



WALGA

WORKING FOR LOCAL GOVERNMENT

AGENDA

Annual General Meeting

Perth Convention Exhibition Centre
Perth

6 AUGUST 2014



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AGENDA

**Annual General Meeting
of the
Western Australian
Local Government Association
2014**

to be held at the
**Perth Convention Exhibition Centre
21 Mounts Bay Road, Perth
Riverside Theatre (Level 2)**

on
**Wednesday 6 August
2014
at 1.30 pm**

1.1 Meeting Program

- 1.30pm** **Welcome address by WALGA President, Mayor Troy Pickard, followed by the National Anthem and the Welcome to Country**
- 1.45pm** **Address from Hon Tony Simpson MLA, Minister for Local Government; Community Services; Seniors and Volunteering Youth**
- 1.55pm** **Address from Hon Mark McGowan MLA, Leader of the Opposition**
- 2.05pm** **WALGA President's Annual Report**
- 2.20pm** **Mayor Felicity-ann Lewis, President, Australian Local Government Association (invited)**
- 2.35pm** **Announcement of Local Government Honours for:**
- Long & Loyal Service Awards
 - Merit Awards
 - Local Government Distinguished Officer Awards
 - Eminent Service
 - Life Membership
- Recipients are invited on to stage for presentation and group photograph
- 3.00pm** **Presentation of Local Government Diploma Certificates and WALGA President Local Government Scholarship Diploma**
- 3.05pm** **Presentation of Local Government Biodiversity Awards**
- 3.15pm** **Introduction of the WALGA State Council by CEO Ricky Burges**
- 3.30pm** **Afternoon tea**
- 3.45pm** **AGM Business Session Commences:**
- Attendance, Apologies and Announcements;
 - Confirmation of Minutes from last AGM (Attachment 2);
 - Adoption of President's Report;
 - Consideration of 2013/2014 Financial Statements; and
 - Consideration of Executive and Member Motions
- 5:30pm** **Close of Annual General Meeting**

1.2 Annual General Meeting – Order of Proceedings

1.1 Record of Attendance and Apologies

1.2 Announcements

2.0 Confirmation of Minutes

Minutes of the 2013 WALGA Annual General Meeting are contained within this AGM Agenda.

DRAFT MOTION:

That the Minutes of the 2013 Annual General Meeting be confirmed as a true and correct record of proceedings.

3.0 Adoption of President's Annual Report

The President's Annual Report for 2013/2014 is contained within this AGM Agenda.

DRAFT MOTION:

That the President's Annual Report for 2013/2014 be received.

4.0 WALGA 2013/2014 Financial Statements

The audited 2013/2014 WALGA Financial Statements will be distributed to all members prior to the meeting.

DRAFT MOTION:

That the WALGA Financial Statements for 2013/2014 be received.

5.0 Consideration of Executive and Member Motions

As per motions listed.

6.0 Closure

1.3 Metropolitan and Country Zones

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

Metropolitan Zones

Central Metropolitan

Town of Cambridge
Town of Mosman Park
City of Subiaco

Town of Claremont
Shire of Peppermint Grove
City of Vincent

Town of Cottesloe
City of Perth

East Metropolitan

Town of Bassendean
Shire of Kalamunda

City of Bayswater
Shire of Mundaring

City of Belmont
City of Swan

North Metropolitan

City of Joondalup

City of Stirling

City of Wanneroo

South Metropolitan

City of Cockburn
City of Kwinana

Town of East Fremantle
City of Melville

City of Fremantle
City of Rockingham

South East Metropolitan

City of Armadale
City of South Perth

City of Canning
Town of Victoria Park

City of Gosnells

Country Zones

Avon – Midland Country Zone

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

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

Shire of Dandaragan
Shire of Moora
Shire of Victoria Plains

Central Country Zone

Shire of Beverley
Shire of Cuballing
Shire of Lake Grace
Shire of Pingelly
Shire of Wandering
Shire of Williams

Shire of Brookton
Shire of Dumbleyung
Shire of Narrogin
Shire of Quairading
Shire of West Arthur

Shire of Corrigin
Shire of Kulin
Town of Narrogin
Shire of Wagin
Shire of Wickepin

Goldfields Esperance Country Zone

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

Shire of Dundas
Shire of Laverton
Shire of Ngaanyatjaraku

Shire of Esperance
Shire of Leonora
Shire of Ravensthorpe

Gascoyne Country Zone

Shire of Carnarvon
Shire of Upper Gascoyne

Shire of Exmouth

Shire of Shark Bay

Great Eastern Country Zone

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

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

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

Great Southern Country Zone

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

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

Shire of Cranbrook
Shire of Jerramungup
Shire of Kojonup

Kimberley Country Zone

Shire of Broome
Shire of Halls Creek

Shire of Christmas Island
Shire of Wyndham/East Kimberley

Shire of Derby/West Kimberley

Murchison Country Zone

Shire of Cue
Shire of Murchison

Shire of Meekatharra
Shire of Sandstone

Shire of Mount Magnet
Shire of Yalgoo

Northern Country Zone

Shire of Carnamah
City of Geraldton-Greenough
Shire of Morawa
Shire of Perenjori

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

Shire of Coorow
Shire of Mingenew
Shire of Northampton

Peel Country Zone

Shire of Boddington
Shire of Waroona

City of Mandurah
Shire of Serpentine-Jarrahdale

Shire of Murray

Pilbara Country Zone

Shire of Ashburton
Town of Port Hedland

Shire of Cocos (Keeling) Islands
Shire of Roebourne

Shire of East Pilbara

South West Country Zone

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

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

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

1.4 Zone Representatives to State Council 2013/2014

Five (5) ordinary meetings and one (1) special meeting of the WALGA State Council were held between July 2013 and May 2014 with attendance as follows:

<u>Members</u>	<u>Attendance</u>	<u>Members</u>	<u>Attendance</u>
WALGA President		North Metropolitan Zone	
Mayor Troy Pickard	6	Cr David Michael	5
		Cr Geoff Amphlett	5
Deputy President		Mayor Tracey Roberts	5
President Cr Lynne Craigie	4	Cr Stuart MacKenzie (Deputy) ²	1
Avon-Midland Country Zone		Northern Country Zone	
Cr Lawrie Short	6	President Cr Karen Chappel	5
		Cr Ian West (Deputy) ¹	1
Central Country Zone		Peel Country Zone	
Mayor Don Ennis ²	3	Cr Wally Barrett	5
President Cr Phil Blight ¹	3		
Central Metropolitan Zone		Pilbara Country Zone	
Cr Janet Davidson JP	6	Cr Lynne Craigie	4
Mayor Heather Henderson	6	Mayor Kelly Howlett (Deputy) ²	1
Cr Roslyn Harley (Deputy)	0		
East Metropolitan Zone		South Metropolitan Zone	
Cr Steve Wolff ¹	3	Mayor Cr Carol Adams	6
Cr Mick Wainwright	6	Cr Doug Thompson	6
Mayor Terence Kenyon JP (Deputy) ¹	1	Mayor Logan Howlett ¹	4
		Cr Tony Romano ²	2
Goldfields Esperance-Country Zone		Cr Dennis Wood (Deputy) ²	1
Mayor Ron Yuryevich AM RFD	5		
President Cr Malcolm Cullen (Deputy) ¹	1	South East Metropolitan Zone	
Gascoyne Country Zone		Mayor Henry Zelones JP	6
Cr Ross Winzer	5	Cr Fiona Reid ¹	3
		Cr Julie Brown (Deputy) ¹	3
Great Eastern Country Zone		South West Country Zone	
Cr Eileen O'Connell	6	Cr Wayne Sanford	6
Great Southern Country Zone		LGMA (ex-officio)	
President Cr Ken Clements ¹	6	Mr Mark Chester	2
		Mr Shayne Silcox	2
Kimberley Country Zone		Associate Member (ex-officio)	
Cr Chris Mitchell	4	Rt Hon Lord Mayor, City of Perth	
Cr Elsie Archer (Deputy)	1	Ms Lisa Scaffidi	0
Murchison Country Zone			
Cr Simon Broad	6		

¹ Appointed 2013

² Retired 2013

1.5 Local Government Medal Recipients and Honorary Life Members

LOCAL GOVERNMENT MEDAL RECIPIENTS *(Alphabetical order)*

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

HONORARY LIFE MEMBERS *(Alphabetical order)*

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

3. PRESIDENT'S MESSAGE

The past year has been one of the most defining for the Association and Local Government in Western Australia. In addition to the ongoing challenge of the State Government's metropolitan reform process, the sector has faced severe cuts and changes to State and Federal funding along with a shift in Federal Government ideology as to its relationship with Local Government.

It would have been a challenging year with just one of these issues to redress. Having all of them land in the same period has tested the resolve of the sector and the capacity of the Association. It has been encouraging that for the most part we have met these challenges. However while there will continue to be some short term anxiety, more critical are the long term implications.

Perhaps the most pressing concern for many in the sector is the metropolitan reform process and the expectation that once completed it will be extended to non-metropolitan Local Governments. The timing of this year's Annual General Meeting coincides with the intended announcement of the Local Government Advisory Board's review of the structure of metropolitan Councils. Irrespective of the final composition recommended by the LGAB and favoured by the Local Government Minister, it will be more beneficial for the sector to continue to work with the State Government to implement the changes than simply oppose the process for its own sake.

That said there are aspects of the implementation of metropolitan reform that the Association is adamant the State Government needs to redress. The best example of which is the seeming impasse on adequate funding for the process from the State Government. There has been some admission from the State that the initially proposed funding may be inadequate and it is hoped that before changes begin, there is a clear and satisfactory financial commitment. Given the reform is enduring, it simply makes more sense for the sector to seize the opportunity to redress concerns and influence the process than opt out with no say at all.

The test for the State Government in delivering adequate funding for reform is the current economic climate that has seen allocations reduced across the public sector. As mentioned earlier, Local Government has this year had to face significant funding reductions across key operational areas as a consequence of both the State and Federal budgets. Most significant of the cuts confirmed in the State Budget was \$70 million over three years for local roads, which goes to the heart of the function of Local Government.

Meanwhile the Federal Budget placed a freeze on Financial Assistance Grants for three years. Nationally this will cost \$925m with WA Councils to be \$117m worse off. The impact will be hardest felt in smaller Local

Governments – where FAGs accounts for up to 49 per cent of turnover – however even in the least affected operations, a reduction of three per cent in revenue will require adjustments.

In addition to the amount of Federal funding, there is also a philosophical shift apparent within the Budget and Federal Government to devolve greater responsibility to the States for areas such as regional development and that Local Government is considered very much a State entity. This shift was also evident in the recent National Commission of Audit's recommendation that all Federal funding to Councils be distributed through state governments.

With that in mind, it should be appreciated that while the past year has brought significant challenges on a number of fronts, there will be a continued need for the Association to stay at the forefront of developments and represent the sector's interests. Over the past year the Association has advocated across a wide range of issues. These have included relentless advocacy around structural reform; strong representation on road funding including the development of a Road Condition Index to support funding applications; increased take up of WALGA's environmental planning tool; securing representation for the sector on the Biosecurity Council; successful campaigns to promote Local Governments role in the community and another to encourage recycling; and aligning more than 400 suppliers to deliver a total of about \$50m savings to Council operations across the State.

The following pages provide more detail as to the past year's key achievements and ongoing challenges for the Association across all operations and I would encourage all Members to review the summaries provided.

In conclusion I would like to recognise the assistance and contribution of the Chief Executive Officer Ricky Burges, her executive team and staff and the support and involvement of State Council in navigating WALGA and the sector through what has been a most challenging past 12 months.

Mayor Troy Pickard
President

OVERVIEW OF KEY OUTCOMES FOR 2013/2014

In serving its Members WALGA is committed to provide representation and services that deliver value to Member Local Governments. It will deliver these benefits by:

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

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

Strong Representation

Structural Reform

The Association has continued to support the sector on the challenges of structural reform and represent the sector's position as endorsed by State Council. Much of the focus has been around the State Government's metropolitan reform process and implementation committees. In addition the Association initiated and then partnered with the Department of Local Government and Communities and Local Government Managers Australia (WA) to develop a comprehensive online Reform Toolkit to assist Councils with preparatory work and transition. The State Government's structural reform agenda is currently limited to the metropolitan area however the Premier has indicated his intention that once completed the process would shift to non-metropolitan Local Governments. To ensure that country Councils are not caught unprepared for structural reform the Association also created the Country Reform Policy Forum, with the purpose to define a preferred position.

Road Funding

Funding for Local Government roads and road safety initiatives came under severe attack from the State Government during the year. At least \$70m over three years was cut from the funding provided for Local Government roads under the *State Road Funds to Local Government Agreement 2011/12 – 2015/16* and around \$10m per year was cut from the Local Government roads components of the Road Trauma Trust Account funded *Rural Run-off Road Crash Program* and *Metropolitan Intersection Crash Program*. These decisions are in addition to the RoadWise program funding cut announced in August 2013. The Association is implementing a strategy to strengthen the sector's position ahead of negotiations proposed for 2014/15 to develop a new State Road Funds to Local Government Agreement. Activities have included strengthening relationships with the new Minister for Transport and industry stakeholders and countering an argument put forward by Government that the sector has a systemic problem in delivering funded road projects. Concurrently WALGA is working with Main Roads WA and Local Governments to improve procedures governing the *State Road Funds to Local Government Agreement*, strengthening program management and addressing barriers to timely project implementation.

Industrial Claims

During the 2013/14 financial year, the Association handled 53 formal industrial matters of which 41 have been finalised and another 12 currently remain underway. In four of those matters, Local Governments elected to engage external legal advice. The formal industrial claims were predominantly unfair dismissal claims and adverse actions in the Fair Work Commission but there was a wide variety of different types of claims. In all, seven matters were taken to an arbitrated hearing or were subject to a formal outcome by an industrial tribunal during the 2013/14 financial year. Of those

seven matters, five were successfully advocated by WALGA Employee Relations staff.

Biosecurity

New biosecurity regulations (*Biosecurity and Agriculture Management Regulations 2013*) were introduced in 2013, which placed onerous responsibilities on landowners and the community for on-ground biosecurity work. Since Local Government is the closest tier of government to the community, many Councils became concerned about the apparent cost shift from State to Local Government. In response the Association launched an advocacy campaign to assist Local Government. The following was negotiated:

- Local Government representation on the Biosecurity Council – an Elected Member of Local Government will be selected through the WALGA Selection Committee Process, and will be presented to the Minister of Agriculture for a seat on the Biosecurity Board. The Minister will choose one of the shortlisted Members.
- The Department of Local Government and Communities will be appointed to the Biosecurity Senior Officers Group. The appointment is only open to State Government departments, so the Association is ineligible to become a member of this group, but will work through the DLG&C.
- Local Government will be able to request delegated authority to deal with specific pest plant or animal species declared under the *Biosecurity and Agricultural Management Act 2007*, subject to operational principles that will ensure a Local Government will only deal with the pest plant/animal that it seeks to deal with.

Regional Subsidiary Model

The Association has welcomed the reintroduction of legislation by The Nationals to enable the regional subsidiary model for Local Government cooperation. The Association has long campaigned for the legislative change based on the South Australian Subsidiary Model whereby a Regional Group forms a legal entity for the delivery of services on a Regional basis without the need for becoming a formal Regional Council and suits Councils who prefer a representative structure to carry out a Shared Service Delivery Model. The proposed change in the *Local Government Amendment (Regional Subsidiaries) Bill 2014* aligns with the 2012 proposal that lapsed due to the State Election.

Collective/Enterprise Agreements

The Association has been engaged as expert negotiators for six organisations in their enterprise agreement bargaining meetings during the 2013/14 financial year. The WALGA Employee Relations team is also lending support to a number of other Local Governments to help assess their current agreements for compliance, ambiguities and opportunities and to help tailor enterprise agreement document drafts to their specific strategic needs.

Effective Leadership

Condition of the Local Road Network

Rigorous and objective road condition assessment is a powerful basis on which to base road maintenance and renewal programs at the local and regional level. The majority of Local Governments have undertaken road condition assessments. Working with project partners including a technical reference group, the Association has developed a Road Condition Index, based on indices measuring the condition of the pavement, surface and drainage. Indices have been calculated for Local Governments and Regions based on data stored in ROMAN II. This on-going project is intended to support funding applications for specific activities, particularly those associated with freight and to support decision-making by Regional Road Groups.

Federal Local Government Industry Award Review

The four year review of the *Local Government Industry Award 2010* (LGIA) process has progressed to the stage where "common issues" that relate to the operation of all modern awards are being canvassed by the Fair Work Commission (FWC). WALGA Employee Relations has made a submission on behalf of the Local Government sector in Western Australia and the Northern Territory seeking inclusion of annual leave cashing out terms in the LGIA. These submissions were made in conjunction with the other State and Territory Local Government Associations. The submissions are attached to this alert. WALGA Employee Relations has made this submission on behalf of the Local Government sector because of the large volume of enquiries received by Local Governments where employees have made requests seeking to cash out their annual leave. The current situation where there is no ability under the LGIA for an employer and employee to agree to cash out annual leave has created inflexibility for both employees and employers within the Local Government sector. Other employer associations and stakeholders have also provided submissions to FWC which support the position of WALGA Employee Relations to seek inclusion of terms providing for cashing out of annual leave in a number of modern awards. The submission has been referred to a Full Bench of FWC for determination in the near future.

Aviation and Airports

During 2013/14 WALGA established policy positions in relation to significant matters affecting airports and airstrips owned, maintained and operated by Local Governments through the Aviation Policy Forum. The Forum developed detailed submissions, including 28 recommendations, to the State Aviation Strategy. The State strategy is yet to be released at the time of writing this report. However, the draft includes significant recommendations in relation to the governance of airports serving regular passenger transport (RPT). There are approximately 150 airports and airstrips owned, maintained and operated by Local Governments

across regional Western Australia including 22 that provide regular passenger transport (RPT) services.

Review of the WAIRC and industrial system

WALGA has provided a composite submission on the *Labour Relations Legislation Amendment and Repeal Bill 2012* on behalf of member Local Governments. The proposed reforms contained in the Bill would require the WA Industrial Relations Commission to undertake an award modernisation process of the two current State interim awards which impact on WA Local Governments, namely the *Local Government Officers' (Western Australia) Interim Award 2011* and the *Municipal Employees (Western Australia) Interim Award*. All State Awards will then be reviewed every four years to ensure their continued relevance.

Local Government Convention and Exhibition

The Local Government Convention and Exhibition provided more than 500 delegates with insights from a combination of inspiration, motivational and practical speakers from a wide diversity of fields and expertise. Included in the 2013 program were former Tour de France cyclist Tyler Hamilton, climbing survivor Aron Ralston, journalist Mike Munro and inaugural West Coast Eagles captain Ross Glendinning.

Breakfast Events

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

- Members of Parliament Breakfast that provide an opportunity for State Councillors to meet with Members of Parliament in an informal setting. In 2013 this was attended by 50 guests.
- Local Government and Affordable Housing Forum that featured speakers from government, development industry and not for profit sector.
- Meet the Minister Breakfast provided an opportunity for Elected Members to hear from Hon Albert Jacob MLA, Minister for Environment; Heritage, with the Minister's address provided via a link to ensure those unable to attend could access the information.
- Metropolitan Reform Breakfast featuring Ken Diehm, Chief Executive Officer, City of Greater Geraldton, who has experience of reform and its outcomes both here and interstate and Nicole Lockwood, Associate Director, Management Consulting, KPMG.
- NGA Breakfast for WA delegates attending the National General Assembly in Canberra attracted 13 Federal MPs including the Minister for Justice and about 100 attendees.

ONE70 – New WALGA Offices

The Association relocated to its new premises at 170 Railway Parade, West Leederville in January. The \$45m project was in partnership with QUBE Property Group and achieved a 5 Star Green Star rating. It accommodates WALGA and the Local Government Insurance Service in addition to other tenants, a stand-alone café and a child care centre.

Positive Profile

Marketing and Communications Review

A comprehensive review was undertaken into the Association's communications with Members following results of the annual Members' survey and general feedback. The process identified the need to refocus the Association communications to align with the needs of the intended audiences rather than the WALGA business units' isolated priorities. The result was a new Style Guide with more consistent communications and the new theme of "Working for Local Government".

Local Government Television Campaign

The continuing *Places to Start* television promotion campaign was extended to feature six elite sports people explaining how they got their start in their careers as a consequence of the provision of facilities by Local Government. The campaign commenced in 2012 to coincide with the Olympic Games broadcast and featured former Olympians in gold medal swimmer Bill Kirby and heptathlete Kylie Wheeler. The centrepiece of the extension of the campaign in 2013/14 was the inclusion of former Australian cricketer Mike Hussey with the corresponding state wide advertisement featured heavily in the coverage of the Ashes cricket broadcast. Ad tracking of the campaign demonstrated that those who had seen the *Places to Start* advertisements were more likely to value their Local Government facilities. In addition to the new advertisement featuring Mike Hussey, WALGA has also created another new advertisement with Hockeyroo Ashleigh Nelson, who is originally from Wagin. The hockey advertisement commenced on air with the start of the winter sports season and was supported with the football and netball advertisements featuring former AFL footballer David Wirrpanda and Australian netballer Caitlin Bassett. The six instalments of the campaign are available to view on the WALGA website at www.walga.asn.au and are available on request to Local Governments to use on their Council websites or at public facilities.

"That's Rubbish" Waste Education Campaign

The Association successfully delivered a campaign to encourage residents to increase their recycling and to put the right things in their recycling (yellow top) bin. The campaign focused on some common myths in the community about what can and cannot be placed in the recycling bin. The campaign forms part of the community waste education agenda of the Association, in an effort to assist the metropolitan Councils meeting the 50 per cent diversion of municipal solid waste from landfill target, as outlined in the State Waste Strategy.

Media Reports

Throughout the course of the past 12 months, WALGA and the Local Government sector were featured in approximately 2600 media reports of which the overwhelming majority were either positive or neutral in their representation.

Localeye

The *localeye* application was released to the public on both iOS and Android platforms in June 2014. The application enables users to find Local Government facilities and events wherever they travel throughout the State. In response to findings in the annual community research program, detailed below, the application will be enhanced to provide Local Governments with the option of pushing segmented announcements and advice to users which is anticipated will help reduce demand on customer service staff. It is intended to promote the application through state wide television advertising.

Community Research Program

The Association's initiatives to improve the perception of the sector and raise the profile of WALGA are underpinned by a comprehensive annual survey of the community. The survey comprises a random sample of 1000 people geographically stratified across the State into inner metropolitan, outer metropolitan, regional centres and remote and rural. The survey has a sampling error of ± 3.1 per cent at the 95 per cent level of confidence. The research results should be most useful to Local Governments when planning their communications strategies as it found that currently the community most learns about what is happening with its Local Government through their local newspapers, direct mail from Councils and by word of mouth. That Local Governments do not control the content in two of three of these channels highlights where Councils may have issues in ensuring their message reaches the intended audience. Encouragingly when asked how the community prefers to learn about their Local Government, the survey found most would like to subscribe to receive emails and electronic bulletins from their Council on information that is relevant to them. Local newspaper and direct mail were the next two channels nominated by the community as the most preferred means to learn about Council activities. As mentioned previously the high preference for subscribed and segmented electronic communications from Councils is the rationale behind the proposed expansion of the *localeye* functionality.

President's Column

Each month current and emerging issues that are important to the Local Government sector are highlighted and given relevance to the wider community through the President's column in *The West Australian* newspaper. The column is run in the second Tuesday edition of each month. Issues covered during the past 12 months have included responses to road funding cuts, encouraging participation in council elections and comment on various aspects of structural reform.

Enhancing Capacity

Governance Advice and Support

The Association continues to offer governance support to the sector with advice on the Local Government Act

and Regulations. In addition to telephone and email advice a number of support forums have been provided to Local Governments. The Complete Guide to the Local Government Act which is a suite of manuals to assist Elected Members and Officers is currently being converted into an electronic format in the form of a website portal. It should be available in September 2014.

Preferred Supplier Contracts

WALGA delivered superior prices and value for money to Members purchasing goods and services through preferred supply contracts involving more than 400 suppliers. About \$50m in quantifiable financial savings were provided to Members on the basis of more than \$250m in expenditure during 2013/14. WALGA contracts are tender exempt which saves Local Governments on the costs, time and risks of procurement and mitigates non-compliance and anti-avoidance. During the year new contracts were launched in the areas of road building supplies; ICT services; and marketing and advertising with a parking services contract in the final stages of development.

WALGA Training

During the year WALGA conducted a total of 148 training courses with 1772 total attendances recorded which represents a 5 per cent increase in course attendances from last financial year. During the 2013/14 financial year, 40 per cent of training registrations were from Elected Members and 60 per cent from Officers. This is a slight increase in the proportion of Elected Members compared to the previous year when 37 per cent of participants were Elected Members and 63 per cent Officers.

Recruitment Services

WALGA's recruitment service has supported 23 member Councils with the recruitment, selection and appointment of their new Chief Executive Officers and a number of senior management placements. In addition the services processed six visa applications on behalf of the sector

Environmental Planning Tool

Improved land use planning decision making is the outcome for Local Governments with the development of WALGA's Environmental Planning Tool (EPT). Since the state-wide release of the on-line tool in October 2013, over 50 Local Government Environment Officers and Land Use Planners across the state have been using it to improve statutory turn-around times and access high quality data to inform their assessments. The EPT was developed by WALGA's Local Biodiversity Program. It is a niche product designed to inform Local Government decision making, regardless of its internal capacity to access and analyse mapping information. It has been specifically developed to improve the efficiency and consistency of consideration of biodiversity in land use planning and to support strategic planning for natural reserve management. The benefits of using this tool includes improved efficiency in the preparation of desktop assessments for proposed planning scheme

amendments and development proposals; access to up-to-date environmental information within and outside Local Government boundaries (providing a regional context to proposals); and a cost effective method of communicating with key stakeholders on various aspects of local biodiversity conservation planning and management.

Towards Safer Local Roads

There were 2655 people killed or seriously injured in crashes on Western Australian roads in 2012; of which 57 per cent were in crashes that occurred on the Local Government controlled road network. To support Local Governments to monitor road safety performance and improve the safety of the road network, a series of Road Crash Reports for each Region and Local Government area were developed and published. Each Report highlights the most frequently identified factors contributing to crashes and the frequency of crashes by location. Regionally based RoadWise Road Safety Advisors will be using these Reports as part of their ongoing work with Regional Road Groups and Local Governments during 2014/15.

Cycling Network

The WA Bicycle Network Plan was released during 2014, following an extended period of development and consultation. This includes increased funding for Local Government cycling infrastructure in both the Perth metropolitan area and regional Western Australia. Work is continuing to ensure that the grants programs are effective from a Local Government perspective. The focus has moved to the Review of Local Bicycle Routes and a review of Traffic Management on Local Roads to support the infrastructure investment and make cycling a safer and more attractive option to meet the community's transport needs.

Household Hazardous Waste Program

The Association continued the successful delivery of the \$10m Household Hazardous Waste Program through both Local Government and Regional Council facilities, ensuring that hundreds of tonnes of household hazardous waste including pesticides, paints and solvents, were appropriately disposed of. With funding supplied through the Waste Authority, temporary collection days for Household Hazardous Waste were also held in the non-metropolitan area, including Exmouth and Denmark. In the last three years, the Program has diverted over 1400 tonnes of Household Hazardous Waste from landfill. The Association thanks all participating Local Governments for their ongoing commitment to environmental protection.

CEO Round Table Events

During the course of the year, the Association conducted special round table events to provide Local Government Chief Executive Officers with direct access to various state departmental Directors General. Hosted by the WALGA CEO, these events usually have attendance limited to 10 CEOs and are regularly oversubscribed.

4. Consideration of Executive and Member Motions

4.1 WALGA State Conference – ESL Administration Fees Paid to Local Governments (05-024-02-0059 AH)

Shire of Dardanup Delegate to move:

MOTION

That WALGA negotiate with the Department of Fire & Emergency Services to;

- 1. Annually increase the ESL Administration Fee paid to Local Governments by price and property growth indexation.**
- 2. Make a once off increase to the total funds allocated for the ESL Administration Fee funds paid to Local Governments in 2015/16. This increase is recommended to be a compounded on annual property growth and price (CPI) since the introduction of the ESL.**

MEMBER COMMENT

The Emergency Services Levy (ESL) was introduced by the WA State Government in 2003 to fund career and volunteer fire brigades, volunteer State Emergency Service (SES) units and volunteer emergency service units throughout the State.

The ESL also funds Department of Fire & Emergency Services' (DFES) corporate support costs.

The ESL is a State Government charge which is levied on rates notices issued by Local Governments. All ESL money collected by each Local Government is paid directly to DFES.

Local Governments are paid an annual administration fee to cover the cost of managing the billing and collection of the levy.

DFES allocates a fixed amount per year towards the ESL administration fee paid to Local Government. This total pool of funds has remained unchanged at \$2,250,000 since 2004/05 (Appendix 1).

IN BRIEF

- The Emergency Services Levy (ESL) in 2003 to fund career and volunteer fire brigades, volunteer State Emergency Service (SES) units and volunteer emergency service units.
- The ESL has not been reviewed since introduced.
- State Council policy position supports the need for a full review of the ESL to ensure funds are allocated for mitigation and response activities and to allow Local Government to have more control over the allocation and distribution of funds. RESOLUTION 219.3/2013.

Over the same 10 year time period, the total amount of ESL levied state wide has increased approximately 115% from \$116.16m \$249.70m (Appendix 2).

Budget Implications -

The Shire of Dardanup has experienced an ongoing decline in the actual ESL administration fee it receives.

Cost increases in terms of price and wage indexation together with the cost of administering greater numbers of properties has left the Shire with an increased burden of the cost of administering the ESL.

Officer Comment

Table A details the ESL administration fee paid to the Shire of Dardanup since 2004/05.

The annual administration fee paid to Council has seen an actual decline.

In 2004/05 Shire of Dardanup was receiving approximately \$1.99 per rateable assessment for the ESL administration fee.

This has seen an ongoing decline each year and as at 2013/14 the ESL administration fee paid to the Shire of Dardanup equated to approximately \$1.22 per rateable assessment.

Since 2004/05 the number of properties has increased in the Shire by 42.51% with a corresponding 138.64% increase in the amount of ESL levied on Shire of Dardanup properties and paid to the State.

Table A

	ESL Admin Fee	% Inc / Dec	ESL Levied	% Inc / Dec	Rateable Assessments	\$ / rateable Assessment	% Inc / Dec
2004/05	\$7,710		\$153,757		3,872	1.99	
2005/06	\$8,030	4.15%	\$173,817	13.05%	4,145	1.94	-2.71%
2006/07	\$8,160	1.62%	\$185,834	6.91%	4,483	1.82	-6.04%
2007/08	\$8,450	3.55%	\$264,971	42.58%	4,773	1.77	-2.74%
2008/09	\$8,310	-1.66%	\$238,804	-9.88%	4,968	1.67	-5.52%
2009/10	\$8,110	-2.41%	\$256,257	7.31%	5,098	1.59	-4.90%
2010/11	\$7,460	-8.01%	\$300,620	17.31%	5,130	1.45	-8.59%
2011/12	\$7,310	-2.01%	\$325,184	8.17%	5,292	1.38	-5.01%
2012/13	\$7,060	-3.42%	\$343,660	5.68%	5,395	1.31	-5.26%
2013/14	\$6,730	-4.67%	\$366,921	6.77%	5,518	1.22	-6.80%
10 Yr average	-12.71%		138.64%		42.51%	-38.75%	

It is evident that the ESL administration fee paid to Local Government has no population growth and price indexation mechanism.

Costs for administering the ESL on behalf of the State include:

- Staff costs for managing the rating system.
- Stationery (envelopes, rate notice printing).
- Postage.

- Software support costs.
- Associated support overheads.
- Debt recovery action.
- Ratepayers may elect to pay their rates in 4 instalments. For many ratepayers Council is therefore required to send 4 rate notices per financial year with associated incurred costs.

The declining amounts paid to the Shire for administering the ESL on behalf of DFES are grossly inadequate.

SECRETARIAT COMMENT

The aggregate annual ESL Administration Fee amount that DFES pays to Local Governments is approved by the Minister for Emergency Services (in accordance with the State Budget) and published annually in the *Government Gazette*.

It is correct that the fee has remained constant at \$2.25 million since the introduction of the ESL in 2003/04. A “once off” additional “Commencement Fee” of \$0.25 million was also paid in 2003/04 to assist Councils during the ESL implementation period.

The annual fee is distributed to Local Governments in accordance with a formula (originally approved by the ESL Executive Steering Committee) which is outlined in section 6 of the ‘ESL Manual of Operating Procedures’. The distribution formula takes into account the amount of ESL funds each Local Government raises and the number of ESL assessments each issue’s. The fee distribution formula has been the subject of two reviews to-date. Review participants (including WALGA and Local Government representatives) supported the retention of the original formulae.

Importantly however, the \$2.25m pool that is allocated to Local Governments under the formula was not reviewed.

The established State Government policy reflects the view of the then Minister and FESA that the \$2.25 million fee amount was reasonable and more than adequate to cover all of Local Government’s ‘out of pocket’ ESL related expenses.

The \$2.25m pool was determined on the basis of an investigation, on FESA’s behalf, by Ron Back in August 1998 into the additional cost/workload that a sample group of Local Governments would incur as administrators of the originally proposed property-based Fire Services Levy. Mr Back concluded that: *“On the basis of the evidence obtained from this review, and having regard to my own understanding of operating practices at other Councils, I was unable to identify any significant additional recurrent costs of the proposed new levy system arrangements to the participating Councils.”* Mr Back presented his findings to a meeting of Local Government finance managers (principally metropolitan) held during that period.

WALGA has been advised by DFES that any request to increase the ESL Administration Fee pool would need to be justified by the sector and would require a business case that demonstrates that fee payments no longer cover all of the ESL related costs incurred by Local Governments.

Item 4.1 – Attachment 1

ADMIN FEES PAID TO LOCAL GOVERNMENTS FOR PERIOD 2003-04 TO 2013-14

(Includes 'Start Up' Fee)

ESL ADMINISTRATION FEE PAID TO LOCAL GOVERNMENTS (* 2003/04 ESL Commencement Fee and 2003/04 ESL Administration Fee included in 2003/04 Figures)												
LG	2003-04 *	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Total
ALBANY	38,600	33,220	31,920	31,440	32,760	31,250	30,850	29,820	28,640	27,700	26,620	342,820
ARMADALE	51,850	46,390	45,530	45,260	45,190	47,170	47,550	48,440	49,520	49,930	50,980	527,810
ASHBURTON	7,500	5,690	5,460	5,330	5,090	5,050	4,500	4,410	4,100	4,580	4,420	56,130
AUGUSTA-MARGARET RIVER	16,200	13,540	13,150	13,630	13,830	13,860	13,570	12,780	12,250	11,770	11,090	145,680
BASSEDEAN	16,210	14,530	14,100	13,770	13,500	13,360	13,460	13,290	13,890	13,820	13,790	153,720
BAYSWATER	67,090	63,250	62,040	60,860	58,980	59,190	58,550	57,930	58,280	58,280	57,860	662,270
BELMONT	40,860	38,490	38,160	38,600	38,650	38,750	38,610	39,450	41,450	41,370	42,170	436,590
BEVERLEY	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
BODDINGTON	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
BOYUP BROOK	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
BRIDGETOWN-GREENBUSHES	6,500	4,990	4,840	4,810	5,230	5,150	5,030	4,560	4,400	4,170	4,000	53,680
BROOKTON	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
BROOME	11,940	10,300	10,090	10,210	10,280	10,050	10,440	10,310	9,670	9,640	9,400	112,330
BROOMEHILL-TAMBELLUP	9,150	8,840	8,850	8,850	7,630	4,000	4,000	4,000	4,000	4,000	4,000	60,320
BRUCE ROCK	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
BUNBURY	36,330	32,530	31,830	31,220	30,920	32,300	31,810	31,140	29,740	29,040	28,230	345,070
BUSSETTON	36,500	31,250	32,240	31,970	32,280	30,510	32,470	30,370	28,840	27,950	26,420	340,800
CAMBRIDGE	28,330	26,640	26,510	25,850	25,390	23,820	25,090	25,090	24,540	24,390	24,250	280,940
CANNING	85,430	84,680	85,850	85,380	84,720	84,470	83,810	85,290	84,450	84,090	85,320	933,450
CAPEL	10,340	8,770	8,920	9,500	9,710	10,050	9,880	9,900	9,060	8,750	8,230	102,510
CARNAMAH	5,500	3,930	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,430
CARNARVON	5,930	4,500	4,290	4,140	4,080	4,000	4,000	4,000	4,000	4,000	4,000	46,920
CHAPMAN VALLEY	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
CHITTERING	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
CLAREMONT	12,490	11,830	11,770	11,560	11,820	11,470	11,180	11,630	12,050	11,910	12,490	130,000
COCKBURN	71,210	70,400	72,470	74,090	75,480	77,490	79,240	80,910	81,350	82,310	84,430	849,380
COLLIE	10,290	8,240	7,910	7,500	7,350	7,270	6,950	6,480	6,170	5,870	5,600	79,730
COOLGARDIE	6,700	5,250	4,950	4,760	4,660	4,910	4,120	4,000	4,000	4,000	4,000	51,350
COOROW	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
CORRIGIN	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
COTTESLOE	10,510	9,390	9,280	9,030	8,880	8,970	8,820	8,810	8,650	8,530	8,480	99,350
CRANBROOK	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
CUBALLING	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
CUE	4,990	3,410	3,810	3,910	3,760	3,700	3,640	4,000	4,000	4,000	4,000	43,220
CUNDERDIN	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
DALWALLINU	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
DANDARAGAN	6,630	4,880	5,120	5,260	5,500	5,900	5,630	5,190	4,950	4,700	4,410	58,280
DARDANUP	9,590	7,710	8,030	8,160	8,450	8,310	8,110	7,460	7,310	7,080	6,730	86,920
DENMARK	8,310	6,820	6,490	6,300	5,960	6,080	5,800	5,440	5,280	5,010	4,710	66,000
DERBY-WEST KIMBERLEY	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
DONNYBROOK-BALINGUP	6,240	5,170	5,110	5,050	4,870	4,870	4,730	4,500	4,300	4,130	4,000	52,970
DOWERIN	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
DUMBLEYUNG	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
DUNDAS	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
EAST FREMANTLE	8,600	7,760	7,560	7,410	7,260	7,160	7,040	6,960	7,000	6,890	6,820	80,460
EAST PILBARA	6,700	5,210	4,820	4,920	4,460	5,000	4,580	4,450	4,040	4,730	4,700	53,610
ESPERANCE	16,640	13,470	12,970	12,520	12,420	12,070	11,980	11,050	10,410	9,880	9,280	132,690

* Includes total of 2003/04 fee plus 2003/04 Start Up fee

ESL ADMINISTRATION FEE PAID TO LOCAL GOVERNMENTS												
(* 2003/04 ESL Commencement Fee and 2003/04 ESL Administration Fee included in 2003/04 Figures)												
LG	2003-04 *	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Total
EXMOUTH	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
FREMANTLE	37,730	36,040	36,220	36,340	35,800	35,500	35,650	36,620	36,760	37,100	37,540	401,300
GINGIN	11,550	8,160	8,930	8,580	8,270	8,460	8,040	7,430	30,620	6,750	6,300	114,090
GNOWANGERUP	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	7,100	4,000	4,000	46,600
GOOMALLING	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
GOSNELLS	84,280	82,050	82,230	81,440	82,070	81,640	81,310	81,800	4,000	82,540	80,950	624,210
GREATER GERALDTON	43,860	37,240	35,820	35,930	36,510	38,080	37,350	38,320	62,680	31,550	30,130	445,480
HALLS CREEK	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
HARVEY	21,460	17,270	17,340	17,870	18,180	17,800	17,370	16,050	15,870	15,150	14,310	188,670
IRWIN	5,500	4,000	4,000	4,000	4,050	4,110	4,080	4,000	4,000	4,000	4,000	45,740
JERRAMUNGUP	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
JOONDALUP	143,230	140,820	137,310	134,430	132,140	132,600	129,940	128,640	125,400	123,830	123,150	1,451,490
KALAMUNDA	47,990	43,460	42,710	42,020	41,430	40,850	40,160	39,590	41,160	40,880	40,630	460,800
KALGOORLIE-BOULDER	34,070	29,830	29,490	28,850	28,570	26,310	28,340	27,960	26,150	25,030	24,690	308,330
KATANNING	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
KELLERBERLIN	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
KENT	5,500	3,850	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,300
KOJONUP	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
KONDININ	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
KORDA	4,900	3,010	3,500	3,500	3,700	3,820	4,000	4,000	4,000	4,000	4,000	42,430
KULIN	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
KWINANA	23,720	19,930	20,350	23,040	23,130	23,470	23,440	23,510	25,030	25,360	26,160	257,140
LAKE GRACE	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
LAVERTON	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
LEONORA	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
MANDURAH	71,100	66,710	67,310	71,270	71,280	68,420	69,330	72,260	65,230	64,650	65,020	752,580
MANJIMUP	13,730	10,890	10,190	9,970	9,420	9,110	8,670	8,000	7,840	7,270	6,800	101,890
MEEKATHARRA	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
MELVILLE	102,330	99,690	97,260	95,770	94,470	91,670	90,560	89,780	87,730	86,500	85,540	1,021,210
MENZIES	5,500	4,000	3,780	3,540	3,910	4,000	4,000	4,000	4,000	4,000	4,000	44,740
MERREDIN	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
MINGENEW	4,330	2,900	3,310	3,260	3,620	3,750	4,000	4,000	4,000	4,000	4,000	41,170
MODRA	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
MORAWA	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
MOSMAN PARK	10,210	9,210	9,070	8,810	8,630	8,320	8,350	8,250	8,250	8,070	8,000	95,170
MOUNT MAGNET	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
MOUNT MARSHALL	5,500	3,920	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,420
MUKINBUDIN	4,870	3,270	3,870	3,820	4,000	4,000	4,000	4,000	4,000	4,000	4,000	43,630
MUNDARING	35,720	30,360	29,750	28,860	28,040	27,540	26,850	25,670	25,120	24,430	23,700	305,980
MURCHISON	1,260	190	320	340	320	340	350	450	510	570	500	5,190
MURRAY	15,450	12,310	12,220	11,790	12,510	12,660	12,570	11,780	10,970	10,880	10,210	132,850
NANNUP	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
NAREMBEEN	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
NARROGIN (SHIRE)	5,280	3,590	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	44,870
NARROGIN (TOWN)	5,500	4,110	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,610

* Includes total of 2003/04 fee plus 2003/04 Start Up fee

ESL ADMINISTRATION FEE PAID TO LOCAL GOVERNMENTS												
(* 2003/04 ESL Commencement Fee* and *2003/04 ESL Administration Fee* included in 2003/04 Figures)												
LG	2003-04 *	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Total
NEDLANDS	23,910	21,230	21,630	20,200	20,880	19,950	19,550	19,950	20,300	20,090	20,100	227,790
NGAANYATJARRAKU	1,050	30	40	70	80	40	40	50	60	60	60	1,580
NORTHAM	13,680	10,840	10,140	9,880	9,390	9,360	9,260	8,520	8,240	7,750	7,270	104,110
NORTHAMPTON	6,260	4,830	4,680	4,460	4,750	4,640	4,810	4,400	4,240	4,040	4,000	51,110
NUNGARIN	2,820	1,500	1,720	1,780	1,850	2,030	2,150	2,460	2,790	2,980	3,140	25,130
PEPPERMINT GROVE	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
PERENJORI	5,300	3,370	3,990	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	44,660
PERTH	46,610	57,300	60,380	61,690	63,200	63,760	66,920	77,750	92,920	97,410	102,850	790,830
PINGELLY	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
PLANTAGENET	8,140	6,020	5,720	5,660	5,430	5,310	5,150	4,740	4,550	4,350	4,090	59,160
PORT HEDLAND	12,620	10,560	10,090	9,810	9,490	9,170	10,250	10,030	9,830	10,450	10,600	112,900
QUAIRADING	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
RAVENSTHORPE	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
ROCKINGHAM	82,140	81,030	81,480	82,880	82,370	82,600	81,790	80,170	79,080	78,480	77,790	689,820
ROEBOURNE	15,640	13,090	13,310	13,080	13,180	12,610	13,950	13,720	13,330	15,190	15,760	152,860
SANDSTONE	2,660	1,320	1,620	1,390	1,470	1,660	1,780	2,050	2,280	2,320	2,460	21,010
SERPENTINE-JARRAHDALE	12,000	9,980	9,900	10,390	11,000	11,230	11,140	10,770	10,880	11,030	11,020	119,350
SHARK BAY	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
SOUTH PERTH	50,910	46,880	46,300	45,450	44,550	43,830	43,060	42,510	41,360	40,980	40,610	486,160
STIRLING	200,640	202,280	199,210	196,400	193,100	192,970	190,620	190,520	192,780	192,980	193,710	2,145,490
SUBIACO	25,010	24,100	24,390	24,380	24,230	24,300	24,480	25,190	25,540	25,570	25,810	273,000
SWAN	89,290	86,360	85,670	86,720	86,480	89,600	90,340	88,830	95,160	97,930	99,220	998,620
TAMMIN	3,850	2,280	2,680	2,640	2,840	3,320	3,670	4,000	4,000	4,000	4,000	38,980
THREE SPRINGS	5,100	3,230	3,750	3,890	4,000	4,000	4,000	4,000	4,000	4,000	4,000	43,970
TOODYAY	6,880	5,420	5,240	5,100	4,920	4,750	4,570	4,180	4,040	4,000	4,000	53,100
TRAYNING	4,300	3,020	2,490	3,020	3,320	3,430	3,760	4,000	4,000	4,000	4,000	39,340
UPPER GASCOYNE	1,500	510	500	500	510	580	610	730	880	910	1,070	8,300
VICTORIA PARK	39,080	36,280	36,520	36,440	36,070	36,470	36,260	35,200	34,860	34,810	34,940	397,030
VICTORIA PLAINS	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
VINCENT	38,470	35,740	35,350	35,260	36,260	36,510	36,010	36,370	34,790	34,500	34,410	393,670
WAGIN	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
WANDERING	3,610	2,100	2,440	2,540	3,270	3,840	4,000	4,000	4,000	4,000	4,000	37,900
WANNEROO	93,440	94,940	101,180	106,530	111,160	117,260	116,800	120,650	122,840	124,350	126,110	1,237,220
WAROONA	5,810	4,440	4,260	4,090	4,000	4,000	4,140	4,000	4,000	4,000	4,000	46,740
WEST ARTHUR	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
WESTONIA	3,300	1,810	2,120	2,140	2,430	2,550	2,900	3,350	3,640	3,850	3,800	31,690
WICKEPIN	5,280	3,580	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	44,860
WILLIAMS	5,500	4,000	4,000	2,830	4,000	4,000	4,000	4,000	4,000	4,000	4,000	44,330
WILUNA	4,200	2,720	3,180	3,080	3,260	3,730	4,000	4,000	4,000	4,000	4,000	40,170
WONGAN-BALLIDU	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
WOODANILLING	3,780	2,300	2,840	2,660	3,330	3,560	3,880	4,000	4,000	4,000	4,000	36,130
WYALKATCHAM	5,400	3,650	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,050
WYNDHAM-EAST KIMBERLEY	5,500	4,060	4,000	4,150	4,060	4,060	4,000	4,000	4,000	4,000	4,000	45,770
YALGOO	3,280	1,890	2,200	2,090	2,350	2,180	2,090	2,610	2,870	2,980	3,180	27,730
YILGARN	5,500	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	45,500
YORK	5,830	4,350	4,230	4,060	4,130	4,010	4,000	4,000	4,000	4,000	4,000	46,610
TOTAL	2,500,000	2,250,000	2,250,000	2,250,000	2,250,000	2,250,000	2,250,000	2,250,000	2,250,000	2,250,000	2,250,000	25,000,000

* Includes total of 2003/04 fee plus 2003/04 Start Up fee

Item 4.1 – Attachment 2

YELLOW Denotes local governments that- Administer ESL under the 'Option B - 1' arrangement, requiring that they pay DPES the full amount of ESL invoiced by 4 quarterly instalments - [30% by 21 September, 30% by 21 December, 30% by 21 March and 10% by 21 June] [ESL billing adjustments are required to be declared on an Amecore A by 31 July and are adjusted in next instalment]	ESL BILLING BY LOCAL GOVERNMENTS (Final Declared Adjusted Amounts include ESL Interest and ESL Determined Interest Reported to DPES)																
	Administer ESL under the 'Option B - 2' arrangement, requiring that they pay DPES the full amount of ESL invoiced in one single instalment - [100% by 21 September] [ESL billing adjustments are required to be declared on an Amecore A by 31 July and are adjusted in next instalment]																
	2003/04	2004/05	2005/06	2006/07	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	2007/08	Final Declared Adjusted ESL Billing	2008/09	2009/10	Final Declared Adjusted ESL Billing	2010/11	Final Declared Adjusted ESL Billing	2011/12	Final Declared Adjusted ESL Billing (# Yet to be finalised)	2012/13	2013/14
LOCAL GOVERNMENT																	
ALBANY	883,374	1,310,224	1,301,976	1,281,325	1,889,433	2,632,318	2,629,476	1,762,068	2,099,162	2,110,914	2,191,329	2,229,834	2,291,834	2,329,834	2,367,834	2,405,834	2,443,834
ARMADALE	1,335,146	2,150,169	2,221,296	2,443,749	2,632,318	2,632,318	2,632,318	2,632,318	2,632,318	2,632,318	2,632,318	2,632,318	2,632,318	2,632,318	2,632,318	2,632,318	2,632,318
ASHBURTON	111,978	127,340	130,824	135,294	140,417	145,540	150,663	155,786	160,909	166,032	171,155	176,278	181,401	186,524	191,647	196,770	201,893
AUGUSTA-MARGARET RIVER	244,100	272,144	279,966	287,788	295,610	303,432	311,254	319,076	326,898	334,720	342,542	350,364	358,186	366,008	373,830	381,652	389,474
BASSETHAN	501,584	637,054	690,287	743,520	796,753	849,986	903,219	956,452	1,009,685	1,062,918	1,116,151	1,169,384	1,222,617	1,275,850	1,329,083	1,382,316	1,435,549
BAYSWATER	2,188,584	3,070,356	3,882,400	4,694,444	5,506,488	6,318,532	7,130,576	7,942,620	8,754,664	9,566,708	10,378,752	11,190,796	12,002,840	12,814,884	13,626,928	14,438,972	15,251,016
BELMONT	1,723,505	2,448,002	3,210,231	3,982,460	4,754,689	5,526,918	6,299,147	7,071,376	7,843,605	8,615,834	9,388,063	10,160,292	10,932,521	11,704,750	12,476,979	13,249,208	14,021,437
BEVERLEY	35,666	36,993	38,320	39,647	40,974	42,301	43,628	44,955	46,282	47,609	48,936	50,263	51,590	52,917	54,244	55,571	56,898
BODDINGTON	26,343	27,554	28,765	29,976	31,187	32,398	33,609	34,820	36,031	37,242	38,453	39,664	40,875	42,086	43,297	44,508	45,719
BOYUP BROOK	33,004	34,340	35,676	37,012	38,348	39,684	41,020	42,356	43,692	45,028	46,364	47,700	49,036	50,372	51,708	53,044	54,380
BRIDGETOWN-GREENSHUES	83,533	86,849	90,165	93,481	96,797	100,113	103,429	106,745	110,061	113,377	116,693	120,009	123,325	126,641	129,957	133,273	136,589
BROOKTON	20,254	21,100	21,946	22,792	23,638	24,484	25,330	26,176	27,022	27,868	28,714	29,560	30,406	31,252	32,098	32,944	33,790
BROOME	347,851	422,338	471,451	520,564	569,677	618,790	667,903	717,016	766,129	815,242	864,355	913,468	962,581	1,011,694	1,060,807	1,109,920	1,159,033
BROOMEHILL-TAMBELLUP	22,246	22,156	22,066	21,976	21,886	21,796	21,706	21,616	21,526	21,436	21,346	21,256	21,166	21,076	20,986	20,896	20,806
BRUCE ROCK	21,180	20,860	20,540	20,220	19,900	19,580	19,260	18,940	18,620	18,300	17,980	17,660	17,340	17,020	16,700	16,380	16,060
BUNBURY	1,122,118	1,981,993	1,921,526	2,027,025	2,132,524	2,238,023	2,343,522	2,449,021	2,554,520	2,660,019	2,765,518	2,871,017	2,976,516	3,082,015	3,187,514	3,293,013	3,398,512
BUSSETTON	590,024	712,321	857,163	1,002,005	1,146,847	1,291,689	1,436,531	1,581,373	1,726,215	1,871,057	2,015,900	2,160,742	2,305,584	2,450,426	2,595,268	2,740,110	2,884,952
CAMBRIDGE	1,343,531	1,341,531	1,339,531	1,337,531	1,335,531	1,333,531	1,331,531	1,329,531	1,327,531	1,325,531	1,323,531	1,321,531	1,319,531	1,317,531	1,315,531	1,313,531	1,311,531
CANNING	3,808,174	6,397,086	7,860,774	9,324,462	10,788,150	12,251,838	13,715,526	15,179,214	16,642,902	18,106,590	19,570,278	21,033,966	22,497,654	23,961,342	25,425,030	26,888,718	28,352,406
CAPEL	126,178	135,175	144,172	153,169	162,166	171,163	180,160	189,157	198,154	207,151	216,148	225,145	234,142	243,139	252,136	261,133	270,130
CARNARVON	15,720	15,810	15,900	16,000	16,100	16,200	16,300	16,400	16,500	16,600	16,700	16,800	16,900	17,000	17,100	17,200	17,300
CARNARVON	98,088	113,537	115,581	120,025	124,469	128,913	133,357	137,801	142,245	146,689	151,133	155,577	160,021	164,465	168,909	173,353	177,797
CHAPMAN VALLEY	16,354	16,247	16,140	16,033	15,926	15,819	15,712	15,605	15,498	15,391	15,284	15,177	15,070	14,963	14,856	14,749	14,642
CHITTERING	58,720	59,640	60,560	61,480	62,400	63,320	64,240	65,160	66,080	67,000	67,920	68,840	69,760	70,680	71,600	72,520	73,440
CLAREMONT	658,011	964,448	1,091,887	1,219,326	1,346,765	1,474,204	1,601,643	1,729,082	1,856,521	1,983,960	2,111,399	2,238,838	2,366,277	2,493,716	2,621,155	2,748,594	2,876,033
COCKBURN	2,650,888	4,351,118	4,958,277	5,565,436	6,172,595	6,779,754	7,386,913	7,994,072	8,601,231	9,208,390	9,815,549	10,422,708	11,029,867	11,637,026	12,244,185	12,851,344	13,458,503
COLLIE	143,552	139,453	135,354	131,255	127,156	123,057	118,958	114,859	110,760	106,661	102,562	98,463	94,364	90,265	86,166	82,067	77,968
COOLGARDIE	98,730	102,817	113,138	123,459	133,780	144,101	154,422	164,743	175,064	185,385	195,706	206,027	216,348	226,669	236,990	247,311	257,632
COOROW	31,203	31,910	32,617	33,324	34,031	34,738	35,445	36,152	36,859	37,566	38,273	38,980	39,687	40,394	41,101	41,808	42,515
CORRIN	25,625	25,021	24,417	23,813	23,209	22,605	22,001	21,397	20,793	20,189	19,585	18,981	18,377	17,773	17,169	16,565	15,961
COTTESLOE	495,977	574,255	722,505	870,755	1,019,005	1,167,255	1,315,505	1,463,755	1,612,005	1,760,255	1,908,505	2,056,755	2,205,005	2,353,255	2,501,505	2,649,755	2,798,005
GRANBROOK	24,007	24,425	24,843	25,261	25,679	26,097	26,515	26,933	27,351	27,769	28,187	28,605	29,023	29,441	29,859	30,277	30,695
CUBALLING	17,761	17,772	20,913	23,100	25,287	27,474	29,661	31,848	34,035	36,222	38,409	40,596	42,783	44,970	47,157	49,344	51,531
CUE	13,360	13,029	14,702	16,375	18,048	19,721	21,394	23,067	24,740	26,413	28,086	29,759	31,432	33,105	34,778	36,451	38,124
CUNDERBIN	26,500	25,205	23,910	22,615	21,320	20,025	18,730	17,435	16,140	14,845	13,550	12,255	10,960	9,665	8,370	7,075	5,780
DAWALLING	30,025	30,001	30,001	30,001	30,001	30,001	30,001	30,001	30,001	30,001	30,001	30,001	30,001	30,001	30,001	30,001	30,001
DANDARAGAN	78,180	85,478	92,776	100,074	107,372	114,670	121,968	129,266	136,564	143,862	151,160	158,458	165,756	173,054	180,352	187,650	194,948
DARDANUP	133,620	153,757	173,894	194,031	214,168	234,305	254,442	274,579	294,716	314,853	334,990	355,127	375,264	395,401	415,538	435,675	455,812
DEMARK	110,009	120,460	130,911	141,362	151,813	162,264	172,715	183,166	193,617	204,068	214,519	224,970	235,421	245,872	256,323	266,774	277,225
DEERWAST-KIMBERLEY	71,559	84,035	96,511	108,987	121,463	133,939	146,415	158,891	171,367	183,843	196,319	208,795	221,271	233,747	246,223	258,699	271,175
DONNYBROOK-BALINGUP	83,079	86,645	90,211	93,777	97,343	100,909	104,475	108,041	111,607	115,173	118,739	122,305	125,871	129,437	132,999	136,565	140,131
DOWNER	15,724	16,050	16,376	16,702	17,028	17,354	17,680	18,006	18,332	18,658	18,984	19,310	19,636	19,962	20,288	20,614	20,940
DUNLEWING	16,252	16,260	16,268	16,276	16,284	16,292	16,300	16,308	16,316	16,324	16,332	16,340	16,348	16,356	16,364	16,372	16,380
DUNDAS	39,439	34,520	35,262	35,773	36,284	36,795	37,306	37,817	38,328	38,839	39,350	39,861	40,372	40,883	41,394	41,905	42,416
EAST FREMANTLE	352,549	518,504	539,541	560,578	581,615	602,652	623,689	644,726	665,763	686,800	707,837	728,874	749,911	770,948	791,985	813,022	834,059
EAST PALMARA	106,107	118,663	125,796	132,929	140,062	147,195	154,328	161,461	168,594	175,727	182,860	190,000	197,139	204,278	211,417	218,556	225,695
ESPERANCE	288,547	303,428	318,309	333,190	348,071	362,952	377,833	392,714	407,595	422,476	437,357	452,238	467,119	482,000	496,881	511,762	526,643

LOCAL GOVERNMENT	ESL BILLING BY LOCAL GOVERNMENTS (Final Declared Adjusted Amounts include ESL, Interest and ESL Deferment Interest Reported to DFES)											
	Administer ESL under the 'Option B - 1' arrangement, requiring that they pay DFES the full amount of ESL invoiced in 4 quarterly instalments - (30% by 21 September, 30% by 21 December, 30% by 21 March and 10% by 21 June)						Administer ESL under the 'Option B - 2' arrangement, requiring that they pay DFES the full amount of ESL invoiced in one single instalment - (100% by 21 September)					
	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing	Final Declared Adjusted ESL Billing
	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	ESL Billing Initial Declaration (# Yr to be finalised)
YELLOW Denotes local governments that:												
GREEN Denotes local governments that:												
LOCAL GOVERNMENT												
EXMOUTH	48,240	56,291	57,461	71,151	87,238	73,652	83,248	157,247	137,048	145,317	145,317	145,317
FREMANTLE	1,906,371	3,019,491	3,312,946	3,478,438	3,694,178	3,749,240	4,021,536	4,788,033	5,042,210	5,339,912	5,767,371	5,767,371
GINGIN	150,368	159,366	179,512	182,078	202,549	235,671	242,597	286,154	300,566	315,190	328,221	328,221
GROUNDAVERUP	25,054	26,766	31,903	30,540	34,935	35,600	38,227	44,450	48,335	51,015	53,340	53,340
GOOMALLING	21,144	21,154	25,740	25,405	29,402	28,758	29,036	35,260	39,105	42,351	45,120	45,120
GORNALLS	2,519,288	4,369,150	4,947,000	5,308,076	5,742,352	6,585,415	6,450,215	7,762,656	8,699,589	9,267,940	9,990,300	9,990,300
GREATER GERALDTON	863,518	1,301,327	1,369,534	1,466,032	1,550,949	1,591,365	2,084,748	2,492,323	2,067,945	2,610,680	2,774,818	2,774,818
HILLS CREEK	20,753	23,763	24,790	27,218	27,588	24,878	27,100	31,704	46,663	47,937	50,428	50,428
HARVEY	283,604	325,661	366,872	356,638	424,025	490,812	532,743	629,552	689,199	721,011	768,816	768,816
IRWIN	68,413	75,918	83,100	99,317	124,654	116,552	125,121	146,526	156,549	163,623	170,967	170,967
JERRAMUNGUP	28,568	31,209	36,460	37,695	41,990	43,760	47,477	57,641	63,776	66,796	72,060	72,060
JOONDALUP	5,590,752	8,874,503	9,388,938	9,697,014	10,267,713	11,055,481	11,840,781	13,949,602	14,215,277	14,937,277	16,145,766	16,145,766
KALAMUNDRA	1,240,115	1,932,414	2,201,337	2,347,118	2,534,079	2,610,712	2,881,070	3,428,927	4,237,997	4,774,168	4,856,413	4,856,413
KALGOORLIE/BORDER	1,959,201	1,800,955	1,768,310	1,909,976	2,009,424	1,586,120	2,316,743	2,803,134	2,337,556	2,599,928	2,762,145	2,762,145
KATANNING	72,170	79,569	86,259	87,085	93,100	93,131	111,590	129,593	130,462	135,154	142,719	142,719
KELLERBERRIN	23,953	23,419	28,218	28,218	31,312	31,920	34,500	40,500	40,500	48,051	51,501	51,501
KEITH	16,148	14,840	17,167	17,090	16,782	19,170	20,843	24,250	27,226	26,774	28,440	28,440
KOLONGUP	37,844	37,468	44,696	43,891	47,394	48,457	51,710	61,677	66,205	68,583	72,556	72,556
KONDRINI	21,690	21,750	25,095	25,211	28,590	28,590	30,788	35,650	38,885	40,470	42,600	42,600
KOORARA	12,104	12,062	14,038	14,727	15,152	16,247	18,960	22,277	23,333	22,277	23,400	23,400
KULPIN	18,659	18,892	18,892	19,453	21,268	22,414	26,888	28,402	32,781	33,181	35,161	35,161
KWANA	593,020	671,349	747,717	1,492,118	1,617,324	1,694,662	1,906,028	2,376,911	2,727,729	2,981,299	3,283,166	3,283,166
LAKE GRACE	33,342	34,460	39,458	39,659	44,941	44,952	49,185	56,742	60,676	63,996	67,083	67,083
LAVERTON	17,436	19,467	20,617	20,508	21,827	23,512	27,707	35,376	37,420	39,105	39,500	39,500
LEONORA	56,890	62,922	58,825	58,833	63,534	64,825	72,817	91,609	96,644	97,937	104,107	104,107
MANJUP	1,677,490	2,567,132	2,647,195	3,603,564	3,870,871	3,467,860	3,487,151	5,679,438	4,890,569	5,083,920	6,097,806	6,097,806
MARLBOROUGH	188,504	189,481	220,171	231,873	248,173	245,465	261,171	315,444	335,182	348,728	367,533	367,533
MEEKATHARRA	20,109	21,154	20,246	29,812	32,604	33,371	35,159	37,838	40,716	43,051	47,562	47,562
MELVILLE	4,289,590	6,844,762	7,127,753	7,512,864	7,853,862	7,841,711	8,410,318	9,943,501	10,273,268	10,617,412	11,358,732	11,358,732
MENZIES	13,623	20,582	23,320	14,688	16,159	28,667	30,088	34,309	37,125	38,076	40,200	40,200
MERREDIN	63,979	66,607	77,535	77,564	93,402	89,552	95,824	115,903	119,328	123,624	132,338	132,338
MINGHEW	11,233	11,408	13,156	12,740	14,080	15,120	15,632	18,708	19,732	21,546	22,880	22,880
MOOREA	45,363	49,562	54,355	55,803	59,110	63,832	68,587	80,420	84,069	86,772	95,604	95,604
MORAWA	18,635	18,203	20,759	20,576	23,335	23,335	25,906	30,475	32,732	35,497	37,433	37,433
MOSMAN PARK	435,584	611,532	651,177	658,713	683,116	726,635	763,978	904,307	970,327	1,008,958	1,083,154	1,083,154
MOUNT MAGNET	18,014	20,653	21,424	21,677	19,233	19,949	21,518	25,699	29,730	30,624	33,068	33,068
MOUNT MARSHALL	15,717	15,390	17,815	17,815	18,620	19,209	20,807	24,200	26,840	28,044	29,520	29,520
MURKIN	12,595	13,040	15,470	15,136	16,705	17,595	18,516	22,259	24,145	25,308	26,460	26,460
MULLERVA (closed after 2010/11)	21,187	25,418	24,968	24,431	28,861	27,697	29,990	31,237				
MURCHISON	776,553	1,155,915	1,352,646	1,392,224	1,474,273	1,549,164	1,654,707	1,956,954	2,088,357	2,174,015	2,336,094	2,336,094
MURRAY	750	994	1,205	1,365	1,400	1,440	1,548	1,693	1,925	1,938	1,990	1,990
MURRAY	197,109	304,938	239,647	260,975	286,176	319,270	360,356	455,952	466,483	509,925	538,107	538,107
MURRAY	30,107	30,108	35,713	35,834	37,803	41,728	46,756	56,482	61,134	63,727	67,728	67,728
MAREEBA	18,321	19,393	19,145	22,664	25,892	26,240	28,380	32,600	35,310	34,909	38,660	38,660
MARCOOH (SHPRE)	14,187	14,504	16,559	16,657	18,607	20,427	22,341	26,530	28,173	30,947	32,896	32,896
MARROGH (TOWN)	71,371	77,874	88,110	92,225	98,811	96,859	101,918	142,043	138,509	143,644	148,624	148,624

LOCAL GOVERNMENT	ESL BILLING BY LOCAL GOVERNMENTS (Final Declared Adjusted Amounts Include ESL Interest and ESL Document Interest Reported to DFES)											
	Administered ESL under the 'Option B - 1' arrangement, requiring that they pay DFES the full amount of ESL Invoiced in 4 quarterly instalments - (30% by 21 September, 30% by 21 December, 30% by 21 March and 10% by 21 June)											
LOCAL GOVERNMENT	[ESL Billing adjustments are required to be declared on an Annexure A by 31 July and are adjusted in next instalment]											
	Administered ESL under the 'Option B - 2' arrangement, requiring that they pay DFES the full amount of ESL Invoiced in one single instalment - (100% by 21 September)											
LOCAL GOVERNMENT	[ESL Billing adjustments are required to be declared on an Annexure A by 31 July and are adjusted in next instalment]											
	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15
NEEDLANDS	1,148,327	1,606,402	1,763,548	1,783,817	1,839,658	1,962,098	2,062,276	2,458,517	2,882,112	2,814,386	3,015,999	
NEAATJALARRAKU	120	120	140	140	162	162	172	200	220	228	240	
NORTHAM	218,559	246,178	215,932	217,412	265,572	259,577	282,638	330,227	357,739	381,629	403,992	
NORTHAMPTON	80,887	82,037	102,157	108,586	121,593	124,765	169,782	184,093	185,900	182,247	202,292	
NINGARIN	6,105	6,988	7,710	7,710	7,432	8,407	9,153	10,880	11,634	11,513	12,500	
PEPPERWINT GROVE	116,695	143,514	160,656	160,656	169,874	177,385	168,602	216,722	246,442	226,074	273,555	
PERHJHORI	13,049	13,292	13,197	13,610	16,682	17,690	19,350	21,700	25,980	29,821	27,180	
PERTH	6,054,733	9,991,151	10,412,034	10,730,893	11,286,408	11,423,541	12,600,885	15,680,335	18,133,284	20,336,203	21,803,794	
PINGELLY	24,974	24,977	27,413	30,300	30,300	32,720	38,146	42,671	46,218	47,992	50,971	
PLANTAGENET	97,001	98,905	107,646	118,696	127,574	133,390	147,923	173,428	188,728	187,875	208,823	
PORT HEDLAND	307,549	309,069	391,074	421,509	345,546	648,795	784,472	776,532	1,007,490	1,155,332	1,155,332	
QUADRANG	23,684	23,874	27,774	28,202	32,268	33,608	38,151	41,603	45,921	47,813	50,265	
RAVENSTHORPE	37,332	47,066	47,066	50,889	65,063	68,447	74,659	88,113	93,750	103,187	109,729	
ROCKINGHAM	2,309,293	3,822,021	4,655,003	4,655,003	5,052,162	5,409,311	6,499,025	6,782,765	7,188,516	7,793,143	7,793,143	
ROBELOURNE	338,468	398,340	546,755	572,706	818,468	594,529	844,352	1,070,958	1,089,739	1,846,105	1,794,141	
SANDSTONE	5,539	5,134	6,558	5,265	5,690	6,040	7,285	8,220	8,970	9,281	9,840	
SERPENTINE-JARRAIDAILE	218,398	295,507	288,855	317,215	363,956	401,033	495,101	532,543	631,715	691,573	782,533	
SHARK BAY	20,916	23,592	24,987	26,118	28,013	32,008	35,188	41,014	41,014	41,618	45,845	
SOUTH PERTH	1,895,625	2,097,335	3,353,659	3,482,643	3,662,913	3,763,778	3,989,322	4,695,805	4,765,201	5,025,938	5,620,894	
STIRLING	7,918,612	13,011,128	13,872,114	14,911,062	15,350,827	16,300,835	17,240,485	20,644,768	22,695,422	24,270,008	26,180,017	
SUBACO	1,212,120	1,986,165	2,348,960	2,348,960	2,897,444	2,895,539	3,381,518	3,691,781	3,810,544	3,810,544	4,181,822	
SWAN	2,650,950	4,997,229	5,067,130	5,417,493	5,885,480	6,761,631	7,655,853	8,759,180	11,327,721	12,054,467	13,045,125	
TAMMELUP (Closed after 2007/08)	11,789	11,573	13,887	13,912	15,146	15,146						
TAMMIN	8,880	10,293	10,293	11,686	13,270	14,540	16,450	18,321	18,321	19,250	20,250	
THREE SPRINGS	13,994	12,792	15,015	15,409	16,682	17,620	19,096	22,200	24,365	25,251	26,760	
TOODYAY	94,103	87,477	101,594	103,658	112,700	126,515	129,795	150,997	191,722	170,016	181,227	
TRAINING	11,153	7,354	13,160	12,075	13,445	15,390	16,394	17,850	19,351	20,235	21,350	
UPPER GASCOYNE	1,710	2,040	2,040	1,995	2,198	2,360	2,590	3,250	3,625	3,648	4,300	
VICTORIA PARK	1,472,325	2,417,423	2,887,593	2,724,442	2,992,064	3,142,442	3,257,773	3,551,405	4,241,652	4,438,255	4,789,184	
VICTORIA PLAINS	16,653	16,555	18,993	19,272	21,014	22,600	24,252	26,850	31,515	31,977	33,950	
VINCENT	1,423,256	2,380,938	2,616,038	2,736,007	3,022,898	3,178,664	3,399,297	4,116,069	3,098,862	4,225,423	4,562,760	
WAGH	39,156	40,874	46,411	46,578	51,088	52,037	57,052	69,970	74,520	77,968	82,873	
WANDERING	8,320	8,366	9,791	10,535	15,400	15,400	17,200	19,350	21,945	23,340	24,082	
WANDERCO	2,851,392	4,996,097	5,945,878	6,897,854	7,596,045	8,193,378	10,981,179	12,283,231	11,391,160	14,413,795	15,775,971	
WARGONA	70,195	74,889	83,933	84,976	98,000	98,344	124,697	147,821	155,483	162,876	172,838	
WEST ARTHUR	17,980	17,205	20,570	20,598	26,445	26,445	32,720	30,700	35,600	35,112	35,990	
WESTONA	7,110	7,230	8,784	9,642	10,280	11,610	13,400	14,975	15,390	15,390	16,180	
WICKHAM	14,305	14,376	16,440	16,557	20,063	22,260	25,545	28,515	28,697	28,697	31,396	
WILLIAMS	11,161	20,008	20,082	22,597	23,751	25,548	34,260	34,260	35,776	38,568	40,744	
WILUNA	10,628	11,099	12,648	12,450	13,321	16,168	20,350	20,350	20,350	20,748	21,890	
WONGAMALLU	26,667	28,025	34,138	40,605	43,269	43,269	49,393	57,601	62,083	62,083	62,083	
WOODHARLING	9,980	9,960	11,811	11,767	13,528	14,102	15,311	17,800	19,979	20,636	21,640	
WYALKATCHAM	14,728	14,668	17,050	16,481	18,265	19,060	23,768	20,167	27,564	27,564	29,053	
WYNDHAM/EAST KIMBERLEY	117,661	116,947	153,440	164,447	164,956	272,517	264,665	282,517	282,517	301,460	301,460	
YALGOO	7,000	7,405	7,476	7,864	7,434	7,829	8,651	10,167	11,550	12,139	12,900	
YILGURI	42,419	43,506	43,893	47,825	51,313	55,227	60,139	71,499	76,027	76,027	82,937	
YORK	70,793	72,220	81,065	84,505	104,102	102,034	110,871	132,369	150,600	157,021	167,767	
TOTALS	73,628,881	116,164,985	126,768,916	134,556,672	145,427,708	151,688,193	164,916,036	206,060,108	215,416,177	230,575,606	249,699,019	

4.2 WALGA State Conference – Implications of Structural Reform (05-034-01-0103 TB)

Shire of Dardanup Delegate to move:

MOTION

That WALGA facilitate a meeting between country Local Government Elected Members with Professor Brian Dollery making a presentation on the implications of structural reform, by December 2014.

MEMBER COMMENT

The current Minister for Local Government the Hon Tony Simpson embarked upon the reform of Local Government boundaries in the Perth metropolitan area in 2013 by submitting proposals to the Local Government Advisory Board. Local Government also submitted their proposals, each have been assessed by the LGAB.

It is expected that once the process has been completed in the metropolitan area the Minister will turn his attention to regional Western Australia, starting with regional centres and moving outward to all rural Local Governments.

During the metropolitan reform there has been a lot of debate about the benefits of reform and the implications to Local Governments and their communities in terms of the cost associated with the reform, the delivery of services and impacts on rates.

For over twenty years there have been boundary changes across Local Government in all states of Australia with the exception of WA. Even with the widespread reform experience there appears to be little evidence of reduced cost to the ratepayer, only increase costs, and in some cases in Queensland, the push to reverse amalgamations.

Since reform in Western Australia was officially announced in February 2009 there has been little or no effort by government to present a case for convincing the community that less Local Governments equates to better and more cost effective Local Government.

Research shows that there is a lot of literature on the negatives relating to amalgamating Local Governments, but very little highlighting the benefits.

It is acknowledged by WA Local Government Association that reform is likely to be pushed out to the rural Local Governments, this is evidenced in that has initiated the Country Reform Policy Forum, set up to allow Local Governments in the country areas to discuss and develop an understanding of the impacts of reform on Local Government and to explore options and opportunities that may influence government on what reform might look like.

The Shire of Dardanup and many Local Governments are aware of the work done by Professor Brian Dollery, Graduate School of Business, University of New England.

IN BRIEF

- Reform of Country Local Governments may follow the current metropolitan reform review.
- Shire of Dardanup recommends that WALGA facilitate a meeting between country Local Government Elected Members with Professor Brian Dollery making a presentation on the implications of structural reform, by December 2014.

Professor Dollery has many research papers and published on Local Government and seems to be the obvious person to invite to the west to do a presentation and participate in a debate about Local Government reform and the options that may be alternatives to boundary changes.

The Shire of Dardanup recommends that WALGA facilitate a meeting between country Local Government councillors with Professor Dollery making a presentation on the implications of structural reform, by December 2014.

Some of Professor Dollery's work include:-

To date, Brian has published 357 refereed journal articles, 35 book chapters and 15 books. Recent books include Councils in Cooperation: Shares Services and Australian Local Government (2012), Local Government Reform: A Comparative Analysis of Advanced Anglo-American Countries (2008), The Theory and Practice of Local Government Reform (2008), Reform and Leadership in the Public Sector (2007) and Australian Local Government Economics (2006). Over the past two decades, Brian has worked with Local Government across all Australian states, largely in the area of structural change, financial sustainability and urban water problems. Brian is presently working on a book on Local Government finance and he is involved in the debate on structural reform in Tasmanian Local Government.

SECRETARIAT COMMENT

The Association is preparing for the possibility of Non Metropolitan structural reform through the formation of the Country Reform Policy Forum. The Policy Forum has been established to undertake research into appropriate governance models for country Local Governments. There is no pre-determined outcome and all models are being reviewed.

Since the formation of the Systemic Sustainability Study (SSS) process, the Association has convened a number of forums and meetings where eminent structural reform experts have been showcased including Professor Dollery.

4.3 Bushfire Management – Support Vehicles (05-024-03-0010 AH)

Shire of Bridgetown-Greenbushes Delegate to move:

MOTION

That WALGA lobby the Minister for Emergency Services seeking the inclusion of fire support vehicles as eligible items for capital and operational funding under the Emergency Services Levy.

MEMBER COMMENT

A number of Local Governments (including the Shire of Bridgetown-Greenbushes) provide "Fire Support" vehicles for use by their Bush Fire Brigades. Such vehicles are very versatile, and perform a range of functions from incident control, sector and divisional command, to logistics and crew support at incidents. The benefit of having support vehicles is that it frees up dedicated fire appliances to carry out the task they are designed for - which is fire suppression. Current practice for Local Governments that do not provide Fire Support Vehicles is that either a Fire Fighting Appliance or a private vehicle is used for these roles.

The current position of the Department of Fire and Emergency Services (DFES) is that both capital and operational funding of these vehicles is ineligible under the Emergency Services Levy (ESL) Local Government Grants Scheme. As the Minister for Emergency Services is responsible for approving the LGGS manual and criterion, it is recommended that WALGA lobby the Minister for inclusion in the ESL grants system.

There are numerous fire support vehicles in the Western Australian Local Government brigade structures, either via a dedicated support brigade or as a component of a combatant brigade.

Fire support vehicles are used to assist combatant brigades involved in fire suppression activities with incident management, logistical and welfare support. This is in line with the expectations of DFES that Local Governments improve their local Incident Management capacity.

The rise of dedicated support brigades or provision of support services in a combatant brigade has a twofold effect within volunteer ranks. Firstly, it allows fire fighters to remain at the end of the hose and fighting the fire, rather than being taken off the fire ground to undertake non-combatant roles. Secondly it allows for people who want to assist during an emergency, but can't be a front line fire fighter, to utilise skills that they have, such as communications operators, scribes, plotters and aircraft controllers, to assist in the Incident Management Team.

IN BRIEF

- The activities of a fire support brigade or fire support personnel within a combatant brigade are "normal brigade activities" as prescribed under the Bush Fires Act.
- Despite fire support activities being in compliance with the Bush Fires Act, DFES has made a determination (interpretation) that capital and operational funding of fire support vehicles is not eligible under the ESL.
- The Minister for Emergency Services has legislative responsibility for issuing of guidelines for the collection and distribution of ESL funds.

The activities of a support brigade or support services within a combatant brigade are “normal brigade activities” as prescribed under section 35A of that Act:

41. Bush fire brigades

- (1) *For the purpose of carrying out normal brigade activities a Local Government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.*

35A. Terms used

Normal brigade activities means the following activities when carried out by a volunteer fire fighter —

- (a) *the prevention, control or extinguishment of bush fires;*
- (b) *any act or operation at or about the scene of a bush fire, or in connection with a bush fire, which is necessary for, directed towards, or incidental to, the control or suppression of the fire or the prevention of spread of the fire, **or in any other way necessarily associated with the fire including travelling and support services such as meals and communication systems;***

Whilst personnel in fire support vehicles don't carry out a combatant role during incidents, the operation of these vehicles is in compliance with the *Bush Fires Act 1954* and should therefore their capital and operating costs should be covered under ESL funding.

DFES should properly recognise and appropriately resource and fund support services where they have been established under a needs analysis to ensure support to front line firefighting crews is given and ultimately the protection of the community is increased through a more organised firefighting response.

The purpose of the ESL is to fund the State's fire and emergency capability. Support services are an integral component of emergency capability.

Under Section 36Y of the *Fire and Emergency Services Act* the Minister for Emergency Services can issue guidelines for the collection and distribution of ESL funds, hence the essence of the Motion is to lobby the Minister to seek a change to the current interpretation by DFES that funding of fire support vehicle capital and operational costs is not eligible expenditure under the ESL.

SECRETARIAT COMMENT

The Department of Fire and Emergency Services (DFES) is intending to repeal the Fire Brigades Act 1942, the Bush Fires Act 1954, and the Fire and Emergency Services Act 1998 and develop a single Emergency Services Act to better deliver emergency services to Western Australians. The new legislation proposes to introduce a focus on shared responsibility for risk prevention, while also coordinating emergency preparedness and response delivery across government agencies, Local Government, volunteers and private landowners. The new legislation will include increased local government responsibility for risk management on its own land, as well as a stronger compliance role for risk mitigation on private land.

Consideration of funding support for such vehicles and equipment is likely to become more pressing in the next couple of years as the need for additional support vehicles will be increased when the State introduces the Emergency Services Act and policy requiring Local Governments to prepare tenure blind bushfire risk management plans (BRMP) for all lands within their district. The Office of

Bushfire Risk Management is currently piloting BRMP's with four Shires (Augusta Margaret River, Collie, Nannup and Boyup Brook) The project is expected to be completed by the end of 2014. The intention is for Local Government's with identified bushfire prone areas to have a BRMP in place. It is reasonable to expect Local Governments identified within bushfire prone areas will need the equipment and resources to undertake additional risk assessments, compliance inspections and mitigation works

The Association is currently advocating for a broad scale review and expansion of the Emergency Services Levy to provide the additional funding needed for the additional planning and mitigation works.

In the short term however, as the Minister can currently issue guidelines for the collection and distribution of ESL funds, it would be prudent to pursue appropriate changes to ensure that support vehicles, particularly in high risk areas, are eligible under the Emergency Services Levy (ESL) Local Government Grants Scheme.

4.4 Contaminated Sites – Auditing Requirements (05-020-01-0001 MB)

City of Bunbury Delegate to move:

MOTION

That WALGA:

- a) **Requests the State Government to transfer the responsibility for auditing of contaminated sites reports to the Department of Environment Regulation as either a statutory requirement or on a fee for service basis; and**
- b) **Investigates and implements measures to reduce the cost of resolving contaminated site issues on Local Government (e.g. discounted consultant fees under WALGA preferred supplier panel contracts)."**

IN BRIEF

- The WA Contaminated Sites Act 2003 (the Act), was introduced by the State Government in 2007, in order to minimise the risk posed by contaminated sites to public and environmental health

MEMBER COMMENT

The WA *Contaminated Sites Act 2003* (the Act), was introduced by the State Government in 2007, in order to minimise the risk posed by contaminated sites to public and environmental health.

The Act requires responsible parties to report known and suspected contaminated sites to the Department of Environment Regulation, which in turn assigns each site a particular classification depending upon the risks involved and level of investigation and management required.

Both the investigation and management works are typically highly technical in nature, expensive and time consuming, and require the engagement of consultants. For example, the investigations associated with a moderately complex contaminated site may cost in excess of \$100,000, and require between six (6) and twelve months to complete. Management works, where required, can be considerably more expensive and time consuming.

In certain circumstances, particularly where contamination issues are complex, proponents may be required to appoint a private consultant contaminated sites auditor to review investigations and management works, prior to the information being supplied to the Department of Environment Regulation. Contaminated sites auditors are not employees of the department, but rather external consultants. In this manner, proponents at times need to appoint one consultant to undertake the investigations and management works, and a second consultant to review the work of the first consultant.

The appointment of contaminated sites auditors can be expensive with auditors, as private consultants, having an hourly rate in the order of \$300 per hour. It is understood that the resolution of a simple land fill site may attract an auditor fee in excess of \$50,000.

The current approach involving the use of contaminated sites auditors may also introduce inefficiencies to the State Government process as the work of an auditor, being the review of the first consultants work, must in turn be reviewed by the Department of Environment Regulation in determining whether the relevant contamination issue has been sufficiently resolved.

Arguably, it would be less financially burdensome on proponents and more efficient, if the auditing

review of contaminated site investigations and management works were to be completed by the Department of Environment Regulation, rather than consultants.

The contaminated sites auditor fees associated with the resolution of the contamination issues may result in a combined cost to Council in the order of hundreds of thousands of dollars.

If endorsed, the recommendation may achieve a change in the State Government's contaminated site process and cost savings for Council.

It is anticipated that various stakeholders may have concerns with the proposal as it represents a fundamental shift in the State Governments approach.

SECRETARIAT COMMENT

The State Government commenced a review of the Contaminated Sites Act in October 2012. The review has been through two rounds of public comment, and the Association developed submissions for each round. Table 1 outlines the policy review process to date.

Table 1: Review schedule of Contaminated Sites Act 2007

Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6	Stage 7
Release 1 st consultation document	1 st round of public consultation (12 weeks)	Review, analyse public comments	Release 2 nd discussion document	Further public consultation (12 weeks)	Review, analyse public comments	Forward review report (recommending changes) to Minister
Jun 12	Jun - Sep 12	Oct 12 - Oct13	Nov 2013	Nov - Feb 14	Mar - Jun 14	July 14
Complete	Complete	Complete	Complete	Complete	Current	

The Association's advocacy messages delivered through the review process have been:

- All contaminated sites data should be publically available, free of charge;
- The State Government should recognise the legacy issues of many Local Government contaminated sites, and provide financial assistance for the investigation and remediation of these;
- Local Government officers should not be required to report suspected or known contamination;
- An additional site classification, "contaminated – investigation required" should be added;
- A three month time frame for information provision to the Contaminated Sites Committee should be imposed, but extensions made possible;
- The State Administrative Tribunal (SAT) should be responsible for reviewing both DER and Contaminated Sites Committee decisions, to increase administrative transparency.

Local Government were invited to provide input into both of the Association's submissions. During the first consultation round, seven Local Governments provided comment. During the second consultation round no comments were received from the sector. Legislation review is the most effective time to influence changes to government policy and legislation. The Association will consider all resolutions passed at the AGM, but notes that the State Government may be unwilling to consider the members' proposed amendments. This is due to the current stage of State Government's review, and the current financial constraints on the State Government budget.

The Association therefore proposes to advocate to the Office of the Auditor General to undertake an economic analysis of the core theme of the motion, to examine the effectiveness and efficiencies that could be achieved through the Department of Environment Regulation undertaking the contaminated site audit requirements, as defined in the Act.

4.5 Review of Section 6.28 of the Local Government Act 1995 - Valuation of Land (05-034-01-0007 JMc)

City of Bunbury Delegate to move:

MOTION

That WALGA requests the Minister for Local Government to review Section 6.28 of the Local Government Act that limits the methods of valuation of land to Gross Rental Value or Unimproved Value, and explores other alternatives.

IN BRIEF

- Section 6.28 of the Local Government Act 1995 limits the basis of rating to Gross Rental Valuation and Unimproved Value.
- This motion proposes an expansion of land valuation options for the basis of rating.

MEMBER COMMENT

The method of valuation of land to be used as the basis of rating in Western Australia is either: Gross Rental Value for predominantly non-rural purpose; or unimproved value of land for rural purposes. These are the only two methods available under the Section 6.28 of the Local Government Act in Western Australia.

Eastern State Local Governments can elect to rate on one of the following options:

- Site Value - levy on the unimproved value of land only and disregards the value of buildings, personal property and other improvements.
- Capital Value - value of the land including improvements
- Annual Value - rental value of a property (same as GRV).

It is suggested that a review of the options for the valuation of land for the basis of rating be conducted.

SECRETARIAT COMMENT

Alternative land valuation methods came under the scope of the WALGA Systemic Sustainability Study, particularly Capital Improved Valuations which is in operation in Victoria and South Australia.

Whilst the SSS did not land on a particular recommendation for action, it may be opportune to commence a discussion on the inherent advantages and disadvantages of the present and alternative land valuation methods, given the nexus to the Valuation of Land Act 1978 and its review anticipated in 2015/2016.

Attachment 1: Association Standing Orders

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

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

- (b) Announcements;
- (c) Confirmation of minutes of previous meetings;
- (d) President's report;
- (e) Financial report for the financial year; and
- (f) Consideration of Executive and Member Motions.

7. VOTING ENTITLEMENTS

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

8. SPECIAL URGENT BUSINESS

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

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

9. PRESIDENT

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

10. DELEGATE AND DEPUTY DELEGATE

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

Association shall exercise all rights of that delegate.

11. PRESIDENT TO PRESIDE

- 11.1 The President shall preside at all meetings of the Association, but in absence of the President, the Deputy President shall preside.
- 11.2 In the absence of the President and the Deputy President, the delegates shall choose by resolution, a delegate present to preside at the meeting.

12. SPEAKING PROTOCOL

- 12.1 Only registered delegates and members of the Association's State Council shall be entitled to speak at meetings of the Association.
- 12.2 The first person that is entitled to speak at a meeting who attracts the attention of the person presiding shall have precedence in speaking.
- 12.3 Speakers are to use the microphones supplied.
- 12.4 When addressing a meeting, speakers are to:
 - (a) rise and remain standing unless unable to do so by reason of sickness or disability;
 - (b) address the meeting through the person presiding;
 - (c) state their name and Local Government before otherwise speaking;
 - (d) refrain from reading comment printed in the agenda paper in support of a motion, but may identify key points or make additional comment; and
 - (e) refrain from using provoking or discourteous expressions that are calculated to disturb the peaceful current of debate.

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

13. DEBATE PROCEDURES

- 13.1 A delegate moving a substantive motion may speak for –
 - (a) 5 minutes in his or her opening address; and
 - (b) 3 minutes in exercising the right of reply.
- 13.2 Other speeches for or against motions are to be limited to 3 minutes unless consent of the meeting is obtained which shall be signified without debate.
- 13.3 No delegate, except the mover of a motion in reply, is to speak more than once on the same motion except by way of personal explanation.
- 13.4 As soon as the right of reply has been exercised, the motion is to be forthwith put to the vote without further comment.

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

- 24.2** Any delegate who has not already spoken on the subject of a motion at the close of the speech of any other delegate, may move without notice any one of the motions listed in clause 24.1 (b)-(f) and, if the motion is seconded, it shall be put forthwith.
- 24.3** When a debate is adjourned, the delegate who moves the adjournment shall be the first to speak on the motion when the debate is resumed unless the delegate advises of no desire to speak on the motion. Where this occurs, the President shall then call for further speakers, with the exception of those delegates who have previously spoken (unless the meeting otherwise agrees).
- 25. RESCISSION OF RESOLUTION**
- 25.1 At the same meeting**
Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may, by simple majority at the same meeting at which it is passed, rescind or alter a resolution if all delegates who were present at the time when the original resolution was passed are present.
- 25.2 At a Future Meeting**
Unless a greater majority is required for a particular kind of decision under the Standing Orders (in which event that shall be the majority required), the Association may rescind or alter a resolution made at an earlier meeting:
- (a) by simple majority, where the delegate intending to move the motion has, through the Chief Executive Officer, given written notice of the intended motion to each delegate at least seven (7) days prior to the meeting; or
 - (b) by absolute majority, in any other case.
- 26. METHOD OF TAKING VOTES**
The President shall, in taking a vote on any motion or amendment, put the question first in the affirmative, and then in the negative and may do so as often as is necessary to enable formation and declaration of an opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands or by an electronic key pad voting system.
- 27. DIVISION**
The result of voting openly is determined on the count of official voting cards and, immediately upon a vote being taken, a delegate may call for a division.
- 28. ALL DELEGATES TO VOTE**
- 28.1** At meetings of the Association, a delegate present at the meeting when a question is put shall vote on the question.
- 28.2** Each delegate shall be entitled to exercise one deliberative vote on any matter considered.
- 29. PRESIDENT'S RIGHT TO VOTE**
The President shall have a casting vote only.
- 30. SUSPENSION OF STANDING ORDERS**
- 30.1** In cases of urgent necessity or whilst the Association is sitting behind closed doors, any of these Standing Orders may be suspended on a motion duly made and seconded, but that motion shall not be declared carried unless a simple majority of the delegates voting on the question have voted in favour of the motion.
- 30.2** Any delegates moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place.
- 31. NO ADVERSE REFLECTION ON ASSOCIATION**
A delegate shall not reflect adversely upon a resolution of the Association, except on a motion that the resolution be rescinded.
- 32. NO ADVERSE REFLECTION ON DELEGATE**
A delegate of the Association shall not reflect adversely upon the character or actions of another delegate nor impute any motive to a delegate unless the Association resolves, without debate, that the question then before the Association cannot otherwise be adequately considered.
- 33. MINUTES**
- 33.1** The Chief Executive Officer of the Association is to cause minutes of the meeting to be kept and preserved.
- 33.2** The minutes of a meeting are to be submitted to the next Annual or Special General Meeting for confirmation.
- 33.3** Copies of the minutes will be supplied to all delegates prior to the meeting.

Attachment 2: Previous Minutes 2013 AGM



MINUTES

Annual General Meeting

Perth Convention Exhibition Centre
Perth

7 AUGUST 2013



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Annual General Meeting – Order of Proceedings

1.3 Record of Attendance and Apologies

Apologies received from:

Shire of West Arthur

Shire of Augusta-Margaret River

Shire of Cocos (Keeling) Islands

Shire of Leonora

Shire of Upper Gascoyne

Shire of Wongan-Ballidu

The Rt Hon Lord Mayor of the City of Perth Lisa Scaffidi – City of Perth

Mayor Ron Yuryevich – City of Kalgoorlie Boulder

Cr Ross Winzer – Shire of Exmouth

1.1 Announcements

There were no announcements

2. Confirmation of Minutes

Minutes of the 2012 WALGA Annual General Meeting are contained within this AGM Agenda.

Moved: Cr G Pule (Bassendean)

Seconded: Cr Julie Brown (Gosnells)

That the Minutes of the 2012 Annual General Meeting be confirmed as a true and correct record of proceedings.

CARRIED

3. Adoption of President's Annual Report

The President's Annual Report for 2012/2013 is contained within this AGM Agenda.

Moved: Cr L Short (Dandaragan)

Seconded: President Cr Eileen O'Connell (Nungarin)

That the President's Annual Report for 2012/2013 be received.

CARRIED

4. WALGA 2012/2013 Financial Statements

The audited 2012/2013 WALGA Financial Statements will be distributed to all members prior to the meeting.

Moved: Cr M Norman (Joondalup)

Seconded: President Cr W Barrett (Murray)

That the WALGA Financial Statements for 2012/2013 be received.

CARRIED

5. Consideration of Executive and Member Motions

As per motions listed:

6. Closure

There being no further business, the President declared the meeting closed at 5.41pm

5.0 Consideration of Executive and Member Motions

5.1A MATTER OF SPECIAL URGENT BUSINESS: Local Government Metropolitan Reform

Shire of Cottesloe

Absolute Majority required

MOTION

Moved: Cr J Walsh (Cottesloe)
Seconded: Cr G Boland (Cottesloe)

That the Members agree that the item of Special Urgent Business, relating to Local Government Metropolitan Reform be considered.

CARRIED BY ABSOLUTE MAJORITY

5.1B MATTER OF SPECIAL URGENT BUSINESS: Local Government Metropolitan Reform

Town of Cottesloe:

MOTION

Moved: Cr J Walsh (Cottesloe)
Seconded: Cr G Boland (Cottesloe)

That WALGA condemns the removal of the “poll provisions” for the metropolitan area from Schedule 2.1 of the *Local Government Act 1995* and the forced amalgamations of Local Government Councils.

IN BRIEF

- Sector position is to retain the Poll Provisions of the *Local Government Act 1995*.
- State Government announcement on Metropolitan Reform states that the Poll Provisions will be removed for the Metropolitan area.

AMENDMENT

Moved: President Cr W Barrett (Murray)
Seconded: President Cr P Blight (Wagin)

That WALGA condemns the removal of the “poll provisions” from Schedule 2.1 of the *Local Government Act 1995* and the forced amalgamations of Local Government Councils.

The Amendment was put and

CARRIED

The Amendment became the Motion and was put and

CARRIED

MEMBER COMMENT

WALGA has previously voted to support amalgamation only if it was voluntary and supported the retention of the Dadour provisions of the Local Government Act without change. We are now being told there will be forced amalgamations and therefore, removal of the Dadour provisions. That means amalgamation to the State Government model in 2 years for city councils and in 5 years for country councils.

Brendon Grylls says he has an agreement with Colin Barnett to exempt country councils while Colin Barnett says he has made no such agreement. It is time to get the attention of State Government members of parliament particularly the Nationals.

We have been told that the compelling reason for amalgamation is economic, with economies of scale and big savings on excess salaries of CEO's, mayors and councillors being paramount. Colin Barnett said 'many would be surprised that 13 CEO's are paid more than him and 23 CEO's are paid more than ministers'. An accurate comparison would be to compare CEO's salaries with those of government department heads, and mayors and councillors with members of parliament. What

can charitably be described as misrepresentation is a common approach for this government. Incidentally most of the well-paid CEO's are successfully balancing their budgets unlike those running the State Government.

I noted the Premier's comments that Melville ratepayers paid average rates of \$1233 versus East Fremantle rates of \$1681. To make a fair comparison, you need to look at the services provided and importantly, the average rateable value of properties. It's a specious argument. Comparisons were previously made between Mosman Park and Joondalup. Their property values are very different and the argument is clearly unreasonable.

Minister Simpson told us that another reason for amalgamation is that the developers want it to happen in order to remove red tape and speed-up approvals for their projects. He didn't point out that conforming applications are rubber-stamped by council officers within days. It is only those which do not conform or which are inappropriate which are put to councils for deliberation and may take extra time.

The unproven, economic benefits promised with these forced amalgamations are not supported by evidence from the Eastern States where large councils formed by forced amalgamations are the norm. In Queensland, where amalgamations were forced at great cost to local councils, a number have opted to go to the expense of de-amalgamation now that they have that option with a new government. In NSW, councils are fighting hard against amalgamations. Professor Dollery, foremost expert on Local Government from the University of New England, stated last week that any savings were problematic at best and were not borne out by the Australian experience.

The WA Liberal Party was not prepared to test a reaction to forced amalgamations at the recent state election. In fact both Colin Barnett and Tony Simpson stated there would be no forced amalgamations. Now we are given a blueprint for the metropolitan area and told if this has not been supported by councils by July 1, 2015 with perhaps some minor tinkering, then the State will enforce it!

What we see here is the final nail in the emasculation of Local Government in Western Australia. With only large councils in place, most candidates will need the backing of a political party to be elected, ensuring Local Governments becoming tools of the State Government.

Planning approval for developments costing over \$3 million has already been taken away from local councils and is now decided by DAP's.

An ever-increasing number of basic costs are being passed to Local Governments while decision-making powers are being removed.

For those of you who may support amalgamation of councils, what we are looking at here is the democratic right of Local Government to decide its future not to have a future forced upon it, particularly one that has no verifiable benefits.

I ask that you support this Motion to show that we councillors stood for election to act independently for the good of our communities, not to act as puppets for the State Government.

WALGA has previously voted to support amalgamation only if it was voluntary and supported the retention of the Dadour provisions of the Local Government Act without change.

We are now being told there will be forced amalgamations and therefore, removal of the Dadour provisions. That means amalgamation to the State Government model in 2 years for city councils and in 5 years for country councils.

Brendon Grylls says he has an agreement with Colin Barnett to exempt country councils while Colin Barnett says he has made no such agreement. It is time to get the attention of State Government Members of Parliament particularly the Nationals.

I ask that you support this Motion to show that we councillors stood for election to act independently for the good of our communities, not to act as puppets for the State Government.

SECRETARIAT COMMENT

State Council last directly considered the poll provisions in October 2010 in response to the Local Government Reform Steering Committee's Final Report. State Council resolved to oppose Recommendation 3 of the Steering Committee's Report, which stated:

Recommendation 3

Consider the following legislative options to facilitate the implementation of recommendation 2:

- a) Remove the poll provisions from the Local Government Act 1995;*
- b) Retain the poll provisions but amend so that the poll is of all affected districts and votes combined;*
- c) Retain the poll provisions, but amend so that poll is of all affected districts and votes averaged;*
- d) Introduce specific restructuring legislation.*

The poll provisions were also considered by State Council during the Metropolitan Local Government Review process.

The poll provisions formed a part of WALGA's response to the Metropolitan Local Government Review Panel's Recommendation 14:

Panel Recommendation 14

The Local Government Advisory Board be dissolved and its operating and process provisions in the Local Government Act 1995 be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews.

WALGA's response to this recommendation follows:

Panel Recommendation 14 is *CONDITIONALLY SUPPORTED*, subject to:

- ***The 'poll provisions' in Schedule 2.1 of the Act not being repealed; and,***
- ***The Local Government Commission having a substantial capacity building role.***

Further, in commentary, page 22 of WALGA's Submission to the Draft Findings – May 2012 – stated:

A recommendation to remove or significantly alter the rights of communities to self-determination expressed through the poll provisions contained in schedule 2.1 of the Local Government Act 1995 would be opposed.

WALGA's current position is to oppose any move to repeal or amend the poll provisions contained in Schedule 2.1 of the *Local Government Act 1995*.

5.1 Association Constitution – Impacts of Amalgamations (01-001-01-0001TB)

Special Majority required

RESOLUTION

Moved: Cr J Amphlett (Joondalup)

Seconded: Cr L Short (Murray)

1. That the Constitution be amended as follows:

- a. In clause 2:
Insert a new definition of Commissioner –

“Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the *Local Government Act 1995*.”
- b. In clause 2 amend the definition of Councillor by inserting after the words “elected by electors” –
“and includes a Commissioner appointed under section 2.6(4) or section 2.36A(3) of the *Local Government Act 1995*.”
- c. Amend the definition of Member by inserting after the words “sub-clause 14(2)” –
“; or
• A new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”
- d. Amend the definition of Ordinary Member by inserting after “provisions of this Constitution” -
“and includes a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”
- e. In clause 5 insert a new clause (3) as follows –
“Ordinary Membership shall be immediately conferred upon any new Council created by the merger of existing Councils that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Councils of that new Council have been paid.”
All subsequent subclauses are renumbered.
- f. In clause 14 paragraph (4a)(b) delete the words “who elected or appointed the person as its delegate.”
- g. Clause 20(b) delete the words “who elected or appointed the person as its delegate.”

CARRIED BY SPECIAL MAJORITY

SECRETARIAT COMMENT

There are seven amendments proposed to the Constitution. The majority of these amendments are minor.

These amendments seek to clarify the issue of WALGA membership where two or more councils amalgamate, thereby creating a new Local Government entity and the need for Commissioners in the interim.

The issue was initially raised by a Zone Member who queried whether they would have a continuing right to sit as a Zone Delegate if their Local Government merged with a neighbouring Local Government. They would no longer be the Mayor of the previous entity but a Commissioner of the new Local Government until a date was set for the inaugural elections of that new entity.

The amendments deal with inserting a new definition of Commissioner into the WALGA Constitution as follows.

“Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) and 2.36A(3) of the Local Government Act 1995.”

This allows for a Commissioner appointed by the Governor to a newly created Local Government to sit as a Zone Delegate and possibly as a State Councillor.

The definition of a Commissioner does not include a Commissioner appointed as a result of a suspension of Council. It was thought that this situation was significantly different from the appointment of Commissioners arising from an amalgamation.

The definitions of a Councillor, Member and an Ordinary Member also needed amending in order to accommodate a Commissioner and confer membership on the newly created entity.

The final amendment simply clarifies the termination of a role.

The proposed amendments were unanimously endorsed by State Council at their Special State Council meeting held on 30 May 2013 and a copy of the marked up version of the Constitution showing these amendments are marked in red. This is attached and follows agenda Item 5.2 Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date.

5.2 Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date (01-001-01-0001TB)

Special Majority required

RESOLUTION

Moved: President Cr Eileen O’Connell (Nungarin)
Seconded: Mayor H Henderson (Subiaco)

1. That the Constitution be amended as follows:

In clause 9, amend the commencement and conclusion date for State Councillors’ term of office by amending sub-clause (3) to read:

“Representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies from amongst the delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.”

- 2. That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council’s resolution.**
- 3. If this proposed amendment is successful at the August 2013 Annual General Meeting, the current term of State Council be reduced to end on 3 December 2013.**

CARRIED BY SPECIAL MAJORITY

SECRETARIAT COMMENT

Contemplation of this amendment must also take into account any unintended consequences or Zone-specific issues that may affect the State Council delegate election occurring in time for a December commencement.

A review of Zone Minutes from 2011 indicates that the majority of Zones conducted their State Council delegate election in November, and those that did not, simply deferred the election until the next Zone meeting prior to the March round of State Council. One Zone did not conduct a meeting leading up to the December round of State Council.

From WALGA’s perspective, considerable effort is devoted to the induction of State Council delegates elected for the first time. However, this process can be reviewed and managed administratively.

The only hindrance that exists, is the need for all Local Governments to elect their delegates to the Zones prior to the Zone meetings commencing in late November (in 2013 Zone meetings commence on 22 November).

To assist State Council with consideration of this issue, the secretariat canvassed Local Governments by conducting a quick survey on the issue. There was not a lot of time given for feedback, so a number of the responses were administrative responses and did not have the Councils formal position.

47 responses were received with 39 Local Governments supporting the proposal and 8 opposing.

If this amendment is supported it would effectively reduce the current term of State Councillors by 3 months from March 2014 to December 2013.

The proposed amendments were unanimously endorsed by State Council at their Special State Council meeting held on 30 May 2013 and a copy of the marked up version showing these amendments of the Constitution, relating to this item are marked in blue. This is attached and follows this agenda item.

5.3 Election of Shire President or Mayor (05-034-01-0001 TB)

Shire of Dardanup

RESOLUTION

Moved: Cr P Robinson (Dardanup)

Seconded: Cr M Bennett (Dardanup)

“Election of Shire Presidents or Mayors

That the Western Australian Local Government Association lobby the State Government not to amend the Local Government Act 1995 with regard to election of Shire Presidents or Mayors”

CARRIED

MEMBER COMMENT

This matter was included in the Metropolitan Review report at recommendation 18. The expert panel recommended to the community that Mayors and Presidents should be elected by the community at large.

The Shire of Dardanup contends that the person who leads the Council at meetings and in the public arena should be a leader that is appointed by the people whom they are to lead.

This position is advocated on the premise that a person who is a part of the Council will align themselves more closely with the views and policies of the Council, views that have been debated and arrived at through the Council planning for the future of their communities. A community elected President may run their election campaign on a platform that is at odds with the Council as a group, therefore being tempted to promote their own personal views at every opportunity rather than promoting the views of the elected Council.

A Council elected President is considered more likely to accept challenges from the Council, whereas a community elected President may hold the view that the people within the community have mandated them to pursue the agenda they canvassed during their campaign. They may also be strongly influenced by those supporters, being aloof to the majority of the other elected Councillors to follow a different path and therefore use their new found influence and access to government bureaucrats and politicians to tread a path that is not supported by the majority of the Council.

Election of Presidents from amongst the elected members reflects the current Westminster system employed by both state and federal government levels. It seems to be anachronistic to have the State legislate for Local Government a practice that itself is unwilling to adopt.

This recommendation has been put forward in good faith to reduce the risk of creating an environment whereby dysfunctional Local Governments evolve through public disagreements between the elected Councillors and the Shire President or Mayor. Unity in leadership is considered to be more likely if the leader is appointed by the people they are to lead.

SECRETARIAT COMMENT

As stated above, Recommendation 18 of the Metropolitan Local Government Review Panel's final report stated that: *"All Mayors and Presidents be directly elected by the community"*.

WALGA developed a comprehensive and detailed submission in response to the Panel's Final Report, including the Panel's 30 recommendations.

Following feedback from Local Governments, WALGA opposed recommendation 18 in its submission to the Government:

"Panel Recommendation 18 is OPPOSED. Local Governments should be able to determine the election method of their Mayor or President."

Further, in commentary, WALGA's submission stated:

"In line with the principle of 'general competence', the Association supports Local Governments being able to determine the method of electing their Mayor or President as per current arrangements."

At the time of writing, the State Government has not provided its response to the Metropolitan Local Government Review Panel's Final Report and it remains unclear whether the State Government intends to require all Mayors and Presidents to be popularly elected as the Panel recommended. Nevertheless, the Shire of Dardanup's motion is in line with WALGA's existing advocacy position.

5.4 Proposed Local Government Act Amendment – Exemption from Liability (05-034-01-0001 MB/JMc)

City of Mandurah

RESOLUTION

Moved: Mayor P Creevey (Mandurah)
Seconded: Cr G Brown (Mandurah)

That WALGA prepare a position paper to support the lobbying of the Minister of Local Government to amend the Local Government Act (1995) to allow Local Governments an exemption from liability on flood liable land, land subject to bushfire and land in coastal zones where that Council has acted in good faith in relation to its decision on the land in question.

CARRIED

MEMBER COMMENT

The New South Wales Local Government Act (1993) includes Section 733 which states:

733 Exemption from liability-flood liable land, land subject to risk of bush fire and land in coastal zone

(1) A council does not incur any liability in respect of:

(a) any advice furnished in good faith by the council relating to the likelihood of any land being flooded or the nature or extent of any such flooding, or

(b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding.

(2) A council does not incur any liability in respect of:

(a) any advice furnished in good faith by the council relating to the likelihood of any land in the coastal zone being affected by a coastline hazard (as described in a manual referred to in subsection (5) (b)) or the nature or extent of any such hazard, or

(b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being so affected.

(2A) A council does not incur any liability in respect of:

(a) any advice furnished in good faith by the council relating to the likelihood of any land being subject to the risk of bush fire or the nature or extent of any such risk, or

(b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being subject to the risk of bush fire.

(3) Without limiting subsections (1), (2) and (2A), those subsections apply to:

(a) the preparation or making of an environmental planning instrument, including a planning proposal for the proposed environmental planning instrument, or a development control plan, or the granting or refusal of consent to a development application, or the determination of an application for a complying development certificate, under the Environmental Planning and Assessment Act 1979, and

(b) the preparation or making of a coastal zone management plan, or the giving of an order, under the Coastal Protection Act 1979, and

(c) the imposition of any condition in relation to an application referred to in paragraph (a), and

(d) advice furnished in a certificate under section 149 of the Environmental Planning and Assessment Act 1979, and

(e) the carrying out of flood mitigation works, and

(f) the carrying out of coastal management works, and

(f1) the carrying out of bush fire hazard reduction works, and

(f2) anything done or omitted to be done regarding beach erosion or shoreline recession on Crown land, land within a reserve as defined in Part 5 of the Crown Lands Act 1989 or land owned or controlled by a council or a public authority, and

(f3) the failure to upgrade flood mitigation works or coastal management works in response to projected or actual impacts of climate change, and

(f4) the failure to undertake action to enforce the removal of illegal or unauthorised structures that results in erosion of a beach or land adjacent to a beach, and

(f5) the provision of information relating to climate change or sea level rise, and

(f6) anything done or omitted to be done regarding the negligent placement or maintenance by a landowner of temporary coastal protection works, and

(g) any other thing done or omitted to be done in the exercise of a council's functions under this or any other Act.

(4) Without limiting any other circumstances in which a council may have acted in good faith, a council is, unless the contrary is proved, taken to have acted in good faith for the purposes of this section if the advice was furnished, or the thing was done or omitted to be done, substantially in accordance with the principles contained in the relevant manual most recently notified under subsection (5) at that time.

(5) For the purposes of this section, the Minister for Planning may, from time to time, give notification in the Gazette of the publication of:

- (a) a manual relating to the management of flood liable land, or
- (b) a manual relating to the management of the coastline, or
- (c) a manual relating to the management of land subject to the risk of bush fire.

The notification must specify where and when copies of the manual may be inspected.

(6) A copy of the manual must be available for public inspection, free of charge, at the office of the council during ordinary office hours.

(7) This section applies to and in respect of:

- (a) the Crown, a statutory body representing the Crown and a public or local authority constituted by or under any Act, and
- (b) a councillor or employee of a council or any such body or authority, and
- (c) a public servant, and
- (d) a person acting under the direction of a council or of the Crown or any such body or authority,

in the same way as it applies to and in respect of a council.

(8) In this section:

"coastal management works" includes the placement and maintenance of temporary coastal protection works.

"coastal zone" has the same meaning as in the Coastal Protection Act 1979, and includes land previously in the coastal zone under that Act and land that adjoins the tidal waters of the Hawkesbury River, Sydney Harbour and Botany Bay, and their tributaries.

"manual" includes guidelines.

A similar provision in the WA Local Government Act would allow Local Governments to act with confidence in their decision making on land potentially vulnerable to flood erosion or fire, and would suitably protect the Council and the decision makers.

SECRETARIAT COMMENT

The amendment requested above refers to the imposition of an exemption clause similar to that of section 733 of the *Local Government Act 1993 (NSW)*. This section seeks to make exempt from liability Local Governments where advice is furnished in good faith that relates to the likelihood of any land being flooded or the nature or extent of any flooding; or anything done or omitted to be done in good faith by the Council in so far as it relates to the likelihood of land being flooded or the nature or

extent of any such flooding. There is similar provision in relation to bush fire risks and land in a coastal zone.

The City of Mandurah has requested a position paper be prepared by WALGA to support the lobbying of the Minister in order for an amendment to be made to the *Local Government Act 1995*. The *Local Government Act 1995 (WA)* already makes provision for protection from liability in specific instances. Section 9.56 provides protection for defined persons from liability for wrongdoing as follows –

- (2) *An action in tort does not lie against a protected person for anything that the person has, in good faith, done in the performance or purported performance of a function under this Act or under any other written law.*
- (3) *The protection given by this section applies even though the thing done in the performance or purported performance of a function under this Act or under any other written law may have been capable of being done whether or not this Act or that law had been enacted.*
- (4) *This section does not relieve the Local Government of any liability that it might have for the doing of anything by a protected person.*
- (5) *In this section —*
 - (a) *a reference to the doing of anything includes a reference to the omission to do anything;*
 - (b) *a reference to the doing of anything by a protected person in the performance or purported performance of a function under any written law other than this Act is limited to a reference to the doing of anything by that person in a capacity described in subsection (1)(a), (b) or*
 - (c) *as the case may be.*

While an amendment similar to s. 733 of the *Local Government Act 1993 (NSW)* may facilitate confidence when making decisions in relation to climate change, it does not provide any further assurances than the current section 9.56 of the *Local Government Act 1995*.

Furthermore, it does not negate the Local Government's possible liability to pay compensation to a landowner for injurious affection. Under s. 173 of the *Planning and Development Act 2005*, any person whose land is injuriously affected by the making or amendment of a planning scheme is entitled to obtain compensation in respect of the injurious affection from the responsible authority.

Section 174 denotes when land is injuriously affected. Therefore, an amendment to a local planning scheme reserving land for a public purpose may attract a claim for injurious affection compensation. The compensation payable is effectively treated as the reduction in value of land caused by its reservation/development prohibition.

Section 733 of the *Local Government Act 1993 (NSW)* affords limited protection to Local Governments if they carry out their statutory power in good faith in relation to such land. It is not an ideal remedy and neither is it an exhaustive solution. Local Governments are afforded a defence in cases where they have acted in good faith and where they have not been negligent.

It should be noted that s. 733 has not as yet been rigorously tested judicially. Furthermore, as changes in climate become more certain, it is likely that Local Government will become more conservative in adopting development approvals. Developers will need to provide more stringent adaptation strategies and measures or attract contributory negligence.

The preferred approach to address climate change would be a coordinated national approach. If this is not forthcoming, it would then be prudent for Local Government to lobby the State Government to develop a coordinated approach to land use planning. This would be appropriate given the potential exposure of the WAPC in respect of injurious affection claims and that where region planning schemes operate they must guide local planning schemes

Local Governments would be protected from liability in coastal areas under the *Climate Change Readiness (Coastal Planning and Protection) Bill 2012*. This Bill specifies planning and development in the coastal zone, and the management of the coastal zone. The Bill has been tabled in Parliament, and the second reading was on 20 June 2013. Section 74 protects Local Governments from liability.

74. Protection from liability

- (1) *In this section —
coastal management works includes the placement and management of emergency coastal protection works;*
- protected person means any of the following —*
- (a) *a public authority;*
 - (b) *a member or employee of a public authority;*
 - (c) *a public service officer;*
 - (d) *a person acting under the direction of a public authority or the State;*
 - (e) *a member of the council, or of a committee of the council, of a Local Government.*
- (2) *In this section a reference to the doing of anything includes a reference to the omission to do anything.*
- (3) *A civil action does not lie against a protected person for —*
- (a) *anything that the protected person has done, in good faith, in the performance or purported performance of a function under this Act; or*
 - (b) *any advice furnished in good faith by the protected coastal zone being adversely affected by a coastal hazard or the nature or extent of a coastal hazard; or*
 - (c) *anything that the protected person has done, in good faith, insofar as it relates to the likelihood of land in the coastal zone being adversely affected by coastal processes.*
- (4) *The State and the Minister are also relieved of any liability that either of them might otherwise have had for another person having done anything as described in subsection (3).*
- (5) *Without limiting subsection (3), that subsection applies to the following —*
- (a) *the preparation or making of a scheme;*
 - (b) *the grant or refusal of approval of development;*
 - (c) *the imposition of a condition in relation to an approval of development;*
 - (d) *the preparation or making of the WA coastal plan;*
 - (e) *the giving of a coastal protection notice;*
 - (f) *the carrying out of coastal management works in the coastal zone;*
 - (g) *the failure to upgrade coastal management works in the coastal zone in response to projected or apparent actual person relating to the likelihood of any land in the impact of climate change;*
 - (h) *anything done regarding beach erosion or shoreline recession;*
 - (i) *the failure to take action to enforce the removal of illegal or unauthorised structures in the coastal zone that results in erosion of a beach or land adjacent to a beach;*
 - (j) *the provision of information relating to projected impacts of climate change, including mean sea level rise.*
- (6) *Without limiting any other circumstances in which a protected person may have acted in good faith, a protected person is, unless the contrary is proved, taken to have acted in good faith for the purposes of this section if the advice was furnished, or the thing was done, substantially in accordance with the WA coastal plan and any local coastal adaptation plan or local coastal management plan for the relevant area.*

- (7) *The protection given by this section applies even though the thing done as described in subsection (3) may have been capable of being done whether or not this Act had been enacted.*

There is a possibility that this Bill will not be passed. In response, the Western Australian Local Government Association will lobby the Minister for Planning, John Day, to include the above section of the *Climate Change Readiness (Coastal Planning and Protection) Bill 2012* (section 74 – protection from liability) into the *Planning and Development Act 2005*. The Association will be meeting with Minister Day shortly to discuss this option.

5.5 Impacts of Climate Change (05-028-03-0015 MB)

City Rockingham

RESOLUTION

Moved: Cr J Stewart (Rockingham)

Seconded: Cr A Prince (Rockingham)

That WALGA seek a more committed and coordinated approach through the Western Australian State Government, Western Australian Local Government Association and Western Australian Local Governments in addressing the impacts of Climate Change on coastal infrastructure management, development control, land use planning and other potentially affected functions and activities.

CARRIED

MEMBER COMMENT

The City of Rockingham has for some time been undertaking extensive research and establishing a range of networks in the area of climate change adaptation and mitigation, central to which emerges the issue of sea level rise and extreme storm events which will have a significant impact of the City's coastal infrastructure management, development control and land use planning efforts.

Whilst some good work has been done at an isolated Local Government level in Western Australia and at a state / Local Government level in New South Wales and Queensland, there is a very real absence of a truly coordinated approach across all tiers of government throughout the nation.

The issue of climate change and sea level rise is real and a major strategic risk and should be a significant influence in coastal management throughout Australia.

There is currently a lack of consistency between the approach to coastal policy and implementation adopted by the Australian, State and Territory governments. There is also, as identified by the recent Productivity Commission report into *Barriers to effective climate adaptation*, a need to clarify the roles, responsibilities and legal liability of Local Governments in relation to climate adaptation, and to improve their capacity to manage climate risks.

Coastal councils face significant challenges in dealing with a range of pressures affecting the coastal zone, including coastal erosion and projected climate risks such as sea level rise, and gaining resources to address the impact of population growth and seasonal tourism peaks.

The recent Productivity Commission inquiry into *Barriers to effective climate adaptation* has identified several barriers to effective service delivery by Local Governments in the current climate.

The roles and responsibilities of Local Government are not always clear. These include responsibilities for managing the risks of climate change, especially in the areas of emergency management and existing areas of settlement at risk from climate change, but also extend to many areas beyond adaptation.

Local Governments have capacity constraints. Shortages of professional and technical expertise, and financial constraints, are preventing some Local Governments from planning for climate change and

implementing effective adaptation actions. There is also inadequate information and guidance to support Local Government decision making. It is the responsibility of state and territory governments to ensure that councils have the capacity to fulfill their regulatory functions, including those that relate to climate change adaptation.

There is a need for a mechanism such as a Council of Australian Governments (COAG) Standing Council on Coasts and Climate Change to enable the federal, state and Local Government to achieve effective collaboration on coastal management and climate change matters. Such a mechanism needs to define the roles and responsibilities of the three tiers of government involved in coastal zone management, as recommended in the 2009 Coastal Inquiry report of the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts.

SECRETARIAT COMMENT

Over the past six years, the Association has provided a broad range of support to the Local Government sector in the area of Climate Change Management. This has been done through the delivery of policy advice, policy development, targeting mitigation project, inventory support projects (Emission Reporting Platform), the development of a web based adaptation management toolkit, communication projects, educational road-shows, policy/ legislative analysis and a suite of other services.

In September 2007, the Association's Climate Change survey highlighted the sectors increased need for policy, advocacy and project support on climate change risks, liability and opportunities and in April 2008, created the Climate Change Coordinator position as a strategic response. In June 2009, the Association Local Government Climate Change Policy was endorsed by State Council.

The Association Climate Change Policy

This policy position outlines a series of high level acknowledgement and commitments for climate change management. It was developed through consultation from WA Local Governments, State and Territory Local Government Associations and the State Office of Climate Change (now the Climate Change Unit). The Association Local Government Climate Change Policy was the first climate change policy endorsed by a State Association within Australia.

Association Climate Change Declaration

The Association has also developed the Local Government Climate Change Declaration and held a signing ceremony in May 2012. To date, twenty-eight Local Governments have formally signed the Declaration, which is a voluntary opportunity for Local Governments to reiterate their political commitment to climate change management and participate in a leadership approach across the entire sector. In many circumstances the Declaration merely consolidates the ongoing work already being undertaken by Local Government.

Association Climate Change Management Toolkit

In partnership with the then Office of Climate Change, the Association developed a web based Climate Change Management Toolkit to assist Local Governments to adapt to the challenges that climate change will bring. As well as housing a large database of information including Local Government contacts, policy and project information and a communication portal for events and changing legislation and funding opportunities, the Toolkit provides essential resources to Local Government in developing their adaptation responses.

Local Government Project Map

The Association's 'searchable map' details climate change projects, programs and policies being developed by proactive Local Governments across the State. The map will provide a complete picture

of the depth and breadth of Local Government's vital contribution to the climate change management space, and is a visual tool for advocacy on future funding and support needs for the sector.

The map details specifics of the projects allowing Local Governments to communicate with their neighbours and colleagues across the sector to ensure that successful projects are shared, celebrated and efforts not duplicated.

Local Government Emission Reporting Platform

To assist Local Governments monitor and set reduction targets on their greenhouse gas emissions, the Association and Greensense Climate Change Consulting developed the Emissions Reporting Platform.

The Platform enables the 22 participating Local Governments (as well as the Association) to track and monitor greenhouse gas emissions, energy use, providing a simple to use interface to input raw data such as electricity consumed or fuel purchased. The platform then completes all required calculations to determine the greenhouse gas emissions resulting from Local Government activities.

These calculations are based around methodologies prescribed by National frameworks and allow Local Governments to meet any mandatory or voluntary commitment through the National Greenhouse and Energy Reporting Scheme (NGER), the National Carbon Offset Standard (NCOS) and the Greenhouse Gas Protocol (ISO14061.1).

A steering committee of subscribed Local Governments meets quarterly to determine functional upgrades to the Platform and to discuss any issues or concerns relating to reporting and data uploading.

The Associations Climate Change and Planning Policy Guideline

The Association developed a resource package to assist Local Government Planners, Elected Members and other senior officers to access relevant resources, recommendations, policy guidance, template policy frameworks and information.

The final guideline was developed by the Association as a joint initiative with the Department of Planning and the Department of Environment and Conservation to service the needs of the Local Government Sector. The Guidelines for incorporating climate change impacts into the Local Government Planning framework was sent out to each Local Government earlier in 2013 and is available for download on the Association Climate Change Management Toolkit website.

Stakeholder Engagement

The Association facilitates a number of stakeholder groups to ensure a committed and coordinated approach to climate change management.

The Association meets with representatives of other State and Territory Associations a number of times annually, to share information and discuss important climate change issues that have implications across Australia. The Association also attended information sessions held by other States (such as South Australia's Climate Change Adaptation workshop), to investigate opportunities for a coordinated approach.

The Climate Change Councillors Group meets quarterly and provides policy input to the Association. The group's main role is to share understanding on climate change issues and priorities from the perspective of Elected Members, raise issues with the Association. The group also provides advice on the best response to these issues.

The Climate Change Senior Officers Group meets quarterly and is an advisory group that ensures that the Association is meeting the needs of Local Government state-wide in the development of

further resources, useful events and consideration of strategic advocacy. This group can also highlight issues for noting at the upcoming Councillors meeting, which provides a link between officers and elected members.

COAG

The Select Council on Climate Change indicated that its term is now complete and has recommended that ongoing adaptation tasks and recommendations from the Productivity Commission's final report "Barriers to Effective Climate Change" now be delegated to COAG's Standing Council on Environment and Water. It should be noted that ALGA has representation on this Standing Council.

The abovementioned measures and commitments are just a few examples of the Association's commitment to providing ongoing support to the WA Local Government sector in the area of climate change. The Association understands that there is still a range of work to undertake in this field and is committed to working alongside the sector to provide valuable support, management tools, policy and advocacy in the climate change adaptation and mitigation endeavours.

At the 2013 ALGA National General Assembly the following motion was considered and supported:

That the National General Assembly calls on the Australian Government to initiate a coordinated approach, involving all three levels of government, to planning and managing the Australian coast for the benefit of future generations.

5.6 Proposed Local Government Amendment – Council Controlled Organisations (05-034-01-0015 TB)

City of Greater Geraldton

RESOLUTION

Moved: Cr R Hall (Greater Geraldton)
Seconded: Cr N Messina (Greater Geraldton)

That the proposed amendments to the Local Government Act 1995 in relation to Council Controlled Organisations prepared by WALGA in October 2011 be endorsed and resubmitted to the State for consideration.

CARRIED

MEMBER COMMENT

Local Governments in WA have been advocating for the ability to establish corporate entities (called Local Government Enterprises) as vehicles for greater efficiency and improved partnering practices for Local Government involvement in a range of commercial activities that are distinct from the commonly understood “core functions” of Local Government.

WALGA has for a number of years been developing a proposal for corporate entities which is based on the New Zealand model and termed “Council Controlled Organisation”.

The Council Controlled Organisation model can be used for activities including urban regeneration projects, measures to address economic decline in regional centres, public private partnerships to develop Local Government assets and measures to enhance the income-generating asset base of Local Governments.

The benefits of establishing arms-length entities to undertake these activities include:

- the ability to employ professional directors/trustees and management with experience specific to the commercial objectives of the entity;
- removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the broad strategy;
- the ability to quarantine the ratepayers from legal liability and financial risk arising from commercial or investment activities; and
- greater flexibility to enter into joint venture and partnering relationships with the private sector on conventional commercial terms.

SECRETARIAT COMMENT

The Association has been advocating for Council Controlled Organisations since the Systemic Sustainability Study (SSS) in 2008 (referred to as 'Local Government Enterprises'). As part of the SSS, the report "Achieving Best Practice in Urban Regeneration: A Review of Statutory Constraints to Local Government Guided Outcomes" was adopted.

This was followed by the discussion paper "Local Government Enterprises as a Means of Improving Local Government Efficiency" which was adopted by the WALGA State Council in October 2010 with the following resolution;

That;

- 1. WALGA endorse the ability for Local Governments to establish Local Government Enterprises through the creation of arms-length corporate subsidiaries.**
- 2. The comprehensive approach as identified in the discussion paper be the preferred approach.**
- 3. WALGA advocate to the Minister for Local Government for the Local Government Act to be amended to permit Local Government Enterprises to be established and for the creation of a Working Group comprising of WALGA, LGMA and the Department of Local Government to implement the proposal.**
- 4. WALGA coordinate the following for further input to the advocacy and implementation process;**
 - a. Development of guidelines and best practice resources.**
 - b. Further development of legal, technical and accountability issues associated with the Local Government Act amendment proposals in line with Sector feedback.**
 - c. Development of educational and informational support.**

Local Government Enterprises was based on the New Zealand model and termed "Council Controlled Organisation". In 2011, as there had been some misinterpretation of the proposal, WALGA re-wrote the proposal to align more closely with the New Zealand model and to incorporate the same name being "Council Controlled Organisation"

WALGA had been advocating this proposal to the former Minister for Local Government the Hon John Castrilli and recently raised the proposal with the new Minister for Local Government, the Hon Tony Simpson. The discussion paper that includes proposed legislative amendments is being updated to provide more current examples of the type of proposal that would utilise a Council Controlled Organisation model and also highlight examples where the current Act has restricted certain Council activity.

5.7 Effects of Structural Reform On WALGA (05-034-01-0015 TB)

Shire of Dardanup

PROPOSED MEMBER MOTION

“Possible WALGA Power Base Diminishment

Members of WALGA discuss and consider the implications to the organisation, if as a result of the amalgamation of Local Governments in the Perth metropolitan area, the power base and need for WALGA as the voice for Local Government for the proposed new larger mega sized Councils is diminished and largely not required by those Local Governments.”

REVISED MEMBER MOTION – Shire of Dardanup

That State Council advise the membership of WALGA if and how State Council has considered the possible impacts on the organisation as a result of the amalgamation of Local Governments on the ability of WALGA to maintain the purchasing, lobbying power and what are currently well resourced services supplied at better than competitive rates to the membership if new larger Local Governments prefer to manage their affairs in-house separate from WALGA.

Moved: Cr M Bennett (Dardanup)
Seconded: Cr P Robinson (Dardanup)

CARRIED

MEMBER COMMENT

This recommendation is designed to have the membership discuss whether the new larger Local Governments will have increased capacity to influence state and federal government policy making due to the larger populations that they will represent. The implication being that these new Councils won't have a need for the collective voice of WALGA as they may be in a more powerful position independent of WALGA and each other.

As a member of the organisation located outside the metropolitan area it is a concern that loss of a large number of metropolitan members to the organisation would lessen the ability of WALGA to influence government policy.

The Shire of Dardanup encouraged the State President and State Council to share with the members whether they have considered the implications as outlined; and if they have, what conclusion have they come to and what is the basis of that conclusion?

The question of financial viability is also a concern if larger metropolitan Local Governments form the view that their new found power makes WALGA obsolete and they consider withdrawing their membership.

SECRETARIAT COMMENT

The State Government is currently considering the Metropolitan Local Government Review Panel's final report on metropolitan reform. The State Government's pre-election commitment was for no forced amalgamations in country areas and also that it believed that the State Government could work with metropolitan Councils on reform and that forced reform would not be required.

Based on this, it is likely that the number of Local Governments in WA would not reduce to less than 122. The impact of reducing Local Governments to this number will not have a significant effect on WALGA's representative or service delivery functions. Notwithstanding this, the Association is continuously monitoring the effect of any changes to the sector on WALGA's operating environment.

WALGA believes that a structure has been created that provides great value for Local Governments in terms of policy advice and representation together with significant savings through the use of WALGA's Business Solutions products and services. Strategic and contingency planning assures that the quality and value of WALGA to its members will not be impacted by the current structural reform proposals. Also it is worth noting that despite the potential changes in the metropolitan area, there will be no change to the composition of the WALGA State Council.

The current composition comprises of 12 country and 12 metropolitan representatives, ensuring balance between the metropolitan and rural constituencies on State Council. It's a formula that has worked successfully since the inception of WALGA. It has worked well in representing the broad issues of the Local Government Sector over the past 12 years and there will be no change to this successful formula regardless of the outcomes in metro reform.

5.8 Eradication of Cotton Bush (05-046-03-0010 MB)

Shire of Dardanup

RESOLUTION

Moved: Cr P Robinson (Dardanup)
Seconded: Cr S Dilley (Donnybrook-Balingup)

That WALGA:

- 1. Raises with the Minister for Agriculture and all local Members of Parliament Local Government urgent concerns in relation to the infestation of Cotton Bush in the south west and the lack of attention to this and other weed and pest control by DAFWA.**
- 2. Seeks a commitment from the State Government to adequately resource DAFWA to enable it to address weed and pest control in the state.**
- 3. Advises the State Government of the ongoing concerns with the lack of management of pest and weed control of other government agencies on their controlled lands.**

CARRIED

MEMBER COMMENT

The Shire of Dardanup raised this matter at the South West Zone meeting and with the Zones support the matter is now presented to the Annual General Meeting for support.

The Dardanup Shire wishes to bring to your attention the matter of Cotton Bush and the impact it is having on the rural areas in the Shire.

Cotton Bush is a declared weed, which has rapidly spread in recent years and is now posing a significant threat to rural and agricultural properties. A reduction in Department of Agriculture and Food (DAFWA) resources in the region combined with recent weather conditions has seen the prolific spread of the weed.

The Shire is under increasing pressure from the community to address the issue, but do not have the resources or the power to take action. Cotton Bush is classified under the Biosecurity and Agricultural Management (BAM) Act, which gives powers to the DAFWA to take action on landowners that allow the invasive weed to propagate on their property.

However, the level of resources allocated to the problem by the DAFWA is significantly below that needed to halt and control the spread of the weed.

We are therefore seeking the support of WALGA in this matter and request that WALGA petition the DAFWA to:

- Actively address the spread of Cotton Bush and to develop a program to halt its spread; or

- Requests that the DAFWA change the status of Cotton Bush to be declassified, which would allow Local Government to legislate for it, whilst providing Local Governments with the necessary financial and scientific support in order for it to be able to effectively do so.
- WALGA are requested to take immediate action on this matter on behalf of the South West member shires as this is becoming an increasingly alarming problem.

SECRETARIAT COMMENT

The President and senior Association staff raised the issue with the Minister for Agriculture at a meeting on Wednesday 12th June 2013. The Minister was both aware of, and is sympathetic to the concerns and agreed to the issues being presented to and discussed with the State Government interagency Biosecurity Senior Officers Group at the earliest opportunity.

The Association raised the concern in relation to funding for DAFWA to carry out its statutory functions, and this was acknowledged in the context of the overall state budget situation. The Biosecurity and Agricultural Management Act (2007) does require the State Government to co-fund 50% of an approved plan developed by a Recognised Biosecurity Group.

The Association cautions against calls for the immediate delisting of Cotton Bush as a declared species, as under the Act, any Recognised Biosecurity Group will receive 50% funding from the State Government. There is a concern that by requesting a delisting of Cotton Bush, a greater liability may befall the sector, as in effect it would be seeking a complete cost shift in Cotton Bush management to Local Government. With the regulations required to enable the Act finally coming into effect as of 1st May 2013, it is recommended that affected Shires await the outcome of the Association meeting with the Biosecurity Senior Officers Group before taking further action.

5.9 Political Advertising (06-024-01-0001 JMc)

City of Mandurah

RESOLUTION

Moved: Mayor P Creevey (Mandurah)
Seconded: Cr G Brown (Mandurah)

That WALGA prepares a position paper to lobby the relevant State Government ministers to ensure that all Local Governments have certainty with respect to their local laws and local planning requirements in relation to political signage and the protection of the amenity of local areas, without unduly restricting the principle of freedom of political expression.

CARRIED

MEMBER COMMENT

There appears to be a level of uncertainty with respect to political signage and when Local Government local laws and planning requirements have effect. Local Governments have a responsibility to ensure that there is adequate protection of local amenity. Our local laws and planning scheme do this. Local Governments also understand the value and importance of political expression and the role that this plays in a democracy. What is required is a uniform approach across Western Australia to the issue of local amenity and political expression in relation to political signage.

SECRETARIAT COMMENT

The Australian Constitution contains within it an implied freedom of political communication; this implied freedom was essentially conceptual in nature until it was first judicially considered in the 1992 Australian Capital Television Pty Ltd v. Commonwealth Case.

This case concerned the constitutional validity of Part IIID of the Broadcasting Act 1942, which regulated political advertising during election campaigns, and required broadcasters to broadcast political advertisements free of charge at other times. The High Court found the laws to be invalid, since they contravened an implied right to freedom of political communication in the Australian Constitution.

The implied freedom of political communication is therefore a constitutional freedom. Consequently, the implied freedom of political communication is neither a State matter nor one that the State is able to influence or change.

Notwithstanding, it would be a misconception to construe from the aforementioned judgement that the implied freedom of political communication contained within the Australian Constitution is unfettered.

The High Court in *Lange v Australian Broadcasting Corporation* (1997) said that laws which affect communication on political matters can still be valid if the law is reasonably appropriate and adapted to serve a legitimate end, the fulfilment of which is compatible with the maintenance of the constitutionally prescribed system of representative and responsible Government.

This allows Local Government the ability to deal with political advertising on private property on the basis of form rather than content. For example, a Local Government may deal with a sign on private property under its Local Planning Scheme based on issues of amenity and safety.

The most recent example of the application of the implied right of political communications was the recent City of Armadale case, brought by the Liberal Party of Australia (WA Division) as the Plaintiff in relation to certain restrictions on election signage under the City's Local Planning Policy. The Court found in favour of the Plaintiff.

Under the City's Local Planning Policy for signage it specifically mentions that certain types of signage are not permitted, and includes a category of 'election sign', as follows:

"A sign erected to encourage persons to vote for a candidate, political party or issue which may be for a forthcoming election of the Parliament of the Commonwealth or State or Local Government or a referendum unless erected within the grounds of a polling place on the voting day and removed within 24 hours of the close of polls on the voting day."

In his judgement, Justice Martin explained that "there may, in proper circumstances based say, on health or safety considerations, a legitimate justification for some degree of constraint against temporary electoral signage" (Paragraph 20 page 6). However, it was not considered legitimate for 'amenity' provisions of the Local Planning Scheme to be used exclusively in the control of the temporary signage, as "amenity must give way to the democratic process" in the lead up to the election.

The underlying premise of the Court's decision is that the City's planning provisions offend the implied freedom of political communication in the Australian Constitution. A number of preceding High Court and State Jurisdiction Court decisions regarding the freedom of political communication informed Justice Martin's decision.

Local Governments need to be aware that limits exist in relation to local signage control and compliance regimes by the implied freedom of political communication in the Australian Constitution, and to be cautious when formulating or acting upon restrictions on political communication during election periods. It may be prudent to review and assess current practices relating to election signage to minimise the prospect of similar action.

WALGA is currently formulating a political signage guideline for Local Governments that meets legal and public amenity issues.

5.10 Rate Exemption (05-034-01-0007 JMc)

Shire of Dardanup

RESOLUTION

Moved: Cr M Bennett (Dardanup)

Seconded: Cr G Robinson (Dardanup)

Rate Exemptions Charitable Bodies

That the Western Australian Local Government Association continues to lobby the State and Federal governments for:-

- 1. The rate exemption status for Not for Profit organisations to be removed; and**
- 2. If the rate exemption status is not removed that all Local Governments be compensated for loss of revenue associated with the area of land used for independent living units on estates operated by registered charities and religious bodies, and that the compensation be an annual direct payment to the Local Governments on the production of an invoice to the State Revenue Department and Federal Treasury.”**

CARRIED

MEMBER COMMENT

This matter was last raised at the 2008 and the 2011 state convention and has been an issued raised during the debate on the structural reform of Local Government.

Members are aware, property owners that are registered as a charity by the Australian Taxation Office are eligible to claim a rate exemption for their property under section 6.26 (2) (g) of the Local Government Act 1995.

The Shire of Dardanup has two properties that qualify for this exemption, as a result of an appeal against paying rates to the State Administrative Tribunal (SAT), the SAT upheld the appeal based on precedents set by the Uniting Church versus the City of Stirling, subsequently Council had to comply with the ruling.

During 2006, 2007, 2008, 2010 and 2011 this Council was a party to a lobbying effort by the WALGA to the Minister for Local Government to amend the Local Government Act to empower Local Governments to rate only the Independent Living Units (ILUs) within estates owned and operated by groups registered as charities.

Residents (owners/life time leaseholders) of ILUs continue to enjoy the quality of life as a land owner owning and living in a residential area of the Shire, that is, they continue to be mobile, use the Local Government facilities such as footpaths, roads, libraries, parks and reserves, enjoy life as much as they did prior to entering their ILU. It is a widely held view that these residents are taking an unfair advantage of the law by not making a contribution to the provision of services by Local Government

when they continue to enjoy the benefits of the services. (Readers should not misconstrue the officers or the elected members views toward helping the aged, widows, widowers, the injured and the disabled, the Shire of Dardanup has a powerful testimony of making provision for all of the members of the community in the way of services and facilities by improving buildings, disability access and other services, including mobile library visits to homes and to the aged care facility and more recently expending over \$60,000 on construction of guard rails on local roads to protect the residents of aged care facilities. Council has a strongly held view and sound record for helping the disadvantaged, this report and the objective is about equity and fairness).

Council is on the record as not opposing the rate exemption status for the value of the property that is the Aged Person Hostel.

Previous Ministers holding the Local Government portfolio have rejected the lobbying effort by this Shire, WALGA and others, stating that the Local Government Act did not preclude Local Governments from negotiating a contribution toward rates from the charities. What the Ministers have not acknowledged is that negotiation requires cooperation from both parties, it is a voluntary process.

The Shire of Dardanup has foregone an estimated revenue total of \$351,960 between 2010 and 2012. The loss of revenue represents opportunity lost for the community to benefit from new services and investment in facilities, or at minimum a reduction in the rates raised.

Council continues to provide the following as direct benefit to the residents of the aged facilities:

- Visiting library service.
- Keep fit programs and social interaction at the Eaton Recreation Centre.
- Construction of bus stop and dual use path on Eaton Drive.
- Construction of dual use path on Edith Cowan Avenue.
- Reconstruction of dual use path access at the intersection of Glen Huon Boulevard and Eaton Drive.
- Construction of dual use path on Eaton Drive from the village to the Shopping Centre on the South Side of Eaton Drive.
- Intersection improvements to alleviate the fear of vehicles crashing into the boundary fence and adjacent residence.
- Installation of two guardrails to protect brick walls and residence at aged care facilities.

(Note: This list does not include general services enjoyed by the community at large.)

The Shire of Dardanup seeks member support to have WALGA lobby the State and Federal government through the Minister for Local Government and the Treasurer, for the rate exemption status on independent living units to be removed or for Local Government to be compensated for the loss in revenue that is forgone when a body registered as a charity or religious body owns land and claims the rate exemption under Section 6.26 (2) (d) (e) and (g) of the Local Government Act 1995 as Amended.

Council believes that the presentation of this item for debate at the State Convention is relevant and timely as it has been in previous years given the ongoing focus on Local Government sustainability

and the obvious trend and need for more aged accommodation for our aging population and because we have a new Minister for Local Government.

The government, State and Federal, run the risk of creating a situation where Local Governments may not approve re-zonings of their Town Planning Schemes to allow for development of aged persons accommodation. This will lead to a shortfall in facilities that would have to be considered by government to be a potential catastrophe, notwithstanding that the government has the power to take away Local Governments planning powers if they are not happy with decisions made.

Both tiers of government ought to be lobbied as the Federal Government is responsible for accommodation for the aged and provide funding for them and the Australian Taxation laws, and the State Government is responsible for the Local Government Act.

It is important to note that such charitable bodies are not exempt from the State Government imposed Emergency Service Levy that is raised on behalf of the State by Local Governments.

This was highlighted in the inquiry by the Local Government Advisory Board into the operation of the provisions of the Local Government Act relating to rating of land used for charitable purposes in November 2005.

The matter of rate exemptions for charitable bodies goes directly to the question of financial sustainability. The state and federal government are aware of the impacts of cost shifting on Local Government yet choose to do nothing to increase Local Governments share of revenue, the states themselves cry foul and seek compensation when the federal government considers making a decision to reduce goods and services tax revenue to the states. This is nothing short of double standards and an issue that the Shire of Dardanup believes the Association can use to demonstrate the impacts that government decisions have on Local Government revenue.

Local Government cannot accept the do nothing option, the two options are:-

1. Amend the Local Government Act to enable the rating of Independent Living Units that are located within not for profit aged accommodation estates; or
2. That State and Federal Government compensate Local Governments for the loss of revenue that would otherwise be raised if the independent living units were rated.

SECRETARIAT COMMENT

The Association's current advocacy position is:

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;
2. Either
 - a) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations;or
 - b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.

3. Provide support by approaching the Minister for Planning and the State Treasurer, seeking an amendment to the WALA Act so that LandCorp is required to pay property rates to Local Government or alternatively, provide for a compensatory scheme.

It is the long-held view of the Association that the rate exemption provision under Section 6.26(2)(g) of the Local Government Act 1995, which has been the subject of much correspondence with the State Government, is in urgent need of review. WALGA is concerned that the purpose for which Section 6.26(2)(g) was intended by State Parliament when making the Local Government Act 1995 is now exceeded beyond its intended scope and is subject to ever-broadening interpretation, particularly through decisions of the State Administrative Tribunal.

It is the view of WALGA State Council that State Parliament should urgently assess the scope and purpose of rate exemptions for land used exclusively for charitable purposes as they are currently applied, and enact appropriate legislative amendments to ensure alignment with Parliament's intended principles. This view was most recently expressed in correspondence to the Premier in June 2013.

5.11 Weed Management and Administration of the Biodiversity and Agriculture Management Act 2007 (05-046-03-0011 MB)

Shire of Murray

RESOLUTION

Moved: President Cr Wally Barrett (Murray)
Seconded: Cr M Bessant (Murray)

That WALGA lobby the Minister for Agriculture and Director General of the Department of Agriculture and Food to ensure that the Department accepts its responsibility for the management of invasive species classified under the Biosecurity and Agriculture Management Act 2007. This should be through either direct action or funding to establish and maintain Recognised Biosecurity Groups to directly manage this increasingly important issue.

CARRIED

MEMBER COMMENT

- **Invasive weeds and animals are becoming a serious management issue.**

Invasive weeds are among the most serious threats to Western Australia's natural environment and primary production industries. Weeds have major economic, environmental and social impacts in Australia, causing damage to natural landscapes, agricultural lands, waterways and coastal areas.

In recent years following two wet summers this issue has become much more pressing with huge uncontrolled outbreaks of Narrow-Leaf Cotton Bush (*Gomphocarpus fruticosus*) the length of the Darling Scarp.

- **DAFWA not currently equipped to manage this**

It is the responsibility of the Department of Agriculture and Food (DAFWA) to control declared weeds under the Biosecurity in Agriculture Management (BAM) Act and this precludes Local Government preparing its own local laws to control such weeds. DAFWA however do not appear to be sufficiently resourced to deal with the spread of weeds and this lack of action is threatening our natural areas.

On Friday the 17th May, Shire of Murray officers attended a meeting with representatives from twelve other Local Governments throughout the South-West and Peel regions, the Southwest Catchments Council (SWCC) and members of the DAFWA including the Director of the Invasive Species Programme, Mr Viv Read. Mr Read stated that it is the DAFWA intention not to declassify Cotton Bush until all avenues had been used within the remit of the BAM Act as it considers the BAM Act to be a more powerful piece of legislation than a Local Government local law and that its preferred method for future management of biosecurity and implementation of the BAM Act is therefore through a Recognised Biosecurity Group (RBG) established under this Act.

- **RBG set up needs to be state led/funded.**

The establishment of any potential RBG will incur significant resources. The funding model recommended by the DAFWA was a regional levy matched by the state treasury. This will require extensive initial investment and public consultation. The Shire of Murray is of the opinion that if this is the preferred method of management of invasive weeds then this should be led and funded by DAFWA and not on already stretched Local Governments, this is especially significant given the cross regional nature of invasive species.

SECRETARIAT COMMENT

The President and senior Association staff raised the issue with the Minister for Agriculture at a meeting on Wednesday 12th June 2013. The Minister was both aware of, and is sympathetic to the concerns and agreed to the issues being presented to and discussed with the State Government interagency Biosecurity Senior Officers Group at the earliest opportunity.

The Association raised the concern in relation to funding for DAFWA to carry out its statutory functions, and this was acknowledged in the context of the overall state budget situation. The Biosecurity and Agricultural Management Act (2007) does require the State Government to co-fund 50% of an approved plan developed by a Recognised Biosecurity Group.

The Association cautions against calls for the immediate delisting of Cotton Bush as a declared species, as under the Act, any Recognised Biosecurity Group will receive 50% funding from the State Government. There is a concern that by requesting a delisting of Cotton Bush, a greater liability may befall the sector, as in effect it would be seeking a complete cost shift in Cotton Bush management to Local Government. With the regulations required to enable the Act finally coming into effect as of 1st May 2013, it is recommended that affected Shires await the outcome of the Association meeting with the Biosecurity Senior Officers Group before taking further action.

5.12 Presidential Public Comments (01-002-01-0001 TB)

Town of Claremont

MOTION

Moved: Cr B Haynes (Claremont)
Seconded: Mayor J Barker (Claremont)

- 1 The President of WALGA is censured for his public comments as President of WALGA about Local Government reform which purport to represent the WALGA position although he knows (or should know) that they do not reflect the adopted position of WALGA, and in particular where such comments are, or can be reasonably be interpreted to be) a disrespectful attack on some members of the association.**
- 2 State Council is reminded that it should act and be seen to act in the interests of its members and not the perceived interests of a majority of a sub-set of members.**
- 3 No association funds are to be expended on advertorials of any other form of publicity that does not accurately and clearly represent the adopted position of WALGA.**

LOST

MEMBER COMMENT

1. The President confuses his personal preferences and his position as Mayor of the City of Joondalup and his role and responsibility as president of a membership based organisation, WALGA.
2. His responsibility it is to accurately and consistently represent the adopted positions of WALGA and show proper respect for all members of the Association.
3. The President and State Council appear to have interpreted the WALGA submission to the Metropolitan Local Government Review Panel (framed within the terms of reference of the inquiry) as WALGA policy on Local Government amalgamation. There has been no Association position developed which takes the unequivocal position of supporting abolition of smaller Local Governments though a pro amalgamation policy.
4. The President, in advertorials and other press comment, has denigrated small councils in an attempt to justify State Government imposed change on metropolitan Local Government. He has used the advertorial paid for by members to advocate positions not adopted by WALGA and which are adversarial to some members.
5. State Council has not considered motions from Zones that questioned or challenged the position adopted re metropolitan Local Government amalgamation or abolition.
6. State Council has adopted a position accepted by the majority of a sub-set of members, viz. larger metropolitan Councils, against the interests of the majority of members (Councils over 50,000 population 13, 20,000 – 50,000 population 18, under 20,000 population 107) and to the identified detriment and opposition of some smaller metropolitan Councils.

SECRETARIAT COMMENT

State Council Process

The process that State Council utilises to determine sector policy positions is as follows;

- State Council Agenda Item prepared with recommendations on ‘Items for Decision’
- Consideration at the 17 WALGA Zones, where the Zones can put forward their position i.e. support, amendment or opposition.
- Following the Zone meetings, State Council is presented with a Consolidated Recommendations paper which includes the WALGA Officer recommendation and the position of every Zone.
- The WALGA secretariat reviews the Zone positions with the aim of including these in the recommendation, if it is a majority view or an amendment that adds to the recommendation and is consistent with the position.
- The Consolidated recommendation is then presented to State Council together with all Zone recommendations and any State Councillor can move a recommendation or any amendment.

The State Council process is very transparent and accountable.

Metropolitan Reform Position

WALGA’s submission on metropolitan reform was developed utilising a Policy Forum and the above State Council/Zone decision making process. A position was developed on the 30 recommendations and the sector position adopted on the structure for the metropolitan area is as follows;

“WALGA supports a Governance Model for the Perth metropolitan region consisting of approximately 15-20 Local Governments, and will work towards achieving this objective, based on sustainability principles, with reference to Directions 2031, using existing Local Government boundaries as a starting point”.

State Council at its May 2013 meeting resolved the following in regard to the issue of advocacy in respect to Local Government Reform;

“State Council reinforces and endorses the sectors position on reform as presented by the President and WALGA staff – Carried Unanimously”

Advertorial

WALGA has utilised advertorial space in the West Australian for a number of years. The President is empowered to make public comments that reflect the Association’s Policy.

Over the previous 12 months the following topics have been reported on;

Tuesday, 21 August

Community Planning: We Need to Talk

Emphasised the need for all stakeholders involved in planning and development to adopt a more collaborative approach.

Tuesday, 18 September

Who Cares for Your Community Election Campaign

Outlined the sector’s upcoming State Election campaign

Tuesday, October 16

Tragedy Shines Light on local CCTV Failings

Challenged the State Government and WA Police for action on closed circuit television systems

Tuesday, 13 November

Community Could Clean Up with Cash 4 Containers

Highlighted the sector's campaign for container deposit legislation

Tuesday, December 11

Risk Reform Will Be In One Year And Out The Other

Outlined the risk in the Local Government reform process losing inertia with the delay to the State Government declaring its position on the Robson Review.

Tuesday, February 26

Councils Reform Now About Making it Work

Provided commentary on the reform process and the sector's response.

Tuesday, April 9

New Opportunities for Councils with New Minister

Highlighted the potential for the sector to re-engage the State Government on metropolitan reform given the election result and change in Local Government Minister.

Tuesday, May 14

Imagine Going Eight Years with No Pay Adjustment

Support for SAT review of determining Elected Member fees and allowances

Attachment 3: Action Taken on Resolutions of the 2013 Annual General Meeting

Action Taken on Resolutions of the 7 August 2013 Annual General Meeting

<p>5.1B <u>MATTER OF SPECIAL URGENT BUSINESS: Local Government Metropolitan Reform</u></p> <p>That WALGA condemns the removal of the “poll provisions” from Schedule 2.1 of the Local Government Act 1995 and the forced amalgamations of Local Government Councils.</p>	<p>The Associations position is to support the retention of the poll provisions.</p>
<p>5.1 <u>Association Constitution – Impacts of Amalgamations (01-001-01-0001TB)</u></p> <p>2. That the Constitution be amended as follows:</p> <p>a. In clause 2: Insert a new definition of Commissioner –</p> <p>“Commissioner means a Commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the <i>Local Government Act 1995</i>.”</p> <p>b. In clause 2 amend the definition of Councillor by inserting after the words “elected by electors” – “and includes a Commissioner appointed under section 2.6(4) or section 2.36A(3) of the <i>Local Government Act 1995</i>.”</p> <p>c. Amend the definition of Member by inserting after the words “sub-clause 14(2)” – “; or</p> <ul style="list-style-type: none"> • A new Council created 	<p>The Associations Constitution has been amended as per this resolution.</p>

Action Taken on Resolutions of the 7 August 2013 Annual General Meeting

<p>pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”</p> <p>d. Amend the definition of Ordinary Member by inserting after “provisions of this Constitution” - “and includes a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.”</p> <p>e. In clause 5 insert a new clause (3) as follows – “Ordinary Membership shall be immediately conferred upon any new Council created by the merger of existing Councils that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Councils of that new Council have been paid.” All subsequent subclauses are renumbered.</p> <p>f. In clause 14 paragraph (4a)(b) delete the words “who elected or appointed the person as its delegate.”</p> <p>g. Clause 20(b) delete the words “who elected or appointed the person as its delegate.”</p>	
<p>5.2 <u>Proposed Amendments to the Western Australian Local Government Association Constitution – State Council Commencement Date (01-001-01-</u></p>	<p>The Associations Constitution has been amended as per this resolution.</p>

Action Taken on Resolutions of the 7 August 2013 Annual General Meeting

<p><u>0001TB)</u></p> <p>1. That the Constitution be amended as follows:</p> <p>In clause 9, amend the commencement and conclusion</p> <p>date for State Councillors' term of office by amending sub-clause (3) to read:</p> <p>“Representatives and deputy representatives to the State Council shall be elected by Zones of the metropolitan and country constituencies from amongst the delegates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.”</p> <p>2. That a motion be submitted to the 2013 Annual General Meeting seeking to amend the Constitution as per State Council's resolution.</p> <p>3. If this proposed amendment is successful at the August 2013 Annual General Meeting, the current term of State Council be reduced to end on 3 December 2013.</p>	
<p>5.3 <u>Election of Shire President or Mayor (05-034-01-0001 TB)</u></p> <p>“Election of Shire Presidents or Mayors</p> <p>That the Western Australian Local Government Association lobby the State Government not to amend the</p>	<p>This motion is in accordance with existing Association policy.</p> <p>The State Government in their response to the Metropolitan Local Government Review Panel's Final Report rejected the recommendation for all Mayors and Presidents to be elected by the community.</p>

Action Taken on Resolutions of the 7 August 2013 Annual General Meeting

Local Government Act 1995 with regard to election of Shire Presidents or Mayors"	
<p>5.4 <u>Proposed Local Government Act Amendment – Exemption from Liability (05-034-01-0001 MB/JMc)</u></p> <p>That WALGA prepare a position paper to support the lobbying of the Minister of Local Government to amend the Local Government Act (1995) to allow Local Governments an exemption from liability on flood liable land, land subject to bushfire and land in coastal zones where that Council has acted in good faith in relation to its decision on the land in question.</p>	<p>The Association has been working towards this AGM resolution. Actions completed to date are:</p> <ol style="list-style-type: none"> 1. Lobbying the Minister for Planning and Department of Planning. <p>The Association met with the Minister for Planning and the Director General of the Department of Planning. Within this meeting the Association raised the uncertainties regarding the impact of climate change and implications to Local Government's coastal land use planning decisions.</p> <p>The Minister agreed to work with the Association to look at these issues in detail. The Association is currently developing a strategy to progress this partnership with the Department.</p> <ol style="list-style-type: none"> 2. Development of an Internal Working Group/ Internal Discussion Paper <p>The complexity of legal liability became apparent throughout the Association's work to respond to this AGM resolution. To ensure all aspects of the issue were considered, the Association developed an internal working group.</p> <p>An internal discussion paper reviewing Local Government's legal liability, specifically in relation to coastal areas, has been drafted. This paper examined previous legal advice provided to Local Government; historically relevant court cases; and evaluated the option of amending the <i>Local Government Act (1995)</i>, against other proposed recommendations.</p> <p>To access the legal advice that has been previously provided to the Association and the sector, please visit http://www.walgaclimatechange.com.au/announcements/climate-change-and-planning-policy-guideline</p> <ol style="list-style-type: none"> 3. Development of an External Discussion Paper

Action Taken on Resolutions of the 7 August 2013 Annual General Meeting

	<p>The Association will release an external discussion paper for sector comment later this calendar year.</p> <p>This discussion paper will outline legal advice previously received and highlight any gaps in knowledge. It will investigate the viability of amending legislation. It will also highlight the practical steps individual Local Government can take to limit the implications of climate change in land-use planning and decision making.</p>
<p>5.5 <u>Impacts of Climate Change (05-028-03-0015 MB)</u></p> <p>That WALGA seek a more committed and coordinated approach through the Western Australian State Government, Western Australian Local Government Association and Western Australian Local Governments in addressing the impacts of Climate Change on coastal infrastructure management, development control, land use planning and other potentially affected functions and activities.</p>	<p>The Association continues its efforts in building a committed approach to climate change by the State Government. The Associations Climate Change Coordinator was seconded to the Department of Environment Regulation Office of Climate Change on a short term contract to better engage with the Department and build their capacity in relation to the issues being faced by the sector. The Association is also working with Horizon Power on implementing LED street lighting in the Pilbara (via a Commonwealth Grant through the Community Energy Efficiency Program).</p> <p>The Association will release an external discussion paper for comment later this calendar year.</p> <p>This discussion paper will outline legal advice previously received and highlight any gaps in knowledge in relation to the impacts of Climate Change on coastal infrastructure management, development control, land use planning and other potentially affected functions and activities. It will investigate the viability of amending legislation, and highlight the practical steps individual Local Government can take to limit the implications of climate change in land-use planning and decision making.</p>
<p>5.6 <u>Proposed Local Government Amendment – Council Controlled Organisations (05-034-01-0015 TB)</u></p>	<p>The Association continues to advocate for the Local Government Act 1995 to be amended to allow Local Governments to establish Council Controlled Organisations.</p>

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<p>That the proposed amendments to the Local Government Act 1995 in relation to Council Controlled Organisations prepared by WALGA in October 2011 be endorsed and resubmitted to the State for consideration.</p>	
<p>5.7 <u>Effects of Structural Reform On WALGA (05-034-01-0015 TB)</u></p> <p>That State Council advise the membership of WALGA if and how State Council has considered the possible impacts on the organisation as a result of the amalgamation of Local Governments on the ability of WALGA to maintain the purchasing, lobbying power and what are currently well resourced services supplied at better than competitive rates to the membership if new larger Local Governments prefer to manage their affairs in-house separate from WALGA.</p>	<p>The Local Government Advisory Board is currently considering the proposals for the governance structure in respect to metropolitan Local Governments.</p> <p>It is likely that the number of Local Governments in WA would not reduce to less than 122. The impact of reducing Local Governments to this number will not have a significant effect on WALGA's representative or service delivery functions. Notwithstanding this, the Association is continuously monitoring the effect of any changes to the sector on WALGA's operating environment.</p> <p>WALGA believes that a structure has been created that provides great value for Local Governments in terms of policy advice and representation together with significant savings through the use of WALGA's Business Solutions products and services. Strategic and contingency planning assures that the quality and value of WALGA to its members will not be impacted by the current structural reform proposals.</p> <p>It is worth noting that despite the potential changes in the metropolitan area, there will be no change to the composition of the WALGA State Council.</p> <p>The current composition comprises of 12 country and 12 metropolitan representatives, ensuring balance between the metropolitan and rural constituencies on State Council. It's a formula that has worked successfully since the inception of WALGA. It has worked well in representing the broad issues of the Local Government Sector over the past 13 years and there will be no change to this successful formula regardless of the outcomes in metro reform.</p>

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	<p>The WALGA State Council is about to commence a review of its Strategic Plan and the issues raised in this motion are key issues that the Association will consider in this process and will continue to monitor and make sure the organisation can adapt to the changing circumstances.</p>
<p>5.8 <u>Eradication of Cotton Bush (05-046-03-0010 MB)</u></p> <p>That WALGA:</p> <ol style="list-style-type: none"> 1. Raises with the Minister for Agriculture and all local Members of Parliament Local Government urgent concerns in relation to the infestation of Cotton Bush in the south west and the lack of attention to this and other weed and pest control by DAFWA. 2. Seeks a commitment from the State Government to adequately resource DAFWA to enable it to address weed and pest control in the state. 3. Advises the State Government of the ongoing concerns with the lack of management of pest and weed control of other government agencies on their controlled lands. 	<p>The Association has raised the issues with the Minister at its meeting of 20 Mayth 2014, raising the issue of ensuring adequate resources for the DAFWA to undertake meaningful compliance and prosecution activities as permitted under the Act, and the requirement for DPAW and government trading enterprises (e.g. Water Corporation, Western Power) to meet their land management obligations.</p> <p>The Minister has agreed to consider the appointment of a Local Government elected member to the Biosecurity Council, to assist in the Council providing its independent advice to the Minister. This process will be run through the Association Selection Committee process.</p> <p>The Association has raised the concerns of the Shire with the Department of Parks and Wildlife and the Water Corporation, and will raise it with Western Power at the next opportunity. The Association now awaits the Government response to the Office of the Auditor General inquiry "<i>Managing the Impact of Plant and Animal Pests: A State-wide Challenge</i>" which highlighted a number of the concerns articulated by the Motion. The government response will assist in determining the next steps for improved biosecurity governance, and the Associations advocacy on the issue.</p>
<p>5.9 <u>Political Advertising (06-024-01-0001 JMc)</u></p> <p>That WALGA prepares a position paper to lobby the relevant State Government ministers to ensure that</p>	<p>WALGA is in the final stages of developing a Political Signage Guideline that informs Local Government on the implied Constitutional freedom of political communication and guidance on dealing with issues arising during Federal and State elections.</p>

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<p>all Local Governments have certainty with respect to their local laws and local planning requirements in relation to political signage and the protection of the amenity of local areas, without unduly restricting the principle of freedom of political expression.</p>	
<p>5.10 <u>Rate Exemption (05-034-01-0007 JMc)</u></p> <p><u>Rate Exemptions Charitable Bodies</u></p> <p>That the Western Australian Local Government Association continues to lobby the State and Federal governments for:-</p> <ol style="list-style-type: none"> 1. The rate exemption status for Not for Profit organisations to be removed; and 2. If the rate exemption status is not removed that all Local Governments be compensated for loss of revenue associated with the area of land used for independent living units on estates operated by registered charities and religious bodies, and that the compensation be an annual direct payment to the Local Governments on the production of an invoice to the State Revenue Department and Federal Treasury." 	<p>WALGA's current policy and advocacy position is:</p> <ol style="list-style-type: none"> 1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997; 2. Either <ol style="list-style-type: none"> c) amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or d) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates. <p>Provide support by approaching the Minister for Planning and the State Treasurer, seeking an amendment to the WALA Act so that LandCorp is required to pay property rates to Local Government or alternatively, provide for a compensatory scheme.</p>
<p>5.11 <u>Weed Management and Administration of the Biodiversity and Agriculture Management Act 2007 (05-046-03-0011 MB)</u></p> <p>That WALGA lobby the Minister for Agriculture and Director General of the Department of Agriculture and Food to ensure that the Department</p>	<p>The Association has raised the issues with the Minister at its meeting of 20th May 2014, raising the issue of ensuring adequate resources for the DAFWA to ensure long term contributing funds from the Government towards recognised biosecurity groups as required under the Act.</p> <p>The Association is working with the DAFWA to develop the policy and operating principles under which a Local Government would seek</p>

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accepts its responsibility for the management of invasive species classified under the Biosecurity and Agriculture Management Act 2007. This should be through either direct action or funding to establish and maintain Recognised Biosecurity Groups to directly manage this increasingly important issue.

to undertake compliance activities under delegated authority from the Director General of DAFWA for a specific declared species.

The Association now awaits the Government response to the Office of the Auditor General inquiry "*Managing the Impact of Plant and Animal Pests: A State-wide Challenge*" which highlighted a number of the concerns articulated by the Motion. The government response will assist in determining the next steps for improved biosecurity governance, and the Associations advocacy on the issue.