

WESTERN AUSTRALIAN  
LOCAL GOVERNMENT ASSOCIATION  
**North Metropolitan Zone**

# MINUTES

22 May 2008

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**MINUTES OF MEETING OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NORTH METROPOLITAN ZONE HELD IN THE LESCHENAUULTIA ROOM, AT THE CITY OF WANNEROO, 23 DUNDEBAR ROAD, WANNEROO ON THURSDAY 22 MAY 2008**

**1 ATTENDANCE**

**City of Stirling**

**Committee Members:**

Cr D (David) Boothman (Mayor)  
Cr W M (Bill) Stewart  
Cr T (Terry) Tyzack  
Cr E (Elizabeth) Re

**Officers:**

Mr A (Aaron) Bowman, Manager Council Support/Compliance

**City of Wanneroo**

**Committee Members:**

Cr F (Frank) Cvitan - *Deputy Chairperson*  
Cr L (Laura) Gray - *in attendance from 1804 hrs; absent from 1826 hrs to 1827 hrs*  
Cr M (Maureen) Grierson  
Cr P (Paul) Miles - *Deputising for Cr T (Tracey) Roberts*

**Officers:**

Mr C (Charles) Johnson, Chief Executive Officer  
Ms K (Karen) Caple, Director Governance & Strategy

**City of Joondalup**

**Committee Members:**

Mayor T (Troy) Pickard - *Chairperson from 1806 hrs*  
Cr R (Russ) Fishwick  
Cr G (Geoff) Amphlett - *deputising for Cr T (Tom) McLean*

**Officers:**

Mr I (Ian) Cowie, Director Governance & Strategy  
Mrs J (Janet) Foster, Administrative Services Coordinator (Secretariat)

**Western Australian Local Government Association**

Cr W (Bill) Mitchell, President  
Mr J (James) McGovern, Policy Manager Local Government Advisory Service

## **DECLARATION OF OPENING**

Cr Cvitan declared the meeting open at 1803 hrs.

### **APOLOGIES:**

#### **City of Stirling**

Mr S (Stuart) Jardine, Chief Executive Officer

#### **City of Wanneroo**

Cr T (Tracey) Roberts

#### **City of Joondalup**

Cr T (Tom) McLean

Cr T (Trona) Young

Mr G (Garry) Hunt, Chief Executive Officer

## **2 ELECTION OF ZONE CHAIRPERSON**

It has been the custom of the North Metropolitan Zone to rotate the Chair (and Secretariat) between member Councils on a biennial basis.

The two year term of Cr Cvitan (City of Wanneroo) in the position of Chair has expired, and it is now necessary to elect a new Zone Chair from the City of Joondalup.

Nomination forms were forwarded to constituent Councils on 5 May 2008. At the time of compiling the Agenda, no nominations had been received and it will therefore be necessary to accept nominations from the floor.

In accordance with the guidelines endorsed by State Council, Zones have the option to allow candidates to make a two to three minute election bid prior to a secret ballot being conducted.

Cr Cvitan extended thanks to the outgoing Secretariat, Mrs Nicky Barker and Ms Lee-Ann Burt, for their assistance over the past two years.

*Cr Gray entered the Room at 1804 hrs.*

Cr Cvitan vacated the Chair at this point.

The election for the position of Chairperson was conducted by Mr James McGovern.

Mr McGovern invited nominations for the position of Chairperson. Cr Fishwick nominated Mayor Troy Pickard. Mayor Pickard accepted the nomination.

There being no further nominations, Mayor Pickard was elected unopposed to the position of Chairperson and assumed the Chair at 1806 hrs. Mayor Pickard extended thanks to Cr Cvitan for his Chairmanship of the North Metropolitan Zone over the past two years, and to the City of Wanneroo for undertaking the duties of Secretariat.

**MOVED Cr Cvitan SECONDED Mayor Boothman that:**

- 1 the City of Joondalup ASSUMES the role of Secretariat for the North Metropolitan Zone;**
- 2 Mayor Troy Pickard be ELECTED to the position of Chairperson of the North Metropolitan Zone.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY**

### **3 ELECTION OF ZONE DEPUTY CHAIRPERSON**

Nomination forms were forwarded to constituent Councils on 5 May 2008. At the time of compiling the Agenda, no nominations had been received, and it will therefore be necessary to accept nominations from the floor.

In accordance with the guidelines endorsed by State Council, Zones have the option to allow candidates to make a two to three minute election bid prior to a secret ballot being conducted.

Mayor Pickard invited nominations for the position of Deputy Chairperson. Cr Grierson nominated Cr Frank Cvitan. Cr Cvitan accepted the nomination.

There being no further nominations, Cr Cvitan was elected unopposed to the position of Deputy Chairperson.

**MOVED Cr Grierson SECONDED Cr Stewart that Cr Frank Cvitan be ELECTED to the position of Deputy Chairperson of the North Metropolitan Zone.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY**

### **4 ANNOUNCEMENTS**

Mayor Pickard congratulated Cr Bill Mitchell on his successful re-election as President of the Western Australian Local Government Association, which he considered reflected the hard work and commitment of Cr Mitchell.

Mayor Pickard encouraged the member Councils to take every opportunity to raise issues with the North Metropolitan Zone.

### **5 CONFIRMATION OF MINUTES**

**MOVED Cr Fishwick SECONDED Cr Cvitan that the Minutes of the meeting of the North Metropolitan Zone held on Thursday, 20 March 2008 be confirmed as a true and accurate record of the proceedings.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY**

## **6 BUSINESS ARISING FROM MINUTES**

### **6.1 Systemic Sustainability Study**

At the Zone meeting held on 20 March 2008, Mr Tony Brown (Executive Manager Governance and Strategy, WALGA), gave a presentation with respect to the draft report "The Journey: Sustainability into the Future". Mr Brown advised that submissions on the draft report were due by 15 April 2008, and that a further opportunity would be provided by WALGA, through a report to the next Zone meeting, for the Zone to submit a coordinated response.

WALGA has subsequently advised that the deadline for submissions on the Systemic Sustainability Study has now been extended to 16 June 2008. In view of this fact, a report will be submitted by WALGA to the July meeting of the North Metropolitan Zone.

In relation to this item, no comments were raised.

## **7 DEPUTATIONS/PRESENTATIONS**

### **7.1 Department for Planning and Infrastructure**

The WA Planning Commission's (WAPC) draft Perth Coastal Planning Strategy has been prepared and coordinated by the Department for Planning and Infrastructure (DPI). It was anticipated that this document would be released for public comment on 29 February 2008, and be presented to the meeting of the North Metropolitan Zone on 22 May 2008.

Due to delays in the printing and release date of the draft Perth Coastal Planning Strategy for public consultation, DPI has requested that the presentation be deferred. It is anticipated that DPI will contact the North Metropolitan Zone seeking to arrange a presentation once the document is released for public comment.

This item was noted.

## **8 MATTERS REFERRED TO WALGA**

### **8.1 Status Report on Matters Referred to WALGA State Council for Action.**

As a means of increasing communication and providing feedback to the North Metropolitan Zone Committee a schedule has been prepared on matters referred to WALGA State Council for action.

Mayor Pickard sought comments on the Status Report, with the following issues being raised:

- **29 November 2007 - Zone Agenda Item 7.4** – Reimbursement of Local Government Costs incurred in the Administration and Operations of Citizenship Ceremonies

A query was raised as to why no response has been received to the correspondence sent to ALGA in January 2008. This question was taken on notice by Mr McGovern.

- **29 November 2007 – Zone Agenda Item 7.3 – Use of Differential Rating to Discourage the Holding of Undeveloped Land**

Mr McGovern advised that this item was listed on the agenda for the meeting to be held on 4 June 2008.

- **20 March 2008 – Zone Agenda Item 7.4 – Amendment to the Application of s33 of the Bushfires Act 1954**

WALGA President Bill Mitchell advised that WALGA was working to have section 33 of the Act amended.

The Status Report was received.

## **9 REPORTS FROM MEMBER COUNCILS**

### **9.1 PROPOSED AMENDMENT TO THE LOCAL GOVERNMENT ACT 1995 – CRIMINAL CONVICTIONS**

*By the City of Stirling*

#### **IN BRIEF**

**This report relates to a proposal to amend section 2.22(1)(a) of the Local Government Act 1995 to disqualify a person from election to Council if they have a conviction or a spent conviction in relation to the Criminal Code.**

#### **BACKGROUND**

City of Stirling Councillor Elizabeth Re submitted the following notice of motion at a recent council meeting:

"That the Local Government Act 1995 be amended to include – that persons nominated as elected members must not have a conviction or a spent conviction in relation to the Criminal Code."

Subsequently at the City of Stirling Council meeting of 18 March 2008, Council resolved that a report be prepared and referred to the Western Australian Local Government North Metropolitan Zone committee in relation to this notice of motion.

Section 2.22(1) of the Local Government Act 1995 currently disqualifies a person from election from council if they have:

- (a) been convicted of a crime and is in prison serving a sentence for that crime; or
- (b) been convicted in the proceeding 5 years of a serious local government offence.

The proposed amendment to the disqualification from election to council may better match community expectations that those people that have been convicted of an offence under the criminal code have attributes, which are incompatible with that of what is expected of a councillor. It should be noted that the Corruption and Crime Commission expect public servants/councillors to abide by a higher level of conduct than the general public.

## **COMMENT**

Imprisonment is usually reserved for the most serious offences or as a final option to continuous criminal behaviour. The current wording does not embrace all of the potential sentencing orders that are available which do not involve a term of imprisonment. Sentencing options such as home detention, compulsory drug treatment detention, and community service do not currently disqualify a person from serving as a councillor.

Statutes often contain provisions under which a persons appointed to a statutory office may be disqualified from such positions for misbehaviour. In other cases a statues may provide that an individual must be a 'fit and proper' person. What constitutes misbehaviour, or a lack of fitness, is a difficult question, but there has been some guidance provided recently by the courts and tribunals.

It is possible that different periods of disqualification could apply dependent on the sentence served; for example 2 years disqualification for anyone sentenced for any offence; 5 years disqualification for anyone sentenced to imprisonment for an aggregate of less than 3 months; 10 years disqualification for anyone sentenced to imprisonment for aggregate of 3 months or more; and disqualification for life for anyone convicted of treason or of an indictable offence and sentenced to an aggregate of 3 years or more.

Disqualification should not, however, be determined by reference to the period of imprisonment but instead should take into account the offence committed. There would be formidable difficulties involved in identifying all of the offences, which ought to disqualify a person from serving as a councillor. A disqualification for any conviction of the criminal code would remove these difficulties.

Western Australia does not have laws that specifically prohibit discrimination on the basis of criminal records. In WA there are, however, provisions that make discrimination on the basis of spent convictions unlawful. (Spent Conviction Act 1988 WA and Equal Opportunity Act 1984 WA).

Additionally part VIIC of the Crimes Act 1914 (Cth) provides that where a conviction for an offence has been pardoned, quashed or spent the person is:

- Taken to have never been convicted of the offence; and
- Not required to disclose the fact that they were charged with or convicted of the offence.

The right of non-disclosure of spent convictions applies to the disclosure of information "to any person for any purpose" and, therefore would apply to requests as part of the nomination for council process.

There would be no foolproof system for vetting the electoral roll to exclude those people who fall within the suggested amended category of disqualification. Crosschecks could be



made with police and court records. Exclusion would therefore accordingly depend substantially on truthful self-reporting in response to the nomination form. Alternatively the provision of a police record check could be made as a requirement of the nominating process for council.

**Draft Motion**

That the WALGA North Metropolitan Zone LOBBY for section 2.22(1)(a) of the Local Government Act 1995 to be amended to disqualify a person from election to council if they have a conviction in relation to the Criminal Code.

**MOVED Cr Re SECONDED Cr Stewart that the WALGA North Metropolitan Zone LOBBY for section 2.22(1)(a) of the Local Government Act 1995 to be amended to disqualify a person from election to council if they have a conviction in relation to the Criminal Code.**

Discussion ensued.

**AMENDMENT MOVED Cr Stewart SECONDED Cr Grierson that the Motion be amended to read as follows:**

**“That the WALGA North Metropolitan Zone LOBBY for section 2.22(1)(a) of the Local Government Act 1995 and any related legislation to be amended to disqualify a person from election to council if they have a conviction or spent conviction in relation to the Criminal Code.”**

Mayor Pickard called on Mr Bowman to provide an explanation of the intent of the Amendment. Based on the explanation provided which indicated that it would be difficult to progress the issue of a spent conviction, Mayor Pickard ruled the Amendment **OUT OF ORDER**.

**Motion of Dissent**

**MOVED Cr Re SECONDED Cr Stewart that the Meeting DISSENT with the Chairperson’s ruling.**

**The Motion was Put and LOST**

Discussion resumed on the Motion Moved by Cr Re and Seconded by Cr Stewart.

*During discussion, Cr Gray left the Room at 1826 hrs and returned at 1827 hrs.*

**AMENDMENT MOVED Mayor Boothman SECONDED Cr Tyzack that the words “North Metropolitan Zone” be DELETED from the Motion.**

**The Amendment was Put and CARRIED**

**The Original Motion as amended, being:**

**That the WALGA LOBBY for section 2.22(1)(a) of the Local Government Act 1995 to be amended to disqualify a person from election to council if they have a conviction in relation to the Criminal Code.**

**Was Put and CARRIED**

**9.2 ELECTED MEMBERS' MAXIMUM PRESCRIBED ATTENDING FEE – PROPOSED MOTION: WALGA AGM**

*By City of Stirling*

**IN BRIEF**

- **This report relates to a proposal to increase the maximum prescribed attending fee for Councillors and has resulted from a notice of motion presented by Councillor Proud.**
- **The City of Stirling is seeking support from the North Metropolitan Zone for this proposal and subsequent consideration at the WALGA AGM on Saturday 2 August 2008.**

**BACKGROUND**

A notice of motion was passed at the City of Stirling's Ordinary Council meeting held 15 April 2008 as follows:-

*"That a report be presented to the Western Australian Local Government Association North Metropolitan Zone Committee requesting a report be presented to the WALGA AGM on an increase in sitting fees for Elected Members up to the amount of \$20,000 per annum should the proposal be supported."*

Accordingly, the City of Stirling is seeking the support of the North Metropolitan Zone to lobby WALGA for an amendment to the Local Government Act 1995 and to Regulation 34 of the Local Government (Administration) Regulations 1996 to increase the maximum annual remuneration for Councillors from \$7,000 to \$20,000. Should the North Metropolitan Zone support this proposal, it is requested that this be listed for consideration at the WALGA AGM on Saturday, 2 August 2008.

**COMMENT**

In 1995 the maximum prescribed attending fee payable to Councillors was \$5,000. In 1999, this was increased to \$6,000 and later amended to the current maximum of \$7,000 in 2005.

The \$2,000 increase in the maximum prescribed attending fee over these years represents an increase of 3% per year.

The workload of Elected Members has significantly increased in recent years, particularly in Metropolitan Councils. The average metropolitan Councillor generally attends a minimum of approximately three meetings per week along with numerous other commitments.

An average week for a Councillor at the City of Stirling generally entails the following:-

- Monday** Briefing/Workshop or other meeting
- Tuesday** Council or Standing Committee Meeting
- Wednesday** Advisory Committee Meeting

<b>Thursday</b>	Advisory Committee Meeting
<b>Friday</b>	Council Dinner or Function
<b>Saturday</b>	Representation of Council at Sporting or Community Events
<b>Sunday</b>	Representation of Council at Sporting or Religious Events.

As well as these commitments, Councillors often also attend meetings with ratepayers, make site visits in relation to development applications, attend citizenship ceremonies and community functions and also represent the Council on various regional committees.

Section 5.99 of the Local Government Act 1995 prescribes that a local government may decide (with an absolute majority vote) that instead of paying council members a fee referred to in section 5.98(1) of the Act, it will instead pay all council members who attend council or committee meetings -

*"(a) the prescribed minimum annual fee; or*

*(b) where the local government has a set fee within the prescribed range for annual fee, that fee."*

The City of Stirling operates in accordance with Section 5.98(1)(b) of the Local Government Act and pays its members the maximum annual meeting fee of \$7,000 as prescribed in section 34(1)(b)(ii) of the Local Government (Administration) Regulations 1996.

The current annual maximum prescribed fee of \$7,000 represents \$134.60 per week for elected members which seems diminutive when the commitment and time expended on Council duties by elected members is considered.

In comparison to a local government elected member's allowance of \$7,000, a Member of Parliament receives a basic salary of \$113,769 (from 1 September 2005) per annum. It could be argued that some larger metropolitan Councils require similar time and commitment from their elected members as that of Members of Parliament. The size and complexity of large metropolitan Councils such as the City of Stirling place significant demands on individual Councillors.

Although a maximum prescribed fee of \$20,000 could seem excessive to those smaller regional councils that do not meet as regularly as larger councils, it should be noted that this amount is the maximum fee, and it is at each local government's discretion to set the fee applicable to their authority.

It should be noted that Victoria's Councillors will now be paid up to \$23,500 and Mayors up to \$75,000 following an across-the-board increase in allowances by more than 30%. This rise was recommended by the Local Government (Councillor Remuneration Review) Panel and accepted by the State Government and is the first pay rise for Victoria's Councillors in eight years.

Councillor Proud is proposing an amendment to the Regulations to increase the annual maximum meeting fee from \$7,000 to \$20,000.

A suitable example of a local government fee structure was presented in the 2008 Annual Review of the Local Government Remuneration Tribunal of New South Wales. This fee structure categorises local governments according to size and economic data including cost of living figures and includes a minimum as well as maximum annual fee. Please refer to the extract of the Annual Review below:-

## **Local Government Remuneration Tribunal**

Helen Wright

Dated: 30 April 2008

### **DETERMINATION PURSUANT TO SECTION 239 OF CATEGORIES OF COUNCILS AND COUNTY COUNCILS EFFECTIVE FROM 1 JULY 2008 (as determined with effect from 1 July 2006)**

**Category S1 (1 Council)**            Sydney

**Category S2 (3 Councils)**        Newcastle  
Parramatta  
Wollongong

**Category S3**                            County Councils

**Category S4**                            County Councils  
*(engaged in significant commercial activities)*

#### **Category 1A (2 Councils)**

Blacktown  
Penrith

#### **Category 1. (16 Councils)**

Bankstown	Liverpool
Baulkham Hills	North Sydney
Campbelltown	Randwick
Fairfield	Ryde
Gosford	Sutherland
Hornsby	Warringah
Hurstville	Willoughby
Lake Macquarie	Wyong

#### **Category 2. (21 Councils)**

Ashfield	Lane Cove
Auburn	Leichhardt
Botany	Manly
Burwood	Marrickville
Camden	Mosman
Canada Bay	Pittwater
Canterbury	Rockdale
Holroyd	Strathfield
Hunters Hill	Waverley
Kogarah	Woollahra
Ku ring Gai	

**Category 3. (32 Councils)**

Albury City	Greater Taree
Armidale Dumaresq	Griffith
Ballina	Hastings
Bathurst Regional	Hawkesbury
Bega Valley	Kempsey
Blue Mountains	Lismore
Broken Hill	Maitland
Byron	Orange
Cessnock	Pt Stephens
Clarence Valley	Shellharbour
Coffs Harbour	Shoalhaven
Dubbo	Tamworth Regional
Eurobodalla	Tweed Heads
Gt Lakes	Wagga Wagga
Goulburn Mulwaree	Wingecarribee
Queanbeyan	Wollondilly

**Category 4. (77 Councils)**

Balranald	Glen Innes Severn	Narromine
Bellingen	Gloucester	Palerang
Berrigen	Greater Hume	Parkes
Bland	Gundagai	Oberon
Blayney	Gunnedah	Richmond Valley
Bogan	Guyra	Singleton
Bombala	Gwydir	Snowy River
Boorowa	Harden	Temora
Bourke	Hay	Tenterfield
Brewarrina	Inverell	Tumbarumba
Cabonne	Jerilderie	Tumut
Carrathool	Junee	Upper Hunter
Central Darling	Kiama	Upper Lachlan
City of Lithgow	Kyogle	Uralla
Cobar	Lachlan	Urana
Conargo	Leeton	Wakool
Coolamon	Liverpool Plains	Walcha
Cooma-Monaro	Lockhart	Walgett
Coonamble	Mid-Western Regional	Warren
Cootamundra	Moree Plains	Warrumbungle
Corowa	Murray	Weddin
Cowra	Murrumbidgee	Wellington
Deniliquin	Muswellbrook	Wentworth
Dungog	Nambucca	Yass Valley
Forbes	Narrabri	Young
Gilgandra	Narrandera	

**TOTAL GENERAL PURPOSE COUNCILS 152**

**Category S3 (10 Councils)**

Castlereagh – Macquarie	Richmond River
Central Murray	Southern Slopes
Far North Coast	Upper Hunter
Hawkesbury River	Upper Macquarie
New England Weeds	

**Category S4 (6 Councils)**

Central Tablelands	Riverina Water
Goldenfields Water	Rous
MidCoast	

**TOTAL COUNTY COUNCILS 14**

**DETERMINATION PURSUANT TO SECTION 241 OF FEES FOR COUNCILLORS AND MAYORS**

Pursuant to s.241 of the Local Government Act 1993, the annual fees to be paid in each of the categories to Councillors, Mayors, members and chairpersons of County Councils effective on and from 1 July 2008 are determined as follows:

	<b>Councillor/Member Annual Fee</b>		<b>Mayor/Chairperson Additional Fee*</b>	
	Minimum	Maximum	Minimum	Maximum
Category 4	6,870	9,060	7,300	19,790
Category 3	6,870	15,120	14,610	33,010
Category 2	6,870	15,120	14,610	33,010
Category 1	10,300	19,250	21,910	51,130
Category 1A	13,740	22,680	29,210	66,100
S4	1,370	7,560	2,930	12,420
S3	1,370	4,530	2,930	8,250
S2	13,740	22,680	29,210	66,100
S1	20,620	30,240	126,160	166,000

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

**Local Government Remuneration Tribunal**

Helen Wright  
Dated: 30 April 2008

The entire 2008 review of the Local Government Remuneration Tribunal can be found at :

[http://www.dpc.nsw.gov.au/remtribunals/local\\_government/2008\\_report\\_and\\_determinations](http://www.dpc.nsw.gov.au/remtribunals/local_government/2008_report_and_determinations)

Using this example, the City of Stirling would be classed as an S1 category due to its size and therefore the applicable sitting fee would be a minimum of \$20,620 to a maximum of \$30,240.

The above categories also take into account country councils and, as can be seen in the above table, the minimum fee is \$1,370 which is comparable to current West Australian fees for country elected members.

**MOVED Cr Re SECONDED Cr Tyzack that:**

- 1 the North Metropolitan Zone LOBBY the Western Australian Local Government Association for an increase in the maximum attending fees payable to elected members from \$7,000 to \$20,000 as prescribed in Regulation 34(b)(ii) of the Local Government (Administration) Regulations 1996;**
- 2 the North Metropolitan Zone ENDORSE submission of this proposal for consideration at the Western Australian Local Government Association's Annual General Meeting to be held on Saturday, 2 August 2008.**

**AMENDMENT MOVED Mayor Pickard SECONDED Cr Fishwick that Point 1 of the Motion be amended as follows:**

- "1 the Western Australian Local Government Association continues to lobby for an increase in the maximum attending fees payable to elected members through independent annual assessment conducted by the Salaries and Allowances Tribunal as prescribed in Regulation 34(b)(ii) of the Local Government (Administration) Regulations 1996;"**

**The Amendment was Put and**

**CARRIED UNANIMOUSLY**

**The Original Motion, as amended, being:**

**That:**

- 1 the Western Australian Local Government Association continues to lobby for an increase in the maximum attending fees payable to elected members through independent annual assessment conducted by the Salaries and Allowances Tribunal as prescribed in Regulation 34(b)(ii) of the Local Government (Administration) Regulations 1996;**
- 2. the North Metropolitan Zone ENDORSE submission of this proposal for consideration at the Western Australian Local Government Association's Annual General Meeting to be held on Saturday, 2 August 2008.**

**Was Put and**

**CARRIED UNANIMOUSLY**

The Committee then considered the following Late Item:

### **9.3 COUNCILLOR(S) ROLES AND RESPONSIBILITIES**

*By the City of Stirling*

#### **IN BRIEF**

- **This report relates to a proposal for the Local Government Act 1995 to include elected member legal representation issues.**
- **The City of Stirling is seeking support from the North Metropolitan Zone Committee for this proposal and subsequent consideration at the WALGA AGM on Saturday 2 August 2008.**

#### **BACKGROUND**

A notice of motion was passed at the City of Stirling's Ordinary Council meeting held 20 May 2008 as follows:-

*"The increasing complexity of the Local Government Act 1995 regarding Councillor(s) roles and responsibilities require Councillors to have ready access to independent legal representation in order for procedural fairness and equity with members of staff and that the Local Government Act 1995 BE AMENDED to address such issues at the next WALGA North Zone meeting and that this matter be LISTED by the City of Stirling for discussion at the WALGA AGM to be held on 2 August 2008."*

Accordingly, the City of Stirling is seeking the support of the North Metropolitan Zone Committee to lobby WALGA for an amendment to the Local Government Act 1995 to address issues relating to Councillor(s) roles and responsibilities and the requirement of legal representation. Should the North Metropolitan Zone Committee support this proposal, it is requested that this be listed for consideration at the WALGA AGM on Saturday, 2 August 2008.

#### **COMMENT**

It would be inconsistent with fundamental governance principles, on which the *Local Government Act 1995* is based, for individual Councillors to have direct access to independent legal representation, funded by the City, in respect of matters that are within their statutory functions.

The CEO is responsible under the *Local Government Act* for advising the Council, including advice about the functions of Councillors and the Council, under the *Local Government Act* and other written laws (see sections 5.41(a) and (b)). If legal advice is required, the CEO is able to arrange for the City's legal advisers to provide that advice.

Nevertheless, if an individual Councillor wishes to obtain independent legal advice, there are some circumstances in which the funding for that may be approved by the Council under the City's funding of legal representation policy.



**DRAFT MOTION**

- 1 That the North Metropolitan Zone LOBBY the Western Australian Local Government Association for an inclusion of independent legal representation for elected members issues in the Local Government Act 1995.
- 2 That the North Metropolitan Zone ENDORSE submission of this proposal for consideration at the Western Australian Local Government Association's Annual General meeting to be held on Saturday, 2 August 2008.

**MOVED Cr Re SECONDED Cr Tyzack that:**

- 1 the Western Australian Local Government Association LOBBY for an inclusion of independent legal representation for elected members issues in the Local Government Act 1995 and associated legislation;
- 2 the North Metropolitan Zone ENDORSE submission of this proposal for consideration at the Western Australian Local Government Association's Annual General meeting to be held on Saturday, 2 August 2008.

Discussion ensued. With the approval of the Mover and Seconder, amendments were made to the wording of Point 1 of the motion to the effect that WALGA will lobby, rather than the North Metropolitan Zone, and to include the words "...and associated legislation".

**MOVED Cr Miles SECONDED Cr Cvitan that consideration of this matter be DEFERRED to the next meeting of the North Metropolitan Zone pending the receipt of further advice from individual member Councils.**

The Motion was Put and

**CARRIED**

**10. WALGA STATE COUNCIL AGENDA – MATTERS FOR DISCUSSION**

*(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)*

**Matters of Particular Interest on State Council Agenda**

Cr Mitchell tabled a document entitled "Your Advantage" and provided a verbal report.

Discussion ensued on the State Council Agenda for June 2008, with the following matters being raised:

**MOVED Cr Stewart SECONDED Mayor Boothman that within the draft document “Sustainable Communities – The Local Government State Election Platform”, under “Protecting and Enhancing the Natural Environment”, a separate heading of Coastal Management be inserted, supported by the following words:**

***“Coastal Management.***

- ***Provide adequate financial support (\$10 million) for the development of a local coastal sustainability study to develop methodologies that will assist in the protection of both the natural and cultural coastal landscape.***
- ***The State Government address its responsibility with regard to the stormwater discharge onto our coast in relation to hazardous materials.***
- ***Methodologies should employ those measures where practical that utilize nature to balance out negative impacts.”***

**The Motion was Put and**

**CARRIED**

**MOVED Cr Cvitan SECONDED Cr Re that within the draft document “Sustainable Communities – The Local Government State Election Platform”, under “Safe and Sustainable Infrastructure” on Page 8, the 3<sup>rd</sup> dot point be amended to read:**

***“An increase in the Community Sports and Recreation Facilities Fund from \$15 million to a minimum of \$40 million (\$20 million for regional and \$20 million for local) in 2008/09, indexed annually thereafter based on a Building Construction Cost Index.”***

**The Motion was Put and**

**CARRIED UNANIMOUSLY**

**MOVED Cr Re SECONDED Cr Miles that an additional Recommendation 2 be added to Report 5.4 – Public Health Bill 2008 to read:**

**“2 NOTE that the Association will be seeking a commitment from the State Government for funding to support the implementation of the Bill in accordance with the Intergovernmental Agreement (2006).”**

**The Motion was Put and**

**CARRIED**

Cr Stewart then raised the issue of safety on dual use paths. After some discussion, it was:

**MOVED Mayor Pickard SECONDED Mayor Boothman that the three-year WA Local Government Association Road Safety Action Plan be amended to include safety on dual use pathways and that dual use path safety be included in any future review of the relevant legislation.**

**The Motion was Put and**

**CARRIED**

## 11. WALGA STATE COUNCIL MEMBERS' REPORTS

The WALGA President's Report was tabled at the meeting and the President, Cr Bill Mitchell provided comments on the report – Attachment 1 refers.

## 12. GENERAL BUSINESS

### 12.1 ZONE ROUND TABLE FORUM 2008

By WALGA

#### BACKGROUND

A Zone Round Table Forum has traditionally been held annually during the Local Government Convention in August each year. The Zone Round Table Forum brings together Zone Presidents/Chairs, State Councillors and Secretaries from all Zones in Western Australia to meet strategically with the WALGA President, Deputy President and Chief Executive Officer.

The Round Table Forum is aimed at identifying strategic issues for Local Government over the coming 12 months, and to align the strategic direction of Zones and the Association.

As with previous years, the Zone Round Table Forum is by invitation only to Zone Presidents/Chairs, Zone Secretaries and State Councillors, with no cost to the attendees.

The 2008 Zone Round Table Forum will be held on Thursday, 30 July 2008 from 3.00pm to 5.00pm at the Perth Convention Exhibition Centre.

Country and Metropolitan Zone members are invited to submit relevant items for discussion at the Zone Round Table Forum.

If an item is proposed for discussion, please submit, with the relevant background information, to Meredith Neilsen, Governance Policy Officer, ([nmeilsen@walga.asn.au](mailto:nmeilsen@walga.asn.au)) by 4.00pm on 1 June 2008.

**MOVED Mayor Boothman SECONDED Cr Re that the North Metropolitan Zone NOTES the report on the Zone Round Table Forum 2008.**

**The Motion was Put and**

**CARRIED**

## **12.2 PROPOSED CHANGE OF DATE FOR JULY 2008 NORTH METROPOLITAN ZONE MEETING**

*By City of Stirling*

### **BACKGROUND**

The next meeting of the North Metropolitan Zone is currently scheduled to take place on 17 July 2008. The City of Stirling has requested that consideration be given to postponing the meeting until Thursday, 24 July 2008, given that their Council will be in recess for two weeks during July.

**MOVED Cr Stewart SECONDED Cr Cvitan that the date for the next meeting of the North Metropolitan Zone be CHANGED from 17 July 2008 to 24 July 2008.**

**The Motion was Put and**

**CARRIED**

## **13. DATE, TIME & PLACE OF NEXT MEETING**

The next meeting of the North Metropolitan Zone will be held at the City of Stirling on Thursday, 24 July 2008, commencing at 6.00pm.

## **14. CLOSURE**

The Chairperson declared the meeting closed at 2006 hrs.

## **WALGA PRESIDENT'S REPORT**

### **May/June 2008**

#### **Federal Budget**

There is a larger than expected (\$21.7 billion) surplus for 2008-09 (1.8 per cent of GDP), with \$33 billion being slashed from public spending over the next four years.

Spending growth has been limited to 1.1 for next year. Gross domestic product growth is now expected to be 2.75 per cent in 2008-09, while inflation is predicted at 3.25 per cent. The forecast for unemployment is 4.75 per cent and wage growth will be kept at 4.25 per cent.

Key initiatives of the Rudd Government's first Budget include:

- \$40 billion investment infrastructure, education and health improvements;
- \$55 billion working families support package;
- \$15.2 billion for sustainable water initiatives and to help tackle climate change;
- \$22 billion for road and rail projects; and
- \$2.4 billion for Australian seniors and carers.

Of particular relevance to Local Government was the demise of the Regional Partnerships Program, which had funded 222 projects across WA including 35 Rural Transaction Centres, and the foreshadowed establishment of the Local Community Infrastructure Fund in 2009/10. Local Government is responsible for more than \$12 billion of local community infrastructure, including recreational facilities such as ovals, swimming pools, walking paths and community facilities such as halls, community and senior citizen centres, libraries and kitchens used by organisations such as Meals on Wheels.

An extensive grass-roots campaign waged by ALGA, State and Territory Associations and Local Government the past 18 months drew attention to the community infrastructure crisis facing Australia. The contribution from Local Governments across Australia of well over 1,000 examples of ailing infrastructure onto ALGA's on-line Community Infrastructure Ideas Register sparked a national debate directly leading to this initiative.

#### **Regional Partnership Program**

The demise of the program is difficult to quantify for Western Australia at this point in time. Whilst approved projects are apparently being moved to the "Better Regions" program and will have their funding honoured under that program, it is not clear whether this includes projects whose funding had been verbally agreed but were yet to receive formal correspondence.

The Association is attempting to ascertain through ALGA and DoTARS the exact nature of any impact on WA Local Governments.

### **State Budget**

Despite its \$2.093 billion dollar surplus, the 2008-09 State Budget handed down last week included no revolutionary announcements, and failed to redress the \$1.75 billion backlog in Local Government infrastructure.

The State Government's four-year, \$26.1b, capital works program included:

- a new football stadium at Subiaco;
- a new museum at East Perth, and;
- redevelopment of the Perth waterfront,

however, it ignored genuine essential infrastructure needs. Indexed increases in local road funding of \$9m was well short of the \$80m over four years as submitted as necessary by WALGA.

The State budget is actually SILENT in terms of investment in climate change, and the Premiers' much heralded "Action Statement on Climate Change" of last year remains essentially unfunded, net of actions already accounted for in preceding budgets. No funding has been allocated to expanding "Cities for Climate Protection", as requested for in our budget submission, once again leaving Local Government at the coal-face of Climate Change initiatives in WA, but without any funding support.

\$4.35m more for public libraries – taking the total to \$10.8m - was the only additional expenditure secured from \$205m in funding needs outlined in the Associations Budget submission.

### **WALGA AGM 2008**

The Annual General Meeting for the Western Australian Local Government Association will be held from 1:00 pm to 5:00 pm on Saturday 2 August 2008. The Notice of AGM, procedural information and guidelines on the formulation of motions, were communicated in writing to Councils on 10 April 2008.

Motions from Member Local Governments for inclusion on the Agenda for consideration at the 2008 Annual General Meeting are to be submitted in writing to the Chief Executive Officer of WALGA. The closing date for submission of motions is **Friday, 6 June 2008**. Please note that any motions proposing alterations or amendments to the Constitution of the WA Local Government Association must be received by **Monday, 26 May 2008** in order to satisfy the 60 day constitutional notification requirements.

Member Councils seeking to exercise their voting entitlements must ensure that their voting delegates are appropriately registered. Registration details and a Registration for Voting Delegates form were posted to all Councils on 24 April 2008. To register delegates, complete the form and fax back to the Association by **Friday, 4 July 2008**.

### **Draft SSS 10 Year Plan**

An extensive range of individual and collective briefings have been conducted with Local Governments on the draft 10 year plan. Many valuable ideas and suggested refinements have emerged from these discussions and will serve to improve the final document.

Local Governments who wish to engage in a special briefing session are encouraged to contact the secretariat to make the appropriate arrangements.

All Local Governments are asked to ensure that their formal feedback on the draft document is provided by 16 June.

### **State Election Platform**

Included for consideration in the agenda is a draft State Election Platform.

Whilst the election is yet to be announced, it is important for Local Government to establish the key elements of its platform so that we are able to begin to inform and influence political parties, sitting MPs, candidates and the public about our agenda.

The draft platform is not proposed as a definitive statement of all of Local Governments possible interests. Rather, it seeks to highlight our main expectations of any future State Government under five key priority areas:

- Collaborative Intergovernmental Relations;
- Good Local Governance;
- Developing Sustainable Communities;
- Protecting & Enhancing the Natural Environment, and
- Safe & Sustainable Infrastructure.

All Local Governments will have an important role to play in localising the platform to ensure that all candidates respond to the expectations of Local Government.

### **Business Development Update**

The Business Development team have advanced a number of contracts over the past few months, all of which will be up and running for WALGA members by 1 July 2008.

### **CCTV**

A dynamic new Preferred Supplier Arrangement for CCTV has been put in place with solutions for:

- Fixed Cabled solutions;
- Mobile Wireless solutions;
- Monitoring solutions for Fixed and Mobile cameras;
- Interactive VoIP CCTV systems; and
- CCTV detection systems.

The qualitative benefits offered by the new technology available are particularly significant, and in addition to the price discounts and procurement cost savings, will offer the sector exclusive access to leading and emerging solutions that can greatly enhance Local Government security and crime prevention. The options available under contract include cable free solutions with high resolution which save significant expenditure on implementation and installation work. There is also a system that has live interactive monitoring that provides the ability for a monitoring centre to communicate in real time and deter potential offenders (eg graffiti, assault etc).

### **Taxation Support and Advisory Services**

WALGA has appointed UHY Haines Norton as the new consultant to the WALGA Tax Service, effective from 1 July. This subscription program assists with GST and FBT compliance and supports proactive identification of issues relevant to Local Government taxation. The new subscription year will be accompanied by a transition process. WALGA is confident that this new supplier relationship will draw on a higher level of Local Government expertise and relevance for service users.

### **Software Licensing**

For the past six years, WALGA has operated a Preferred Supplier Agreement for software licensing. The principal responsibility of the supplier is to act as a LAR for the supply of Microsoft licences, products and associated services. Following the collapse of Commander Pty Ltd who executed the current Enterprise Agreement (EA) in October 2007, WALGA has evaluated submissions and awarded a novation of this contract to Data#3 Ltd. The new service provider will

bring stability, reporting benefits, and value added services to the current contract arrangement, and raise awareness of the significant savings available through the use of the EA as the preferred form of procurement for Microsoft licenses.

### **Telecommunications**

The Association's contract with Telstra has been renewed for a three year term, and extended to incorporate network data services and Telephony Hardware. A new buyers guide has been produced that outlines the contract terms and benefits which will be distributed shortly to Local Governments.

The contract currently delivers voice services savings off base retail costs (SFOA) of \$5.184 million. Further savings on each category area ranging from 20% through to 70% off standard pricing apply to each category area of the contract.

### **TenderLink**

WALGA has assessed and procured an electronic tender facility through TenderLink. This will assist the Tender Bureau Service, and the sector as a whole, by offering the ability to call and manage a tender in an online environment. The security and strength of the process is enhanced by this medium, and the profile and level of exposure will also increase. The WALGA site will also be accessible as a whole of WA Local Government tender portal.

### **Salary Packaging Services**

Through its Operating Lease contract with SG Fleet a category extension has been negotiated and developed to offer salary packaging services. Under the offer a variety of products and services can be accessed, with managed administration and reporting back to the employer.

There is an incentive for Local Governments to use these facilities to offer staff benefits under Employer of Choice programs, and also to receive a revenue stream in the form of shared rebates.

### **Currently Under Development**

- A new energy Preferred Supplier Arrangement for contestable electricity will be available from 1 July. Tenders are currently being evaluated. The energy procurement project newsletters provide a comprehensive overview of the process and evaluation and are available from the Business Development Team.
- The Association's contracts for Debt Management and Office Supplies are shortly up for renewal and will be re-contracted under the terms of their extension.
- Tenders have been called for Travel Services, which close on 27 May 2008.
- The Business Development team are currently preparing to tender for Print Management Services.
- A proposal for Local Government employee Home Loan Facilities has been received and is currently being negotiated.
- An extension to the VMWare contract is being arranged that will provide access to desktop virtualization.
- Under the auspices of the National Purchasing Network a tender for Road and Traffic Signs will be put to market in May 2008.
- The State Government Advertising Contract will expire on 31 August 2008, and WALGA is securing the entry of Local Government to the new Master Media Agency contract for the Whole of Government.

### **President's Contacts**

During the April – June period, contacts that have occurred or are scheduled to take place prior to the June State Council meeting are as follows:



### **Federal Government Relations**

- Environmental Protection Heritage Ministerial Council – Melbourne
- Natural Resource Management Ministerial Council - Melbourne

### **State Government Relations**

Meetings with:

- Mr Simon O'Brien MLC, Shadow Minister for Transport & Infrastructure
- Mr Gary Snook MLA, Shadow Minister for Local Government
- Hon Alannah MacTiernan MLC, Minister for Planning & Infrastructure
- State Advisory & Main Roads/WALGA Liaison Committee
- WALGA/WAPC Liaison Meeting

### **Local Government Relations**

Meetings with:

- ALGA Board Meeting
- City of Belmont – SSS Presentation
- City of Nedlands – SSS Presentation
- Public Accounts Committee Hearing
- Mr Alex Sheridan, South East Metro Regional Council
- Mr Stephen Tindale, WS-ROC
- LGIS Board Meeting
- Visit to Shire of Koorda, Mr Graeme McDonald CEO, President Janet Brooks
- Visit to Shire of Mt Marshall, Ms Eva Haydon CEO, President Paul Gillett
- Visit to Shire of Dalwallinu, Mr Neville Hale, CEO and President Robert Nixon
- Visit to Shire of Cunderdin, Mr Gary Tuffin, CEO and President Graham Cooper
- Visit to Shire of Wyalkatchem, Mr Sean Fletcher, CEO and President Susan Bruse
- Visit to Shire of Trayning, Mr Darren Mollenoyux, CEO and President Trevor Lamond
- Visit to Shire of Nungarin, Mr Bill Fensome, CEO and President Eileen O'Connell
- Shire of Kellerberrin, Mr Frank Peczka, CEO and President Rod Giles
- Visit to Shire of Tammin, Mr Mick Oliver, CEO and President Rodney Stokes
- Visit to Shire of Quairading, Mr Graeme Fardon, CEO and President Darryl Richards

### **Conferences / Workshops / Public Relations**

- Ms Marion Fulker, CEO, Committee for Perth
- Lloyd's List DCN WA Ports & Export Infrastructure Conference – Presenter and Panel Member
- City of Swan Mayoral Dinner
- Mr Reginald Howard-Smith, CEO, Chamber of Minerals & Energy
- ANZAC Day Dawn Service Wreath Laying Ceremony
- Rural Health West Conference – Panel Member
- City of Melville Annual Civic Dinner
- Roads Forum

### **Zone**

- Murchison Country Zone
- North Metropolitan Zone