERTIFICATE - Reg. 54 I, <u>MAX G. HORE</u> , hereby certify that this plan is a correct representation of the survey and/or calculations from measurements recorded in the field book lodged for the purpose of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.  <i>Max Hore</i> 23/10/20 Licensed Surveyor Date	LOCAL AUTHORITY SHIRE OF WEST KIMBERLEY LOCALITY LEOPOLD DOWNS  PUBLIC PLAN(S): LENNARD RIVER (250)	APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION  FILE <u>EXEMPT FROM SECTION 27(5) L.A.A. 1997</u>  FOR CHAIRMAN Date	IN ORDER FOR DEALINGS SUBJECT TO (1) ACQUISITION (2) LEASE DOCS  <i>Grant Yourley</i> 5.10.01 FOR AUTHORIZED LAND OFFICER DATE
	SURVEY INDEX PLAN(S) LENNARD RIVER (250)	TYPE OF VALIDATION Full Audit: <i>T. HANVILLE</i> Date: <u>3.10.2001</u> Legal Component: <i>T. HANVILLE</i> Date: <u>3.10.2001</u> CERTIFIED CORRECT <i>T. HANVILLE</i> Date: <u>3.10.2001</u>	APPROVED REG 21(1)  <b>APPROVED 3.3.2011</b> AUTHORIZED LAND OFFICER DATE
SURVEYOR'S CERTIFICATE - Compiled I, <u>MAX G. HORE</u> , hereby certify that this compiled plan - (a) is a correct and accurate representation of the survey (s) of the subject land; and (b) is in accordance with the relevant law in relation to which it is lodged.  Licensed Surveyor Date	FIELD BOOK 83563 Page 12 - 20  AZIMUTH FROM GPS OBS	EARLY ISSUE <input type="checkbox"/> F.S.C. No. _____ LODGED DATE 25.10.00 R.L.P.	LAND ADMINISTRATION ACT CROWN DIAGRAM <b>95328</b>

Prepared by: FUGRO SURVEY

FUGRO PLAN 15891-3

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REGISTER NUMBER <b>338/DP195328</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

VOLUME **LR3159** FOLIO **775**

**RECORD OF CERTIFICATE  
 OF  
 CROWN LAND TITLE  
 UNDER THE TRANSFER OF LAND ACT 1893  
 AND THE LAND ADMINISTRATION ACT 1997  
 NO DUPLICATE CREATED**

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

*BGRoberts*  
 REGISTRAR OF TITLES



**LAND DESCRIPTION:**

LOT 338 ON DEPOSITED PLAN 195328

**STATUS ORDER AND PRIMARY INTEREST HOLDER:  
 (FIRST SCHEDULE)**

**STATUS ORDER/INTEREST:** UNALLOCATED CROWN LAND

**PRIMARY INTEREST HOLDER:** STATE OF WESTERN AUSTRALIA

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:  
 (SECOND SCHEDULE)**

**Warning:** A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
 Lot as described in the land description may be a lot or location.

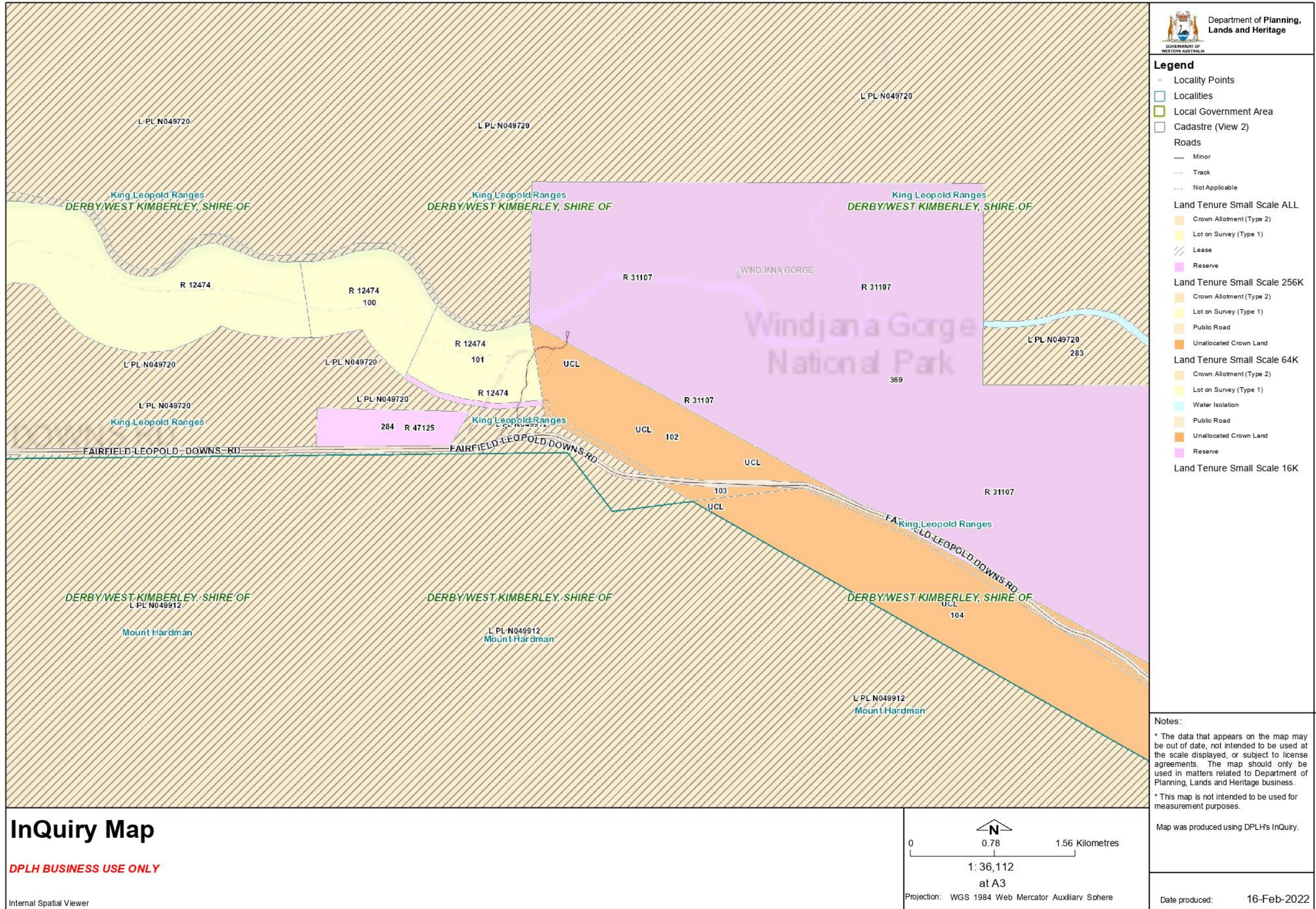
-----END OF CERTIFICATE OF CROWN LAND TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP195328  
 PREVIOUS TITLE: LR3010-716  
 PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.  
 LOCAL GOVERNMENT AUTHORITY: SHIRE OF DERBY-WEST KIMBERLEY  
 RESPONSIBLE AGENCY: DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)

NOTE 1: L566744 CORRESPONDENCE FILE 01572-1999-02RO



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REGISTER NUMBER <b>100/DP418930</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

WESTERN AUSTRALIA

**RECORD OF QUALIFIED CERTIFICATE  
 OF  
 CROWN LAND TITLE**  
 UNDER THE TRANSFER OF LAND ACT 1893  
 AND THE LAND ADMINISTRATION ACT 1997  
**NO DUPLICATE CREATED**

VOLUME **LR3173** FOLIO **975**

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

*BGRoberts*  
 REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 100 ON DEPOSITED PLAN 418930

**STATUS ORDER AND PRIMARY INTEREST HOLDER:  
 (FIRST SCHEDULE)**

**STATUS ORDER/INTEREST:** RESERVE WITHOUT MANAGEMENT ORDER

**PRIMARY INTEREST HOLDER:** STATE OF WESTERN AUSTRALIA

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:  
 (SECOND SCHEDULE)**

1. O860135 RESERVE 12474 FOR THE PURPOSE OF STOCK ROUTE REGISTERED 3/9/2021.

- Warning:
- (1) A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.
  - (2) The land and interests etc. shown hereon may be affected by interests etc. that can be, but are not, shown on the register.
  - (3) The interests etc. shown hereon may have a different priority than shown.

-----END OF CERTIFICATE OF CROWN LAND TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP418930  
 PREVIOUS TITLE: LR3173-975  
 PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.  
 LOCAL GOVERNMENT AUTHORITY: SHIRE OF DERBY-WEST KIMBERLEY  
 RESPONSIBLE AGENCY: DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)

NOTE 1: O860134 CORRESPONDENCE FILE 03030-1908-01RO  
 NOTE 2: SUBJECT TO SURVEY - NOT FOR ALIENATION PURPOSES





## SHIRE OF DERBY WEST KIMBERLEY

30 Loch Street  
Derby, WA, 6728

Telephone: (08) 9191 0999  
Email: [sdwk@sdwk.wa.gov.au](mailto:sdwk@sdwk.wa.gov.au)

PO Box 94  
Derby, WA, 6728

Facsimile: (08) 9191 0998  
Web: [www.sdwk.wa.gov.au](http://www.sdwk.wa.gov.au)

ALL COMMUNICATIONS TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER

OUR REF: 7055/8125  
YOUR REF: 2010-1999 (101847) A8132118  
DATE: 29 August 2017

Department of Planning Lands and Heritage  
PO Box 630  
KUNUNARRA WA 6743

Attention: Rachel Nelson

Dear Rachel,

**RESPONSE: FORMALISATION OF TENURE – YIRAMALAY AND GALAMUNDA. SHIRE OF DERBY/WEST KIMBERLEY.**

I refer to your letter dated 22 August 2017 in respect to the above matter.

As you have correctly identified in your letter, the Shire is aware of the background surrounding the establishment of the Yiramalay School and is supportive of the proposed intent to formalise the tenure. Similarly, the Shire acknowledges that the Galamunda Community has been developed and occupied as a living area for many years and is supportive of actions to have tenure formalised for the residents of that community. We also reiterate our past support given towards the formalisation of the tenure for the Biridu Community.

In providing our general support toward the grant of tenure we note that this would normally be contingent upon locations having legal access and as you have highlighted the southern end of the Fairfield-Leopold Road is not dedicated. Notwithstanding the current status of the road, the Shire has and does perform routine maintenance on that road on annual basis, however, there are times where the road is not trafficable due to weather conditions and or other circumstances and the road needs to be 'closed' periodically.

Should the grant of tenure be finalised in advance of that formal dedication or indeed afterwards, there is some risk to the Shire that the lessees could call upon the Shire to undertake works above and beyond the existing maintenance program to make the road an all-weather road. Such works would be beyond the Shire's resources for the foreseeable future. As such, in providing support to the formalisation of tenure the Shire would seek some surety from the lessees that they acknowledge the road will be closed from time to time and agree to make no claim against the Shire for any loss arising from the road being closed.

Should steps be taken to have the road formalised, the Shire requests that consideration be given to ensuring that the dedication incorporates the locations from where the Shire accesses gravel, sand and

*The True Kimberley*

water from with the understanding that those resources would be used exclusively by the Shire on the subject road. We are also aware that there are sections of the current alignment of the road that should be revised to improve road safety and we would look to work cooperatively with all stakeholders on that issue. We also note that there are sections of the northern half of the road that may sit outside the road reserve and we would like to explore the possibility of attending to those anomalies as part of any work undertaken on the southern half of the road.

I trust that the matters set out in these advices are of assistance. Should you require any further information in respect to the any of the matters raised in relation to road alignments and conditions, please contact Mr. Wayne Neate, Executive Manager Technical and Development Services.

Yours Sincerely

Noel Myers  
**MANAGER PLANNING SERVICES**

## 15 COMMUNITY AND RECREATION SERVICES

### 15.1 REQUEST FOR FUNDING - BOAB FESTIVAL AT DERBY INC.

**File Number:** GS/045/5

**Author:** Shane Edwards, Manager Community Development

**Responsible Officer:** Christie Mildenhall, Acting Director of Community Services

**Authority/Discretion:** Administrative

#### SUMMARY

This report is for council to consider a funding request from the Boab Festival at Derby Inc. for \$7,500 ex GST. Funding will be used towards the Mardi Gras event to be held Friday 1 July 2022 and Get Ya Bounce on Kids Day which will be held on Sunday 10 July 2022.

#### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

#### BACKGROUND

Coordinated by the Boab Festival at Derby Inc., the Boab Festival is held in Derby annually and is now in its 61<sup>st</sup> year. The event runs during the July school holidays and is a celebrating of the vibrant lifestyle of the West Kimberley. The festival consists of a number of events organised by the Boab Festival at Derby Inc. and other local community organisations, including the Float Parade and Mardi Gras, Boab Festival Basketball Carnival, Mowanjum Festival, Kimberley Arts and Photographic Awards and much more.

The Boab Festival at Derby Inc. is an incorporated not for profit organisation run entirely by volunteers. The group coordinates and promotes the festival, as well as organising some of the events.

The Shire has previously been a supporter of this event. In 2021 the Shire provided \$7,500 ex GST towards the event, as well as in-kind support through staff involvement in the event organisation.

#### STATUTORY ENVIRONMENT

Part 6 – Financial Management of the *Local Government Act 1995* applies to this report in that each year Council allocates an annual budget to donate to community organisations through the Community Funding Scheme.

#### POLICY IMPLICATIONS

*Policy AF34 – Community Funding Scheme* provides guidance as to the provision of financial and non-monetary assistance to community groups and not-for-profit organisations by the Shire. Generally funding is distributed through various grants programs, however the policy stipulates that funding requests received which are not eligible for the grants programs are to be presented to Council. Currently only applications for the Quick grants programs are

being accepted. This grant programs awards grants of up to \$500 ex GST per annum and therefore this request is not able to be handled through the grant program.

### FINANCIAL IMPLICATIONS

The Boab Festival at Derby Inc. has requested funding of \$7,500 ex GST. This can be accommodation within in the normal operational budget of \$30,000 for donations to community organisations. There is currently \$23,000 with two requests pending for Council to consider.

### STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
2. Community	2.3 Vibrant and culturally rich communities	2.3.1 Support the growth and development of arts and cultural programs, services, places and spaces
2. Community	2.3 Vibrant and culturally rich communities	2.3.2 Facilitate and/ or contribute to community events, cultural activities and festivals
2. Community	2.4 Sustainable Communities	2.4.1 Support and assist volunteer, community and sporting groups

### RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Financial:</b> Potential for misuse of funding	Unlikely	Minor	Low	Normal requirement of acquittal will be applied to this funding
<b>Reputation:</b> Public perception of Shire if funding is denied	Possible	Moderate	Medium	Council to provide funding as requested.

### CONSULTATION

Shire staff have been in direct consultation with the Boab Festival at Derby Inc. regarding this funding request.

### COMMENT

The Boab Festival at Derby Inc. have requested funding for the Mardi Gras event and Get Ya Bounce on Kids Day. The Mardi Gras, being held as the opening event of the 2022 Boab Festival on Friday 1 July will feature local bands, dancers, fireworks, amusement rides, games and food stalls. The Get Ya Bounce on Kids Day is a free family event featuring inflatable devices and other amusements with healthy food and sugar free being provided.

The funding will be used as a contribution towards meeting the costs of delivering these events. Funding is expected to be used for venue hire, equipment hire, the implementation of COVID-19 safe strategies, fireworks and admin costs. The 2021 budget has been provided as attachment 2 as an indication of the expected expenses for 2022.

The events have substantial community impact. Approximately 2000 people attend the Mardi Gras event, whilst there was a good attendance at Get Ya Bounce on which was in its inaugural year. Both events provide opportunities for attendees to get to experience activities they would not normally be able to participate in in town. The events also attract people from out of town, such as Broome and Fitzroy Crossing. Additionally the Boab Festival as a whole is a major drawcard to bring tourists to town during the dry season, providing substantial economic benefits to the town and tourism sectors.

As in previous years the set-up of the Mardi Gras event is likely to have an impact on sporting clubs who utilise the oval for weekend sport. The clubs are aware there would be limited access during the bump-in, bump-out times and have requested the WKFL schedule their fixtures as away games that week.

The Boab Festival at Derby Inc. Committee Annual General Meeting was held on Monday 28 February 2022. The meeting was attended by the Shire's Manager Community Development and Senior Environmental Health Officer. During this meeting the current COVID situation was raised and potential implications for planned activities discussed. The committee has decided to continue planning the festival, particularly those run directly by the Boab Festival at Derby Inc. committee, at this stage. The committee will continuously monitor the health advice being issued by the State Government and will work to incorporate level 2 restrictions into the event planning. The Shire will have an officer on the committee to assist with monitoring COVID restrictions and implementing associated treatments.

It is to be noted at this stage event approvals have not been obtained, however the organisers are working closely with the Senior Environmental Health Officer and are aware of the requirements. It is expected these will be submitted in due course once the COVID restrictions that apply are clearer. Event applications are not required to be submitted to the Shire until thirty days before the event.

## **VOTING REQUIREMENT**

Simple majority

## **ATTACHMENTS**

1. **Boab Festival at Derby Inc. Committee Funding Request Letter** [↓](#) 
2. **Boab Festival at Derby Inc. 2021 Mardi Gras Budget** [↓](#) 

**RESOLUTION 39/22****Moved: Cr Paul White****Seconded: Cr Linda Evans****That Council:**

**1. APPROVES a contribution of \$7,500 (ex GST) be made to the Boab Festival at Derby Inc. as contribution to the Mardi Gras and Get Ya Bounce on events subject to:**

**1.1 the Boab Festival of Derby Inc. obtaining relevant event approvals; and**

**1.2 the Boab Festival of Derby Inc. submitting an acquittal at the conclusion of the events.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 9/0**

To Mr Geoff Haerewa

President Derby West Kimberley Shire Council

**Re Outside normal funding of \$7500 for 2022 Boab Festival.**

Dear Geoff, I am writing to you as the President of the Boab Festival at Derby committee. The Boab Festival enters its 62<sup>nd</sup> year in 2022, the committee will be striving to make the 2022 Festival a true celebration of the vibrant lifestyle of the West Kimberley. We will promote and coordinate a wide range of family friendly community based events that will bring the Shire together and uplift spirits in the whole population.

The committee will be organising The Mardi Gras and The Ge Ya Bounce On Kids Day. The Mardi Gras will feature local bands, dancers, fireworks and a stunning collection of amusements, rides and food stalls. Date Friday July 1<sup>st</sup> 2022

Get Ya Bounce On will be a free entry family event, at the Town Oval. We will provide free to the public children`s rides and amusements all presented by professional contractors. There will be healthy food provided and no sugar drinks or junk food. Date Sun July 10<sup>th</sup> 2022.

The committee relies exclusively on sponsorship and grant funding plus in kind donation. The SDWK has always assisted in kind, with for example preparation of the Derby Town Oval for the Mardi Gras.

In 2021 the SDWK provided \$7500 ex gst for the 2021 Mardi Gras, this money was used to pay for fireworks, COVID management and general admin costs.

**The Boab Festival at Derby committee asks for outside normal funding of a grant of \$7500. The money would be used to assist in costs associated with the staging of the 2022 Mardi Gras.**

Attached is the budget for the 2021 Mardi Gras which is indicative of expenses for 2022.

Regards W.S. (Bill) Hart 13.12.2021 chair Person Boab Festival at Derby inc Committee.

**Boab Festival LIVELIGHTER MARDI GRAS supported by Lotterywest**

Friday July 2nd 2021

5.00 pm - 9.30 pm

**EXPENSES**

VENUE		Tot - GST	In Kind value
event license	SDWK	\$ -	100
Hire town oval	SDWK	\$ 1,365	
Marquee hire	echo sound inv 3	\$ 200	
Electrical certificate	WattNow electrical	\$ -	500
Cable covers 3 phase lead	TROPPO inv 0174	\$ 400	
security service	Alpha inv DBF0000:	\$ 2,360	
Toilets + Tower Lights Kim Hire	part	\$ 3,000	
	part	700	
clean up	echo sound inv 01	\$ 500	
Bins and Skip: rubbish	Cleanaway	\$ -	\$1,200
Sub Total		\$	<b>9,165</b>

**Management**

Traffic Management Buckleys		0	\$ 1,500.0
Stage manager A Chambers	inv AC0235	\$ 300	
			<b>\$300</b>

**COVID management**

COVID marshalls uniforms	WS Hart	\$ 238	
COVIC gate keepers echo sound part inv 2		\$ 725	
Materials	ws & ea hart	\$ 45	
Hand wash	ws & ea hart	\$ 221	
Hand wash	ws & ea hart	\$ 56	
		\$	<b>1,285</b>

**Materials**

Stationary ink cartridges	ws & ea hart	\$ 91	
drinks cleaning materials	ws ws & ea hart	\$ 98	
		\$	<b>189</b>

**PERFORMER'S COSTS**

Childrens performer	wanna play part inv 3103	\$ 325	
Local band x 3			
cruizers	K Mungalu	800	
common sense	L Johnson	\$ 800	
mango mob	L. Leman	\$ 1,000	
Footprince	inv FP021/21	\$ 3,000	
Airfares	not used	\$ 2,000	in credit
Boab Inn accom meals	inv 46761, 46764	\$ 771	
		\$	<b>8,696</b>

**FIREWORKS**

MITRO tax inv		\$ 5,500	
Sub Total		\$	<b>5,500</b>

**Production costs**

Sound, light stage	echosound inv 36	\$ 2,000	
part	echo sound inv 2	\$ 5,000	
		\$	<b>7,000</b>

**Promotion Media**



radio announ 6 dby	donated	0		
Babbling Boabs press	donated	0		150
Website update apportioned	micro media	\$ 900		
Broome Advertiser		\$ 557		
Sub Total			\$ 1,457	
<b>ADMIN</b>				
event management 6DBY	Donated		\$ 2,500	
office expense		0	\$ 1,000	
insurance P.Land Vol workers		\$ 2,430		
consumable woolworths	donated			350
Accounting fees		\$ 1,500		
Sub Total			\$ 3,930	
Free drinking water				\$100
First aid station and communications				
LIVELIGHTER kids poster competition		\$ 273		
			\$ 273	
<b>TOTAL</b>		<b>\$ 37,795</b>	<b>\$ 37,795</b>	<b>7400</b>
<b>INCOME</b>				
	Tot - GST			
stall fees		\$ 2,274		
Amusements fee		\$ 1,364		
Lotterywest		\$ 10,000		
Healthway		\$ 15,000		
SDWK		\$ 7,500		
Committee		\$ 1,657		
		<b>\$ 37,795</b>		

## 15.2 PROVISION OF FEEDBACK - WA STATE GOVERNMENT ABORIGINAL FAMILY SAFETY STRATEGY 2022 - 2032

**File Number:** CS/055

**Author:** Christie Mildenhall, Acting Director of Community Services

**Responsible Officer:** Amanda Dexter, Chief Executive Officer

**Authority/Discretion:** Advocacy

### SUMMARY

The WA State Government has released the draft Aboriginal Family Safety Strategy 2022 – 2032 (the Strategy) for public comment. This report is to endorse the Shire's feedback to be provided through the consultation process.

### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

### BACKGROUND

Family and domestic violence is a significant issue within the community. It has serious and often leads to ongoing impacts on the victim's physical, psychological and emotional health. It exposes children and young people to trauma that can impact them for their rest of their lives. Additionally it is the leading cause of homelessness for women and children.

Western Australia has the second highest rate of reported physical and sexual violence against women in Australia, with rates of violence steadily increasing since 2008 (Source: Bankwest Economics Centre, *Women's Report Card: Western Australian women's progress*, 2019). In 2018-2019 WA's Family and Domestic Violence Response Team triaged 47,623 family violence report incidence reports. For every case that is reported there is a number of other incidences which are not reported. It is estimated only 20 percent of victims contact the police for assistance (Source: Australian Bureau of Statistics, *Personal Safety*, 2017)

Aboriginal women and children experience family and domestic violence at disproportionately high rates, with Aboriginal women 32 times more likely than non-Aboriginal women to be hospitalised from family violence (Source: Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia: continuing the national story*, 2019). It is estimated three in five Aboriginal women have experience physical or sexual violence perpetrated by a cohabiting or non-cohabiting partner (Source: Our Watch, *Changing the Picture Background Paper: Understanding violence against Aboriginal and Torres Strait Islander women and their children*, 2018).

There is a high level of disparity in the occurrence of assaults within the family context between metropolitan (472 per 100,000 recorded cases) and regional WA (1,204 per 100,000 recorded cases) (Source: WA Police, *Crime Statistics*, 2018-2019).

In July 2020 the WA Government released a strategy to reduce family and domestic violence- *Path to Safety: Western Australia's Strategy to Reduce Family and Domestic Violence 2020 – 2030 (Path to Safety Strategy)*. The strategy sets out a whole of government and community plan to reduce and respond to family and domestic violence. The strategy identifies four key focus areas;

- Work with Aboriginal people to strengthen Aboriginal family safety;

- Act immediately to keep people safe and hold perpetrators to account;
- Grow primary prevention to stop family and domestic violence; and
- Reform systems to prioritise safety, accountability and collaboration.

The *Path the Safety strategy* is supported by three action plans. The first action plan, covering 2020 – 2022, identified the need to co-design an *Aboriginal Family Safety Strategy* with Aboriginal people and communities.

This strategy has been developed by Dr Victoria Hovane (Tjallara Consulting Pty Ltd) who is a Ngarluma, Gija and Gooniyandi woman from Broome. The strategy was developed and informed by extensive research, consultation from Aboriginal community members and stakeholders, an external steering group comprised of Government representatives and an internal working group comprising of staff from the Department of Communities.

The Strategy which has been developed is an overarching document which provided direction for the development and delivery of a series of action plans which will be implemented over the 10 year period of this strategy. The first action plan is to prioritise regional implementation of the Strategy. Key priorities of the first action plan include;

- Undertaking an environmental scan in each region to understand the current circumstances, existing cultural structures, strengths, capabilities and mechanisms that support safety; existing programs and services, enabling relationships and community readiness for change.
- Developing local regional implementation plans.
- Identify and deliver key priority actions.

The draft of the *Aboriginal Family Safety Strategy* has now been released for public comment. Comments are open via the completion of an online survey until 5pm, 14 April 2022.

## **STATUTORY ENVIRONMENT**

There is a number of pieces of legislation to deal with family and domestic violence, including the;

- *Criminal Code*;
- *Sentencing Act 1995*;
- *Sentence Administration Act 2003*;
- *Bail Act 1982*;
- *Restraining Orders Act 1997*;
- *Police Act 1892*;
- *Road Traffic (Administration) Act 2008*;
- *Dangerous Goods Safety Act 2004*; and
- *Evidence Act 1906*.

## **POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil. The only expense related to this report is staff time.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.3 Effective Communication	1.3.2 Listen to and respond to the needs of our communities
2. Community	2.1 Safe Communities	2.1.1 Encourage community safety to be a whole-of-community responsibility
2. Community	2.2 Healthy Communities	2.2.4 Conduct and/or promote healthy lifestyle initiatives and living standards
2. Community	2.4 Sustainable Communities	2.4.2 Collaborate with key agencies, groups and service providers to improve community services, programs and facilities

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p><b>Reputation:</b> The Shire is expected to advocate on issues on behalf of the community. Failure to do so on significant issues for the community may result in reputational damage.</p>	Possible	Minor	Medium	Ensure feedback is provided to consultation processes related to issues that are considered important by the community.

**CONSULTATION**

The draft Aboriginal Family Safety Strategy was developed by Tjallara Consulting Pty Ltd on behalf of the State Government (Department of Communities) in consultation with Aboriginal Community-Controlled Organisations, key stakeholders and community members. The current round of consultation being undertaken is open to all community members and organisations to provide feedback via an online survey through the Department of Communities website.

To develop the response to be submitted on behalf of the Shire feedback which was obtained during the Strategic Community Plan (SCP) consultations has utilised. Councillors and staff were approached to provide feedback specifically relating to the Shire’s response to this report.

Officers also attempted to speak with representatives from local community organisations who provide services related to the family and domestic violence, including Marnin Bowa Dumbara Aboriginal Corporation and Centacare. Marninwarantikura Women’s Resource Centre indicated they were aware of the consultation, however were unable to provide feedback for inclusion in

the Shire's submission within the required timeframe. Marnin Bowa Dumbara Aboriginal Corporation, Centacare and Marninwarntikura Women's Resource Centre have all indicated they will provide feedback directly to the Department of Communities consultation process. A number of other organisations were contacted for comment however did not return calls.

## COMMENT

The *Aboriginal Family Safety Strategy* (Attachment 1) seeks to outline a strategy that:

- Integrates and coordinates community, cross-Government and sector outcomes and aspirations, led by Aboriginal voices.
- Is culturally secure and grounded in an Aboriginal worldview.
- Is evidence-informed and considers a holistic perspective.
- Is family-centred and place-based.
- Responds to Target 13 of Closing the Gap – by 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced by at least 50%, as a progress towards zero.

The Strategy establishes a clear vision, goal, purpose along with six key values to which service provision in the family violence space must be aligned to.

The Strategy also identifies four key focus areas for program areas;

1. Heal – Ensure healing guides the delivery of family violence services and practice.
2. Recognise and Support – Recognise the unique roles and responsibilities of men and fathers and support them to build strong communities and support safe families.
3. Transform- Transform our service provision and reform our systems.
4. Build on and build up- Use Culture to build on foundations and build up features through early intervention and prevention.

The Strategy has been developed utilising a strength-based approach. That is, any approaches implemented should utilise the strengths, capacities and resources that exist within families, communities and Aboriginal Community Control Organisations (ACCOs). It embraces the empowerment of communities and seeks to focus on factors which create conditions to thrive, providing ideal environments.

In developing the Strategy the authors recognised that any strategic framework needed to be tailored to meet unique characteristics of Aboriginal communities. Such characteristics considered included;

- Adverse impacts of family violence on Aboriginal men, women and children can trap families and communities in cycles of crisis.
- "Family violence is not part of Aboriginal culture, and due to the context of colonisation, intergenerational trauma, and profound disadvantage, Aboriginal people experience family violence differently to their non-Aboriginal counterparts".
- Aboriginal people emphasise the diverse cultures and contexts that exist among communities across Australia and therefore policy and program development and implementation should be as close to the local or regional level as possible with the involvement of those most affected.

Additionally, it was noted that current mechanisms in addressing family violence are heavily Westernised and based upon thinking which views family violence as a product of gender inequality and is enacted by men who seek control and power over women and children. Whilst

issues of power and control exist in Aboriginal contexts it is not regarded as the primary motivator for family violence and therefore impacts the way in which issues are to be addressed.

The development of a strategy to specifically address family and domestic violence within Aboriginal communities has been supported through the feedback received during consultation processes (both SCP and through engagement with service providers). Feedback obtained through consultation largely supports the strategy vision, goal, purpose and focus areas outlined in the draft strategy.

There was particular support for the importance of last focus area (Build on and Build up). Service providers felt this focus area was the foundation of making any real change to the rate of family violence in the community, with a focus implementing strategies for behaviour management with children from a very young age. The example of a toddler striking out at friends whilst playing was cited. Children tend to mimic the behaviours they see in the household as that is what they know. Children need to understand these behaviours and actions are not an acceptable way of dealing with frustrations early in life. These early intervention programs are vital to changing a lifetime of behaviour. This focus area is also particularly important as a large number of the people supported through their services end up returning to their domestic situation once the immediate threat has passed.

It is suggested the achievability of the vision, goal and purpose may be slightly unrealistic given this is a 10 year strategy which is seeking to make changes to a lifetime of behaviour. It is unlikely to completely be able achieve the stated objective in that timeframe, however it is likely that substantial progress can be made.

It is suggested some of the language utilised throughout the strategy could be amended slightly. Women and children were regularly identified as the victims of family violence, presuming men were the perpetrator. However one service provider noted they see a substantial number of men both through their service and when moving around the community who are themselves victims, with the woman being the perpetrator.

The strategy also focuses heavily on the importance of ACCO's delivering services, which is very much supported. However there does need to be some acknowledgement of the role other agencies, such as Government departments and not for profits, play. Many of these organisations employ local staff, therefore having access to local knowledge and have substantial experience delivering services in the community. They should not be excluded from participation in delivering initiatives.

Section Three of the Consultation Survey focusses on the implementation strategy. It is presumed the responses given in this section will be used as a starting point to inform the action plans which are associated with the strategies.

Through consultation a number of suggestions have been made which would be likely to be considered in relation to operationalising the strategy. These are summarised below;

- Safe spaces for community members to go when the home is not safe (including spaces for youth).
- Upgrades to existing facilities and services.
- Improved and better supported projects addressing family and domestic violence, including those which focus on perpetrators.
- Improved and better supported projects addressing family safety.
- Create programs which support the family unit in addressing issues,

- Better support wrap around services, such as drug and alcohol programs, mental health services and aggressive behaviours.
- One off events which bring attention to issues affecting family violence. Eg, Promotion of alcohol free days / month campaigns.
- Family safety awareness events / days.
- Creating environments where environments where women are not afraid to report family violence.
- Programs are needed to assist new parents understand “how to be a parent”. It was suggested programs that seek to teach life skills, such as feeding the child (regardless of method of feeding chosen), burping, holding, bathing, clothing children and how to deal with crying and tantrums are all need to be taught as many people have not or do not have exposure to positive role models from whom they can learn. Skills could be taught through high school or whilst still in hospital. Having a child, especially for someone having their first child, is a difficult time of adjustment so having some skills and knowledge to help assist deal with circumstances can be incredibly valuable to reducing stressful situations within the home.
- Joint pledge to be signed by Shire presidents making a commitment to prevent family violence.

Suggestions were considered and used to inform responses to the questions 2 and 3 in Section 3.

A full copy of the proposed responses is included as attachment 2.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. **Draft for consultation - Aboriginal Family Safety Strategy 2022 -2032**  
2. **Proposed Survey Responses to Department of Communities**  

**RESOLUTION 40/22**

**Moved: Cr Geoff Davis**

**Seconded: Cr Rowena Mouda**

**That Council;**

1. **Notes the draft *Aboriginal Family Safety Strategy 2022 – 2032*.**
2. **Endorses the proposed responses to the consultation survey provided in Attachment 2 for submission to the Department of Communities on behalf of the Shire of Derby / West Kimberley.**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 9/0**



Government of **Western Australia**  
Department of **Communities**

# Aboriginal Family Safety Strategy 2022 – 2032

Western Australia's Strategy to Reduce Family  
Violence Against Aboriginal Women and Children

**DRAFT FOR CONSULTATION**

Prepared by Tjallara Consulting Pty Ltd





Aboriginal Family Safety Strategy – CONSULTATION DRAFT

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Aboriginal Family Safety Strategy – CONSULTATION DRAFT

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# Aboriginal Family Safety Strategy 2022 - 2032<sup>1</sup>

## Dedication to victim-survivor survivors and those who have lost their lives

This Strategy has been developed in dedication to and in deep respect for Aboriginal people, families and communities across Western Australia who have been impacted by family violence. In particular, we acknowledge the ongoing strength and courage of victim-survivors, the tireless advocacy of individuals and organisations who continue to speak out against family violence, and we acknowledge and mourn those who have lost their lives to family violence. We graciously thank those who have bravely and importantly spoken out and shared their stories to inform this Strategy.

## Acknowledgement of Country

The Western Australian Government proudly acknowledges the traditional custodians of country and recognises their continuing connection to their lands, waters and communities. We pay our respects to Aboriginal cultures, and to Elders both past and present.

We acknowledge the courage and dignity of women and men who not only stand up and say no to violence but who take action to challenge violence and hold perpetrators accountable.

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<sup>1</sup> The term 'Aboriginal' is used in this document to refer to all First Nations Peoples from and living in Western Australia.

Aboriginal Family Safety Strategy – *CONSULTATION DRAFT*

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## **Message from the Minister for Prevention of Family and Domestic Violence**

<to be inserted once strategy is finalised>

## **Executive Summary**

<to be inserted once strategy is finalised>

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## Aboriginal Family Safety Strategy – Overview

<b>VISION</b>	Aboriginal families and communities are safe, strong, and happy, enabling our future generations to thrive.
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<b>GOAL</b>	Aboriginal people, the Government, and the wider community share responsibility for creating safety for Aboriginal women, children, families, and communities.	<b>PURPOSE</b>	To guide a whole of community, collaborative approach that is flexible, culturally secure, and culturally responsive to address family violence impacting Aboriginal women, children, families, and communities.
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VALUES					
Self-determination	Shared responsibility	Culture and Identity	Cultural Leaders and Elders	Respect	Safety and Empowerment

FOCUS AREA	PRIORITY ACTIONS	SHORT-TERM OUTCOMES	POTENTIAL INDICATORS OF SUCCESS <sup>2</sup>	LONG-TERM IMPACT
<p><b>HEAL –</b>  <i>ENSURE HEALING IS WHAT GUIDES THE DELIVERY OF FAMILY VIOLENCE SERVICES AND PRACTICE</i></p> <p>We will design services to:</p> <ul style="list-style-type: none"> <li>ensure that responses to family violence are holistic and trauma-informed to respond effectively to the intergenerational trauma that exists within Aboriginal communities.</li> <li>ensure those who experience family violence, including children and young people, are safe and supported to heal and recover.</li> </ul>	<ul style="list-style-type: none"> <li>Empower and enable Aboriginal communities to determine what healing means for them and how it can guide family violence support and practice via local decision-making models.</li> <li>Use culture as the frame for delivering behaviour change programs, recognising the strength of culture in improving safety for Aboriginal children, people, families, and communities.</li> <li>Develop culturally informed information and resources to share with Aboriginal services, organisations, and communities on the physical, emotional, and psychological impacts of family violence.</li> <li>Ensure the delivery of services and programs balance accountability with healing and compassion and are holistic and trauma-informed.</li> </ul>	<ul style="list-style-type: none"> <li>Communities' responses to family violence are guided by their own understanding of healing practices.</li> <li>Local governance structures for localised decision-making are strengthened to support the work of Cultural Leaders and Elders.</li> <li>Victim-survivors are provided with increased access to holistic community-led safety and support initiatives to heal and recover.</li> <li>Families report increased feelings of safety and wellbeing.</li> <li>Children, young people and families are supported through diversion programs within child protection and criminal justice systems to enable healing and promote wellbeing.</li> <li>Culturally secure, trauma informed family violence programs are activated throughout the Police and criminal justice systems.</li> </ul>	<ul style="list-style-type: none"> <li>Rates of Aboriginal and Torres Strait Islander women/children victim-survivors of family and domestic violence recorded by police</li> <li>Rates of Aboriginal and Torres Strait Islander child protection substantiations related to family violence</li> <li>Rates of Aboriginal and Torres Strait Islander children entering out-of-home care and receiving protection orders, where family violence is indicated</li> </ul>	<p><b>By 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced at least by 50%, as progress towards zero.</b></p> <p>To get here, we will work closely with:</p> <ul style="list-style-type: none"> <li>Aboriginal community members and Elders</li> </ul>

<sup>2</sup> These indicators have been taken from the National Agreement on Closing the Gap as they relate to Target 13. More specific indicators of success will be designed in partnership with community as part of the Outcomes and Evaluation Framework to be developed during the implementation phase of the Strategy.

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<p><b>RECOGNISE AND SUPPORT –</b> <i>RECOGNISE THE UNIQUE ROLES AND RESPONSIBILITIES OF MEN AND FATHERS AND SUPPORT THEM TO BUILD STRONG COMMUNITIES AND SUPPORT SAFE FAMILIES</i></p> <p>We will work with individuals and families to:</p> <ul style="list-style-type: none"> <li>• address the lack of specific support available for men, including for those who use violence.</li> <li>• recognise the strong traditional role of men and fatherhood in Aboriginal cultures as central to any initiative designed to address family violence.</li> <li>• ensure that a long-term approach to embedding family safety for Aboriginal women, children, families, and communities is taken.</li> <li>• build on the strengths and complex kinship systems that Aboriginal families and communities already utilise and benefit from.</li> </ul>	<ul style="list-style-type: none"> <li>• Identify strong formal and informal support networks that men can access for family violence support.</li> <li>• Continue to deliver programs that educate and empower men such as the Behaviour Change programs.</li> <li>• Identify opportunities for men to engage with leadership and decision-making mechanisms that relate to family safety.</li> <li>• Identify or develop separate and safe spaces for men and women to talk about family violence and seek support, acknowledging that holistic family support is also required.</li> <li>• Support the strengthening of Aboriginal family structures and locally developed programs aimed at reinforcing healthy parenting practices to heal the impacts of generational trauma.</li> </ul>	<ul style="list-style-type: none"> <li>• Programs and support groups that positively build the understanding the role of a parent in a way that recognises history and context are developed and delivered.</li> <li>• Those who cause harm are provided with increased access to holistic community-led responses that reinforces accountability, reminds them of their roles and responsibilities, and supports them to heal to prevent further violence occurring.</li> <li>• An increased number of men are involved and engaged with decision-making as it relates to family violence policies.</li> <li>• Men feel empowered in their role in families and community and demonstrate positive role-model behaviour.</li> <li>• Aboriginal men and boys have access to culturally safe wellbeing services that promote safe communication and emotion regulation skills and reduces the use of violence.</li> </ul>	<ul style="list-style-type: none"> <li>• Rates of Aboriginal and Torres Strait Islander community awareness of what constitutes family violence (physical and non-physical violence: sexual, emotional, psychological and economic abuse and violence)</li> <li>• Rate of community attitudinal support (acceptance) of violence against women and children (justifying, excusing, minimising, hiding or shifting blame for family violence)</li> </ul>	<ul style="list-style-type: none"> <li>• Aboriginal Controlled Community Organisations</li> <li>• Government agencies</li> <li>• Peak bodies and organisations</li> <li>• Community service sector and service providers</li> </ul>
<p><b>TRANSFORM –</b> <i>TRANSFORM OUR SERVICE PROVISION AND REFORM OUR SYSTEMS</i></p> <p>We will reform systems to:</p> <ul style="list-style-type: none"> <li>• respond to systemic racism and discrimination by building culturally informed and sensitive agencies, policies, procedures, and practices.</li> <li>• build the cultural capability of agencies through creating career pathways at all levels for Aboriginal workers with a focus on recruiting and retaining Aboriginal staff in senior roles within agencies by specifying 50D<sup>3</sup> positions where appropriate and aligning with Aboriginal workforce strategic frameworks.</li> <li>• normalise the inclusion of Aboriginal cultural responses within those systems, which prioritise safety and accountability through localised decision-making.</li> <li>• reform funding models to prioritise preventative measures and improve access to justice for Aboriginal families experiencing family violence</li> <li>• Implement evaluative measures that are overseen by community leaders to ensure community are seeing positive changes.</li> </ul>	<ul style="list-style-type: none"> <li>• Preference delivery of family violence support services by local Aboriginal Community Controlled Organisations (ACCOS).</li> <li>• Promote awareness of what services are available to families and communities that build on strengths and wellbeing and encourage growth and healing and how these services can be accessed to support at-risk families.</li> <li>• Deliver culturally appropriate interventions and therapeutic supports for behaviour change for those who have perpetrated violence.</li> <li>• Generate culturally informed safety planning policies and procedures for victim-survivors who need to leave a family violence situation quickly.</li> <li>• Enhance FDV workforce capability by developing an FDV workforce capability framework across all agencies, guided by national vocational training systems where appropriate.</li> <li>• Develop a culturally informed risk assessment tool to be embedded in family violence services.</li> <li>• Identify opportunities for staff training and capacity building as it relates to complex family violence issues and cross-sections of other drivers such as mental health or alcohol and other drugs, particularly for first responders and other support agency workers.</li> <li>• Improve the cultural capability, awareness, and sensitivity across community services and government, by embedding a value for Aboriginal lore and cultures in the policies, procedures, and practices of systems that challenge racism and unconscious bias.</li> <li>• Offer counselling supports for children experiencing family violence, and include culturally-secure awareness of what constitutes family violence in school education programs.</li> <li>• Collaborate with Aboriginal communities to improve data collection and information sharing, and to support data sovereignty.</li> <li>• Collaborate with Aboriginal communities to develop the Outcomes and Evaluation Framework for this Strategy.</li> </ul>	<ul style="list-style-type: none"> <li>• Mainstream systems increase their cultural awareness and cultural sensitivity to improve their interactions with Aboriginal people, their families, and communities.</li> <li>• The cultural capability of agencies is improved through the recruitment and retention of Aboriginal staff at all levels, including in senior decision-making roles.</li> <li>• Aboriginal families experiencing family violence have improved access to holistic legal advice and wrap-around support, including access to mental health and alcohol and other drug support.</li> <li>• Aboriginal communities and their community-controlled organisations have increased access to data and information, and greater control over the use of data.</li> <li>• A range of culturally safe and secure interventions and supports are available, suited to the needs of the community.</li> <li>• Agencies are better equipped to provide suitable services and supports.</li> </ul>	<ul style="list-style-type: none"> <li>• Proportion of Aboriginal and Torres Strait Islander women reporting systems in seeking help from support services, by barrier type</li> </ul>	

<sup>3</sup> Refers to Section 50D of the Equal Opportunity Act 1984. Sections 50(d) and 51 of the Act operate as exceptions to what would otherwise be unlawful discrimination under the Act. Indigenous Australians, for example, experience greater social and economic disadvantage than other groups in society, particularly in employment and when accessing goods and services. Sections 50(d) and 51 of the Act make it possible for specific measures to be taken to address such disadvantage, without contravening the Act.

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<p><b>BUILD ON AND BUILD UP –</b> <i>USE CULTURE TO BUILD ON FOUNDATIONS AND BUILD UP FUTURES THROUGH EARLY INTERVENTION AND PREVENTION</i></p> <p>We will embed early intervention and prevention to:</p> <ul style="list-style-type: none"> <li>strengthen culture and identity as a foundational and baseline response to family violence.</li> <li>build on the strengths and complex systems that Aboriginal families and communities already utilise and benefit from.</li> <li>support localised decision-making structures.</li> <li>address the social and cultural determinants that lead to family violence.</li> </ul>	<ul style="list-style-type: none"> <li>Develop self-referral pathways for early intervention programs</li> <li>Preference the delivery of early intervention and prevention programs and initiatives that have long-term and sustainable funding.</li> <li>Increase the level of accessibility for emergency accommodation for those who are experiencing family violence.</li> <li>Grow local ACCO capacity, capabilities, and the local Aboriginal workforce to plan, develop and deliver preventative measures and other programs in communities.</li> <li>Collaborate across government to reform funding models away from prioritising crisis-driven responses, to resourcing measures that prevent harm from happening in the first instance.</li> <li>Collaborate across government and with communities to develop responses to the harmful impact of alcohol and other drugs in Aboriginal communities.</li> <li>Collaborate across all levels of government and with Aboriginal communities to develop solutions for responding to poverty and meeting the basic needs of Aboriginal people. This may include:             <ul style="list-style-type: none"> <li>the provision of suitable housing;</li> <li>access to educational opportunities;</li> <li>appropriate social and emotional well-being and mental health care;</li> <li>culture-based ante-natal health care;</li> <li>access to primary health care; and</li> <li>and access to training and employment opportunities.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Through community-led initiatives:             <ul style="list-style-type: none"> <li>The capacity, capability and workforce within local Aboriginal community-controlled organisations is strengthened to deliver preventative measures, healing, and other programs.</li> <li>Self-determination is strengthened and Aboriginal people feel empowered.</li> </ul> </li> <li>Increased availability of safe houses or accommodation in communities for Aboriginal women, men, youth, and children, to support their immediate safety needs.</li> </ul>	<ul style="list-style-type: none"> <li>Proportion of Aboriginal and Torres Strait Islander women self-reporting physical violence experience, by relationship to perpetrator</li> <li>Proportion of Aboriginal and Torres Strait Islander women reporting to have sought help from support services (police, legal, counselling, housing etc.), by service type</li> <li>Rate of Aboriginal and Torres Strait Islander women seeking assistance from Specialist Homelessness Services for reasons of family violence</li> <li>Proportion of Aboriginal and Torres Strait Islander babies with a healthy birthweight (Closing the Gap Outcome Area 2 indicator)</li> <li>Proportion of Aboriginal and Torres Strait Islander children as assessed as developmentally on track (Closing the Gap Outcome Area 4 indicator)</li> </ul>	
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<b>ACHIEVING THE VISION</b>			
<i>First Action Plan – Regional Implementation</i>	<i>Second Action Plan: Building on the Foundations and Continuing Community-Led Responses</i>	<i>Third Action Plan: Identifying Impact, Sustaining Change and Planning for the Future</i>	<i>Year 10 – New Strategy Developed</i>
<ul style="list-style-type: none"> <li>Undertake environmental scans in each region to understand the current circumstances, existing cultural structures, strengths, capabilities, and mechanisms that support safety; existing programs and services, enabling relationships, and community readiness for change.</li> <li>Develop local regional implementation plans.</li> </ul>			
<b>MONITORING, EVALUATION, REPORTING AND GOVERNANCE</b>			

# Introduction

Family, domestic and sexual violence is a national health and welfare issue that can have long-lasting adverse consequences for victim-survivors and those who use violence.<sup>4</sup> It affects people from across diverse age groups and backgrounds, but predominantly affects women and children,<sup>5</sup> to the extent that on average, one woman per week in Australia is killed by an intimate partner.<sup>6</sup>

Of significant concern is the disproportionate rates of family violence that occurs in Aboriginal families and communities, where Aboriginal women are reported to experience family violence at a rate 32 times that of their non-Aboriginal counterparts.<sup>7</sup> The corresponding adverse impacts on Aboriginal women, men, and children, including their physical, psychological, and emotional wellbeing, can "...trap families and communities in cycles of crisis".<sup>8</sup>

Aboriginal advocates have also highlighted that family violence is not part of Aboriginal culture, and due to the context of colonisation, intergenerational trauma, and profound disadvantage, Aboriginal people experience family violence differently to their non-Aboriginal counterparts.<sup>9</sup> Aboriginal people also emphasise the diverse cultures and contexts that exist among the many communities across Australia. This diversity is

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<sup>4</sup> Australian Institute of Health and Welfare (AIHW). *Family, domestic, and sexual violence in Australia: continuing the national story 2019*. Cat. No. FDV 3. Canberra: AIHW, 2019.

<sup>5</sup> Ibid.

<sup>6</sup> Bricknell, S. & Doherty, L. (2021). *Homicide in Australia 2018-2019k. Statistical Report no. 34*. Canberra: Australian Institute of Criminology. [https://www.aic.gov.au/sites/default/files/2021-03/sr34\\_homicide\\_in\\_australia\\_2018-19.pdf](https://www.aic.gov.au/sites/default/files/2021-03/sr34_homicide_in_australia_2018-19.pdf) Retrieved 23 June 2021.

<sup>7</sup> AIHW. *Family, domestic, and sexual violence in Australia: continuing the national story 2019*. Cat. No. FDV 3. Canberra: AIHW, 2019.

<sup>8</sup> Australian Human Rights Commission, (2020). *Wiyi Yani U Thangani (Women's Voices): Securing our Rights, Securing Our Future – Community Guide*. Canberra: Australian Human Rights Commission, p.11.

<sup>9</sup> Aboriginal and Torres Strait Islander Social Justice Commissioner. (2006). *Ending family violence and abuse in Aboriginal and Torres Strait Islander communities – Key issues. An overview paper of research and findings by the Human Rights and Equal Opportunity Commission, 2001 – 2006*. Sydney: Australian Human Rights Commission. Aboriginal and Torres Strait Islander Women's Task Force on Violence. (2000). *The Aboriginal and Torres Strait Islander women's task force on violence report* (Rev. ed). Brisbane: Queensland Government. Australian Human Rights Commission, (2020). *Wiyi Yani U Thangani (Women's Voices): Securing our Rights, Securing Our Future Report*. Canberra: Australian Human Rights Commission Atkinson, J. (1990a). Violence against Aboriginal women reconstitution of community law – The way forward. *Aboriginal Law Bulletin*, 2(51), 4–6. Atkinson, J. (1990b). Violence in Aboriginal Australia: Colonisation and its impact on gender. *Refractory Girl*, (36), 21–24. Cripps, K., & McGlade, H. (2008). Indigenous family violence and sexual abuse: Considering pathways forward, *Journal of Family Studies*, 14:2-3, 240-253.



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highlighted in the Western Australian government's Aboriginal Empowerment Strategy,<sup>10</sup> which notes the considerable diversity of peoples and places (urban, rural, and remote) that make up the State's Aboriginal population, and emphasises the need to develop and implement policies and programs "as close to the local or regional level as possible, with the involvement of those most affected".<sup>11</sup> Consequently, any strategic framework for tackling family violence in Aboriginal communities needs to be tailored to meet these unique characteristics.

## Why do we need an Aboriginal Family Safety Strategy?

While noting the overall high rates of family violence in Western Australia, the State Government acknowledges that Western Australian Aboriginal women and their children are disproportionately impacted by family violence. In response to these circumstances, the State Government developed the Path to Safety: Western Australia's Strategy to Reduce Family & Domestic Violence 2020 – 2030 (Path to Safety). Regarding the experiences of Aboriginal people, Path to Safety acknowledged:

- the disproportionate impact of family violence on Aboriginal women, children, families, and communities and the devastating toll it takes on families and communities,
- the legacy of colonisation, dispossession, the Stolen Generations, and the impact of policies from successive governments and how this has contributed to the significant disadvantage and trauma experienced by Aboriginal people, their families, and communities,
- the need to respond to the different drivers of violence experienced by Aboriginal people, which may include poor or inadequate housing, barriers to accessing services, high rates of imprisonment, unemployment and alcohol and other substance use, and
- the ability to respond to these circumstances through community-led, community-controlled initiatives is a priority.

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<sup>10</sup> Government of Western Australia Aboriginal Empowerment Strategy (2001-9), 18-19.  
<https://www.wa.gov.au/system/files/2021-09/Aboriginal-Empowerment-Strategy-POLICY%20GUIDE.pdf>: Retrieved 9/12/2021.

<sup>11</sup> Ibid, 19.

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Further, family violence has been identified as:

- placing at risk people's sense of wellbeing and mortality due to family violence-related homicide
- a factor in the lives of young people who suicide<sup>12</sup>
- a contributing factor to placing families and children at high risk of contact with child protection and juvenile justice systems.<sup>13</sup>

## Purpose of this Document

The purpose of this document is to outline an Aboriginal Family Safety Strategy that:

- integrates and coordinates community, cross-Government and sector outcomes and aspirations, led by Aboriginal voices.
- is culturally secure and grounded in an Aboriginal worldview.
- is evidence-informed and considers a holistic perspective.
- is family-centred and place-based.
- responds to Target 13 of Closing the Gap, that is – by 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced by at least 50%, as progress towards zero.

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<sup>12</sup> Ombudsman Western Australia 2020, Preventing suicide by children and young people 2020, Government of Western Australia. <https://www.ombudsman.wa.gov.au/Publications/Documents/reports/Suicide-by-young-people/Ombudsman-WA-Suicide-by-children-and-young-people-Report-2020-All-Volumes.pdf> Retrieved 25 June 2021.

<sup>13</sup> Walsh, T. 2019. From child protection to youth justice: Legal responses to the plight of "Cross-over kids". [https://www.law.uwa.edu.au/\\_data/assets/pdf\\_file/0007/3430870/4-Cross-Over-Kids.pdf](https://www.law.uwa.edu.au/_data/assets/pdf_file/0007/3430870/4-Cross-Over-Kids.pdf) Retrieved 23 June 2021.

# Setting the Scene

## Defining the issue

What we know so far is that among Aboriginal communities, the broad term and concept of ‘*family violence*’ is preferred for describing what is viewed as a complex issue. It includes violence that occurs between intimate partners, immediate family, and broader familial kinship systems, lateral violence<sup>14</sup>, and the inter-relatedness of these forms of violence with broader social issues. In fact, the advice provided by the Coalition of Peak Aboriginal and Torres Strait Islander organisations to the National Plan for Closing the Gap refresh process indicated that Aboriginal people do not view family violence as being “*caused*” by any one single factor; rather there are a multitude of interrelated factors that give rise to incidents of family violence.<sup>15</sup> They also highlighted that safe and secure families are essential to an individual’s wellbeing, and that having safe and secure families means having strong connections to family and kin, and cultural and spiritual practices that can generate a sense of identity, which supports resilience and coping abilities.<sup>16</sup>

## The Case for Change

Aboriginal definitions of family violence as outlined above, places Aboriginal experiences and understandings in stark contrast to mainstream Western thinking on the issue, which views family violence as a product of gender inequality and is enacted by men who seek control and power over women and children.<sup>17</sup> While issues of power and control exist in Aboriginal contexts it is not the primary motivator for family violence and therefore a different lens is required to understand the issues and respond to them.

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<sup>14</sup> Lateral violence, also known as horizontal violence or intra-racial conflict, is a product of a complex mix of historical, cultural and social dynamics that can include gossiping, jealousy, bullying, shaming and feuding – Chapter 2: Lateral Violence in Aboriginal and Torres Strait Islander Communities – Social Justice Report 2011

<sup>15</sup> SCRGSP (Steering Committee for the Review of Government Service Provision) 2020, *Overcoming Indigenous Disadvantage: Key Indicators 2020*, Productivity Commission, Canberra.

<https://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2020> Retrieved 24 June 2021.

<sup>16</sup> Ibid.

<sup>17</sup> Australia’s National Research Organisation for Women’s Safety. (2019). *Intimate partner sexual violence: Research synthesis* (2nd Ed.; ANROWS Insights, 08/2019). Sydney, NSW: ANROWS

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It draws attention to the need to understand how Aboriginal people in local communities define the issue; how they “frame” it and make sense of what is occurring. Such framing creates space for Aboriginal people, to describe in their words what is in the foreground, what is in the background, and all the complexity within the frame.<sup>18</sup> It holds space for Aboriginal people to explain how they experience and understand family violence within their daily lives, and their cultural, family and community realities. Importantly, it listens to Aboriginal conceptualisations that includes that family violence does not sit in isolation from other societal and community dynamics, and that effective responses must be informed by holistic perspectives to achieve the best possible outcomes.

While the issue of family violence has attracted considerable research over the past five decades, there has been less emphasis on building an Aboriginal evidence-base. It seemed that there were assumptions that western-based programs and services were appropriate for use in Aboriginal communities. Early initiatives in Australia that elevated the different views and experiences of Aboriginal women and families included the Queensland Aboriginal and Torres Strait Islander Women’s Taskforce, and in Western Australia, the Family Violence in Indigenous Communities Project. Work such as these projects served to draw attention to the unique experiences of family violence within Aboriginal communities, and that Aboriginal people have their own conceptualisations of issues like family violence, justice, and ideas about solutions. As a result, there is a growing body of evidence which highlights Aboriginal ways of seeing and understanding family violence, and the profound impacts of family violence in Aboriginal communities. Table 1 summarises some of the key impacts of family violence. These impacts together with Aboriginal conceptualisations of family violence and ongoing calls for different responses, provide a strong rationale for change.

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<sup>18</sup> Smith, L. T. (1999). *Decolonizing methodologies: research and indigenous peoples*. Zed Books: London England.

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**Table 1 – Summary of Key impacts of family violence**

Finding / Theme	Key Data and Statistics
<p><b>Family violence has a significant impact on Aboriginal morbidity</b></p>	<ul style="list-style-type: none"> <li>• Family violence has been identified as a significant cause of morbidity within Aboriginal and Torres Strait Islander communities. It is reported to contribute to an estimated 11% of the burden of disease among Aboriginal and/or Torres Strait Islander women aged 18 to 44 years – more than any other single factor.<sup>19</sup></li> <li>• Nationally in 2014–15, after adjusting for different population age structures, Aboriginal and Torres Strait Islander women are hospitalised for non-fatal family violence-related assaults at a rate 32 times that of non-Aboriginal women.<sup>20</sup></li> <li>• According to the 2014-15 NATSISS, 22% of Aboriginal and/or Torres Strait Islander people aged 15 years or over, had experienced physical or threatened physical violence in the preceding 12 months with 1 in 8 experiencing physical violence.<sup>21</sup></li> <li>• For the 68.3% of women who experienced physical violence, their most recent experience of physical violence was at the hands of an intimate partner or other family member.<sup>22</sup></li> <li>• For Aboriginal males, 23% had experienced physical or threatened physical violence in the preceding 12 months. For around 34.6% of those men, the most recent experience of physical violence was at the hands of an intimate partner or other family member.<sup>23</sup></li> <li>• There is increasing recognition of the correlation between acquired brain injury (ABI) among those who experience family violence and among those who use family violence behaviours.<sup>24</sup></li> </ul>

<sup>19</sup> Webster, K., 2016. A preventable burden: Measuring and addressing the prevalence and health impacts of intimate partner violence in Australian women (ANROWS Compass, 07/2016). Sydney: ANROWS.

<sup>20</sup> Australian Institute of Health and Welfare, 2016. Family violence prevention programs in Indigenous communities. Closing the Gap Clearinghouse, Resource Sheet. No. 37. <https://www.aihw.gov.au/getmedia/c0e5bdde-e9c4-4a1f-808e-256191835cde/ctgc-rs37.pdf.aspx?inline=true> Retrieved 17 July, 2021.

<sup>21</sup> Australian Bureau of Statistics (ABS). (2020). National Aboriginal and Torres Strait Islander Social Survey, 2014-2015. <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4714.0> Retrieved 25 June 2021.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid

<sup>24</sup> Landsdell, G.T., Saunders, B.J., Ericksson, A., & Bunn, R. (2021). Strengthening the connection between acquired brain injury (ABI) and family violence: The importance of ongoing monitoring, research and inclusive terminology. *Journal of Family Violence*, <https://doi.org/10.1007/s10896-021-00278-1>

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<p><b>Family violence causes/contributes to mortality</b></p>	<ul style="list-style-type: none"> <li>Family violence has been identified as a significant cause of mortality across the Australian community. The Australian National Homicide Monitoring Program (the HMP) identified that during 2018-2019, 71% of all victims knew the primary offender.<sup>25</sup></li> <li>Overall, 66% of male victims and 83% of female victims in 2018-2019 had a domestic relationship or known association with the person who killed them.</li> <li>There appears to be a link between the presence of family violence and youth suicide where for example in Western Australia, family violence was identified as a significant contributing factor in more than 80% of cases where an Aboriginal young person suicided.<sup>26</sup></li> </ul>
<p><b>Family violence affects maternal health and wellbeing</b></p>	<ul style="list-style-type: none"> <li>In 2014–15 the age-adjusted Australian hospitalisation rate for non-fatal assaults from family violence for Aboriginal women was 32 times the rate for non-Aboriginal women.<sup>27</sup></li> <li>Aboriginal mothers are reported to be 3.5 times more likely for suicide and 17.5 times more likely for homicide, when compared to their non-Aboriginal counterparts.<sup>28</sup></li> </ul>
<p><b>Family violence affects children’s health, wellbeing, and identity</b></p>	<ul style="list-style-type: none"> <li>Family violence towards children and young people is a primary cause of young people entering out-of-home care<sup>29</sup></li> <li>Where there are disproportionate rates of family violence and homicide victimisation as experienced by Aboriginal women and men, children are at greater risk of experiencing trauma due to witnessing and experiencing family violence and experiencing loss because of family violence-related homicides.</li> <li>Experiences of such loss is occurring at a younger age for Aboriginal children compared to their non-Aboriginal counterparts, and this loss is often experienced during the formative years of development; the first five years.<sup>30</sup></li> <li>A higher proportion of Aboriginal than non-Aboriginal Year 4 to 12 students reported they were worried a lot about someone in their family hurting somebody (15.8% vs. 7.7%),</li> </ul>

<sup>25</sup> Bricknell, S. & Doherty, L. (2021). Homicide in Australia 2018-2019. Australian Institute of Criminology, Statistical Report, 34. [https://www.aic.gov.au/sites/default/files/2021-03/sr34\\_homicide\\_in\\_australia\\_2018-19.pdf](https://www.aic.gov.au/sites/default/files/2021-03/sr34_homicide_in_australia_2018-19.pdf) Retrieved 15 August, 2021.

<sup>26</sup> Ombudsman Western Australia 2020, Preventing suicide by children and young People 2020, Government of Western Australia.

<sup>27</sup> Australian Institute of Health and Welfare, 2016. Family violence prevention programs in Indigenous communities. Closing the Gap Clearinghouse, Resource Sheet. No. 37. <https://www.aihw.gov.au/getmedia/c0e5bdde-e9c4-4a1f-808e-256191835cde/ctgc-rs37.pdf.aspx?inline=true> Retrieved 14 August, 2021.

<sup>28</sup> Fairthorne, J et al, 2016, Early mortality from external causes in Aboriginal mothers: a retrospective cohort study, BMC

<sup>29</sup> Path to Safety: Western Australia’s Strategy to Reduce Family and Domestic Violence 2020 - 2030

<sup>30</sup> Commissioner for Children and Young People Western Australia, Speaking Out Survey, November 2021

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	<p>hurting themselves (16.4% vs. 10.6%) or getting arrested (12.1% vs. 5.7%).<sup>31</sup></p> <ul style="list-style-type: none"> <li>• Equal proportions of Aboriginal and non-Aboriginal students reported feeling safe at home all the time (67.7% Aboriginal vs. 65.5% non-Aboriginal) but Aboriginal students were more likely to report never feeling safe or just a little bit of the time (6.2% Aboriginal vs. 2.9% non-Aboriginal).<sup>32</sup></li> <li>• The Western Australian Aboriginal Child Health Survey found that one third of students aged 12-17 years had been bullied at school and one-quarter had been 'picked on'.<sup>33</sup></li> <li>• An in-depth study of Yamatji children in the Mid-West of Western Australia found that the vast majority of bullying experienced by Aboriginal children was intra-racial.<sup>34</sup></li> </ul>
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## Re-framing the narrative: A strengths-based approach

Aboriginal people have continually highlighted the need for a strengths-based approach to responding to family violence. They emphasise there are strengths, capacities, and resources that exist within families, communities, and the ACCO sector, which can be utilised as the basis for further positive capability-building.

While the social disadvantage experienced by Aboriginal people cannot be ignored, there is a tendency to view Aboriginality itself as a risk factor which implies deficit, and consequently service providers and government agencies approach engagement with Aboriginal families with an implicit bias.<sup>35</sup> The way language is used to discuss and describe families and communities draws on the unspoken norms associated with the social positioning of the persons involved in the domain. In the context of family safety, such an analysis would position Western norms and assumptions as superior to those of Aboriginal and Torres Strait Islander peoples. The preoccupation with disadvantage reinforces this social positioning and results in Aboriginal families being viewed as inherently dysfunctional. Strengths-based ways of engaging with Aboriginal families requires better understanding of cultural norms and practices and the priorities of

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> S Zubrick, S Silburn, D Lawrence, F Mitrou, R Dalby, E Blair, J Griffin, H Milroy, J De Maio, A Cox and J Li, *The Western Australian Aboriginal Child Health Survey Volume Two: The Social and Emotional Wellbeing of Aboriginal Children and Young People*, Curtin University (2005), pp 247-251

<sup>34</sup> J Coffin, 'Making Them Stop it: What Aboriginal Children and Youth in Australia Are Saying About Bullying' (2011) 6(1) *First Peoples Child and Family Review* 83, p 90.

<sup>35</sup> Hogarth, M. (2017). The Power of Words: Bias and Assumptions in the Aboriginal and Torres Strait Islander Education Action Plan. *The Australian Journal of Indigenous Education*, 46(1), 44-53. <https://doi.org/10.1017/jie.2016.29>

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Aboriginal parents and community which reflects the findings in the regional consultations.

Positioning Aboriginal culture at the heart of the Strategy requires articulation and understanding of the values and beliefs associated with family safety and caring for children from an Aboriginal perspective. Current approaches privilege western perspectives on what constitutes appropriate and effective parenting, safety, and success and as such, cultural practices are often viewed from a deficit perspective that frames families as 'at risk'.<sup>36</sup> Embracing an empowerment and strengths-based policy agenda necessitates a shift in mainstream thinking and practice beginning with recognition that different cultural groups place different emphasis on what constitutes safety, success, and effective parenting.

Specifically, there needs to be a focus on the factors which create the *conditions to thrive*, the elements which provide the ideal environments for Aboriginal children, families, and communities to achieve their aspirations for safety, wellbeing, and happiness. These elements include identifying healthy relationships and supporting these bonds to grow and expand through healthy attachments, strong cultural identity and connection to Country and Culture.

### Strategic context

Aboriginal family safety is a priority for Government and Aboriginal communities. Aboriginal communities have long advocated for solutions for responding effectively to family violence that intersect with effectively addressing issues such as poverty and disadvantage, intergenerational trauma, and substance use.<sup>37</sup> Aboriginal people have importantly advised that solutions must be anchored in connections to local Aboriginal Laws and Cultures, and having strong cultural identities, which are linked to roles and responsibilities.<sup>38</sup>

The Strategy aligns with several key national and state reforms and strategies which provide the enabling frameworks and pathways towards collaboration and achieving shared goals. Key among these is the National Agreement on Closing the Gap<sup>39</sup>

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<sup>36</sup> Scrine et al 2020 Raising strong, solid Koolunga: values and beliefs about early child development among Perth's Aboriginal community. *Children Australia* 45: 40–47. <https://doi.org/10.1017/cha.2020.7>

<sup>37</sup> Blagg, H., Tulich, T., Hovane, V., Raye, D., Worrigal, T., & May, S. *Understanding the role of Law and Culture in Aboriginal and/or Torres Strait Islander communities in responding to and preventing family, violence*, op cit.

<sup>38</sup> Ibid.

<sup>39</sup> Closing the Gap Targets and Outcomes 2020. <https://www.closingthegap.gov.au/national-agreement/targets> Retrieved 24 June 2021.



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(National Agreement) and the Aboriginal Empowerment Strategy- Western Australia 2021 - 2029<sup>40</sup> (Empowerment Strategy).

<b>WA Government Initiatives</b>	
Path to Safety: Western Australia’s Strategy to Reduce Family and Domestic Violence 2020-2030	Western Australian Men’s Health and Wellbeing Policy
Stronger Together - WA’s Plan for Gender Equality	WA LGBTI Health Strategy 2019-2024
Aboriginal Empowerment Strategy – Western Australia 2021 - 2029	WA Strategy to Respond to the Abuse of Older People (Elder Abuse) 2019-2029
All Paths Lead to a Home: Western Australia’s 10 Year Strategy to Homelessness 2020-2030	Rapid Response Framework for children and young people in care and those with a care experience
WA Aboriginal Health and Wellbeing Framework 2015 – 2030	WA Aboriginal Procurement Policy (2017)
Commitment to Aboriginal Youth and Wellbeing	Western Australian Suicide Prevention Framework 2021-2025
Action Plan for At Risk Youth 2020 - 2030	<b>National Policies and Frameworks</b>
Beyond 2020: WA Youth Action Plan 2020-2022	National Agreement on Closing the Gap (including Sector Strengthening Plans)
A Safe Place - A Western Australian Strategy to provide safe and stable accommodation, and support to people experiencing mental health, alcohol and other drug issues 2020-2025 (A Safe Place)	National Plan to End Violence Against Women and Children (2022-2032)
State Disability Strategy 2020-2030	Change the Picture: A national resource to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children
Target 120	National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019-2023
WA Housing Strategy 2020-2030	National Framework for Protecting Australia’s Children 2009-2020

<sup>40</sup> [Aboriginal Empowerment Strategy - Western Australia 2021-2029 \(www.wa.gov.au\)](http://www.wa.gov.au)

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Western Australian Women's Health and Wellbeing Policy 2019

National Framework for Protecting Australia's Children 2009-2020

Western Australian Alcohol and Drug Interagency Strategy 2018-2022

The National Agreement has been built around four Priority Reforms that have been directly informed by Aboriginal people.

1. Priority Reform 1 - Formal Partnerships and Shared Decision Making
2. Priority Reform 2 - Building the Community-Controlled Sector
3. Priority Reform 3 - Transforming Government Organisations.
4. Priority Reform 4 - Shared Access to Data and Information at a Regional Level.

In addition to the Priority Reform areas, there are 17 targets across the domains of education, employment, health and wellbeing, justice, safety, housing, land and waters, and languages. Family violence directly impacts all aspects of the lifespan and can adversely affect families and communities across generations.

Importantly, the Strategy aligns with the State Government's commitment to the four Priority Reform areas under the National Agreement on Closing the Gap, and the associated set of social and economic targets aimed at improving outcomes for Aboriginal people, their families, and their communities.<sup>41</sup> For example, the Strategy connects across all four priority areas;

- it is based on extensive consultations with a broad range of Aboriginal people, communities, and organisations (Priority 1);
- it calls for local decision-making and development of initiatives by and for local communities facilitated by local Aboriginal Community Controlled Organisations (Priority 2);
- it recognises the importance of Government agencies, Departments and service providers working with and for Aboriginal peoples by prioritising cultural knowledges (Priority 3); and
- it requires a governance structure that empowers Aboriginal peoples to create and own their own knowledges and evidence (Priority 4).

In addition to the Priority Reform areas, there are 17 targets across the domains of education, employment, health and wellbeing, justice, safety, housing, land and waters, and languages. Family violence directly impacts all aspects of the lifespan and can adversely affect families and communities across generations.

<sup>41</sup> Closing the Gap Targets and Outcomes 2020. <https://www.closingthegap.gov.au/national-agreement/targets>  
Retrieved 24 June 2021.

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Understanding and responding to the intersectional complexities of poverty, systemic racism, unconscious bias and marginalisation can lead to reductions in harm across several domains including:

- physical, mental, spiritual and cultural health;
- the use of alcohol, drugs and other substances;
- ability to access culturally safe services; and
- engagement with the justice system.

At the same time addressing these complexities can increase the positive outcomes of equitable engagement in:

- education
- employment
- secure and appropriate housing, and
- a strong sense of identity grounded in culture.

Of these 17 targets, the Strategy specifically addresses Target 13:

**Target 13: By 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced at least by 50%, as progress towards zero.**

The Strategy and its implementation will also contribute to achieving results for:

**Target 10: By 2031, reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15%**

**Target 11: By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people (10 – 17 years) in detention by at least 30%**

**Target 12: By 2031, reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children in out of home care by 45 per cent**

While the National Agreement provides a framework for action across the country, the Western Australian response is guided by the Aboriginal Empowerment Strategy.

The Empowerment Strategy sets out how the Western Australian Government will direct its efforts towards a future in which all Aboriginal people, families and communities are empowered to live good lives and choose their own futures from a secure foundation.

Developed in partnership with the Aboriginal Advisory Council of Western Australian, the Empowerment Strategy also sets out the State's approach to meeting its commitments under the National Agreement on Closing the Gap.

By situating the Strategy within the four themes and aligning it with the Priority Reform areas and targets of the National Agreement, the Strategy becomes an effective tool to achieving social and economic equity for Aboriginal people. The Strategy provides

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a roadmap for achieving the outcomes and goals that Aboriginal people have called for and which are reflected in the outcomes of the consultation processes associated with the development of the Strategy, namely, to live safe, happy, productive lives with their families on Country, strong in their culture and identity.

Effectively, the Strategy establishes a foundation on which individuals, families, and communities achieve self-determination and build healthy, happy, and good lives in which they can thrive.

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# The Aboriginal Family Safety Strategy

## Vision

Aboriginal families and communities in WA are safe, strong, and happy, enabling our future generations to thrive.

## Goal

Aboriginal people, Government, and the wider community share responsibility for creating safety for Aboriginal women, children, families, and communities.

## Purpose

To guide a whole of community, collaborative approach that is flexible, culturally secure, and culturally responsive to address family violence impacting Aboriginal women, children, families and communities.

## Values

### Self-determination

Aboriginal self-determination based on Aboriginal systems, structures, knowledge, and expertise is critical for informing safety and wellbeing in Western Australia's diverse Aboriginal families and communities. "We listened to our Elders. Our governance was all there, we had our own little land, flora, and fauna, what was created for us (before colonisation); We have our family kinship connections and governance; ... (t)his strategy needs ownership by Aboriginal people".<sup>42</sup>

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<sup>42</sup> Quote from participant during Department of Communities consultations 14.08.2021: AFSS workshop collated responses for draft guiding principles.

## Shared Responsibility

Aboriginal people call for accountable governance, shared leadership and shared responsibilities between the state government, its agencies, and Aboriginal communities. This is critical to the success of the Strategy. In addition to community-led decision-making, having Aboriginal people in leadership roles across government is important for informing governments about Aboriginal cultures and peoples.

## Culture and Identity

Aboriginal Cultures contain values, norms, attitudes, beliefs, practices, and ceremonies. Within these cultures, Aboriginal systems and structures of discipline and Law principles are important for regulating behaviour and creating and maintaining safety for all people.

Identity is important for connecting to family, kinship, Country, roles, and responsibilities, and understanding where each person fits in their family and community. “Having a strong cultural identity is the key to family safety and community wellbeing”.

## Cultural Leaders, Elders and Traditional Owners

Cultural Leaders, Elders and Traditional Owners continue to have important roles in families and communities. They are important knowledge holders and are important for regulating behaviour and responding to unacceptable behaviour. Colonisation and the imposition of western systems in communities have undermined the authority of Cultural Leaders and Elders: “Elders have no power or say”, and this undermines Aboriginal systems and structures important for creating and maintaining safety.

## Respect

An Aboriginal worldview is holistic and emphasises the interconnectedness of the spiritual, physical, and inanimate, and living worlds. Because of this belief system, respect for all things is a fundamental value and being respectful is a valued way of being.

Systems must respect holistic Aboriginal worldviews, Aboriginal systems and structures, and the cultural knowledge and expertise that exists in Aboriginal communities.

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## Safety and Empowerment

Being safe is important to Aboriginal people so they can enjoy a sense of wellbeing and have a good quality of life. Holistic responses and having a strong connection to culture and identity are important elements of safety.

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# Focus Areas

## Focus Area 1: HEAL

*Ensure healing guides the delivery of family violence services and practice*

We will design services to:

- ensure that responses to family violence are holistic and trauma-informed to respond effectively to the intergenerational trauma that remains within Aboriginal communities.
- ensure those who experience family violence, including children, are safe and supported to heal and recover.

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**What community said:**

- Family violence is present in Aboriginal communities because of the unresolved trauma caused by colonisation.
- Understanding this trauma is essential to healing and in turn achieving family safety and community wellbeing.
- Healing is needed for individuals, families, and community.
- People need time and space to heal.
- Separate men's and women's healing groups are needed.
- On-Country healing and helping boys and men to reset is important.

**What ACCOs and Aboriginal stakeholders said:**

- Aboriginal people view colonisation and intergenerational trauma as being causally linked to family violence.
- Family violence programs and services must support healing from trauma.
- Aboriginal communities identified the need for adopting an Aboriginal worldview and incorporating traditional and trauma-informed, cultural healing practices such as being on Country, yarning, music and sharing stories.

**What Government, peak bodies and the sector said:**

- We need a broad depth of organisations that have a good understanding of and experience in complex trauma and its intersections with family violence.
- Effective solutions are place-based, culturally safe and trauma informed.

***“All family violence stems from the destructiveness of anger, which is a result of the inability to express emotional distress. Unresolved trauma builds anxiety, which feeds insecurity and lack of ability to regulate emotions. People need the skills to identify and regulate feelings. Family violence is the result of emotional distress.”***

***(Mid-West Gascoyne workshop participant)***

**What the research says:**

Family violence causes trauma physically, neurologically, psychologically, and emotionally. Such trauma affects people's sense of safety and wellbeing. Not only are there physical, psychological, and emotional consequences, but family violence has been identified as a significant cause of morbidity and mortality within Aboriginal and Torres Strait Islander communities. It is reported to contribute to an estimated 11% of

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the burden of disease among Aboriginal and/or Torres Strait Islander women aged 18 to 44 years – more than any other single factor.<sup>43</sup>

Trauma as a result of exposure to persistent family violence can also affect neurological functioning, development of adaptive behaviour, and impact executive functioning.<sup>44</sup> Those affected by trauma may struggle to self-regulate emotionally, and they may believe that being in a heightened emotional state is normal, or may struggle with activities like planning, problem solving and academic studies.<sup>45</sup>

**Good practice example**

**The First 1000 Days Model**

*First 1000 Days* is a whole of family and whole of service approach to supporting families and ensuring that children are born into and raised within a family context that thrives. Key to this approach is a partnership model of care that ensures self-determination and autonomy for children and families as well as accountability that is central to the National Agreement on Closing the Gap (2020). Working with Elders and community, researchers, policy makers, service providers and early childhood program developers, and based on principles of co-design, shared decision making, recognising Aboriginal and Torres Strait Islander ways of knowing, being and doing; and culturally safe and responsive interactions, the initiative supports families to identify and meet the aspirations of themselves and their children by developing life and parenting skills that are consistent with cultural values.

Priority actions	Short-term outcomes
<ul style="list-style-type: none"> <li>Empower and enable Aboriginal communities to determine what healing means for them and how it can guide family violence support and practice via local decision-making models.</li> </ul>	<ul style="list-style-type: none"> <li>Communities' responses to family violence are guided by their own understanding of healing practices.</li> <li>Local governance structures for localised decision-making are strengthened to support the work of Cultural Leaders and Elders.</li> </ul>

<sup>43</sup> Webster, K., 2016. A preventable burden: Measuring and addressing the prevalence and health impacts of intimate partner violence in Australian women (ANROWS Compass, 07/2016). Sydney: ANROWS.

<sup>44</sup> Perry, B. Pollard, R., Blakley, T., Baker, W., & Vigilante, D. (1995). Childhood trauma, the neurobiology of adaptation and 'use-dependent' development of the brain: How 'states' become 'traits'. *Infant Mental Health Journal*, 16(4),271-291.

<sup>45</sup> Ibid.

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<ul style="list-style-type: none"> <li>• Use culture as the frame for delivering behaviour change programs, recognising the strength of culture in improving safety for Aboriginal children, people, families, and communities.</li> <li>• Develop culturally informed information and resources to share with Aboriginal services, organisations, and communities on the physical, emotional, and psychological impacts of family violence.</li> <li>• Ensure the delivery of services and programs balance accountability with healing and compassion and are holistic and trauma-informed.</li> </ul>	<ul style="list-style-type: none"> <li>• Victim-survivors are provided with increased access to holistic community-led safety and support initiatives to heal and recover.</li> <li>• Families report increased feelings of safety and wellbeing.</li> <li>• Children, young people and families are supported through diversion programs within child protection and criminal justice systems to enable healing and promote wellbeing.</li> <li>• Culturally secure, trauma informed family violence programs are activated throughout the Police and criminal justice systems.</li> </ul>
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<b>Alignment to Other Key Strategies</b>	
<b>Strategy</b>	<b>Key Links</b>
<b>Closing the Gap</b>	<p><b>Priority Reform One: Partnership and Shared Decision-Making</b></p> <ul style="list-style-type: none"> <li>• Building and strengthening structures that empower Aboriginal people to share decision-making authority with governments to accelerate policy and place-based progress against Closing the Gap</li> </ul>
<b>Aboriginal Empowerment Strategy</b>	<p><b>Building Aboriginal empowerment into how we work</b></p> <ul style="list-style-type: none"> <li>• Partnerships, shared decision-making, and engagement</li> <li>• Supporting Aboriginal-led solutions</li> </ul> <p><b>Culture at the Heart</b></p> <ul style="list-style-type: none"> <li>• Supporting and promoting culture</li> </ul>
<b>Path to Safety</b>	<p><b>Focus Area One: We will work with Aboriginal people to strengthen family safety</b></p> <ul style="list-style-type: none"> <li>• Ensure actions to prevent and reduce family and domestic violence are flexible, culturally responsive and culturally secure to better meet the needs of Aboriginal people</li> </ul>

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## **Focus Area 2: RECOGNISE AND SUPPORT –**

*Recognise the unique roles and responsibilities of men and fathers and support them to build strong communities and support safe families.*

We will work with individuals and families to:

- ensure that a long-term approach to embedding family safety for Aboriginal women, children, families, and communities is taken.
- build on the strengths and complex systems that Aboriginal families and communities already utilise and benefit from.
- address the lack of specific support available for men, including for those who use violence.
- recognise the strong traditional role of fatherhood in Aboriginal cultures as central to any initiative designed to address family violence.

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**What community said:**

- We must keep families together and provide support for the whole family.
- Strong family support networks can increase safety.
- Keep kids on Country with family.
- Families and children need to feel connected and have a sense of belonging.
- We need specific support for men and women such as safety planning, identifying appropriate networks for support, educating and empowering men through behaviour change programs, and safe spaces for men and women to talk about family violence and seek help.

**What ACCOs and Aboriginal stakeholders said:**

- Holistic, wrap-around services are needed to ensure the necessary supports are provided to Aboriginal children, families, people, and communities at all stages and in all areas of life including their physical, social, emotional, psychological, and spiritual wellbeing, to get the best outcomes.
- Specific support for Aboriginal boys and men are needed. Aboriginal men have important roles as fathers and role-models. Men must take responsibility for men’s behaviour and there are calls for regional bush meetings to work out solutions based on accountability, strengthening culture, and healing.
- Role models, community awareness, mentoring and parenting programs that help model collective caring models, respectful behaviour, and healthy relationships can help support recovery from breakdowns in families and culture.

**What Government, peak bodies and the sector said:**

- We need to ensure there are strong Aboriginal voices (both men and women) who can act as key conduits for the strategy.
- Preference the connection to family and culture in policies and practices that are developed and delivered.

***“When a family has strong support and strong links, there is often more safety in the family.” (Perth Metro workshop participant)***

**What the Research says:**

A holistic approach

Over the past two decades it has been increasingly argued that a multifactorial and intersectional analysis, that situates family violence within collective experiences of colonialism, systemic disadvantage, cultural dislocation, forced removal of children

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and trauma, is required.<sup>46</sup> Within this context, these widespread and profound traumatic impacts on women, men, youth and children, and the cultural systems and structures that once provided healthy connections, boundaries, safety, security and certainty for all people, must be properly understood if responses are to be effective.

An 'intersectional' analysis positions violence at the junction of multiple forms of oppression, and acknowledges the complexity and 'multitude of inter-related factors' attributable to family violence.<sup>47</sup> Aboriginal people have long agitated for the 'opportunity to develop their own solutions to family violence and sexual abuse'.<sup>48</sup> They have also championed responses to family violence that involve Aboriginal justice models and the recognition of Aboriginal Law and Culture.<sup>49</sup> They also note that within models aimed at reducing family violence and improving family safety, the voices of men are often missing.<sup>50</sup> Yet women continue to highlight the importance of

<sup>46</sup> Atkinson, op cit. Aboriginal and Torres Strait Islander Women's Task Force on Violence. (2000). *The Aboriginal and Torres Strait Islander women's task force on violence report* (Rev. ed). Brisbane: Queensland Government.

Behrendt, L. (2002). Lessons from the Mediation Obsession: Ensuring that Sentencing "Alternatives" Focus on Indigenous Self-Determination. In H. Strang and J. Braithwaite (Eds.) *Restorative Justice and Family Violence* (pp.178–190). Melbourne: Cambridge University Press. Blagg, Bluett-Boyd & Williams, 2015, op cit. Blagg, H., Tulich, T., Hovane, V., Raye, D., Worrigal, T., & May, S. (2020). *Understanding the role of Law and Culture in Aboriginal and/or Torres Strait Islander communities in responding to and preventing family violence*, Ngarluma/Jaru/Gooniyandi (Hovane), Kimberley and Pilbara region, WA, Jabirr Jabirr/Bardi (Raye), Dampier Peninsula and Kimberley region, WA, Gooniyandi/Gija (Worrigal), Kimberley region, WA (Research report, 19/2020). Sydney: ANROWS. <https://20ian81kynqg38b3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2020/07/Blagg-RR-LawCulture.1.pdf>. Cripps, K., & McGlade, H. (2008). Indigenous family violence and sexual abuse: Considering pathways forward, *Journal of Family Studies*, 14:2-3, 240-253. McGlade, H. (2012). *Our greatest challenge Aboriginal children and human rights*. Canberra: Aboriginal Studies Press. Nancarrow, H. (2003). *In search of justice in domestic and family violence*. Brisbane: Griffith University. Nancarrow, H. (2006). In search of justice for domestic and family violence: Indigenous and non-Indigenous Australian women's perspectives. *Theoretical Criminology*, 10(1), 87–106. Nancarrow, H. (2010). Restorative justice for domestic and family violence: Hopes and fears of indigenous and non-indigenous Australian women. In J. Ptacek (Ed.), *Restorative Justice and Violence against Women* (pp. 123-149). New York: Oxford University Press. National Aboriginal Community Controlled Health Organisation. (2006). *Position Statement: What's Needed to Improve Child Abuse/Family Violence in a Social and Emotional Wellbeing Framework in Aboriginal Communities*. Canberra: NACCHO. Australian Institute of Health and Welfare. (2018). Family, domestic and sexual violence in Australia, 2018. Retrieved March 15, 2019 from <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018/contents/table-of-contents>

<sup>47</sup> Cripps & McGlade, op cit;

<sup>48</sup> Law Reform Commission of Western Australia 2005 op cit: Atkinson, 1990a, 1990b, Hovane, V. (2015). Our Story to Tell: Aboriginal Perspectives on Domestic and Family Violence. *ANROWS Footprints*, 1, 13-17. Hovane, V., & Cox, D. (2011). Closing the Gap on Family Violence: Driving Prevention and Intervention through Health Policy. Australian Domestic Violence Clearinghouse, Issues Paper 21. Sydney: University of New South Wales.

<sup>49</sup> Hovane, op cit. Australian Law Reform Commission, & New South Wales Law Reform Commission. (2010). Family violence: a national legal response. Canberra: ALRC. Behrendt, 2002, op cit.

<sup>50</sup> Healing Foundation with Adams, M, Bani, G, Blagg, H, Bullman, J, Higgins, D, Hodges B, Hovane, V, Martin-Pederson, M, Porter, A, Sarra, G, Thorpe A and Wenitong M (2017). Towards an Aboriginal and Torres Strait

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including men's voices, that men have also experienced intergenerational trauma, and that ultimately, men have to deal with men.<sup>51</sup>

#### Aboriginal Men: Roles, Responsibilities, and Identities

The role of fathers is often excluded from the discourse surrounding family violence and family safety. Men are predominantly portrayed in negative ways but traditionally, the role of fathers is highly valued in Aboriginal societies<sup>52</sup>. Examining the barriers which currently prevent men from engaging effectively in parenting is critical to family safety issues such as overtly gendered language which positions women's identity as primary carers, can act to exclude men from pre- and post-natal programs. When coupled with a societal perception that denigrate and stereotype men as abusers, this can lead to feelings of exclusion and a lack of confidence in parenting ability, especially in the pre-natal period.<sup>53</sup>

Despite this significant gap in current approaches to family violence, Aboriginal men want to be involved in their families and the raising of their children.<sup>54</sup> Programs which encourage men to understand their behaviours and how to parent effectively within a framework of healing, culture and lore/Law are beneficial.<sup>55</sup> Recognising the strong traditional role of fatherhood in Aboriginal cultures is central to any initiative designed to address family violence.<sup>56</sup> There cannot be a family-focused holistic approach to family violence that excludes men, as men are one of the pillars supporting Aboriginal family life.

Islander violence prevention framework for men and boys.

[https://healingfoundation.org.au/app/uploads/2017/11/HF\\_Violence\\_Prevention\\_Framework\\_Report\\_Oct2017\\_V9\\_WEB.pdf](https://healingfoundation.org.au/app/uploads/2017/11/HF_Violence_Prevention_Framework_Report_Oct2017_V9_WEB.pdf)

<sup>51</sup> Blagg, H., Tulich, T., Hovane, V., Raye, D., Worrigal, T., & May, S. op cit.

<sup>52</sup> Reilly, L., & Rees, S. (2018). Fatherhood in Australian Aboriginal and Torres Strait Islander communities: An Examination of Barriers and Opportunities to Strengthen the Male Parenting Role. *American Journal of Men's Health*. 420-430. doi:[10.1177/1557988317735928](https://doi.org/10.1177/1557988317735928)

<sup>53</sup> Carlin, E., Cox, Z., Spry, E., Monahan, C., Marley, J., & Atkinson, D. (2020). "When I got the news": Aboriginal fathers in the Kimberley region yarning about their experience of the antenatal period. *Health Promotion Journal of Australia* 32, 513–522

<sup>54</sup> Healing Foundation with Adams, M, Bani, G, Blagg, H, Bullman, J, Higgins, D, Hodges B, Hovane, V, Martin-Pederson, M, Porter, A, Sarra, G, Thorpe A and Wenitong M (2017). *Towards an Aboriginal and Torres Strait Islander violence prevention framework for men and boys*. The Healing Foundation and White Ribbon Australia.

[https://healingfoundation.org.au/app/uploads/2017/11/HF\\_Violence\\_Prevention\\_Framework\\_Report\\_Oct2017\\_V9\\_WEB.pdf](https://healingfoundation.org.au/app/uploads/2017/11/HF_Violence_Prevention_Framework_Report_Oct2017_V9_WEB.pdf)

<sup>55</sup> Reilly, L., & Rees, S. op cit.

<sup>56</sup> Ibid.

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Priority actions	Desired outcomes
<ul style="list-style-type: none"> <li>• Support the strengthening of Aboriginal family structures and locally developed programs aimed at reinforcing healthy parenting practices to heal the impacts of generational trauma, e.g., through programs like the Home-maker Program which provided practical in-home support, or the Aboriginal In-home Support Program, delivered by ACCOs.</li> <li>• Identify strong formal and informal support networks that men can access for family violence support.</li> <li>• Continue to deliver programs that educate and empower men such as the Behaviour Change programs.</li> <li>• Identify opportunities for men to engage with leadership and decision-making mechanisms that relate to family safety.</li> <li>• Identify or develop separate and safe spaces for men and women to talk about family violence and seek support.</li> </ul>	<ul style="list-style-type: none"> <li>• Programs and support groups that positively build the understanding the role of a parent in a way that recognises history and context are developed and delivered.</li> <li>• Those who cause harm are provided with increased access to holistic community-led responses that reinforces accountability, reminds them of their roles and responsibilities, and supports them to heal to prevent further violence occurring.</li> <li>• An increased number of men are involved and engaged with decision-making as it relates to family violence policies.</li> <li>• Men feel empowered in their role in families and community and demonstrate positive role-model behaviour.</li> <li>• Aboriginal men and boys have access to culturally safe wellbeing services that promote safe communication and emotion regulation skills and reduces the use of violence.</li> </ul>

Alignment to Other Key Strategies	
Strategy	Key Links
<p><b>Closing the Gap</b></p>	<p><b>Priority Reform Three: Transform Government Organisations</b></p> <ul style="list-style-type: none"> <li>• Undertake system-focused efforts to address features of systems that cultivate institutionalised racism</li> <li>• Embed high-quality, meaningful approaches to promoting cultural safety, recognising Aboriginal and Torres Strait Islander people’s strength in their identity as a critical protective factor</li> </ul>



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<p><b>Aboriginal Empowerment Strategy</b></p>	<p><b>Walking together</b></p> <ul style="list-style-type: none"> <li>• Truth-telling</li> <li>• Eliminating racism and promoting respect for Aboriginal people</li> </ul> <p><b>Building Aboriginal empowerment into how we work</b></p> <ul style="list-style-type: none"> <li>• Supporting Aboriginal-led solutions</li> </ul>
<p><b>Path to Safety</b></p>	<p><b>Focus Area Two: We will act now to keep people safe</b></p> <ul style="list-style-type: none"> <li>• Connect perpetrators with timely, evidence-based interventions to support accountability and behaviour change</li> <li>• Develop tailored responses that consider people’s diversity and intersecting needs</li> </ul>

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## Focus Area 3 - TRANSFORM

*Transform our service provision and reform our systems*

We will reform systems to:

- respond to systemic racism and discrimination by building culturally informed and sensitive agencies, policies, procedures, and practices.
- build the cultural capability of agencies through creating career pathways at all levels for Aboriginal workers with a focus on recruiting and retaining Aboriginal staff in senior decision-making roles within agencies.
- normalise the inclusion of Aboriginal cultural responses within those systems, which prioritise safety and accountability through localised decision-making.
- reform funding models to prioritise preventative measures and improve access to justice for Aboriginal families experiencing family violence.

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**What community said:**

- Services need to be delivered by local Aboriginal Community Controlled Organisations
- Services need to provide holistic and trauma-informed services
- People need to know what services are available to them and how to access them
- Barriers to services need to be removed, making them more readily accessible

**What ACCOs and Aboriginal stakeholders said:**

- The systems need to be reformed to embed a value and respect for Aboriginal Laws, cultures, languages, the authority of Cultural Leaders and Elders, and the role of ACCOs, in their agencies' culture, policies, procedures, and practices.
- The stresses of ongoing systemic disadvantage and poverty put pressure on families and are implicated in family violence.
- Funding models need reform to provide resources which supports local Aboriginal-led preventative programs and services in families and communities.

**What Government, peak bodies and the sector said:**

- Appropriate, culturally secure, and trauma-informed service delivery is key.
- We need resourcing and procurement models that enable place-based delivery.
- A strong guide for implementation and resourcing will be needed to successfully support the strategy.
- Effective evaluation of outcomes, using data indicators that community value, is critical.

***“Aboriginal people are expected to fit into western society and are having to live in both societies whilst experiencing daily racism”***

***(Pilbara workshop participant)***

**What the research says:**

Mainstream approaches to responding to family violence, healing and justice have been consistently identified as needing reform.<sup>57</sup> Holistic approaches that take into account the complex nature of Aboriginal experiences of family violence including the impact of colonisation and intergenerational trauma, together with present-day stresses, marginalisation and racism, past history of abuse or neglect, destructive

<sup>57</sup> Kyllie Cripps & Michael Adams. Pathways forward, in Dudgon, P., Milroy, H. & Walker, R. (2014). Working Together: Aboriginal and Torres Strait Islander Health and Wellbeing Principles and Practice, pp. 399-416.

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coping behaviours (addictions), health and mental health issues and low self-esteem, are more likely to meet the needs of Aboriginal people.

Aboriginal people have consistently highlighted the importance of Aboriginal community-led initiatives for responding to the diversity of communities, and diverse needs among women, men, children, and Elders.<sup>58</sup> There is also a growing appreciation of the important role that Aboriginal Community-Controlled Organisations (ACCOs) play in communities, and an increasing appreciation for Aboriginal ways of working, learning, and knowing.<sup>59</sup> Aboriginal communities emphasise the importance of valuing and prioritising these ways of working, learning, and knowing, and that ACCOs are ideally placed to work within communities to respond to family violence effectively.<sup>60</sup>

Assisting non-Aboriginal staff and service providers to shift their thinking to Aboriginal-led ways of working will take time and effort and cannot be completed with one-off workshops. Training must be long-term and be facilitated with Aboriginal and non-Aboriginal educators working in partnership to support such a comprehensive change agenda.

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<sup>58</sup> Ibid.

<sup>59</sup> Yunkaporta, T. (2016). *Aboriginal pedagogy book: 8 ways*. Department of Education and Communities, NSW Government. <https://www.8ways.online/overview> Retrieved 15 January 2022.

<sup>60</sup> Blagg, H., Hovane, V., Tulich T., Raye, D., Worrigal, T., & May, S. (2020). *Understanding the role of Law and Culture in Aboriginal and/or Torres Strait Islander communities in responding to and preventing family violence*, Sydney: ANROWS. <https://www.anrows.org.au/project/understanding-the-role-of-law-and-culture-in-aboriginal-and-or-torres-strait-islander-communities-in-responding-to-and-preventing-family-violence/>

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Priority actions	Desired outcomes
<ul style="list-style-type: none"> <li>• Preference delivery of family violence support services by local Aboriginal Community Controlled Organisations (ACCOs).</li> <li>• Promote awareness of what services are available to families and communities that build on strengths and wellbeing and encourage growth and healing and how these services can be accessed to support at-risk families.</li> <li>• Deliver culturally appropriate interventions and therapeutic supports for behaviour change for those who have perpetrated violence.</li> <li>• Generate culturally informed safety planning policies and procedures for victim-survivors who need to leave a family violence situation quickly.</li> <li>• Enhance FDV workforce capability by developing an FDV workforce capability framework across all agencies, guided by national vocational training systems where appropriate.</li> <li>• Develop a culturally informed risk assessment tool to be embedded in family violence services.</li> <li>• Identify opportunities for staff training and capacity building as it relates to complex family violence issues and cross-sections of other drivers such as mental health or alcohol and other drugs, particularly for first responders and other support agency workers.</li> <li>• Improve the cultural capability, awareness, and sensitivity across community services and government, by embedding a value for Aboriginal lore and cultures in the policies, procedures, and practices of systems that challenge racism and unconscious bias.</li> </ul>	<ul style="list-style-type: none"> <li>• Mainstream systems increase their cultural awareness and cultural sensitivity to improve their interactions with Aboriginal people, their families, and communities.</li> <li>• The cultural capability of agencies is improved through the recruitment and retention of Aboriginal staff at all levels, including in senior decision-making roles.</li> <li>• Aboriginal families experiencing family violence have improved access to holistic legal advice and wrap-around support, including access to mental health and alcohol and other drug support.</li> <li>• Aboriginal communities and their community-controlled organisations have increased access to data and information, and greater control over the use of data.</li> <li>• A range of culturally safe and secure interventions and supports are available, suited to the needs of the community.</li> <li>• Agencies are better equipped to provide suitable services and supports.</li> </ul>

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<ul style="list-style-type: none"> <li>• Offer counselling supports for children experiencing family violence, and include culturally-secure awareness of what constitutes family violence in school education programs.</li> <li>• Collaborate with Aboriginal communities to improve data collection and information sharing, and to support data sovereignty.</li> <li>• Collaborate with Aboriginal communities to develop the Outcomes and Evaluation Framework for this Strategy.</li> </ul>	
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<b>Alignment to Other Key Strategies</b>	
<b>Strategy</b>	<b>Key Links</b>
<b>Closing the Gap</b>	<p><b>Priority Reform Two: Building the community-controlled sector</b></p> <ul style="list-style-type: none"> <li>• Increase the proportion of services delivered by Aboriginal organisations by:                             <ul style="list-style-type: none"> <li>○ Implementing funding prioritisation policies across all Closing the Gap outcome areas that require decisions about preferencing ACCOs as service providers</li> <li>○ Where funding initiatives are intended to service the broader population, ensure a meaningful proportion is allocated to Aboriginal organisations</li> </ul> </li> </ul> <p><b>Priority Reform Four: Shared Access to Data and Information at a Regional Level</b></p> <ul style="list-style-type: none"> <li>• Build capacity of Aboriginal and Torres Strait Islander organisations and communities to collect and use data</li> <li>• Establish partnerships between Aboriginal people and government agencies to improve collection, access, management and use of data</li> </ul>

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<p><b>Aboriginal Empowerment Strategy</b></p>	<p><b>Culture at the heart</b></p> <ul style="list-style-type: none"> <li>• Building the sector workforce's cultural security</li> <li>• Reshaping Government services and systems to work with culture</li> </ul> <p><b>Building Aboriginal empowerment into how we work</b></p> <ul style="list-style-type: none"> <li>• Strengthening Government accountability</li> </ul>
<p><b>Path to Safety</b></p>	<p><b>Focus Area Four: We will reform systems to prioritise safety, accountability, and collaboration</b></p> <ul style="list-style-type: none"> <li>• Improve data collection and information sharing to keep perpetrators visible and victim-survivors safe through risk informed practice</li> <li>• Build specialist and mainstream workforce capability and capacity to identify and respond effectively to family and domestic violence</li> <li>• Collaborate across the service system and with community leaders to deliver connected, coordinated, person and family centred responses</li> <li>• Refocus systems to prioritise victim-survivor safety and address factors that blame and re-traumatise victim-survivors</li> </ul>

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## **Focus Area 4 – BUILD ON AND BUILD UP –**

*Use culture to build on foundations and build up futures through early intervention and prevention*

We will embed early intervention and prevention to:

- strengthen culture and identity as a foundational and baseline response to family violence
- build on the strengths and complex systems that Aboriginal families and communities already utilise and benefit from
- support localised decision-making structures
- address the social and cultural determinants that lead to family violence.

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**What community said:**

- Aboriginal cultural provides the framework for creating safety and supporting behaviour change – we need to help people to reconnect with culture and values so they can be strong
- We need safety planning and self-referrals for early intervention programs
- Long-term, sustainable funding of programs need to focus on both prevention and early intervention
- Need to identify intersecting issues, like mental health, and address with professional support
- Housing and emergency accommodation need to be more accessible – people need to have a safe place to be and not be living in overcrowded homes

**What ACCOs and Aboriginal stakeholders said:**

- Aboriginal Laws and Cultures contain systems and structures that provide guidance for how to create safe families and communities, and ensure all people including children, are safe and cared for. Strong Culture can help to increase family safety.
- Aboriginal people emphasised the importance of investing in preventative programs and services which can prevent harm from occurring in the first instance.
- Aboriginal people have solutions to issues like family violence and must lead local responses. Their knowledge, skills and experience must be valued.
- Local governance structures for localised decision-making must be supported and respected. Local ACCOs are best placed to provide culturally safe programs and services. They must be supported through capacity and capability building and valued for the unique role they play in communities.
- Alcohol and other drugs are often utilised as a coping mechanism which can lead to an increase in family and domestic violence and other related crimes. Reducing the access and impact of drugs as well as providing culturally appropriate rehabilitation support services to help reduce the prevalence of violence linked to the misuse of drugs and alcohol is needed.

**What Government, peak bodies and the sector said:**

- Sustainability of investment and community building is needed for success
- The intersection of broader issues are going to be difficult to tackle, but will be important to address
- Partnership approaches with Aboriginal communities and leaders and Aboriginal-owned resources and solutions will be critical

***“You can’t break the cycle of violence without safe and secure accommodation.”***

***(Mid-West Gascoyne workshop participant).***

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**What the Research says:**

Recent research on Law and Culture and Aboriginal family violence<sup>61</sup>, supports a fresh paradigm that enables Aboriginal peoples to develop their own solutions to family violence in their communities, underpinned by their own Laws and Cultures. We have retained the term Aboriginal Law, rather than ‘lore’ or ‘customary law’, to describe Aboriginal Laws.

These Laws and Cultures remains a relatively untapped resource. Aboriginal people are ‘bound’ by their Laws, and there are sanctions imposed when it is breached. For Aboriginal people, their Laws fulfills similar functions to that of western law in mainstream society. Aboriginal people believe that the threat of sanctions deter people from offending, reinforces social norms by displays of power, and heals fractured relationships through demonstrations of remorse and punishment.<sup>62</sup>

Elders maintain that responsibility for family violence reduction strategies should be place-based and part of local community safety plans.<sup>63</sup> A key role of these plans would be the creation of community owned and managed diversionary programs, particularly for younger people. Communities consulted by researchers on Aboriginal family violence called for governments to increase funding for programs aimed at diverting people away from the criminal justice system, as well as involve communities in designing and delivering the programs.<sup>64</sup> At the very least there needed to be a ‘co-design’ process where mainstream agencies work collaboratively with community organisation and Elders to build initiatives congruent with local Laws and Cultures. A defining feature of congruent programs is the location of programs ‘on-Country’ under

<sup>61</sup> Blagg H, Hovane V, Tulich T, Raye D, May S, Worrigal T. Law, Culture and Decolonisation: The Perspectives of Aboriginal Elders on Family Violence in Australia. *Social & Legal Studies*. October 2021. doi:[10.1177/09646639211046134](https://doi.org/10.1177/09646639211046134)

<sup>62</sup> Law Reform Commission of Western Australia, 2005, op cit.

<sup>63</sup> Kelly, L. (2002). Using restorative justice principles to address family violence in Aboriginal communities. In H. Strang and J. Braithwaite (Eds.) *Restorative Justice and Family Violence* (pp.206-222). Melbourne: Cambridge University Press.

<sup>64</sup> Blagg, H., Hovane, V., Tulich T., Raye, D., Worrigal, T., & May, S. (2020). *Understanding the role of Law and Culture in Aboriginal and/or Torres Strait Islander communities in responding to and preventing family violence*, Sydney: ANROWS.

<https://www.anrows.org.au/project/understanding-the-role-of-law-and-culture-in-aboriginal-and-or-torres-strait-islander-communities-in-responding-to-and-preventing-family-violence/>

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the leadership of Elders. As noted earlier, connection to Country is at the heart of Aboriginal notions of being and belonging.<sup>65</sup>

Women Elders play a particularly important role in ensuring the safety of women and children on an 'informal' basis.<sup>66</sup> There are numerous Aboriginal women who open their homes to women escaping violence and act as an informal refuge, some continuing this service even where there is a Government funded women's refuge. Some women will not access formal refuges for a diversity of reasons, for example, they may have consumed alcohol or have older children with them and/or have infringed rules on previous visits. Refuges run by non-Aboriginal organisations are not always considered to be 'culturally safe', meaning that they do not offer an environment which is spiritually, socially, and emotionally secure as well as physically secure.<sup>67</sup>

<sup>65</sup> Atkinson, op cit. Aboriginal and Torres Strait Islander Women's Task Force on Violence. (2000). *The Aboriginal and Torres Strait Islander women's task force on violence report* (Rev. ed). Brisbane: Queensland Government.

Behrendt, L. (2002). Lessons from the Mediation Obsession: Ensuring that Sentencing "Alternatives" Focus on Indigenous Self-Determination. In H. Strang and J. Braithwaite (Eds.) *Restorative Justice and Family Violence* (pp.178–190). Melbourne: Cambridge University Press.

Blagg, Bluett-Boyd & Williams, 2015, op cit. Cripps, K., & McGlade, H. (2008). Indigenous family violence and sexual abuse: Considering pathways forward, *Journal of Family Studies*, 14:2-3, 240-253. McGlade, H. (2012). *Our greatest challenge Aboriginal children and human rights*. Canberra: Aboriginal Studies Press. Nancarrow, H. (2003). *In search of justice in domestic and family violence*. Brisbane: Griffith University. Nancarrow, H. (2006). In search of justice for domestic and family violence: Indigenous and non-Indigenous Australian women's perspectives. *Theoretical Criminology*, 10(1), 87–106.

Nancarrow, H. (2010). Restorative justice for domestic and family violence: Hopes and fears of indigenous and non-indigenous Australian women. In J. Ptacek (Ed.), *Restorative Justice and Violence against Women* (pp. 123-149). New York: Oxford University Press. National Aboriginal Community Controlled Health Organisation. (2006). *Position Statement: What's Needed to Improve Child Abuse/Family Violence in a Social and Emotional Wellbeing Framework in Aboriginal Communities*. Canberra: NACCHO. Australian Institute of Health and Welfare. (2018). *Family, domestic and sexual violence in Australia, 2018*. Retrieved March 15, 2019 from <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018/contents/table-of-contents>

<sup>66</sup> Kelly, L. (2002). Using restorative justice principles to address family violence in Aboriginal communities. In H. Strang and J. Braithwaite (Eds.) *Restorative Justice and Family Violence* (pp.206-222). Melbourne: Cambridge University Press.

<sup>67</sup> Blagg, H., Hovane, V., Tulich T., Raye, D., Worrigal, T., & May, S. (2020). *Understanding the role of Law and Culture in Aboriginal and/or Torres Strait Islander communities in responding to and preventing family violence*, Sydney: ANROWS. <https://www.anrows.org.au/project/understanding-the-role-of-law-and-culture-in-aboriginal-and-or-torres-strait-islander-communities-in-responding-to-and-preventing-family-violence/>

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<b>Good practice example</b>
<p><b>Waijungbah Jarjums</b></p> <p>The <i>First 1000 Days</i> project<sup>68</sup>, in conjunction with the <i>Birthing on Country</i> project, informed the development of the <i>Waijungbah Jarjums</i> model of care<sup>69</sup> developed by the Gold Coast Hospital and Health service (GCHHS) Women’s Newborn and Child Services. Central elements to the model include having an Aboriginal or Torres Strait Islander midwife and child health nurse from conception until the age of 2 (the first 1000 days) years. Local Gold Coast community members conceived the model of care, and it was implemented by GCHHS. Throughout the first 1000 days, GCHHS is held accountable to the local community for the model of care to ensure Aboriginal and Torres Strait Islander governance and the needs and cultural responsibilities of community are met.</p>

Priority actions	Desired outcomes
<ul style="list-style-type: none"> <li>• Develop self-referral pathways for early intervention programs</li> <li>• Preference the delivery of early intervention and prevention programs and initiatives that have long-term and sustainable funding.</li> <li>• Increase the level of accessibility for emergency accommodation for those who are experiencing family violence (e.g. removing barriers around eligibility/criteria and ensuring accommodation is culturally secure).</li> <li>• Grow local ACCO capacity, capabilities, and the local Aboriginal workforce to plan, develop and deliver preventative measures and other programs in communities.</li> <li>• Collaborate across government to reform funding models away from prioritising crisis-driven responses, to resourcing preventative measures that</li> </ul>	<ul style="list-style-type: none"> <li>• Through community-led initiatives:                         <ul style="list-style-type: none"> <li>○ The capacity, capability and workforce within local Aboriginal community-controlled organisations is strengthened to deliver preventative measures, healing, and other programs.</li> <li>○ Self-determination is strengthened and Aboriginal people feel empowered.</li> </ul> </li> <li>• Increased availability of safe houses or accommodation in communities for Aboriginal women, men, youth, and children, to support their immediate safety needs.</li> </ul>

<sup>68</sup> Arabena, K., Monson-Wilbraham, L., McLachlan, E., Marsh, A., & Callope, M. (2020). First 1000 days: using ‘emergence’ to take social innovation to scale.

<sup>69</sup> By Mob, for Mob: Waijungbah Jarjums Evaluation Report (2020)

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<p>prevent harm from happening in the first instance.</p> <ul style="list-style-type: none"> <li>• Collaborate across government and with communities to develop responses to the harmful impact of alcohol and other drugs in Aboriginal communities.</li> <li>• Collaborate across all levels of government and with Aboriginal communities to develop solutions for responding to poverty and meeting the basic needs of Aboriginal people. This may include:             <ul style="list-style-type: none"> <li>○ the need for suitable housing</li> <li>○ access to educational opportunities</li> <li>○ appropriate social and emotional well-being and mental health care</li> <li>○ culture-based ante-natal health care (e.g., Birthing on Noongar Boodja Project),</li> <li>○ access to primary health care (e.g., Nindilingarri Cultural Health Service, Aboriginal Medical Services),</li> <li>○ and access to training and employment opportunities.</li> </ul> </li> </ul>	
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<b>Alignment to Other Key Strategies</b>	
<b>Strategy</b>	<b>Key Links</b>
<b>Closing the Gap</b>	<p><b>Priority Reform Three: Transforming Government organisations</b></p> <ul style="list-style-type: none"> <li>• Undertake system-focused efforts to address features of systems that cultivate institutionalised racism</li> <li>• Embed high-quality, meaningful approaches to promoting cultural safety, recognising Aboriginal and Torres Strait Islander people’s strength in their identify as a critical protective factor</li> <li>• Ensure when Governments are undertaking significant changes to policy and programs that primary impact on Aboriginal and Torres Strait Islander people, they engage fully and transparently</li> </ul>
<b>Aboriginal Empowerment Strategy</b>	<p><b>Investing in foundations and futures</b></p> <ul style="list-style-type: none"> <li>• Investing in building strengths, prevention and earlier intervention</li> </ul>
<b>Path to Safety</b>	<p><b>Focus Area Three: We will grow primary prevention to stop family and domestic violence</b></p> <ul style="list-style-type: none"> <li>• Grow capability to deliver primary prevention in Western Australia</li> <li>• Support and implement primary prevention programs, such as those focussed on healthy, respectful relationships and gender equality, across settings and cohorts</li> <li>• Collaborate across government on policies and actions to address inequality and other conditions that reinforce violence</li> <li>• Partner with groups and organisations from the community and private sectors to strengthen awareness of and responses to family and domestic violence</li> </ul>

# Achieving the Vision

The Aboriginal Family Safety Strategy will be delivered through a series of implementation plans over a ten-year timeframe. Noting the diversity of the regions and communities across Western Australia, ensuring these plans are developed with local and place-based voices will be key to their success. Mechanisms for ongoing engagement and consultation with community and stakeholders will be established to support implementation and delivery of these plans.

The first action plan will prioritise regional implementation of the Aboriginal Family Safety Strategy, acknowledging the diversity and unique strengths of communities across Western Australia. Key priorities of the first action plan will be to:

- Undertake environmental scans in each region to understand the current circumstances, existing cultural structures, strengths, capabilities, and mechanisms that support safety; existing programs and services, enabling relationships, and community readiness for change.
- Develop local regional implementation plans.
- Identify and deliver key priority actions.

Subsequent action plans will include:

- Second Action Plan: Building on the foundations and continuing to grow cultural and community-led responses.
- Third Action Plan: Identifying impact, sustaining change and planning for the future.

# Identifying and Reporting Success

Ongoing monitoring and evaluation are essential to ensure continuous improvement, make progress and demonstrate change. There will be regular monitoring to ensure the Strategy is working and to assess where adjustments may need to be made. Central to this approach is the need to disseminate information so that evidence about successful responses can be shared more widely.

An outcomes and evaluation framework will be developed and will detail the approach for evaluation over the duration of the Strategy. It will include performance measures which focus on progress towards the action plans implemented and demonstrate impact towards creating safe Aboriginal families and communities.

Importantly, the evaluation of the success of the Strategy should ensure that the data and metrics used represent those that are valued by Aboriginal people and communities. The evaluation model should be reflective of Aboriginal ways of being, recognise local and cultural knowledge and be driven by the values outlined in this Strategy. As such, the outcomes and evaluation framework will be developed in partnership with Aboriginal people and communities. For consistency purposes, it will also take into account the data metric and measurements used in:

- National Agreement and WA's Implementation Plan on Closing the Gap
- The National Plan to End Violence Against Women and Children 2022 – 2032 (in development)
- The WA Government Outcomes Framework

Outcomes of the Strategy will sit across the four tiers of individual, service level, system level and community level.



# Governance

An appropriate governance model will be developed to provide oversight of the delivery of the Strategy. The governance model will take into account existing mechanisms and ensure there is appropriate representation from community, the sector, Government and (if appropriate) industry. Governance of the Strategy will be driven by Aboriginal voices, including representation from senior women and men where appropriate.

A whole-of-Government approach to governance and implementation will ensure actions are coordinated and building off one another. Government and sector alike will be required to consider their role and impact in delivering on the actions outlined in this strategy. Governance of the strategy will also sit not only within the state policy context but also within the broader national context, as outlined in Diagram 2.

Diagram 2 – Context for Governance Model



# Appendix 1 – How the Strategy was Developed

## Reviewing the literature

While noting that the Aboriginal evidence-base is an emerging one, the review of the literature for this Strategy privileged Aboriginal-specific research, reports, and information where available. Given the complex nature of the issue and the diverse communities in Western Australia, it adopted an approach based on action research. This approach involved:

- a) consulting the existing literature to identify what we know so far about Aboriginal perspectives on family violence and responses that are most likely to be effective
- b) listening to participants' voices during the consultations to best understand local complexities
- c) identifying any new issues raised during the consultations
- d) revisiting the literature to see what it says about any new issues, and
- e) incorporating these new perspectives from the consultations and literature, to inform development of the Strategy.

## Consultation and Engagement

The development of this Strategy has been informed by research, extensive community consultations, and consultations with Aboriginal Community-Controlled Organisations and key stakeholders.

Between 2018 and 2021, a series of consultation activities have been undertaken to inform the development of the Strategy.

- **June 2018 - The State Family and Domestic Violence Strategy Policy Consortium – Aboriginal Family Violence Forum**
  - 29 participants including leaders from 20 Aboriginal community-controlled organisations from health, legal and land heritage sectors, seven Aboriginal social policy experts and academics, and two government agency leaders (Department of Communities and WA Country Health Service).

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- **December 2018 – June 2019 – Consultation to develop Path to Safety**
  - 6 months of consultation comprising of 605 survey responses, 261 participating organisations and groups, 52 written submissions and 1,037 participants in targeted face to face engagements.
- **February 2019 - The Aboriginal Family Safety Summit**
  - brought together Aboriginal leaders and experts to discuss the why, who and how of progressing the dedicated approach to Aboriginal family safety.
- **July - September 2020 – Online engagement on Aboriginal Family Safety Strategy**
  - delivered through stakeholder engagement videos, rather than face-to-face engagement as originally planned due to COVID-19. A positive response was received with a total of 157 surveys being completed from a total of 332 participants.
- **June – October 2021 – State-wide Aboriginal community engagement on Aboriginal Family Safety Strategy**
  - On-country community engagement sessions across the regions of West Kimberley, East Kimberley, Midwest and Gascoyne, Goldfields, Pilbara, Wheatbelt and North, East and South metropolitan regions with a total of 216 participants.
- **October – December 2021 – Engagement with Aboriginal Community Controlled Organisations, Aboriginal stakeholders, Government, peak body representatives and sector organisations -**
  - stakeholders were invited to participate in providing input via a range of forums such as attending a workshop, individual face-to-face meetings in person or via Zoom meetings, via a teleconference, or to provide a written response. Over 150 stakeholders participated.

## Governance

Both an internal working group and an external steering committee were formed to help guide the development of the Strategy.

The external steering committee was comprised of senior officers from across the agencies of:

- Department of Communities
- Department of Justice
- WA Police
- Department of Health
- Mental Health Commission
- Department of Education
- Department of Premier and Cabinet

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Project briefings and updates were also provided to special advisory groups and individuals, including:

- The Aboriginal Advisory Council of WA (AACWA)
- Ministerial Aboriginal Advisory Panel (MAAP)
- Aboriginal and Torres Strait Islander Social Justice Commissioner, AO June Oscar

Upon establishment, the Department of Communities' Aboriginal Strategic Advisory Group will be invited to provide advice on the Strategy.

## Appendix 2 – Glossary

Term	Definition
<b>Aboriginal</b>	The term 'Aboriginal' is used in this document to refer to all First Nations Peoples from and living in Western Australia.
<b>Family</b>	The use of the term 'family' acknowledges the variety of relationships and structures that can make up family units and kinship networks. It can include current or former partners, children (including adolescent or adult children), siblings, parents, grandparents, extended family and kinship networks and carers.
<b>Intergenerational trauma</b>	A form of historical trauma transmitted across generations. Survivors of the initial experience who have not healed may pass on their trauma to further generations. In Australia, intergenerational trauma particularly affects Aboriginal and Torres Strait Islander people, especially the children, grandchildren and future generations of the Stolen Generations. <sup>i</sup>
<b>Intersectional approach</b>	In the context of addressing violence against women and children, an intersectional approach recognises that the way women experience gender and inequality can be different based on a range of other cultural, individual, historical, environmental or structural factors including (but not limited to) race, age, geographic location, sexual orientation, ability or class. This approach also recognises that the drivers, dynamics and impacts of violence women experience can be compounded and magnified by their experience of other forms of oppression and inequality, resulting in some groups of women experiencing higher rates and/or more severe forms of violence, or facing barriers to support and safety that other women do not experience. <sup>ii</sup>
<b>Lateral Violence</b>	Lateral violence, also known as horizontal violence or intra-racial conflict, is a product of a complex mix of historical, cultural and social dynamics that can include gossiping, jealousy, bullying, shaming, family feuding, organisational conflict and physical violence <sup>70</sup>
<b>Law / Lore</b>	Locating the AFSS within Aboriginal culture, Law/lore, and contexts means that the voices and needs of Aboriginal people are prioritised and the resulting practices are framed within Aboriginal definitions and practices rather than Western knowledge systems.
<b>National Agreement on Closing the Gap</b>	The National Agreement on Closing the Gap was developed in partnership between Australian governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations. There are four priority areas for reform and 17 targets. The objective of the National Agreement on Closing the Gap is to enable

<sup>70</sup> Chapter 2: Lateral violence in Aboriginal and Torres Strait Islander communities - Social Justice Report 2011 - <https://humanrights.gov.au/our-work/publications/chapter-2-lateral-violence-aboriginal-and-torres-strait-islander-communities>

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	Aboriginal and Torres Strait Islander peoples and governments to work together to overcome the inequality experienced by Aboriginal and Torres Strait Islander people. <sup>iii</sup>
<b>Perpetrator</b>	Refers to a person who commits an illegal, criminal or harmful act, including domestic, family or sexual violence.
<b>Trauma</b>	<p>Trauma occurs when our ability to cope is overwhelmed. Trauma can have a significant effect on your physical, emotional and psychological wellbeing. The impacts of trauma, whether resolved or acknowledged, may surface at any time, particularly when survivors tell or repeat their experiences, or when they encounter similar experiences are shared by others.</p> <p>Trauma looks different for people depending on their experience of trauma and other factors such as exposure to previous traumatic events, access to support and mental health status.<sup>iv</sup></p>
<b>Trauma-informed</b>	Trauma-informed care and practice recognises the prevalence of trauma and its impacts on emotional, psychological and social wellbeing of people and communities.
<b>Victim-survivors</b>	<p>People who have experienced family and domestic violence or gender-based violence. This term is understood to acknowledge the strength and resilience shown by people who have experienced or are currently living with violence. People who have experienced violence have different preferences about how they would like to be identified and may choose to use victim or survivor separately, or another term altogether. Some people prefer to use 'people who experience, or are at risk of experiencing, violence'.<sup>v</sup></p>

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<sup>i</sup> Healing Foundation. Glossary of healing terms. Healing Foundation, 2015, from <https://healingfoundation.org.au/resources/glossary-of-healing-terms/>

<sup>ii</sup> Domestic Violence Resource Centre Victoria. Key terms in the prevention of violence against women. Partners in Prevention, Victoria State Government and DVRCV, 2019.

<sup>iii</sup> Closing the Gap in Partnership. National Agreement on Closing the Gap: At a Glance. No date, from <https://www.closingthegap.gov.au/national-agreement>

<sup>iv</sup> Australian Human Rights Commission. Support and self-care guide: Trauma-informed guidance to accompany the release of the Set the Standard: Report on the Independent review into Commonwealth Parliamentary workplaces. Australian Human Rights Commission, Full Stop Australia, 2021.

<sup>v</sup>Our Watch & Universities Australia. Educating for Equality: Glossary of Key Terms and Definitions. Our Watch, Melbourne, 2021; Domestic Violence Resource Centre Victoria. Key terms in the prevention of violence against women. Partners in Prevention, Victoria State Government and DVRCV, 2019; Victorian Government. Free from violence: Victoria's strategy to prevent family violence and all forms of violence against women. Victorian Government, 2017.



## Survey Questions

### **SECTION 1: Respondent information**

Based on SDWK's details

### **SECTION 2: Your Feedback on the Strategy**

**1. After looking at the Strategy, what are three words that come to mind?**

Relevant, community focused and realistic.

**2. Strategy Vision**

The Strategy will be in place from 2022 to 2032.

The Strategy's vision should say what you would like WA Aboriginal communities to look like (or be like) in 10 years time.

Have a look at the Strategy's draft vision below and tell us if you think it is clear, important and achievable.

The Strategy's draft vision is: *Aboriginal families and communities are safe, strong and happy, enabling our future generations to thrive.*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<b>Clear:</b> The vision is clear and easy to understand		X			
<b>Important / relevant:</b> The vision is important and includes the right elements	X				
<b>Achievable:</b> The vision is achievable			X		

**3. Please share any other comments you have about the Strategy's draft vision.**

In order to achieve this vision you will require to change a lifetime of behaviour. It is unlikely that this will be fully achieved in 10 years, however substantial progress towards it can be made.



**4. Strategy goal**

The Strategy’s goal should say **how** everyone will work together to reach the vision.

Have a look at the Strategy’s draft goal below and tell us if you think it is clear, important and achievable.

The Strategy’s draft goal is: *Aboriginal people, the Government, and the wider community share responsibility for creating safety for Aboriginal women, children, families, and communities.*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<b>Clear:</b> The goal is clear and easy to understand	X				
<b>Important / relevant:</b> The goal is important and includes the right elements			X		
<b>Achievable:</b> The goal is achievable		X			

**5. Please share any other comments about the Strategy's draft goal.**

- The wording of this goal (and throughout the document) tends to suggest women are always the victim of family violence, however this is not always the case. Men can also be victims, with a woman being the perpetrator.
- The intent of this goal is supported, however for it to be enacted there must be a shift in the mindset to ensure all parties. Currently a lot of distrust of Government Department exists, particularly with key agencies having minimal profiles within the community. Government departments need to have a stronger physical presence within the community and to be more accessible to community members. The work these Departments undertake needs to be clearly identifiable and transparent to create trusting relationships between the parties. Once the community understands the role of the Government and sees the work they are doing community is more likely to engage in this process.

**6. Strategy purpose**

The Strategy’s purpose statement talks about **why** the Strategy is being developed.

Have a look at the Strategy’s draft purpose statement below and tell us if you think it is clear, important and achievable.

The Strategy’s draft purpose is: *To guide a whole of community, collaborative approach that is flexible, culturally secure, and culturally responsive to address family violence impacting Aboriginal women, children, families, and communities.*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<b>Clear:</b> The purpose is clear and easy to understand	X				
<b>Important / relevant:</b> The purpose is important and includes the right elements		X			
<b>Achievable:</b> The purpose is achievable		X			

**7. Please share any other comments about the Strategy's draft purpose statement.**

- The purpose of the strategy is supported. There is a clear need to provide a targeted approach which is culturally appropriate for Aboriginal community members. To be achievable support (funding and resources) must be given to create opportunities for shared responsibility and to facilitate opportunities to work together.
- Previous comment regarding the inclusion of men as a victim of family violence.

**8. Strategy values**

The Strategy's values will drive the behaviours needed for a successful strategy. The draft values to be included in the Strategy are:

- self-determination
- shared responsibility
- culture and identity
- cultural leaders and Elders
- respect
- safety and empowerment.

**9. Do these values reflect a strengths-based approach (do they value the capacity, skills, knowledge, connections and potential in individuals and communities)?**

- Yes     No

**10. Do these values focus on empowering families and communities?**

- Yes     No

**11. Are these values meaningful to you and your community?**

- Yes     No

**12. Please share any other comments about the Strategy's draft values.**

Nil

**13. Focus areas**

The focus areas are the key areas of work that the Strategy will concentrate on to achieve the Strategy's vision.

Aboriginal people have told us that the focus areas of the Strategy should be:

- a. **Heal:** Ensure healing is what guides the delivery of family violence services and practice.
- b. **Recognise and Support:** Recognise the unique roles and responsibilities of men and fathers and support them to build strong communities and support safe families.
- c. **Transform:** Transform our service provision and reform our systems.
- d. **Build on and Build up:** Use strong culture to build on foundations and build up futures through early intervention and prevention.

**Focus area one - Heal**

*Ensure healing is what guides the delivery of family violence services and practice.*

We will design services to:

- e. ensure that responses to family violence are holistic and trauma-informed to respond effectively to the intergenerational trauma that remains within Aboriginal communities
- f. ensure those who experience family violence, including children, are safe and supported to heal and recover.

**Do you think the draft focus area one (Heal) is clear, important and achievable?**

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<b>Clear:</b> The focus area is clear and easy to understand	X				
<b>Important / relevant:</b> The focus area is important and includes the right elements	X				

<b>Achievable:</b> The focus area is achievable	X				
---	---	--	--	--	--

**Focus area two - Recognise and Support**

*Recognise the unique roles and responsibilities of men and fathers and support them to build strong communities and support safe families.*

We will work with individuals and families to:

- address the lack of specific support available for men, including for those who use violence
- recognise the strong traditional role of fatherhood in Aboriginal cultures as central to any initiative designed to address family violence
- ensure that a long-term approach to embedding family safety for Aboriginal women, children, families, and communities is taken
- build on the strengths and complex kinship systems that Aboriginal families and communities already utilise and benefit from.

**Do you think the draft focus area two (Recognise and Support) is clear, important and achievable?**

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<b>Clear:</b> The focus area is clear and easy to understand	X				
<b>Important / relevant:</b> The focus area is important and includes the right elements		X			
<b>Achievable:</b> The focus area is achievable	X				

**Focus area three - Transform**

*Transform our service provision and reform our systems.*

We will reform systems to:

- respond to systemic racism and discrimination by building culturally informed and sensitive agencies, policies, procedures, and practices

- build the cultural capability of agencies through creating career pathways at all levels for Aboriginal workers with a focus on recruiting and retaining Aboriginal staff in senior roles within agencies by specifying 50D positions where appropriate and aligning with Aboriginal workforce strategic frameworks
- normalise the inclusion of Aboriginal cultural responses within those systems, which prioritise safety and accountability through localised decision-making
- reform funding models to prioritise preventative measures and improve access to justice for Aboriginal families experiencing family violence
- implement evaluative measures that are overseen by community leaders to ensure community are seeing positive changes.

**Do you think the draft focus area three (Transform) is clear, important and achievable?**

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<b>Clear:</b> The focus area is clear and easy to understand	X				
<b>Important / relevant:</b> The focus area is important and includes the right elements	X				
<b>Achievable:</b> The focus area is achievable		X			

**Focus area four - Build on and Build up**

*Use strong culture to build on foundations and build up futures through early intervention and prevention.*

We will embed early intervention and prevention to:

- strengthen culture and identity as a foundational and baseline response to family violence
- build on the strengths and complex kinship systems that Aboriginal families and communities already utilise and benefit from
- support localised decision-making structures
- address the social and cultural determinants that lead to family violence.

**Do you think the draft focus area four (Build on and Build up) is clear, important and achievable?**

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<b>Clear:</b> The focus area is clear and easy to understand	X				
<b>Important / relevant:</b> The focus area is important and includes the right elements	X				
<b>Achievable:</b> The focus area is achievable	X				

**Please share any other comments about the Strategy's draft focus areas.**

- Focus area 4 is regarded as especially important and should ensure initiatives delivered through this focus area commence at the earliest possible age. The earlier you are able to educate the more impact there is likely to be.
- The wording of some elements of the focus group assume women are always the victim of family violence, however this is not always the case. Men can also be victims, with a woman being the perpetrator.

**14. Overall, the Aboriginal Family Safety Strategy includes what it needs to.**

Strongly agree
  Agree
  Neither agree nor disagree
  Disagree
  Strongly disagree

**15. Please tell us why you have chosen then answer above.**

The key elements of the strategy are in line with feedback received from community members and service providers within our Shire with regard to family violence. It has potential through the implementation of the action plan to address a number of the elements required to improve service provision and reduce the risk of family violence.

The plan also focusses on empowering the community to address the issues on a localised level. Being part of the solution is an approached desired by the community.

**16. Please share any other comments about the draft Aboriginal Family Safety Strategy.**

The Shire of Derby / West Kimberley is highly supportive of the development of a strategy which specifically addresses family violence affecting Aboriginal families.

Family violence is a prevalent issue within our community. With 64% of the Shire's population identifying as Aboriginal or Torre Strait Islander it is imperative that culturally appropriate initiatives are put into place to address family violence.

The importance of ensuring services, including wrap-around services such as drug and alcohol services, mental health and family support, is provided on a localise level is crucial to the successful implementation of this plan. As is the involvement of community members in co-designing any actions to be implemented.

### **Section 3: Your feedback on implementation of the Strategy**

Your responses to the following questions will help us to deliver on the next steps of the Aboriginal Family Safety Strategy. All questions are optional and we encourage you to only answer questions that you are comfortable responding to. Unfinished responses will still be captured.

#### **1. What existing forums or structures exist within your region that could be used to develop and govern the regional implementation plan?**

- Derby Aboriginal Corporations Alliance (DACA) (NIAA provides secretariat support for this group).
- Derby Interagency Network (Managed by the Shire of Derby / West Kimberley)
- Family violence related service providers currently work together and network in an informal manner.

#### **2. What are the top three outcomes you believe your region would most benefit from in the area of family safety? (Select up to three answers)**

- Local planning and delivery of family safety initiatives, supports and programs (e.g. having local people choose what should be done and how it should be delivered).
- Improved service provision (e.g. better services for people who need it)
- Access to improved and suitable housing (e.g. stable homes for people to feel safe in)
- More emergency or crisis accommodation (e.g. safe places to go as soon as people need it).
- Early intervention and awareness-building initiatives (e.g. talking to community about what family violence is and how it can be stopped)
- On-country programs to support healing (e.g. taking people on-country to build culture and let people heal)
- Support for perpetrators (e.g. having a space for people who use family violence to and be supported).
- Other

**3. If there were two main activities that you'd like to see delivered in your region in relation to family safety, what would they be?**

- Safe house / hostel for young people so they have somewhere to go when things get too much at home.
  
- Fun, interactive workshops / programs / initiatives which family safety awareness.
  - Build family structures
  - Teaching how to parent
  - What does family violence look like
  - How can you change behaviours
  - Drug and alcohol awareness

~ END ~



**16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

- Nil.

**17 NEW BUSINESS OF AN URGENT NATURE****MOTION****RESOLUTION 41/22****Moved: Cr Andrew Twaddle****Seconded: Cr Paul White**

That Council accepts late item 17.1 Request For Comment - Application For Mining Lease 04/481 On Part Lot 450 Great Northern Highway, Fitzroy Crossing.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 9/0****17.1 REQUEST FOR COMMENT - APPLICATION FOR MINING LEASE 04/481 ON PART LOT 450 GREAT NORTHERN HIGHWAY, FITZROY CROSSING****File Number: 4060; I52225****Author: Robert Paull, Manager Development Services****Responsible Officer: Wayne Neate, Director Technical and Development Services****Authority/Discretion: Administrative****SUMMARY**

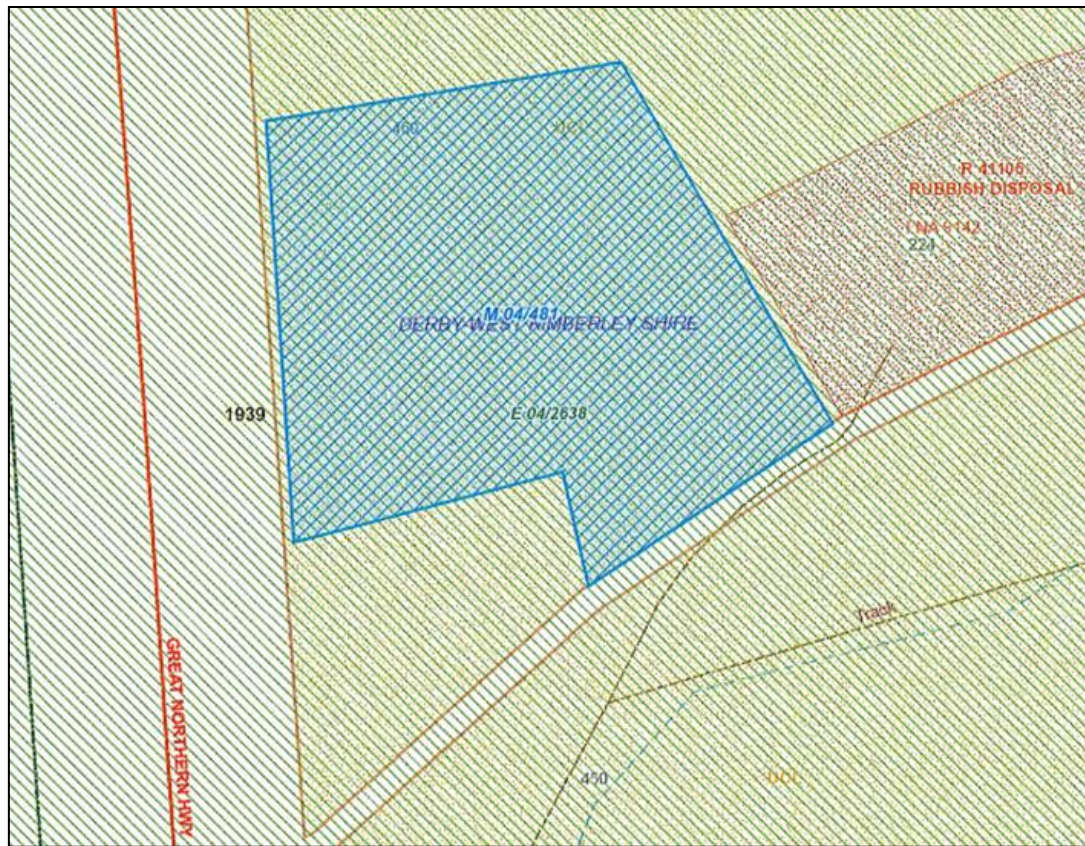
Council is requested to object to Mining Lease 04/481 subject to setback and access issues being addressed in any Lease issued by the Department of Mines, Industry and Resources (DMIRS).

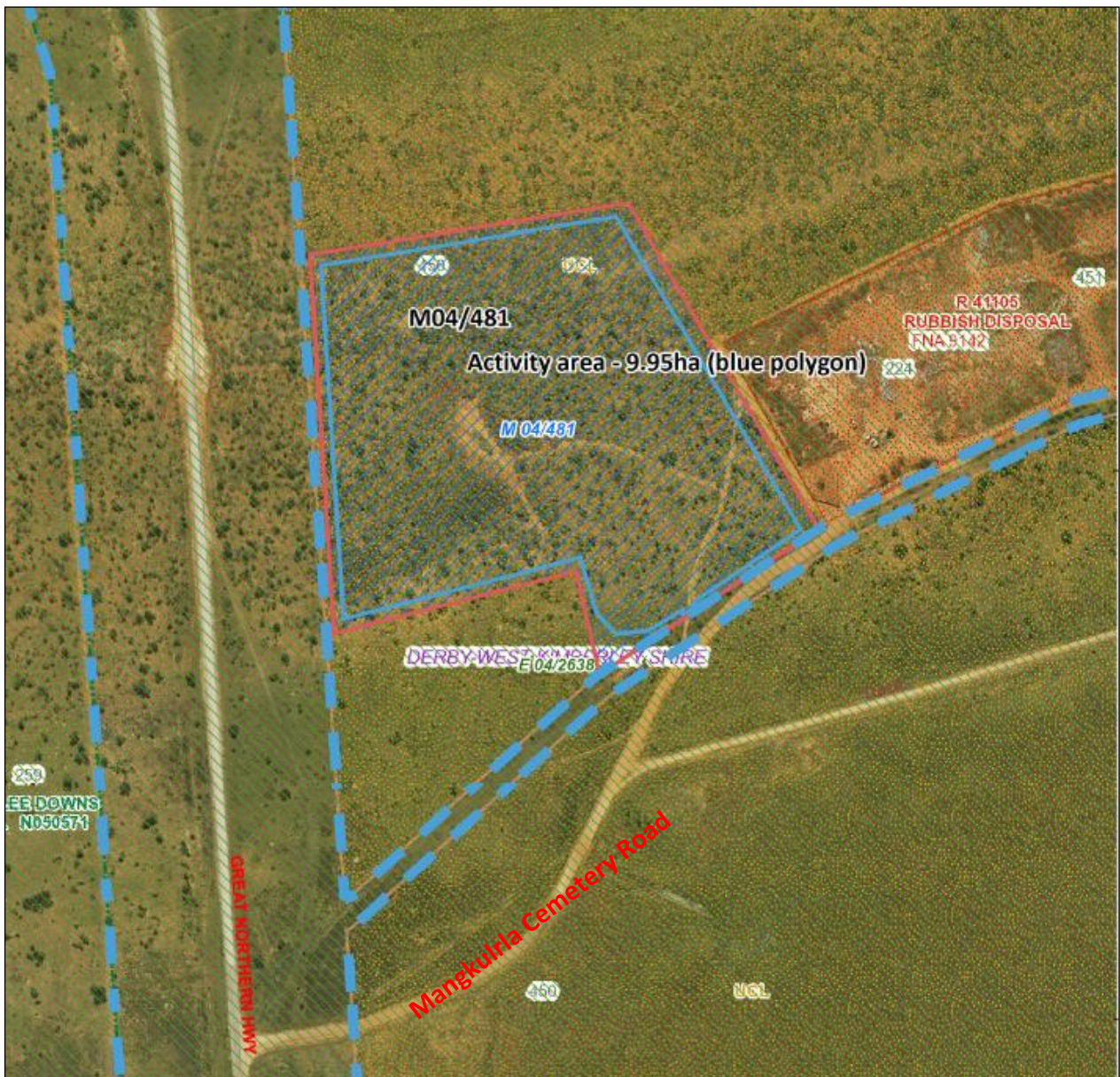
**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

Council has received notice of an application for Mining Tenement over Part Lot 450, Great Northern Highway, Fitzroy Crossing from tenement Austwide Mining Title Management Pty Ltd. Applicant for the Lease is Patrick Green. The site of Mining Lease 04/481 abuts the Shire’s Waste disposal site and the access road (Mangkulra Cemetery Road).





It is noted that Mining Lease 04/481 is some 90 metres from Great Northern Highway road seal and that Mangkulra Cemetery Road does not follow the designated road reserve. A copy of the application is included as **Attachment 1**.

**STATUTORY ENVIRONMENT**

*Mining Act 1978* – provides Local Government opportunity to object to an application for Mining Lease. Where Council believes there are good grounds to raise an objection to Mining Lease 04/481, an objection must be lodged to the application with the Mining Registrar before 04 April 2022.

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

There are no known financial implications.

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME	STRATEGY
1. Leadership and Governance	1.1 Collaboration and Partnerships. 1.2 Capable, inclusive and effective organisation. 1.3 Effective Communication.	1.1.1 Maximise local opportunities. 1.2.4 Attract and effectively use resources to meet community needs. 1.3.3 Listen to and respond to the needs of our communities.

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Environment:</b> Council will seek to ensure that no negative environmental impacts will arise for any mining activity.	Unlikely	Minor	Medium	Seek to assess and where appropriate, influence the decision of DMIRS to approve a Mining Lease.

**CONSULTATION**

The Shire has contacted applicant’s tenement consultant to discuss the application. However, no other consultation has occurred.

**COMMENT**

The *Mining Act 1978* only gives the power to ‘object’ to a Mining Lease through Mining Registrar. This is the case even where Council may only wish to influence or condition a Lease. However, it is open for Council to seek to negotiate directly with the applicant (usually via the tenement consultant).

In relation to Mining Lease 04/481, it is considered appropriate that any mining activity be reasonably setback from Great Northern Highway (and adjoining land) and that no heavy haulage limited access for mining activity be available from Mangkulra Cemetery Road.

Given the Great Northern Highway road seal is some 90m from Mining Lease 04/481, it is suggested that only a 50m minimum setback from the highway reserve (resulting in a 140m separation) be sought along with a 50m separation from the Shire Waste Disposal. Other matters such as dust suppression and protection of public roadways may also be pursued.

As the *Mining Act 1978* only provides the ability to ‘object’, Council is recommended to lodge an objection to Mining Registrar but agree to withdraw the objection where any approved lease is conditioned to provide for:

- A 50m minimum setback of any mining works to the Great Northern Highway reserve;

- A 50m minimum setback of any mining works to Shire's Waste Disposal site boundary;
- No heavy haulage access to Mangkulrla Cemetery Road;
- Dust suppression is carried out so that others are not adversely affected by mining operations; and
- No excavation is to extend under any public roadways or interfere with road drainage.

Should the Applicant agree in writing to the above conditions, it is appropriate that the Chief Executive Officer be authorised to withdraw any objection lodged with the Mining Registrar.

#### **VOTING REQUIREMENT**

Simple majority

#### **ATTACHMENTS**

1. **Attachment 1 - Mining Lease 04/481**  

#### **RESOLUTION 42/22**

**Moved: Cr Geoff Davis**

**Seconded: Cr Linda Evans**

**That with respect to request for comment - Application for Mining Lease 04/481 on Part Lot 450 Great Northern Highway, Fitzroy Crossing that Council:**

1. **Note the Report;**
2. **Request the Chief Executive Officer (CEO) to lodge an objection to Mining Lease 04/481 with the Mining Registrar on the basis of setbacks, access and dust as outlined in the Report; and**
3. **Authorise the CEO to withdraw the objection to Mining Lease 04/481 where the Applicant agrees in writing to have the Lease conditioned as follows:**
  - (i) **A 50m minimum setback of any mining works to the Great Northern Highway reserve;**
  - (ii) **A 50m minimum setback of any mining works to the Shire's Waste Disposal site boundary;**
  - (iii) **No heavy haulage access to Mangkulrla Cemetery Road;**
  - (iv) **Dust suppression is carried out so that others are not adversely affected by mining operations; and**
  - (v) **No excavation is to extend under any public roadways or interfere with road drainage.**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

**Against:** Nil

**CARRIED 9/0**



8 March 2022

Chief Executive Officer  
Derby – West Kimberley Shire  
30 Loch Street  
DERBY WA 6642

**By Registered Post #44 63800 09400 31911 01606**

Dear Sir/Madam,

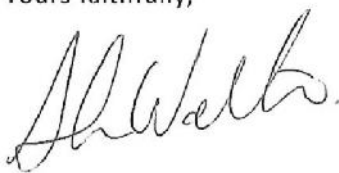
**APPLICATION FOR MINING LEASE 04/481 BY PATRICK GREEN**

Austwide Mining Title Management Pty Ltd acts on behalf of Patrick Green (“**Applicant**”) in relation to Application for Mining Lease 04/481 (“**the Application**”).

The Application is located within the Shire of Derby-West Kimberley. On behalf of the Applicant, by way of notice, a copy of the Application and plan are enclosed as required by the Mining Act 1978 (as amended).

The Applicant will be pleased to provide you with any additional information that you may require in respect of the Licence.

Yours faithfully,

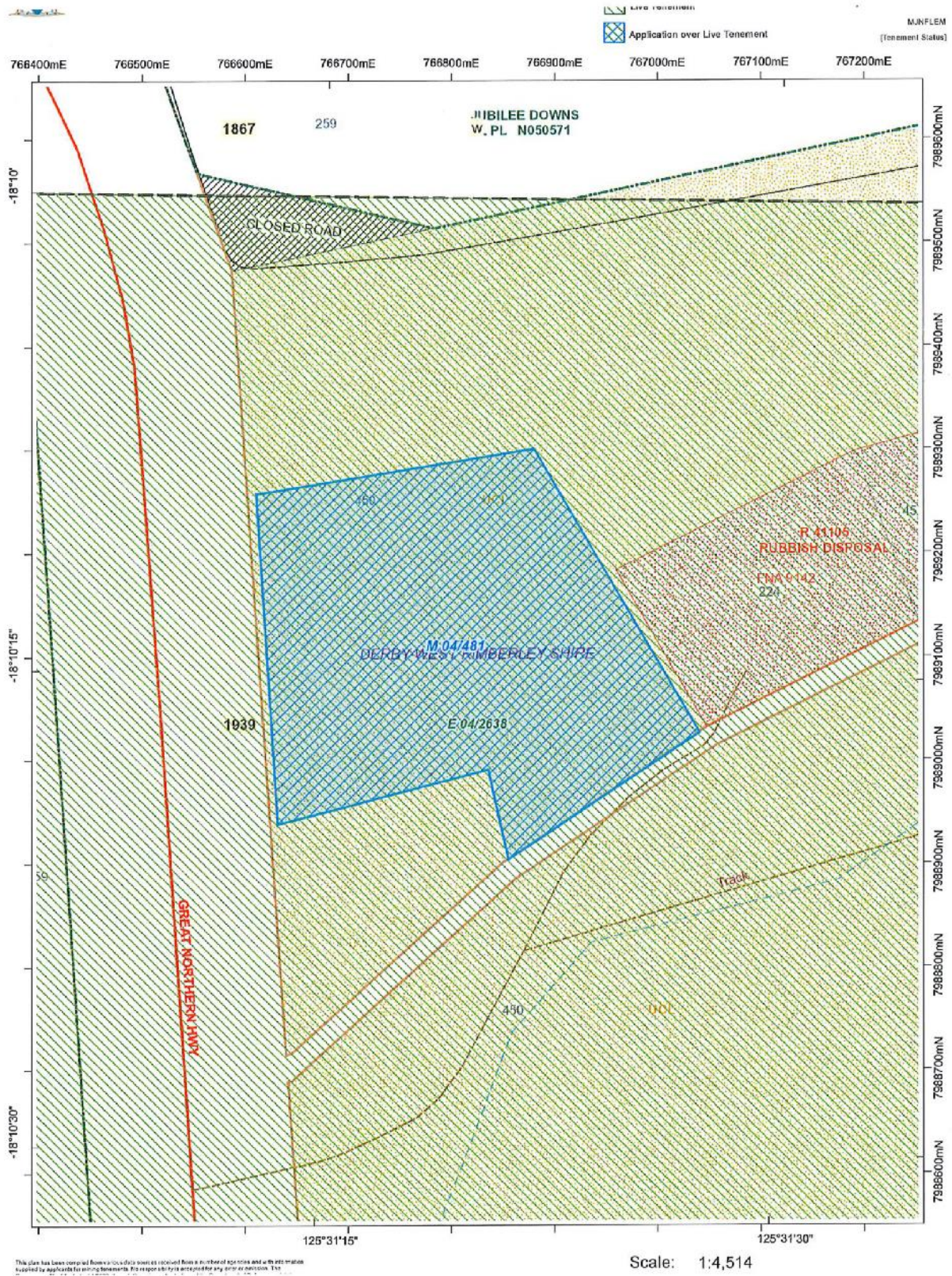


**Adam Walters | Senior Mining Title Consultant**  
E: adam@austwidemining.com.au

Unit 6 42 Dellamarta Road  
Wangara Western Australia 6065  
PO Box 1434 Wangara  
Western Australia 6947

Austwide Mining Title Management Pty Ltd  
is the Trustee Company for the  
Humberston Family Trust  
ABN 80 386 756 916

Telephone: 08 9309 0400  
Facsimile: 08 9309 0499  
Email: reception@austwidemining.com.au  
Web: www.austwidemining.com.au





Online Lodgement - Submission: 28/02/2022 13:31:58; Receipt: 28/02/2022 13:31:58

Form 21 WESTERN AUSTRALIA  
Mining Act 1978  
(Secs. 41, 58, 70C, 74, 86, 91, Reg. 64)

**APPLICATION FOR MINING TENEMENT**

(a) Type of tenement	(a) Mining Lease	No. M 04/481
(b) Time & Date marked out (where applicable)	(b) 18/02/2022 15:50:00	(c) WEST KIMBERLEY
(c) Mineral Field		
For each applicant:	(d) and (e)	(f) Shares
(d) Full Name and ACN/ABN	GREEN, Patrick C/- AUSTRALIAN MINING TITLE MANAGEMENT PTY LTD, PO BOX 1434, WANGARA, WA, 6947	100
(e) Address		
(f) No. of shares		(g) Total 100
(g) Total No. of shares		
DESCRIPTION OF GROUND APPLIED FOR: (For Exploration Licences see Note 1. For other Licences see Note 2. For all Licences see Note 3.)	(h) Fitzroy (i) Starting point is situated at GDA94 MGA Zone 51 at coordinates 767040.41mE 7989026.54mN (j) Then to 766855.43mE 7988904.16mN Then to 766835.69mE 7988991.11mN Then to 766631.43mE 7988938.61mN Then to 766610.80mE 7989257.68mN Then to 766879.74mE 7989300.97mN Back to Datum at 767040.41mE 7989026.54mN The application is a Conversion of E 04/2638 . Minerals: Sand	
(h) Locality		
(i) Datum Peg		
(j) Boundaries		
(k) Area (ha or km <sup>2</sup> )	(k) 11.40000 HA	
(l) Signature of applicant or agent (if agent state full name and address)	(l) Adam Walters 6, 42 DELLAMARTA RD, WANGARA, WA, 6065	Date: 28/02/2022

**OFFICIAL USE**

A NOTICE OF OBJECTION may be lodged at any mining registrar's office on or before the 4th day of April 2022 (See Note 4).

Where an objection to this application is lodged the hearing will take place on a date to be set.

Received at	13:31:58	on	28 February	2022	with fees of
Application	\$579.00				
Rent	\$264.00				
TOTAL	\$843.00				
Receipt No:	21572223634				

*Mining Registrar*

**NOTES**

**Note 1: EXPLORATION LICENCE**

- (i) Attachments 1 and 2 form part of every application for an exploration licence and must be lodged with this form in lieu of (h), (i), (j) and (k) above.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

**Note 2: PROSPECTING/MISCELLANEOUS LICENCE AND MINING/GENERAL PURPOSE LEASE**

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

**Note 3: GROUND AVAILABILITY**

- (i) The onus is on the applicant to ensure that ground is available to be marked out and/or applied for.
- (ii) The following action should be taken to ascertain ground availability:
  - (a) public plan search; (b) register search; (c) ground inspection.

**Note 4: ALL APPLICATIONS OVER PRIVATE LAND**

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period.

**18 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)****RESOLUTION 43/22****Moved: Cr Paul White****Seconded: Cr Geoff Davis**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 9/0**

**18.1 Support of enforcement actions undertaken pursuant to the Environmental Protection Act 1986**

This matter is considered to be confidential under Section 5.23(2) - d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**RESOLUTION 44/22**

**Moved: Cr Andrew Twaddle**

**Seconded: Cr Paul White**

**That with respect to the support of enforcement actions undertaken pursuant to the Environmental Protection Act 1986, Council:**

- **Support the actions of the Shire's Senior Environmental Health Officer in progressing to infringe (x2) under Reg 4(1) of the *Unauthorised Discharge Regulations 2007 (Regulations)* as outlined in this Report.**
- **Authorise the Chief Executive Officer (CEO) to initiate a legal response to the infringements should the need arise;**
- **Request the CEO to write to the Minister for the Environment expressing concern that the Department of Water, Environment and Regulation:**
  - **does not have an appropriate level of presence in the Kimberley;**
  - **relies on authorised local government officers to enforce its legislation;**
  - **does not support these officers or the local governments in any legal outcomes arising.**
- **Request the CEO to refer the matters raised in this Report as an agenda item to the Kimberley zone of Western Australian Local Government Association.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 9/0 BY ABSOLUTE MAJORITY**

*The gallery left the meeting at 6:28pm*

**RESOLUTION 45/22**

**Moved: Cr Paul White**

**Seconded: Cr Andrew Twaddle**

That Council moves out of Closed Council into Open Council.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 9/0**

**19 CLOSURE**

**19.1 Date of Next Meeting**


The next ordinary meeting of Council will be held Thursday, 28 April 2022 in the Council Chambers, Clarendon Street, Derby.

**19.2 Closure of Meeting**

The Presiding Member closed the meeting at 6:31pm.

**These minutes were confirmed at a meeting on**

28 April 2022  
.....

Signed:  .....

**Presiding Person at the meeting at which these minutes were confirmed.**

Date: 28 April 2022  
.....