

South West Country Zone Minutes

21 June 2024

**Hosted by the Shire of Dardanup
1 Council Drive, Eaton**

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PRIORITISATION FRAMEWORK

How to use the Framework:

- If the majority of the factors are towards the left column, the issue is a high priority.
- If the majority of the factors are towards the middle, the issue requires action, but is not a high priority.
- If the majority of the factors are towards the right column, the issue is a low priority.

Impact on Local Government Sector Impact on Local Government sector without intervention	High	Medium	Low
Reach Number of member Local Governments affected	Sector-wide	Significant (multiple regions, Zones, or bands)	Few
Influence Capacity to influence decision makers	High	Medium	Low
Principles Alignment to core principles such as autonomy, funding, general competence	Strong	Partial	Peripheral
Clarity Policy change needed is clear and well-defined	Clear	Partial	Unclear
Decision-maker support Level of support among decision-makers (political and administrative)	High	Medium	Low
Public support Level of support among the public or other stakeholders	High	Medium	Low
Positive consequences for WALGA Prospect of positive consequences for WALGA. E.g. enhanced standing among members or leverage for other issues.	High	Medium	Low
Negative consequences for WALGA Prospect of negative consequences for WALGA for not undertaking the advocacy effort. E.g. diminished standing among members or other stakeholders.	High	Medium	Low
Partnerships Potential for partnerships with other stakeholders	Yes (3+)	Possibly (1-2)	No (0)

ANNOUNCEMENTS

Zone Delegates were requested to provide sufficient written notice, wherever possible, on amendments to recommendations within the State Council or Zone Agenda to the Zone Chair and Secretariat prior to the Zone meeting.

Agenda Papers were emailed 7 days prior to the meeting date.

Confirmation of Attendance An attendance sheet was circulated prior to the commencement of the meeting.

ATTACHMENTS

1. Draft Minutes of previous meeting
2. June 2024 Update – Department of Local Government, Sport and Cultural Industries
3. Zone Status Report
4. President's Report

1 OPENING, ATTENDANCE AND APOLOGIES

1.1 OPENING

The Chair opened the meeting at 9:05am.

1.2 ATTENDANCE

MEMBERS

1 Voting Delegates from each Member Council

Shire of August Margaret River	President Cr Julia Meldrum Mr Nick Logan, Director Sustainable Development and Infrastructure, non-voting delegate
Shire of Boyup Brook	President Cr Richard Walker Mr Leonard Long, Chief Executive Officer, non-voting delegate
Shire of Bridgetown-Greenbushes	President Cr Jenny Mountford Ms Nicole Gibbs, Chief Executive Officer, non-voting delegate
City of Bunbury	Deputy Mayor Cr Tresslyn Smith Ms Karin Starchan, Director Strategy and Organisational Development, non-voting delegate
Shire of Capel	President Cr Doug Kitchen Mr Gordon MacMile, Chief Executive Officer, non-voting delegate
Shire of Collie	President Cr Ian Miffling Mr Matt Young, Acting Chief Executive Officer, non-voting delegate

Shire of Dardanup	President Cr Tyrrell Gardiner Mr André Schönfeldt, Chief Executive Officer, non-voting delegate Cr Annette Webster, non-voting attendee Cr Mark Hutchinson, non-voting attendee
Shire of Donnybrook Balingup	President Cr Vivienne McCarthy Mr Gary Hunt, Chief Executive Officer, non-voting delegate
Shire of Harvey	President Cr Michelle Campbell Mr Mark Newman, A/Chief Executive Officer, non-voting delegate
Shire of Manjimup	President Cr Donnelle Buegge Mr Ben Rose, Chief Executive Officer, non-voting delegate
Shire of Nannup	President Cr Tony Dean (Chair) Mr David Taylor, Chief Executive Officer, non-voting delegate
WALGA Secretariat	President Cr Karen Chappel AM JP, President Mr Chris Hossen, Policy Manager Planning and Building Ms Simone Ruane, Project Lead, Emergency Management Arrangements
South West Development Commission	Ms Mellisa Teede, Chief Executive Officer Mr Ash Clements, Director Regional Development, Infrastructure and Lands Ms Renae Giles, Manager Tourism, Marketing and Communications
RDA South West	Mr Charles Jenkinson, Director Regional Development
Australia's South West	Ms Catrin Allsop, Chief Executive Officer

Guest Speakers

Department of Planning, Lands and Heritage	Mr David Brash, Planning Director, Regional South
Department of Training and Workforce Development	Ms Kathy Hoare, Director, State Workforce Planning Levi Fordham, Principal Consultant and Project Officer Migration and Workforce Mr Randall King, Senior Labour Market Analyst

1.3 APOLOGIES

City of Busselton	Mayor Phill Cronin Mr Tony Nottle, Chief Executive Officer, non-voting delegate
City of Bunbury	Mayor Jaysen De San Miguel Mr Alan Ferris, Chief Executive Officer, non-voting delegate
Shire of Harvey	Ms Annie Riordan, Chief Executive Officer, non-voting delegate
Department of Local Government, Sport and Cultural Industries	Mr Brendan McNally, Regional Manager Peel-South West

2 ACKNOWLEDGEMENT OF COUNTRY

We, the South West Country Zone of WALGA, acknowledge the Nyoongar people, the Traditional Custodians of this land, and pay our respects to their Elders past, present and future.

3 DECLARATIONS OF INTEREST

Nil

4 DEPUTATIONS

4.1 SHIRE OF DARDANUP

President Cr Tyrrell Gardiner and Mr André Schönfeldt Chief Executive Officer

Shire of Dardanup President Cr Tyrrell Gardiner and Chief Executive Officer Mr André Schönfeldt provided an update to the Zone on current priorities and key projects.

Noted

4.2 STRUCTURE PLANS

Mr David Brash from the Department of Planning, Lands and Heritage provided further information to the Zone on the Structure Plans and implications for Local Government. Presentation is **attached** with the minutes.

Noted

4.3 SOUTH WEST DAMA

Ms Kathy Hoare, Mr Levi Fordham and Mr Randall King, from the Department of Training and Workforce Development provided an update on the South West DAMA

Action: WALGA to distribute the Regional Settings Paper to zone when available.

5 AGENCY REPORTS

5.1 AUSTRALIA'S SOUTH WEST

Chief Executive Officer at Australia's South West, Ms Catrin Allsop, provided a brief update to the Zone.

Noted

5.2 SOUTH WEST DEVELOPMENT COMMISSION

Chief Executive Officer of the South West Development Commission, Ms Melissa Teede presented on the upcoming Innovative Industries of the Future (IIF) conference the South West Development Commission will be hosting in November 2024.

Noted

5.3 REGIONAL DEVELOPMENT AUSTRALIA – SOUTH WEST

Mr Charles Jenkinson, Director Regional Development Australia – South West, provided a brief update to the Zone

Noted

6 CONFIRMATION OF MINUTES

The Minutes of the South West Country Zone meeting held on 19 April 2024 have previously been circulated to Member Councils and was provided as an attachment to the agenda.

RESOLUTION

Moved: Cr Richard Walker

Seconded: Cr Julie Meldrum

That the Minutes of the meeting of the South West Country Zone held on 19 April 2024 be amended to note Mayor Cronin as an apology and confirmed as a true and accurate record of the proceedings.

CARRIED

7 BUSINESS ARISING

7.1 STATUS REPORT

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

The Zone Status Report for June 2024 contains WALGA's responses to the resolutions of previous Zone Meetings were provided within the agenda.

Noted

8 ZONE BUSINESS

8.1 DBCA AND FPC BUSHFIRE RESPONSE ARRANGEMENTS

By the Shire of Nannup

BACKGROUND

The State Government's decision to invest \$350 million to expand Western Australia's softwood plantations has resulted in a significant expansion of the areas of pines that planted and planned to be planted by the Forrest Products Commission (FPC) in the Shire of Nannup. While the need for additional pine is acknowledged by the Shire, expansion of the FPC pine estate outside of the areas previously managed by the Department of Biodiversity, Conservation and Attractions (DBCA)

This has led to confusion regarding who will respond to fires within state owned pine plantations that are outside the DBCA estate and increasing concerns within the Shire's Local Bushfire Brigades that the burden of protecting the State's pine plantation estate is increasing being left to unpaid volunteers.

Concerns were raised by attendees of the Shire of Nannup Bushfire Advisory Committee (BFAC) meeting held on the 6 May 2024 that the arrangements between the Forrest Products Commission (FPC) and Department of Biosecurity, Conservation and Attractions (DBCA) for fire response on land purchased or leased by FPC are not clear.

Uncertainty regarding the status of arrangements between the FPC and DBCA for fire response on land purchased or leased by FPC has potential to hinder bushfire control operations and has increased uncertainty regarding the status of bushfire management plans prepared by FPC in support of its plantation development applications.

The uncertainty is primarily in relation to whether DBCA will respond to fires on these lands or leave it to the local bushfire brigades to respond as first responders. This uncertainty also makes it difficult to determine what appliances are available to the FPC to protect these lands from fire.

While advice at an officer level from the FPC suggests that the DBCA is responsible for these lands, this is not supported by DBCA officers. It is essential that this is clarified prior to determination of any plantation development applications and prior to the next summer's bushfire season.

For example, the Plantation Management Plan submitted by the FPC in support of a recent development application for a pine plantation on land purchased by the FPC included the following statement:

FPC has a formalised Memorandum of Understanding (MoU) with Parks and Wildlife to ensure that in the event of wildfire, DPaW (sic DBCA) assists with the protection of FPC plantations located within 3km of DPaW estate. The MoU also ensures that these same plantations are covered by the DPaW wildfire detection system; i.e. aerial spotter flight, manned towers and remote sensing.

However, a statement made by the DBCA representative during a recent Shire of Nannup BFAC meeting suggested that this MOU was only applicable in relation to former DBCA

plantations that had been transferred from DBCA to the FPC and does not extend to new plantations on privately owned land. This statement appears to be consistent with previous advice provided by DBCA in relation to the extent of firefighting support by DBCA for plantations on FPC owned land. For example, in March 2021, the Shire of Boyup Brook received the following advice from the DBCA District Manager Wellington District in relation to an application by FPC to establish a pine plantation in the McAlinden locality on land that had been purchased by WaterCorp and leased to the FPC:

As per any fire that is the responsibility of the Shire or other land owners, if requested, DBCA will endeavour to provide assistance and support to fires on FPC plantation (that is not our managed land).

However, fire responsibilities on our managed land will take priority (including fires on our land in other districts). As such DBCA assistance is not guaranteed and should not be considered as part of any formal fire response planning.

This issue has raised concerns within the Shire of Nannup's local bushfire brigades regarding whether DBCA will respond to fires within these plantations. The BFAC unanimously resolved the following motion:

That the Shire of Nannup ask FPC and DBCA to clarify who is responsible for fires on privately owned FPC land and whether the memorandum of understanding (MOU) between FPC and DBCA is going to change to include private free hold title land.

Due to the level of potential risk that may be created through this uncertainty to the Shire of Nannup and other Shires where the FPC has purchased or leased land for pine production, on 23rd May the Shire of Nannup Council resolved to seek support from the SW WALGA zone to:

1. Request the State Government to clarify arrangements between the Forrest Products Commission (FPC) and the Department of Biosecurity Conservation and Attractions (DBCA) to clarify who is responsible for fires on privately owned FPC land and whether the memorandum of understanding (MOU) between FPC and DBCA is going to change to include private free hold title land.
2. Request that the State Government ensures that adequate firefighting resources are allocated to state owned plantations to protect them from bushfires and respond to fires within plantations within reasonable timeframes.

As an end note, on 29 May 2024, an email was forwarded to the Shire of Nannup that had been sent to Shire of Nannup Volunteer Bushfire Brigades by the FPC Manager Fire Protection, which included the following statements:

It is a requirement for all FPC staff and Contractors to report fires (000) on DBCA and FPC owned or managed tenure (including sharefarms)

The FPC's MOU with DBCA has not changed and is unlikely to as we revisit working arrangements between agencies.

DBCA will automatically respond on FPCs behalf for fires on State Forest and historic CALM freehold tenures where plantation assets are impacted or threatened.

For plantation fires on freehold tenures within 3km of DBCA managed tenures DBCA will refer to LG to manage and notify FPC who will liaise with local FCO and assist as required. DBCA "MAY" respond automatically in liaison with LG brigade network "IF" the incident is threatening DBCA managed tenures/assets, or the LG requests DBCA assistance.

For fires >3km from DBCA tenure and impacting or threatening FPC managed plantations, the FPC Duty Officers receives automatic 000 notification and liaises with the relevant LG/FCO to respond and assist as required. (As occurs several times each summer in other LG's)

The Blackwood Valley Zone Response Agreement formalises these response arrangements for a large part of the Nannup shire where FPC plantation assets occur and FPC is a supporting signatory to this agreement.

Important that FCO's / Brigades appreciate that while FPC is a large land manager across many Shires in the southwest (with growing capacity) to meet its obligations as a landowner, FPC is not a Fire Management agency and must respond to fires under the guidance of LGs, DFES and DBCA depending on where fires occur and under the direction of the BF Act and Regulations.

This advice, while somewhat consistent with the advice provided to the Shire of Boyup Brook suggests that the primary response for protection of the State Government's \$300million new pine plantation estate will rest primarily with local government bushfire brigades.

While the Blackwood Valley Zone Response Agreement does provide some direction in respect to a unified response, these arrangements do not extend outside of the Blackwood Valley Zone.

The Shire of Nannup is concerned that unless the State Government expands the DBAC area of fire operations to include the new FPC pine plantations, or properly equips the FPC and establishes it as a Fire Management Agency, the burden of protecting these new plantations will fall to the local government bushfire brigade volunteers.

RESOLUTION

Moved: Cr Julia Meldrum
Seconded: Cr Richard Walker

That the South West Country Zone write to the Minister for Environment and the Minister for Agriculture, Forestry and Small Business to:

- 1. Request the State Government to clarify arrangements between the Forest Products Commission (FPC) and the Department of Biosecurity Conservation and Attractions (DBCA) to clarify who is responsible for fires on privately owned FPC land.**
- 2. Request that the State Government ensures that adequate firefighting resources are allocated to state owned plantations to protect them from**

bushfires and respond to fires within plantations within reasonable timeframes.

And that this request is copied to the Director General of the Department of Biodiversity, Conservation and Attractions and the General Manager Forrest Products Commission.

CARRIED

8.2 LIVE SHEEP EXPORT BAN – REQUEST FOR CONSIDERATION

By the Shire of Boyup Brook

BACKGROUND

The sustainability of regional local governments is connected to the sustainability of our rural communities.

The Commonwealth Government's announcement of a ban on the live export of sheep set to come into effect on 1 May 2028, represents the single greatest threat to the sustainability of regional local governments because it represents a fundamental threat to the sustainability of every household in those communities whose livelihoods are directly and indirectly entwined with the sheep industry.

The decision to ban live sheep exports has faced significant pushback from the industry, with arguments that the ban is driven more by activism than evidence-based policy. Despite these objections, the government is proceeding with the ban.

The South West Country Zone as well as Central Country, Great Southern and Goldfields Esperance zones rely heavily on the sheep industry and is an important economic driver in for regional country towns, supporting numerous jobs and providing income for local farmers and businesses. In a region where alternative employment opportunities are limited, the sheep industry plays a crucial role in sustaining their communities.

The economic benefits of the sheep industry extend beyond individual farmers to the entire community. Transport companies and feed suppliers all depend on the industry for their livelihoods. Banning live exports could lead to economic decline in south west country towns, with reduced income for families and potential depopulation as people move away in search of work. This will be further exacerbated with the state push for tree farming also impacting the economy of many of the rural towns.

The interconnectivity of our economy means that while they may not realise it, communities in metropolitan Perth and Peel will also be impacted. The decision reinforces cost of living pressures for all Western Australians and will make Australian meat more expensive at the grocery store.

The decision will have lasting social, environmental and economic impacts. It will result in a reduction in the diversity of agricultural industry and place greater reliance on grains.

The process by which the decision was made does not accord with good public policy principles. It does not fit the science, did not involve genuine engagement and appears to be based on political ideology which does not serve the regional, state or national interest.

The panel that was sent to WA had terms of reference that precluded any consultation on an industry future:

- potential mechanisms to phase out live sheep exports by sea
- a suggested timeframe and options for implementation
- potential ways to support the transition, including but not limited to consideration of markets, processing facilities and other opportunities.

In a modern democratic society the question should well have been to explore how to get the best return to Australia from the sheep industry whilst upholding the highest world standards of animal welfare.

That lack of consultation sets a new low benchmark in governance that the people of Australia must not accept.

Notwithstanding past issues within the live sheep export industry, significant reforms and improved animal welfare initiatives have been implemented:

Introduction of the Exporter Supply Chain Assurance System (ESCAS):

ESCAS was introduced in 2011 to ensure that Australian livestock exported for slaughter are handled and slaughtered in accordance with international animal welfare standards. This system requires exporters to provide evidence of compliance throughout the supply chain, from departure in Australia to slaughter in the destination country.

Independent Observers on Vessels:

Since 2018, the Australian government has mandated the presence of independent observers on live export vessels. These observers monitor animal welfare conditions and report on compliance with standards during the voyage, ensuring transparency and accountability.

Mandatory Stocking Density Reductions:

In response to animal welfare incidents, the Australian government has implemented regulations to reduce stocking densities on live export ships. This change is aimed at providing more space and better ventilation for animals, reducing heat stress and mortality rates during transport.

Heat Stress Risk Assessment (HSRA):

New HSRA models have been developed to better predict and mitigate the risk of heat stress during voyages, especially those departing during the northern hemisphere summer. These models take into account factors such as temperature, humidity, and voyage duration to ensure the welfare of the sheep.

Thereby giving rise to the industry to show that it can and has met all regulatory standards.

Australian live sheep export practices are the best in the world. This decision does not enhance the welfare of sheep, it simply condemns stock that now cannot be sold.

RESOLUTION

Moved: Cr Richard Walker
Seconded: Cr Tyrrell Gardiner

That the South West Country Zone resolves that a letter (Attachment A) to the Prime Minister requesting the Federal Government to reconsider the ban on live sheep export be signed by the President of the South West Country Zone on behalf of members.

CARRIED

For: Shire of Boyup Brook; Shire of Bridgetown-Greenbushes; Shire of Capel; Shire of Collie; Shire of Dardanup; Shire of Harvey; Shire of Manjimup; Shire of Nannup

Against: Shire of Augusta Margaret River; Shire of Donnybrook-Balingup; City of Bunbury

Attachment A

Dear Prime Minister

REQUEST TO RECONSIDER THE BAN ON LIVE EXPORT OF SHEEP

The South West Country zone would like to express our concerns regarding the Federal Government's decision to ban live sheep exports from Australia, effective 1 May 2028. This letter outlines the economic and social impacts this ban will have on the South West Country zone of WALGA and provides evidence-based reasons for why the decision should be reconsidered.

The sheep industry is a cornerstone of the South West economy, supporting numerous jobs and providing essential income for local farmers and businesses. Being a significant rural region with limited alternative employment opportunities, the sheep industry is vital for sustaining our communities. The economic benefits of this industry extend beyond individual farmers to entire communities, including transport companies and feed suppliers who rely on the industry for their livelihoods.

A ban on live exports would lead to economic decline in the South West, with reduced income for families and potential depopulation of country towns as residents move away in search of work. Farmers would face financial strain due to an oversupply of sheep during dry seasons, leading to lower prices and potentially making sheep farming unsustainable that would harm the economy.

The live export industry adheres to stringent welfare standards, ensuring that sheep are transported in conditions that minimise stress and suffering. The South West Country zone is supportive of continuous improvement in welfare standards, monitoring, and enforcement.

Significant reforms have already been implemented to address past issues within the industry, including:

- The Australian Government in 2011, introduced the Exporter Supply Chain Assurance System ensuring Australian livestock exported for slaughter are handled and slaughtered according to international animal welfare standards.
-
- Since 2018, independent observers have monitored animal welfare conditions on live export vessels, ensuring transparency and accountability.
-
- Regulations have been implemented to reduce stocking densities on live export ships, providing more space and better ventilation for animals.
- New Heat Stress Risk Assessment models have been developed to better predict and mitigate the risk of heat stress during voyages, particularly those departing during the northern hemisphere summer.

These improvements should be recognised, and the industry should not be phased out based on outdated perceptions. The proposed \$107 million transition package to support the industry over the next five years could be better utilised to further improve welfare standards and sustain an industry that is crucial to communities of the South West.

The social fabric of the South West communities having a strong agricultural identity, would be severely impacted by a ban on live export. The economic strain could lead to increased stress, mental health issues, and a decline in community morale.

The live export industry is vital for the prosperity and sustainability of the South West. The economic and social impacts of banning live exports are profound. The industry has demonstrated a commitment to high welfare standards and continuous improvement.

The Federal Government is urged to reconsider the decision to ban live sheep exports and to support the industry through ongoing education and investment in welfare technology.

Thank you for your attention to this critical matter. We look forward to your positive response.

Regards

8.3 STATE COUNCIL REGIONAL MEETING

By Meghan Dwyer, Executive Officer Governance

The City of Busselton has agreed to host the December (Thursday 5 – Friday 6) Regional Country State Council meeting.

The proposed program outline is below:

Thursday, 5 December	8:30am	Depart WALGA Office
	12.00pm	State Council arrival in Busselton
	1pm to 5.30pm	Zone Forum
	7pm	WALGA Dinner - Busselton
Friday, 6 December	8.30am – 1.00pm	WALGA State Council Strategic Forum and State Council meeting
	1.30pm	State Council departure

Zone Delegates and Local Government CEOs are all welcome to attend the Zone Forum and State Council business. Zone Delegates are encouraged to attend the Zone Forum.

WALGA will send invitations and information directly to each Zone Delegate and Local Government CEO.

Zone Forum

The Zone Forum provides an opportunity for the Zone to present to State Council, to discuss and share information to promote awareness of local achievements and challenges.

The format and content of the Zone Forum is entirely up to the Zone.

Some suggestions include:

- Local Governments can provide individual presentations on their Local Government (noting that there are 10 Local Governments in the Zone and so this may not be practicable).
- Subgroups could be formed to provide joint presentations on issues, priorities, themes, major projects, collaborations etc for the Zone.
- Site visits.
- Panel discussion.
- Invited guest speakers from the region e.g. State or Federal Members of Parliament, Agency representatives, South West Development Commission, Regional Development Australia South West.
- Question-and-answer session.

The Zone may also wish to invite additional people to attend the Zone Forum, as observers/networking opportunities. These may include:

- State or Federal Members of Parliament
- South West Development Commission, Regional Development Australia South West, other agency representatives
- All Elected Members from the Zone

In considering who to invite, the capacity of the available venue should be considered.

The Zone Forum programs for the three most recent regional visits are attached as an indication of what has been conducted in the past.

Morning tea, lunch and afternoon tea as part of the program is to be organised by the relevant Local Government. WALGA has a budget for the reimbursement of these expenses.

WALGA Dinner

WALGA will host a dinner at a venue in Busselton on the evening of Thursday, 5 December. Zone Delegates and CEO's will be invited, at WALGA's cost. Invitations will not be transferrable, unless to a Deputy Delegate attending in the absence of a Delegate. Other Local Government Elected Members and officers may attend. However, this will be subject to capacity and at the cost of the respective Local Government or individual.

State Council Strategic Forum and State Council Meeting

The WALGA Secretariat is responsible for the Agenda for these meetings.

The Strategic Forum may have an element of local content, depending on availability of speakers and relevant topic.

All Zone Delegates and Local Government CEO's are invited to attend and observe these meetings.

It is recommended that the Zone:

- **Agree in principle on a format for the Zone Forum, and a suggested program and/or itinerary.**
- **Agree on the themes of presentations and the presenters if presentations are to be conducted.**
- **Propose key sites if site visits are to be conducted.**
- **If a panel discussion or a question-and-answer session is to be conducted, the topic, participants and a facilitator should be agreed.**
- **Advise on a contact person for WALGA to liaise with to conduct more detailed planning and to coordinate and finalise arrangements.**

Noted

8.4 REQUEST TO PRESENT – ECONOMIC REGULATION AUTHORITY WA

By Chantelle O'Brien, Governance Support Officer

An interest has been expressed from Mr Steve Edwell, Chair of the Economic Regulation Authority (ERA) to attend a South West Country Zone meeting and provide a deputation.

The ERA is WA's independent economic regulator and regulates electricity, gas, water and rail. The presentation will focus on the energy transformation and regional service reliability, including initiatives in Western Power's current Access Arrangement to monitor actions by Western Power to address reliability concerns.

The Zone currently has one presentation booked for the August meeting on the Environmental Planning Tool and a Zone Overview presentation tentatively pencilled in for the November meeting.

RESOLUTION

Moved: Cr Richard Walker

Seconded: Cr Doug Kitchen

That the South West Country Zone supports a deputation from the Chair of the ERA at the August Zone meeting.

CARRIED

8.5 WALGA'S EFFORTS TO BECOME AN EMPLOYER ORGANISATION

By Tony Brown, Executive Director Member Services

EXECUTIVE SUMMARY

- As previously detailed in an item to all Zones in April, WALGA has been considering amending the Association Constitution to enable WALGA to become a registered employer organisation under section 54 of the *Industrial Relations Act 1979 (WA)* (IR Act).
- Despite advocacy efforts by WALGA since December 2022, the State Government has not agreed a pathway for WALGA to be provided with standing as an employer organisation by being named in the IR Act.
- Becoming an employer organisation would provide WALGA with more opportunity to modernise the Local Government State Awards, intervene in industrial matters concerning the Local Government sector, and generally better represent Members' views.
- Whilst the benefits of becoming an employer organisation are considerable, legal advice received by WALGA suggests that the constitutional amendments necessary for WALGA to comply with the requirements for registration are considerable and unachievable without wholesale changes to the governance structure of the Association.
- WALGA will continue to advocate to the State Government for WALGA to be named in the IR Act and given the status of an employer organisation, without needing to make constitutional amendments.

POLICY IMPLICATIONS

The existing [Advocacy Position](#) on WALGA's registration as an Employee Organisation is contained in position 2.8.3:

That WALGA advocate for amendments to the Industrial Relations Act 1979 (WA) (IR Act) for WALGA to be named in the IR Act like the Western Australian Branch of the Australian Medical Association Incorporated (AMA) at s.72B and given the status of an employer organisation, including to the Minister for Industrial Relations, the Minister for Local Government and the Department of Mines, Industry Regulation and Safety.

BACKGROUND

Currently, WALGA is a registered industrial agent under the [Industrial Relations Act 1979 \(WA\)](#) (IR Act). This status allows WALGA to:

- appear as an agent for a WA Local Government or Regional Council in the Western Australian Industrial Relations Commission (WAIRC) and Industrial Magistrate's Court or Industrial Appeal Court; and

- provide advice or other services to Local Governments in relation to 'industrial matters' as defined in section 7 of the IR Act.

Since the mandate for Local Governments¹ to operate in the State industrial relations system from 1 January 2023, unions have commenced various Local Government State awards variation claims in the WAIRC to amend industry employment conditions.

Currently, WALGA can intervene in award matters, but is unable to represent named employers and the broader Local Government sector in its own right.

WALGA has been advocating to the State Government since late 2022 to amend the IR Act and name WALGA as an employer organisation in the Act. These advocacy efforts have been unsuccessful to date.

Without being named in the IR Act, WALGA would need to comply with strict governance requirements to apply to become an employer organisation. This would require significant amendments to the Association Constitution, as well as endorsement by State Council and Members.

Even if these constitutional amendments were made and an application supported by State Council and the membership, the ultimate decision as to whether or not to register WALGA as an employer organisation rests with the WAIRC.

COMMENT

As foreshadowed in an Agenda item to Zones in April, WALGA has been looking to amend the Association Constitution to enable WALGA to apply to become a registered employer organisation under the IR Act.

WALGA has recently engaged lawyers, Jackson McDonald, to provide legal advice as to what constitutional amendments must be made to ensure WALGA is best placed to make a successful application for registration.

The advice received indicates that the changes required would be substantial, costly and potentially unwieldy, involving significant changes to the current governance structure and election processes of WALGA.

In particular, the following three changes required under the IR Act are considered to be untenable with the current structure of WALGA, and would therefore prohibit the Association from making a successful application for registration:

1. Secret Postal Ballot

Section 56 of the IR Act requires that elections for the holder of each office within the organisation must be conducted by way of secret postal ballot. Due to the broad definition of "office" and "officer" in the IR Act, WALGA office holders include every State Council representative, as well as the President and Deputy President.

Whilst conducting the elections for President and Deputy President via a secret postal ballot would be achievable, a postal voting system for the election of State Council representatives by Zone Delegates across 17 Zones would be unmanageable. As well as timing issues (see below), there would be significant costs involved in conducting elections in this manner, with no benefit to Members.

¹ with the exception of the Shires of Christmas Island and Cocos (Keeling) Islands

To accommodate an election of State Council representatives by secret postal ballot, the election cycle of WALGA would need to be changed. Currently, the terms of State Councillors run from the day of the first Ordinary State Council meeting immediately following the biennial Local Government elections (being the first week of December), to the day before the first Ordinary State Council meeting immediately following the next Local Government elections (2 years later). To allow for sufficient time for an election by postal ballot (an unavoidably slow process), the terms for State Councillors would need to be amended to commence at the next meeting (being March the year following the Local Government elections). In the meantime, the composition of State Council would be subject to the results of the Local Government elections (which may result in vacancies, with representatives needing to leave their State Council position due to no longer being on Council).

2. Independent Returning Officer

Section 56 of the IR Act requires that the rules of an employer organisation must provide for the conduct of every election to an office within the organisation by an independent returning officer, not being the holder of any other office in, and not being an employee of, the organisation. As described above, WALGA office holders include the President, Deputy President and State Councillors.

An independent returning officer could be engaged relatively easily for the election of President and Deputy President. However, engaging independent returning officers to conduct the election of State Council representatives at all 17 Zone meetings in the weeks following the biennial Local Government elections raises significant concerns in terms of cost, administrative burden and timing.

At present, the State Council elections are conducted in mid-November, about 4-5 weeks after the Local Government elections. In the interim, Councils are required to meet and elect or appoint their Zone Delegates. This leaves very little time for an independent returning officer to carry out a formal nomination and election process.

This difficulty would only be compounded if the postal voting requirement were also adopted for State Council elections.

The Commissioner must refuse an application for registration if they are not satisfied that the rules conform with the election requirements in section 56 (including secret postal ballot and independent returning officer).

3. Secretary

The IR Act requires the creation of a position of "Secretary". Under the current governance structure of WALGA, the functions of Secretary are held by the CEO. However, under the IR Act, the Secretary is considered an "office", meaning it is subject to the same election requirements as other offices. Therefore, on a strict view, the Secretary should be the President, Deputy President or a State Councillor, not the CEO.

Once again, this is a significant non-compliance risk that jeopardises the likelihood of WALGA's application for registration being successful.

NEXT STEPS

For the reasons described above, it is proposed that WALGA does not proceed with the original plan to amend the Association Constitution and apply for registration as an employer organisation under the IR Act.

Instead WALGA has the following options to seek standing to become a registered organisation of employers under the IR Act:

1. Option 1 – Advocate to the Minister for Industrial Relations to either:
 - a. name WALGA in the IR Act as an employer organisation similar to the Western Australian Branch of the Australian Medical Association Incorporated under s. 72B; or
 - b. amend the IR Act provision to permit WALGA to register as an employer organisation without making modifications to its Constitution or governance model. This might be achieved by amending the provisions to permit dual registration of organisations or making modifications to the election procedures of organisations.
2. Option 2 – Establish a new entity to apply for registration as an organisation of employers which will require separate management/committee, a motion approving an application for registration to the WAIRC under s. 54 of the IR Act and a Constitution which complies with all aspects of Part II, Division 4 of the IR Act.
3. Option 3 - In the event that neither Option 1 or 2 are achieved or considered appropriate, the final option will be for WALGA to establish protocols with Member Local Governments to notify WALGA when new union claims are made and to work with Members to bring award variations in the names of Local Governments.

WALGA met with the Minister for Industrial Relations, Hon Simone McGurk MLA, on 13 June to again advocate for WALGA to be named in the IR Act. The importance of WALGA becoming an employer organisation was discussed, alongside the complexities of amending the Association Constitution to adhere to IR Act registration requirements (as detailed above).

WALGA will keep the Zones updated on any progress on this item.

Noted

9 STATE COUNCIL AGENDA – MATTERS FOR DECISION AND NOTING

Zone delegates to consider the Matters for Decision contained in the WALGA State Council Agenda and put forward resolutions to Zone Representatives on State Council.

The full State Council Agenda can be found via link: [here](#)

The Zone can provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

MATTERS FOR DECISION

9.1 CARAVAN PARK AND CAMPING GROUNDS REGULATIONS

EXECUTIVE SUMMARY

- Tiny Homes on Wheels (THOWs) are an emerging form of housing that offers an alternative and affordable housing option that can assist in addressing the current housing shortage.
- THOWs are classified as caravans under the Caravan Parks and Camping Grounds Act 1995 (the Act) and the Caravan Parks and Camping Grounds Regulations 1997 (the Regulations).
- The Regulations restrict the length of occupation of THOWs.
- A new advocacy position proposes that the Regulations be amended to allow THOWs to be occupied for longer periods and for Local Governments to be able to establish policy to guide these longer approvals.
- The Environment Policy Team endorsed the draft advocacy position on 29 May 2024.

WALGA RECOMMENDATION

That State Council endorse a new Caravan Park and Camping Grounds Regulations Advocacy Position:

Part 2 of the Caravan Parks and Camping Grounds Regulations 1997 should be amended to allow Local Governments to:

- 1. Consider camping on private property for a period of greater than three months.***
- 2. Establish policy to guide approvals beyond 3 months to ensure that camping is locally appropriate and provide for circumstances where caravans, predominantly in the form of tiny homes on wheels, can be occupied on a more permanent basis.***

9.2 2024 AUDIT EXPERIENCE SURVEY RESULTS AND ADVOCACY POSITION

EXECUTIVE SUMMARY

- WALGA, in partnership with Local Government Professionals WA (LG Professionals), has recently conducted a survey of the Local Government sector to seek feedback on the annual audit process.
- The 2024 survey was based on the inaugural audit experience survey conducted last year, allowing for direct comparison of results over time.
- Five key emerging issues were identified following the 2023 survey, and these areas demonstrated varying levels of improvement this year:
 - timeframe and delays;
 - additional workload on Local Government staff;
 - cost;
 - inconsistent advice from contract Auditors and the Office of the Auditor General (OAG); and
 - asset valuation requirements.
- An outcome of advocacy efforts last year was the achievement of a review of the application of Fair Value principles, particularly as applied in audit related asset valuation.
- It is recommended that the WALGA Advocacy Position on Local Government Audit Process (position 2.2.2) be updated to reflect this achievement.
- An initial meeting with the OAG has recently been held to discuss the outcomes from the survey.
- WALGA and LG Professionals will continue to work with the OAG to reform the audit process in line with sector feedback, with a particular focus on those areas of concern identified in the 2024 survey results.
- This item was considered at the Governance Policy Team held on 15 May 2024, where the recommendation was supported.

WALGA RECOMMENDATION

That State Council:

1. **Note the Audit Experience Survey Results Summary; and**
2. **Amend Advocacy Position 2.2.2 *Local Government Audit Process* to remove point 7 as it has been achieved.**

9.2.1 Policy Team and Committee Reports

- 9.1 Environment Policy Team Report
- 9.2 Governance Policy Team Report
- 9.3 Infrastructure Policy Team Report
- 9.4 People and Place Policy Team Report
- 9.5 Municipal Waste Advisory Council (MWAC) Report

9.2.2 Matters for Noting/Information

- 10.1 2024-25 State and Federal Budget Update
- 10.2 Submission to the Commissioner for Children and Young People WA Priority Area Discussion Papers
- 10.3 Perth and Peel Urban Greening Strategy
- 10.4 Polyphagous Shot-Hole Borer Update
- 10.5 Flying Minute: Submission on Emergency Management Sector Adaptation Plan
- 10.6 Flying Minute: State Wage Case Submission
- 10.7 Flying Minute: Submission on the Inquiry into Local Government Sustainability
- 10.8 Flying Minute: Standardised Meeting Procedures Submission

RESOLUTION

Moved: Cr Julia Meldrum
Seconded: Cr Doug Kitchen

That the South West Country Zone:

1. **Supports all Matters for Decision and Policy Team recommendations as listed above in the July 2024 State Council Agenda, and**
2. **Notes all Matters for Noting, other Policy Team and Committee Reports and Organisational Reports as listed in the July 2024 State Council Agenda.**

CARRIED

10 EXECUTIVE REPORTS

10.1 WALGA PRESIDENT'S REPORT

President Cr Karen Chappel presented her President's Report. The report was provided as an attachment within the Agenda.

Noted

10.2 STATE COUNCILLOR'S REPORT TO THE ZONE

WALGA State Councillor, President Cr Tony Dean presented on the previous State Council meeting.

Noted

11 FINANCIAL REPORT

11.1 SOUTH WEST COUNTRY ZONE FINANCIAL REPORT

**South West Country Zone
Cashflow
Period Ending 30 April 2024**

	Actual	Comments
	-	
	\$	
Opening Cash Balance	19,883	
Income		
Subscription Income	7,200	All 12 members invoiced & funds collected
	<hr/>	
Total Income	7,200	
Expenses		
Bank Charges	54	
Meeting expenses	26	
Plaques	491	3 x plaques for retiring members
	<hr/>	
Total Expenses	571	
Closing Cash Balance	26,512	

RESOLUTION

Moved: Cr Donnelle Buegge
Seconded: Cr Doug Kitchen

That the South West Country Zone financial report for period ending 30 April 2024 be received.

CARRIED

12 EMERGING ISSUES

Nil.

13 OTHER BUSINESS

The Shire of Dardanup provided an update to the Zone on the progress of the South-West DAMA.

Noted

14 2024 MEETING DATES AND LOCATIONS

Meeting dates for 2024 are listed below. Please note if any changes need to be made.

MEETING DATE	HOST LOCAL GOVERNMENT
Friday, 23 February 2024	Bunbury
Friday, 19 April 2024	Donnybrook-Balingup
Friday, 21 June 2024	Dardanup
Friday, 23 August 2024	Harvey
Friday, 22 November 2024	Manjimup

15 NEXT MEETING

The next meeting of the South West Country Zone will be held on Friday, 23 August 2024 at the Shire of Harvey commencing at 9am.

16 CLOSURE

There being no further business the Chair declared the meeting closed at 12:08pm.