



WESTERN AUSTRALIAN
LOCAL GOVERNMENT ASSOCIATION
North Metropolitan Zone

MINUTES

31 January 2008

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NORTH METROPOLITAN ZONE OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

Held at the City of Stirling
25 Cedric Street, Stirling
(Parmelia Room)

Thursday, 31 January 2008
Commencing at 6:05pm

MINUTES

1. ATTENDANCE AND APOLOGIES

(1) ATTENDANCE:

City of Stirling	Cr D (David) Boothman Cr W M (Bill) Stewart Cr T (Terry) Tyzack Cr E (Elizabeth) Re Mr S (Stuart) Jardine, Chief Executive Officer Mr A (Aaron) Bowman, Manager Governance & Council Support
City of Wanneroo	Cr F (Frank) Cvitan (Chairperson) Cr T (Tracey) Roberts Cr D (Dot) Newton Mr C (Charles) Johnson, Chief Executive Officer Ms K (Karen) Caple, Director Governance & Strategy
City of Joondalup	Mayor T (Troy) Pickard Cr T (Trona) Young Cr T (Tom) McLean Cr R (Russ) Fishwick Mr G (Garry) Hunt, Chief Executive Officer Mr I (Ian) Cowie, Director Governance & Strategy
Secretariat	Mrs N (Nicky) Barker, Coordinator Governance (City of Wanneroo) Mrs L (Lee-Anne) Burt, Council Support Officer (City of Wanneroo)
WALGA	Mr W (Bill) Mitchell, President Ms A (Allison) Hailes, Executive Manager Planning & Community Development

(2) APOLOGIES:

City of Stirling	Nil
City of Wanneroo	Cr M (Maureen) Grierson Cr L (Laura) Gray
City of Joondalup	Nil

2. ANNOUNCEMENTS

Cr Cvitan advised that Mr Charles Johnson, CEO for the City of Wanneroo, would be acting on behalf of Cr Laura Gray for the duration of the meeting.

Cr Cvitan then extended a welcome to WALGA representatives Cr Bill Mitchell, President, and Ms Alison Hailes, Executive Manager – Planning and Community Development.

3. CONFIRMATION OF MINUTES

Cr Re expressed concern that the Motion pertaining to Item 8.3 did not adequately reflect the fact that the proposed submission to WALGA in relation to the 2007 Local Government Elections would be a combined submission with comments from each of the Cities of Stirling, Joondalup and Wanneroo.

MOTION

Cr Tyzack/Cr Roberts

That the Minutes of the meeting of the North Metropolitan Zone held on Thursday, 29 November 2007 be confirmed as a true and accurate record of the proceedings.

CARRIED

Cr Cvitan vacated the Chair at 6.10pm. The Chair was assumed by Ms Alison Hailes, WALGA Executive Manager – Planning and Community Development, as Returning Officer for the election of State Council Representatives and Deputy Representatives for the North Metropolitan Zone.

4. ELECTION OF STATE COUNCIL REPRESENTATIVES AND DEPUTY REPRESENTATIVES FOR THE NORTH METROPOLITAN ZONE

The Returning Officer confirmed that an election would be conducted to fill three vacant positions for State Council Representative, and three vacant positions for Deputy State Council representative, and provided the meeting with a brief explanation of the manner in which the election would proceed.

It was advised that, upon confirmation of the number of nominations to be considered, ballot papers would be issued and a count undertaken. The nominee with the most votes would be declared elected. In the case of a tied vote, then the relevant ballot papers would be returned to the ballot box, and the first name withdrawn would be declared elected to the position.

All nominees would be provided with an opportunity (to a maximum of three minutes) to make an election bid prior to the ballot taking place.

At the conclusion of the election, the Returning Officer would seek a motion from the meeting to authorise the destruction of the ballot papers.

The following nominations had been received prior to the meeting (in alphabetical order):

State Council Representative

- Mayor David Boothman
- Cr Frank Cvitan
- Mayor Troy Pickard
- Cr Terry Tyzack

Deputy State Council Representative

- Mayor David Boothman
- Cr Russ Fishwick
- Cr Tracey Roberts (late nomination)

The Returning Officer sought direction from the meeting as to whether further nominations would be accepted from the floor. The general consensus of those in attendance was that prospective candidates had been given ample time in which to consider and submit their nominations, and that further nominations should not be accepted.

The Returning Officer invited each of the nominees for the position of State Council Representative to present their election bid.

The election was then conducted.

At the conclusion of the count, the following nominees were declared elected to the position of State Council Representative for the North Metropolitan Zone:

- Mayor David Boothman
- Cr Frank Cvitan
- Mayor Troy Pickard

The Returning Officer advised that the election of Mayor Boothman to the position of State Council Representative automatically meant that his nomination for the position of Deputy Representative was invalid. Given that there were now just two nominations for the three available positions, the Returning Officer called for a nomination from the floor for the third vacancy.

Mayor Pickard nominated Cr Terry Tyzack.

There being no further nominations, and the number of nominations received being equal to the number of vacancies available, the following nominees were declared elected to the position of Deputy State Council Representative for the North Metropolitan Zone:

- Cr Russ Fishwick
- Cr Tracey Roberts
- Cr Terry Tyzack

MOTION

Cr Roberts/Cr McLean

That the Ballot Papers associated with the election of State Council Representatives for the North Metropolitan Zone be destroyed.

CARRIED

Cr Cvitan resumed the Chair at 6.35pm.

5. BUSINESS ARISING FROM MINUTES

- 5.1 29 November 2007
Zone Agenda Item 8.3. State Council Agenda Item 6.4 Report on Key Activities, Governance Policy Team (Local Government 2007 Elections)

Following discussions with respect to the above matter, the following Motion was carried:

MOTION

Cr Roberts/Cr Re

That the North Metropolitan Zone Secretariat:

- 1. Seek an extension of time from WALGA with respect to submissions on the 2007 electoral process.*
- 2. Call for input from its constituent Councils to enable the formulation of a coordinated response to both the Electoral Commission and WALGA.*
- 3. Encourage constituent Councils to also make individual submissions in this regard.*

CARRIED

In accordance with this Motion, the Cities of Wanneroo, Stirling and Joondalup were invited to provide comments for inclusion in a submission which was subsequently forwarded to WALGA and the Electoral Commission.

A copy of this submission is included for the information of North Metropolitan Zone members.

**NORTH METROPOLITAN ZONE of the
WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION**

Secretariat:
City of Wanneroo
23 Dundobar Road
Wanneroo WA 6065
(Tel) (08) 9405 5018
(Fax) (08) 9405 5097

3 January 2008

Ms R Burges
Chief Executive Officer
Western Australian Local Government Association
PO Box 1544
WEST PERTH WA 6872

Dear Ms Burges

2007 Western Australian Local Government Elections

At the WALGA North Metropolitan Zone meeting held on 29 November 2007, delegates discussed the call from WALGA for submissions with respect to the 2007 Local Government election process, and agreed that a submission should be made by the North Metropolitan Zone on behalf of its constituent Councils.

Accordingly, comments have been sought from the Cities of Wanneroo, Joondalup and Stirling with respect to this matter, and are presented as follows for your information (*please note that the responses from Elected Members are personal views only*).

Responses from Elected Members

Q1 First past the post vs proportional preferential voting – your views? This change was strongly opposed by WALGA after consultation with member local governments on the grounds that Local Government elections would become increasingly politized by political parties, organised bodies and associations.

A1 *“I believe that returning to proportional preferential voting saw many candidates nominate who had no intention of being elected but were in the campaign to assist another person by passing on their votes. The campaign was political for the first time in years, with many known Labor and Liberals contesting seats, in my opinion purely to get their name known for future State and Federal elections. Many more organisations were involved in polling.”*

“First past the post ensured that there was an equal opportunity for any interested resident to become a candidate without having to compete with other candidates running on a ticket. Proportional preferential elections are cost prohibitive, as other candidates group together to run on a ticket.”

Secretariat: City of Wanneroo

“With the new boundaries in the South Ward of Wanneroo blown out to 28 000 constituents, the only way any normal, everyday Joe Bloggs that wants to make a difference to his area can afford election material, advertising etc is to side with one of these organised bodies. Also, I’m not opposed to proportional preferential, it can give one a leg up in accordance with what the constituents pick as their second choice – I did, however, notice a lot of dummy runners to assist one or the other past the post.”

“I do not believe that this can be considered an improvement to the previous system, given that it is non-compulsory. Compulsory voting should be implemented if proportional preferential voting is to be continued.”

Q2 Another significant change for the 2007 Local Government elections was the change from May to October. WALGA lobbied for this change, after consultation with member Local Governments, to allow incoming Councillors time to become acquainted with their role before deliberating on the forthcoming budget. Your views?

A2 *“October was not appropriate, with school holidays and a looming Federal election it saw apathy among some voters. I believe regardless of what time of year you were elected, getting your head around the first budget is always going to be tough. October elections gives new Councillors two meetings then a break for Christmas, lots of events with people and organisations they may not know anything about.”*

“The idea has merit, but there needs to be more advertising to advise residents of the change and reasons for the change.”

“Very good idea.”

“The date was an appalling choice for the following reasons:

- a. *Close proximity to a public holiday.*
- b. *Voting period included the October school holidays.*
- c. *Election was close to the pre-Christmas presentations and functions, this resulted in new Councillor inductions taking place during a very busy time.”*

Q3 WAEC & Postal Voting: A number of incidents have been reported in the media in relation to errors in the postal voting processes. In particular, there is anecdotal evidence of voting packages sent to the wrong areas, electors receiving multiple ballot papers and voting packages being delivered late. WALGA is seeking examples of any issues that were encountered with the WAEC’s postal voting systems.

A3 *“Did not encounter any of the above incidents, although the dates given to candidates were not accurate.”*

“The mailing packages were sent out a week later than the candidates were advised of. This made it difficult to co-ordinate candidate information to link in with the voting packages. Also, the final date of the delivery of the voting packages coincided with school holidays, and many residents were away at this time.”

Secretariat: City of Wanneroo

“I seem to think it will be organised a lot better as time goes by – practice makes perfect.”

“Advice was given to candidates in relation to the delivery of the ballot papers. Candidates arranged for information to be received by voters in accordance with advised timeframes. Unfortunately, the ballot papers were up to a week late. The issuing of candidate material is very important and this situation could impact negatively on candidates.”

Q4 Currently only the WAEC is permitted to conduct postal elections. Should WALGA lobby for a change in the Act to allow other parties, including Local Governments, to run postal Local Government elections? Can you provide examples as to the efficiency and effectiveness of postal elections conducted by the WAEC?

A4 *“I do not have a strong opinion on this one, it is convenient to have a third party responsible for the postal vote. But as more Councils come on board they must provide more resources. I would imagine that Australia Post would prefer one mailing address for postal voting, multiple similar envelopes would probably not arrive correctly in every instance if individual Councils ran their own.”*

Q5 Political Electoral Issues: WALGA is also seeking feedback on the *political* aspects of the electoral process, defined as examples of non-administrative issues affecting the election. In particular please provide examples of the effects of PPV on the election, your impression of the performance of Returning Officers in relation to their knowledge of the electoral process, the level of support provided to candidates by the Department of Local Government and Regional Development and any issues with the distribution of electoral material through Australia Post.

A5 *“Our returning officers did not seem to be across many of the fundamental rules associated with an election, eg allowing candidates on to the counting floor, even providing them with name badges identifying them as candidates. The returning officer did not in my opinion make best use of the electronic system available on the night. The Mayoral election with 10 candidates took until 2.15am to call.”*

“Having been the sitting Councillor until 2009, I didn’t receive any of the above. However, I did notice that the time told when the material was to arrive and the time it was received could be very costly for the candidate if it was to always be late in being issued.”

Responses from Administration

City of Wanneroo

1. Forms and manuals were updated too late in the process. Candidate brochures, although ready for the candidate information session, were not available until the last minute. Declaration of Office forms were amended after this particular brochure was published, and although a notification was sent out to all Local Governments, this was done very late and was missed by some Councils which resulted in the wrong Declaration of Office forms being used.

Secretariat: City of Wanneroo

2. Postal voting packages were sent out late. Some households in wards got their packages many days before others. Replacement packages and absent voting packages were also delivered to the City of Wanneroo in an adhoc manner, with packages for some wards arriving days before others, and after postal voting packages were sent out. Residents were asking for replacement packages before they were available to the City, with the result that staff had to take details and ask people to come back to complete the relevant forms.
3. The Commission is understaffed. In many instances multiple messages had to be left before someone rang back with a response to a query.
4. It was a known fact that the new voting system was going to cause problems. The Commission should have made provision for more than one officer to be in attendance on count night. It was clear that the Returning Officer required assistance with many things, which then had to be undertaken by Council's Administration.
5. Better training for Returning Officers in all aspects of legislation is required.
6. The City's Returning Officer was not up to speed with either Count WA or the software used to issue replacement voting packages, and the training provided by her was therefore difficult to understand.

City of Stirling

1. The WAEC hotline provided electors with totally incorrect information.
2. Ballot boxes did not balance and there was a gross inaccuracy in the number of ballot papers. This should have lead to challenges by candidates, but was resolved due to quick thinking by City of Stirling staff.
3. The WAEC would not or could not provide extra resources for the close of nominations, even when they were made aware of the problems that would be encountered (eg, that over 20 nominees had already made appointments for the last day).
4. Ballot papers were sent to one ward prior to the supposed issue date for ballot papers State-wide. The WAEC promised to get papers out to all other wards immediately, but there was a difference of nearly two weeks between the issuing of the first and last election packages.
5. There were no packs/booklets for scrutineers.
6. The Returning Officer/WAEC did not have any nomination packs available for prospective candidate sessions.
7. There were delays in providing the City with additional replacement and provisional voting packages.
8. Senior WAEC staff were providing candidates and experienced Councillors with incorrect information, such as issues relating to complaints, etc.

Secretariat: City of Wanneroo

9. The Returning Officer was not well informed and was not provided with proper assistance by WAEC. A senior City of Stirling staff member was required to provide significant support throughout the entire election process and be heavily involved due to the lack of resources, training and knowledge provided by the WAEC. The WAEC appeared to be of the opinion that “any person can be used for elections”. The WAEC quoted a price of \$300 000.00 to conduct this postal election, a price that the City of Stirling would happily have paid for an acceptable level of service. However, the level of service provided was very low, and given the cost involved it should not have been necessary for the City’s staff to be so heavily involved. Without the City’s strong support the elections would have been a disaster.
10. In general, the Electoral Commission did not supply what was needed when it was needed, and even then only after a lot of questioning, for example candidate packs. The Commission did not appear to take the Local Government seriously, and appeared to be of the view that “near enough would be good enough”.
11. Here at the City of Stirling most candidates lost respect for and confidence in the WAEC very early on, and it was only because the City had staff who were very experienced in electoral matters that the whole election process was not challenged. The City is still awaiting its electoral report, however we do not think it will be of much benefit due to the many inaccuracies encountered throughout the entire election process. The City of Stirling will be seriously examining other avenues for future elections.

As can be seen from the above comments, from the point of view of the North Metropolitan Zone’s constituent Councils there are many aspects of the 2007 Local Government electoral process that require urgent attention if the integrity of the process is to be maintained.

We trust that WALGA will consider these comments in forming its position with respect to the 2007 elections.

Yours sincerely

Lec-Anne Burt
A/Secretary
NORTH METROPOLITAN ZONE OF THE WESTERN AUSTRALIAN
LOCAL GOVERNMENT ASSOCIATION

cc WA Electoral Commission

Secretariat: City of Wanneroo

6. DEPUTATIONS

6.1 Department of Racing, Gaming & Liquor

At the North Metropolitan Zone meeting held on 29 November 2007, the Zone agreed to a request by the Department of Racing, Gaming and Liquor to present a deputation with respect to the matter of small bar licences, and the representatives of the Department were subsequently invited to attend the Zone meeting scheduled for 31 January 2008.

The Department subsequently advised that the Director General and Director Licensing were attending two other Zone meetings on 31 January, and therefore their deputation to the North Metropolitan Zone would be delayed until the Zone's next meeting on 20 March 2008.

7. MATTERS REFERRED TO WALGA

7.1 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.

1. "Beach Health Study Highlights Dangers of Storm Water"
Agenda Item 7.4 – Zone Meeting 27 September 2007

Any enquiry was raised as to whether any further progress had been made as a result of discussions with the Water Corporation and Department of Water, as indicated in the WALGA Response. WALGA representatives advised that no further information had been forthcoming to date.

An enquiry was also made as to why the Department of Health had not been approached by WALGA in relation to this issue. The Chairperson confirmed that this query would be taken on notice, and that WALGA would be requested to approach the Department of Health in relation to this matter.

2. "Requirements by the Department of Conservation and Environment for Environmental Offsets When Clearing Permits are Sought for Public Works on Reserved Land"
Agenda Item 7.5 – Zone Meeting 29 November 2007

Clarification was sought from WALGA representatives with respect to the degree of urgency that was being assigned to this issue. Concern was expressed in relation to the comment contained in the WALGA response that a working group was to be established to investigate the process of managing roadside conservation assets. The primary issue of concern to Local Government was the fact that the need to provide environmental offsets prior to permission being granted for clearing was significantly delaying vital roadworks. It was emphasised that this was an issue of critical importance to the City of Wanneroo.

WALGA representatives confirmed that this issue was also of major concern to many rural local governments, and that the Minister was fully aware of these concerns. WALGA was currently working with the Minister to develop a proposal to divide the State into three separate zones (two rural, one metropolitan), with specific guidelines for each zone. Another proposal that may be considered is the identification of all unconstructed, gazetted road reserves, with a view to using these areas as offsets against road reserve clearing applications. The working group was scheduled to meet on Tuesday, 5 February 2008.

MOTION

Cr Stewart/Cr Re

That the status report be received.

CARRIED



STATUS REPORT North Metropolitan Zone January-February 2008

<i>No</i>	<i>Zone</i>	<i>Agenda Item</i>	<i>Zone Resolution</i>	<i>WALGA Response</i>	<i>Up-date</i>	<i>WALGA Contact</i>
1.	North M	2007 November 29 Zone Agenda Item 7.3 Use of Differential Rating to Discourage the Holding of Undeveloped Land	That the North Metropolitan Zone Committee seeks the Western Australian Local Government Association's support to lobby the State Government to amend the current legislative provisions in relation to differential rating to enable a differential rate to be applied on the basis of the length of time a property has remained in an undeveloped state.	This item has been referred to the Governance Policy Team.	Jan-Feb 08	Tony Brown Executive Manager Governance & Strategy Phone: 9213 2051 Email: tbrown@walga.asn.au
2.	North M	2007 November 29 Zone Agenda Item 7.4 Reimbursement of Local Government Costs Incurred in the Administration and Operation of Citizenship Ceremonies.	That the North Metropolitan Zone Committee REQUEST WALGA to again raise the issue of funding citizenship ceremonies with ALGA, with the objective of further lobbying the Commonwealth Government to change its position on this matter.	The Association wrote to ALGA in early January 2008. Awaiting response.	Jan-Feb 08	Jodie Holbrook Policy Manager Community Ph: 9213 2044 Email: jholbrook@walga.asn.au
3.	North M	2007 November 29 Zone Agenda Item 7.5 Requirements by the Department of Conservation and Environment for Environmental Offsets When Clearing Permits are Sought for Public Works on Reserved Land	That the North Metropolitan Zone Committee RECOMMENDS that WALGA, as a matter of urgency:- 1. REQUESTS that the State Government provide an exemption for clearing permits on land which is being used for a public purpose as provided in a Town Planning Scheme. 2. REQUESTS that the State Government cease the practise of requiring environmental offsets	On Tuesday 20 November 2007, the President and Association representatives met with the Hon David Templeman MLA, Minister for the Environment; Climate Change and the Peel to discuss the Clearing of Native Vegetation Regulations and the implications for Local Governments. The Minister gave a commitment to establish a working group with key Local and State agencies to address Local Government's concerns with the current Clearing of Native Vegetation Regulations. This is a major step forward as engagement with	Jan-Feb 08	Mark Batty Executive Manager Environment and Waste Ph: 9213 2078 mbatty@walga.asn.au

<i>No</i>	<i>Zone</i>	<i>Agenda Item</i>	<i>Zone Resolution</i>	<i>WALGA Response</i>	<i>Up-date</i>	<i>WALGA Contact</i>
			<p>where land is being used for a public purpose as provided in a Town Planning Scheme.</p> <p>3. TAKES the matters listed in 1. or 2. above up directly with the Department of Conservation and Environment and the Minister for the Environment.</p>	<p>State Government Departments on legislative reform and process issues has been difficult. The Terms of Reference for the working group will be developed in partnership with the Minister's office – it is envisaged these will include recommendations for legislative change and a reinvestigation of the process to manage roadside conservation assets through piloting new approaches.</p>		
4.	North M	2007 November 29 State Council Agenda Item 6.5 Transport Key Activities	<p>1. That the WALGA State Council Agenda be received.</p> <p>2. That the North Metropolitan Zone draw WALGA's attention to the need to ensure that, with respect to the Model Accessible Bus Stop Audit Checklist, that TransPerth assumes responsibility for the development and funding of this initiative.</p>	<p>The Public Transport Authority (PTA) has funded the development of the Model Accessible Bus Stop Audit Checklist. Opus International has been appointed to develop the checklist. This project is being jointly managed by WALGA and the PTA through the Accessible Bus Stop Working Group.</p> <p>STATE COUNCIL RESOLUTION December 2007 That the report from the Transport and Roads Policy Team for December 2007 be noted.</p>	Jan-Feb 08	<p>Michelle Mackenzie Executive Manager Infrastructure 9213 2065 mmackenzie@walga.asn.au</p>
5.		2007 September 27 Zone Agenda item 7.4 Beach Health Study Highlights Dangers of Storm Water	<p>That the North Metropolitan Zone recommend that:</p> <p>1. WALGA requests that the State Government give consideration to the formation of a task force composed of State and Local Officers on options to address the problem.</p> <p>2. WALGA give consideration to seeking an urgent meeting with the appropriate Minister/s to discuss concerns regarding the State addressing its responsibilities regarding stormwater discharge under its control that does not comply with relevant health standards.</p>	<p>Further to the approach outlined in the December 2007 Zone Status Report, the issue is being discussed with senior Water Corporation and Department of Water staff in late January 2008, to determine State Government membership of a taskforce. The issue will also be raised with the relevant Ministers at the earliest opportunity.</p>	Jan-Feb 08	<p>Mark Batty Executive Manager Environment and Waste Ph: 9213 2078 mbatty@walga.asn.au</p>

No	Zone	Agenda Item	Zone Resolution	WALGA Response	Up-date	WALGA Contact
			3. Officers representing the various local authorities of the North Metro Zone form an informal working group to address the issue and exchange information.			
6.	North M	2007 May 31 Zone Agenda Item 7.1 Local Government Achievements in Cleaner Energy.	That the North Metropolitan Zone recommend that WALGA considers the potential of preparing and implementing a broad promotional strategy to demonstrate local governments' successes and achievements in the area of cleaner energy and greenhouse gas abatement.	The Communications Strategy is in development and has not yet been submitted to the Environment Policy Team for approval. This will occur at the next EPT Meeting. The draft strategy at present includes use of each of the Association media conduits, these being; The Western Councillor, The LG News, The President's West Australian column and media releases. In addition the Association will continue to communicate achievements to Officers through the WALGA Eco-News. The draft Strategy will be tabled in the near future.	Jan-Feb 08	Mark Batty Executive Manager Environment and Waste Ph: 9213 2078 mbatty@walga.asn.au
7.	North M	2007 February 1 Zone Agenda Item 10.2 Whitfords Volunteer Sea Rescue Group – Proposal for Funding & Support 2007 November 29	That the WALGA North Zone: 1. AGREES that financial support for the Whitfords Volunteers Sea Rescue Group and <i>Two Rocks Sea Rescue Group</i> is a regional issue; and 2. REQUESTS WALGA to commence negotiations with the State Government on the development of an equitable funding strategy between the State and Local Governments in regard to the provision of volunteer sea rescue groups. Mayor Pickard commented that an item with respect to the Whitfords Volunteer Sea Rescue Group – Proposal for Funding and Support appeared to have been deleted from the Status	The Association met with FESA representatives and the City of Joondalup in August 2007 to discuss funding for Volunteer Sea Recue. Groups. The State Government provides annual grant funding (capital and operational) to Volunteer Sea Rescue Groups in Western Australia including the Whitfords Cockburn and Fremantle Alliance. FESA is supportive of increased funding for Volunteers Groups and this is reflected in their State Budget bid 08/09. The capacity for Local Government to contribute to Volunteer Sea Rescue continues to be raised with the State Government. Association representatives are meetings with FESA representatives in early	Jan-Feb 07	Jodie Holbrook Policy Manager Community Ph: 9213 2044 Email: jholbrook@walga.asn.au

<i>No</i>	<i>Zone</i>	<i>Agenda Item</i>	<i>Zone Resolution</i>	<i>WALGA Response</i>	<i>Up- date</i>	<i>WALGA Contact</i>
			Report, but that this matter had not been fully resolved. WALGA representative Mr John Phillips advised that he would investigate with a view to having the issue placed back on the Status Report.	February 2008, and this issue is on the agenda for discussion. Updates on future progress on this item will be provided in the Planning and Community Development Key Activity Report within the State Council Agenda.		

8. REPORTS FROM MEMBER COUNCILS

8.1 Review of Fire & Emergency Services Levy Administration Fee

City of Stirling

IN BRIEF

The administrative fee paid by FESA to local Authorities for collecting their annual levy has not increased since its introduction in 2003. There needs to be a mechanism for growth in the administrative fee paid for this service.

BACKGROUND

In July 2003, the State Government enacted legislation introducing a Fire and Emergency Services (FESA) levy, applicable to all properties, which is raised and collected by local authorities. Local authorities are required to forward the funds collected from the levy to FESA to fund its operations.

Local authorities are paid an administration fee to compensate for the work and expense in calculating, raising and collecting the levy in accordance with the legislation and the fee structure advised by FESA annually.

The administration fee received by each local authority is an apportionment of an amount set aside by FESA for this purpose. It is understood that the apportionment to each local authority is undertaken by dividing the number of properties in each local authority by the total of all properties in all local authorities and multiplying the result by the funds available for the administration fee.

On the face of it, this apportionment method is a fair way of allocating the available funds. However, the annual amount set aside for the payment of the administration fee has not increased since 2003. It has remained at approximately \$2.5M. As the number of properties to which it applies has gradually increased, the amount received by local authorities per property has gradually decreased. If the relative number of properties between local authorities had remained the same, each would have received a similar amount as an administrative fee each year since 2003.

In real terms, some local authorities have had significant increases to property numbers and some have had little or no change. Those with increased property numbers may have maintained or even increased their administration fee whereas those with little or no change are now receiving less than in 2003!

There is no doubt that local authority costs have increased since July 2003. Staff costs, collection costs, costs associated with responding to enquires, billing and postage costs on annual and interim rate notices along with annual software set up costs have all increased.

It is not appropriate for FESA to continue to reduce the administration fees in real terms especially considering the levy has increased by approximately 15% since its introduction. (Not including the first transitional year in 2003/2004.)

Individual Councils have queried this situation with a representative of FESA and the response has been that the administration funding will not change without a collective approach by a number of Councils to the Minister for Emergency Services.

COMMENT

This is yet another example of blatant cost shifting from State to Local Government.

If there is no mechanism for increasing the administration fee paid by FESA to recognise the increasing cost of service, local authorities will be forced to subsidise the service through increased general rates. This was not the understanding given when Councils were directed to collect this revenue on behalf of FESA.

MOTION

Mayor Boothman/Cr Tyzack

1. That WALGA make representation to the Minister for Emergency Services to establish a reasonable ongoing basis for the calculation of the administrative fee paid to local authorities to collect the FESA levy.
2. That the administrative fee be based on a fee per property, which is increased annually in line with some accepted index, eg. CPI, Local Government Cost Index or a percentage of amounts raised by the levy.

CARRIED

8.2 Proposed Prostitution Legislation

By City of Joondalup

IN BRIEF

A request for the North Metropolitan Zone of WALGA to note the actions taken by the City of Joondalup in relation to the Prostitution Amendment Bill 2007 and to consider supporting the stance taken by the City of Joondalup.

BACKGROUND

The State Government introduced the Prostitution Amendment Bill 2007 into Parliament last year. The Bill was passed by the Legislative Assembly in November and was introduced to the Legislative Council on 15 November 2007 where it is currently being considered.

Planning and development controls are covered in Sections 21X and 21Y of the Bill. These sections are presented in full in **Attachment 1**. According to the Bill's Explanatory Memorandum, Section 21X provides a mechanism to enable existing well managed sexual service businesses to expeditiously obtain planning approval to enable their continued operation. The section applies to land used for the purpose of a business (other than a small owner-operated business) immediately before 12 September 2006. This is the date on which the Government announced its intention to establish the Prostitution Law Reform Working Group. This requirement is intended to ensure that opportunistic operators who commenced business after that date do not receive the benefit of this provision. The CEO of the Department of Racing, Gaming and Liquor will determine applications after liaising with local government and the Commissioner of Police. Regard is to be had to various factors such as historical complaints about the use of the land from residents or occupiers in the area and whether the business causes, or is likely to cause, a disturbance or interference with the amenity of the neighbourhood. The CEO is required to give approval unless, having regard to those matters, the CEO is satisfied that the business is not being managed appropriately.

Section 21Y enables local government to grant planning approval in relation to sexual service businesses even though their present schedules do not provide for this use. Applications are required to be treated as if the purpose is a use that is not permitted unless it has exercised its discretion by granting planning approval. In exercising its discretion, it must, in addition to other relevant considerations, have regard to whether the development is likely to cause a nuisance to ordinary members of the public using the area in which the land is situated and is incompatible with the existing character or use of the area in which the land is situated. This interim provision ensures that development applications can be approved prior to local planning schemes being amended. Once appropriate amendments have been made to local planning schemes, under the guidance of the Western Australian Planning Commission, the provision will cease to have effect.

Here it should be noted that a 'small owner-operated business' is defined to cover sex workers on their own or with one other sex worker who independently own or operate their own business. A 'sexual services business' is defined as the business of providing, or arranging the provision of, a commercial sexual act.

The Council of the City of Joondalup considered this Bill at its meeting of 18 December 2007. Following this consideration, Council resolved as follows:

"That Council:

- 1. WRITES to the State Government opposing the Prostitution Amendment Bill 2007 and, in particular, its provisions in relation to planning and Local Government involvement;*
- 2. REQUESTS that it not be passed until the City has had the opportunity to view the associated planning guidelines from the Western Australian Planning Commission;*

3. *ADVISES the Western Australian Local Government Association of its resolution as detailed in (1) and (2) above."*

As a result of this resolution, the City has written to the Attorney General who introduced the legislation and to WALGA reflecting Council's views.

COMMENT

Having written to the State Government opposing the Bill, the City of Joondalup seeks the support of other North Metropolitan Zone member Councils in opposing the Bill and placing pressure on the State Government to amend its approach.

DRAFT MOTION

Mayor Pickard/Cr Tyzack

That the North Metropolitan Zone notes the City of Joondalup's response to the Prostitution Amendment Bill 2007; supports the City's stance and writes to the State Government opposing the legislation.

Discussion ensued in relation to this issue, with several amendments being suggested to the wording of the draft motion. With the agreement of the original Mover and Seconder, the amendment became the substantive motion.

MOTION

Mayor Pickard/Cr Tyzack

That the North Metropolitan Zone notes the City of Joondalup's response to the Prostitution Amendment Bill 2007, supports the City's stance and writes to the State Government opposing the planning implications of the proposed legislation in the absence of guidelines and regulations.

CARRIED

The original motion was amended to make it clear that opposition was based solely on legitimate planning issues.

21X. Approvals for existing well managed places

- (1) If land was being used for the purpose of a sexual service business (other than a small owner-operated 15 business) immediately before 12 September 2006 and continued to be used for that purpose up to and including the day on which the *Prostitution Amendment Act 2007* section 1 came into operation, the use of the land, subject to the approval of the CEO, for that purpose is a use permitted by the planning scheme or interim development order relating to the land.
- (2) An application for the approval of the CEO under subsection (1) is to be made in the prescribed manner.
- (3) In considering an application for approval under subsection (1) the CEO is to liaise with the local government of the district in which the land is located and the Commissioner of Police and is to have regard to —
 - (a) whether the manner of the use of the land for the business has been the subject of complaints before 12 September 2006 from residents or occupiers in the area; and
 - (b) whether the operation of the business causes, or is likely to cause, a disturbance in the neighbourhood when taking into account the number of sex workers working in the business, its hours of operation, the noise and vehicular and pedestrian traffic; and
 - (c) whether the operation of the business interferes, or is likely to interfere, with the amenity of the neighbourhood.
- (4) The CEO is to give approval under subsection (1) unless, after having regard to the matters referred to in subsection (3), the CEO is satisfied that the business is not being managed appropriately.

21Y. Other places

- (1) If a development application within the meaning given in the Planning and Development Act 2005 section 4(1) is made to a responsible authority for the development of land for the purpose of a sexual service business, the authority must —
 - (a) consider the application as if that purpose is a use that is not permitted unless the responsible authority has exercised its discretion by granting planning approval; and
 - (b) in exercising its discretion, also have regard to whether the business —
 - (i) is likely to cause a nuisance to ordinary members of the public using the area in which the land is situated; and
 - (ii) is incompatible with the existing character or use of the area in which the land is situated.
- (2) Subsection (1) does not limit or affect the operation of the Planning and Development Act 2005 in any way, and the subsection may be overridden by a provision of a planning scheme or interim development order.

8.3 Recognition of Local Government in the Australian Constitution

By City of Joondalup

IN BRIEF

Local Government is not recognised in the Australian Constitution. This report seeks the support of the North Zone to lobby WALGA to raise this matter with the Australian Local Government Association and the Commonwealth Government again.

BACKGROUND

At the North Metropolitan Zone meeting of 29 November 2007, it was agreed that the City of Joondalup would prepare a report for the next Zone meeting in relation to the recognition of local government in the Australian Constitution. This report responds to this request.

Local government is recognised in the State's *Constitution Act 1889* through sections 52 and 53. These require that a system of elected local governing bodies must be maintained and that these bodies shall have such powers as the legislature may determine. A copy of the relevant sections is attached.

The Australian Constitution contains no similar provisions and local government has argued for this to change over an extended period with two earlier referenda on this issue in 1974 and 1988 being unsuccessful. Most recently, at the National General Assembly of Local Government in 2007, the following resolution, proposed by Bankstown City Council in New South Wales, was carried:

"That the National General Assembly reiterate its long standing call for amendments to the Australian Constitution to recognise the roles and responsibilities of local government, and calls on all political parties to adopt this as a formal policy position during 2007. That this 2007 National General Assembly call on all political parties to agree to hold a National Constitutional Convention to resolve the long outstanding issues of constitutional recognition, roles and responsibilities, and appropriate funding arrangements for local government in Australia."

Indeed, the agenda for that National General Assembly identified a series of Principles of Local Democracy. Principles 2.3 and 2.4 specifically relate to this issue as follows:

- 2.3 *Local government seeks constitutional recognition in the Australian Constitution.*
- 2.4 *Local government supports the conduct of a national Constitutional Convention to specifically consider constitutional recognition of local government and review the efficiency, effectiveness and responsibilities of the three spheres of government.*

COMMENT

With the recent change of Government at the Commonwealth level, it is considered appropriate to once again raise the issue of constitutional recognition for local government at the national level.

MOTION

Mayor Pickard/Mayor Boothman

That the North Metropolitan Zone lobby WALGA to raise the desire to achieve constitutional recognition of local government with the Australian Local Government Association and the Commonwealth Government.

CARRIED

Part IIIB — Local government

[Heading inserted by No. 88 of 1979 s. 3.]

52. Elected local governing bodies

- (1) The Legislature shall maintain a system of local governing bodies elected and constituted in such manner as the Legislature may from time to time provide.
- (2) Each elected local governing body shall have such powers as the Legislature may from time to time provide being such powers as the Legislature considers necessary for the better government of the area in respect of which the body is constituted.

[Section 52 inserted by No. 88 of 1979 s. 3.]

53. Certain laws not affected

Section 52 does not affect the operation of any law —

- (a) prescribing circumstances in which the offices of members of a local governing body shall become and remain vacant; or
 - (b) providing for the administration of any area of the State —
 - (i) to which the system maintained under that section does not for the time being extend; or
 - (ii) when the offices of all the members of the local governing body for that area are vacant;
- or
- (c) limiting or otherwise affecting the operation of a law relating to local government; or
 - (d) conferring any power relating to local government on a person other than a duly constituted local governing body.

[Section 53 inserted by No. 88 of 1979 s. 3.]

8.4 Rating of Land Used for Charitable Purposes – Late Item

By City of Stirling

IN BRIEF

- The Minister for Local Government has announced that she would not be accepting the key recommendations made in the Local Government Advisory Board's report on the operation of Section 6.26(2)(g) of the *Local Government Act 1995* relating to the rating of land used for charitable purposes.
- The Minister considered that the current process whereby local governments are able to rate the properties concerned and individuals or organisations are then able to contest rateability through the State Administrative Tribunal is a balanced approach that should be retained.
- It is the City's view that WALGA should continue to lobby for amendments to be made to remove the legislative ambiguity that is providing rate exemptions in inappropriate circumstances.

BACKGROUND

The current *Local Government Act 1995* contains provisions to exempt properties from rates where they meet certain charitable criteria. These provisions were not altered when the Act was updated in 1995 and they had been in place for many years prior to that. These provisions have always been difficult to interpret and apply consistently. In recent years, they have become unworkable on a practical basis.

Previously, charitable exemptions were claimed for and provided to not-for-profit agencies providing very basic housing at a subsidised rent to needy families and individuals. This recognised that the not-for-profit owners were providing housing at a financial cost to themselves. More recently, these existing properties have been redeveloped and additional properties purchased to provide a completely new form of facility, the retirement village with independent living units. New property developments and a more focussed businesslike approach by not-for-profit agencies have targeted the potential provided by the very loosely worded charitable exemption provisions.

These new properties provide "profits" to their owners that are then used in their overall not-for-profit operations. The fact that there is no longer a financial cost in providing accommodation does not enter the debate when legal argument is made for exemption under the current charitable exemption provisions of the *Local Government Act 1995*. The expression "charity" has a technical legal meaning and its popular meaning relating to the giving of financial assistance is not relevant. The legal meaning of charity includes "relief of the aged" and this can be established by the provision of an environment that supports aged persons. A retirement village is considered to provide such support and is therefore "charitable".

The situation now exists that any grouped housing development for seniors owned by not for profit organisations is eligible to claim a full rate exemption. As time goes on, it is not unreasonable to expect that all retirement villages/homes will be able to position themselves to obtain rate exemption under the current provisions of the Act.

Given that council rates are a main funding source for facilities and services, it is not considered appropriate to exclude a significant portion of the community from making a contribution. It is particularly inappropriate given that the State Government provides pensioner concessions that consider the circumstances of individuals and would apply to these properties if they were deemed rateable. The current situation establishes an elite group of pensioners who only have to reside in a not-for-profit managed village in order to obtain a rate concession for the not-for-profit organisation. Equity and fairness for the whole community does not appear to be a major factor in any deliberations about this issue. There is doubt that this benefit is passed onto the residents, as any market rent paid by the pensioners would have the rating component factored in. In addition, these villages are not provided with free water, electricity or gas, yet they receive free council services.

There have been a number of cases dealt with by the State Administrative Tribunal and other courts that have failed to give clarity to the application of the charitable exemption provisions. The announcement that the *Local Government Act 1995* will not be amended to resolve the confusion is disappointing and the suggestion that Councils have the option to rate properties and owners the right to contest rateability though the State Administrative Tribunal is unhelpful, as Councils should not be required to spend significant and valuable ratepayer resources on legal expenses.

MOTION

Mayor Boothman/Cr Stewart

That WALGA continue to pursue as a matter of priority with the State Government the enactment of amendments to the charitable exemption provisions of the *Local Government Act 1995* to bring clarity, consistency and fairness to the legislation.

CARRIED

9. 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

9.1 Item 5.1 Contributions to Community Infrastructure

Concern was expressed in relation to the apparent absence of a formula to calculate the level of developer contributions.

It was advised that the Guidelines appended to the State Council Agenda were a very early draft. Formulas for the calculation of contributions and advice with respect to how these formulas should be applied had been developed.

It was intended to conduct a comprehensive education and training programme for officers from Local Government and the Department for Planning and Infrastructure, consultants and representatives of the development industry, however the process was still at an early stage, and further work was required prior to it being finalised and endorsed.

Discussion ensued in relation to the possibility of running a series of workshops with individual councils in the North Metropolitan Zone to explain the proposal in further detail, with feedback from those Councils who were currently using the modal and essentially testing the methodology. It was suggested that a deputation should be sought from relevant individuals to a future meeting of the North Metropolitan Zone to discuss the proposals, with an invitation extended to other interested Local Governments to also participate in the discussions.

The Chairperson advised that the City of Wanneroo would make arrangements with WALGA to conduct a workshop involving staff and Elected Members from the three constituent Councils.

9.2 Item 4.1 Planning and Development Amendment (Third Party Appeals) Bill 2007

Concerns were expressed with respect to the possible impact of the proposed Amendment on local government planning processes. The original changes to the appeal procedures were intended to provide a more effective means for local governments and third parties to negotiate their way through the appeal process. However this had not eventuated, and in fact significant difficulties had arisen as a result of community groups being part of the appeal process.

It was stated that a process should be put in place for local government to recoup costs incurred through frivolous appeals from the appellants.

9.3 Item 4.2 Report on Systemic Sustainability Taskforce

It was enquired as to whether there would be some interest from the Zone in arranging a presentation and workshop in relation to this matter, recognising that individual Councillors would be looking at responding to the report.

The comment period would be open until April 2008, and therefore it would be possible to have someone from the Working Group address the next meeting of the North Metropolitan Zone, enabling the Zone to then have input to WALGA.

It was advised that WALGA would be seeking feedback from individual Councils and Zones in relation to this matter, and that if a workshop was to be arranged then it should be conducted by a WALGA facilitator.

It was suggested that this issue should form an item on the Agenda for the next meeting of the North Metropolitan Zone, and that an invitation be extended to WALGA to have a representative from the Systemic Sustainability Taskforce in attendance.

MOTION

Cr Re/Cr Newton

1. That this issue should form an item on the Agenda for the next meeting of the North Metropolitan Zone.
2. That the WALGA State Council Agenda be received.

CARRIED

10. WALGA STATE COUNCIL MEMBERS' REPORTS

Mayor Pickard reported that he had been elected to the position of Deputy President at the last State Council meeting, and provided comments in relation to the impending relocation of the WALGA offices.

10.1 WALGA State President's Report

The WALGA State President's Report, as attached, was tabled at the meeting, and the President, Cr Bill Mitchell, provided comment in relation to same.

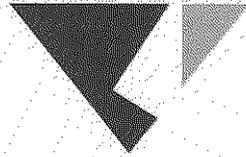
Cr Mitchell advised that the forthcoming State Council meeting would be the last in his current term as President, and that he would be seeking the Council's support to serve for another two years. He extended thanks to the members of the North Metropolitan Zone for their support during his term.

MOTION

Cr Stewart/Cr Young

That the WALGA State President's Report be received.

CARRIED



WALGA

WALGA PRESIDENT'S REPORT

January/February 2008

Election of WALGA Deputy President

I am pleased to announce that at the last State Council meeting Mayor Troy Pickard, City of Joondalup has been elected the new Deputy President. Mayor Pickard brings a wealth of knowledge and experience to the WALGA leadership team and I am confident that Mayor Pickard has the enthusiasm to embrace this challenge and assist Local Government in WA to achieve a future that is economically, socially and environmentally sustainable.

Meeting with Hon Ljiljanna Ravlich, Minister for Local Government

Association Chief Executive Officer, Ricky Burges and I met recently with the Hon Ljiljanna Ravlich, Minister for Local Government. The Minister expressed support for the work of the SSS project and indicated that she is looking forward to seeing the draft paper. The Minister also indicated that the State Government and Local Government could work together to achieve the best outcomes for Local Government in Western Australia. The Minister indicated that the appointment of the Director General at the Department of Local Government and Regional Development will be announced shortly. On the graffiti strategy, the Minister intends to arrange a meeting with Minister Kobelke and WALGA to discuss the State Government's graffiti strategy and the WALGA State Council agenda item.

SSS Report

The much anticipated launch of the SSS draft report will be held on Thursday 28 February 2008 at UWA. The forum will provide an outline of the proposals in the report which will be available at the completion of the forum. I would encourage all Councils to have representation at the forum and register with WALGA as soon as possible. There will be a six week submission period for feedback from Local Governments, with final consideration and adoption of the report by State Council scheduled for June 2008.

New Council of Australian Governments (COAG)

The new Council of Australian Governments (COAG), chaired by Prime Minister Kevin Rudd, met for the first time in Melbourne on 20 December 2007. The members of COAG agreed that the Council will move to a new, more collaborative method of operation. The working groups are to be chaired by Commonwealth ministers with deputies from state and territories. Importantly Local Government will be represented through ALGA on three of the most important groups for Local Government: infrastructure, housing and climate change.

Productivity Commission Report – *Assessing Local Government Revenue Raising Capacity*

The Productivity Commission released a draft research report in December 2007, in response to the 2003 Hawker Report. The report highlights that the fiscal imbalance between spheres of government continues to grow. Over the past 15 years, combined State and Federal Government taxes increased from 40.9% to 48.3% of household income while Local Government rates remained at an average of 1.5% of household income. WALGA will be making a representative submission in response to the draft report and Councils are encouraged to do likewise. The report is available from the Productivity Commission's website: <http://www.pc.gov.au/study/localgovernment/docs/draftreport>

ALGA Submission to the 2008/09 Federal Budget

ALGA's Submission to the Federal Budget highlights the need to reform Local Government funding as the key priority. ALGA has indicated support for the Federal Government's commitment to intergovernmental reform. For many years, Local Government has argued for fundamental reform to the long-term financial relationship between Local Government and the Commonwealth. In this context, ALGA strongly believes that Local Government funding needs to be addressed as part of further changes to Commonwealth-State financial arrangements. However, the level of funding available to Local Government through Financial Assistance Grants (FAGs) has not kept pace with the growth of Commonwealth and State (GST) revenue and Local Government seeks general-purpose funding from the Commonwealth equal to a fixed share of at least 1% of Commonwealth taxation revenue (net of GST).

State Government Finances

The mid-year review released by the State Government revised forecast growth in the WA economy in 2007/08 upward from 4.5% in the Budget to 7%. That is the good news. On the downside, engineering construction costs are expected to continue to rise strongly in the coming year. The State is budgeting increased costs in most infrastructure projects. It is likely that projects delivered by Local

Governments will experience similar cost pressures. Wage price growth across the whole economy is also expected to be stronger than previously forecast.

Overall the State government surplus is still expected to be well above budget forecasts due to growth in non-residential developments (duties payable) and higher than expected employment – and wages – delivering increased payroll taxes. The State is in a sound position to invest in programs and projects which will deliver lasting benefits to Western Australian communities such as those highlighted in the WALGA Budget Submission as well as significant projects in individual areas.

Local Government Advisory Board Inquiry – Local Government Service Delivery to Indigenous Communities

On 5 December 2007, the Minister for Local Government announced an Inquiry into Local Government services to Indigenous Communities. The Inquiry will be conducted by the Local Government Advisory Board (LGAB) and provide advice to the Minister on current legislative and financial impediments to Local Government service delivery. This Inquiry will also inform future bilateral negotiations on these issues. The LGAB is expected to report back to the Minister by 31 May 2008.

The terms of reference for the inquiry have been released and focus on the provision of core services, legislative and financial impediments, the optimal method of service delivery, funding arrangements, accountability, participation by Indigenous communities and the role of Local Governments in relation to Indigenous community governance.

As part of its inquiry the Board is seeking comment from stakeholders. How this is being done is still being determined but we understand that the intention is to release a discussion paper shortly. WALGA Chief Executive Officer, Ricky Burges and I are meeting with the Board on 6 February 2008 to discuss the inquiry, the concerns of Local Government and how the inquiry will feed into the broader bilateral process.

Telecommunications

The Telecommunications contract with Telstra has been renewed following its initial term to December 2008. Minor variations have been effected to accommodate emerging services and to deliver best value against current spend patterns.

A new buyer's guide and account management structure has been applied to the new contract to improve Local Governments' access to customer service and support. This will also enhance the ability of contract users to package services according to the most effective structure based on their use of service in each category area.

Energy

A draft Expression of Interest has been prepared for a sector tender for Electricity on contestable sites, which will be put to market within the coming weeks. Analysis is currently being undertaken of Local Government account data so that the volume and type of supply can be accurately costed by the market. Project updates relating to this procurement are regularly provided to officers registered on the communications list. A briefing session will also be hosted on 21 February 2008 to deliver a summary of data analysis and market synopsis of supply options.

Tender Bureau Service

The Tender Bureau Service is being utilised by a large number of Councils to prepare and conduct tenders for a diverse range of supplies. A team of skilled and experienced Local Government purchasing officers provide service users with complete confidence, independence and high quality results.

Under the auspices of the service, consulting and presentations have recently been provided to assist Local Governments structure their own policies and procedures for purchasing. Several workshops relating to Local Government purchasing, tender evaluation, and contract management have been developed that are adaptable as customised programs for any organisation seeking to improve its procurement

President's Contacts

During the December – February period, contacts that have occurred or are scheduled to take place prior to the February State Council meeting are as follows.

Federal Government Relations

Breakfast with the Hon Kevin Rudd MP, Prime Minister, Hon Julia Gillard MP, Deputy Prime Minister, and Hon Wayne Swan MP, Federal Treasurer at the City of Perth.

State Government Relations

Meetings with:

- Minister Ljiljanna Ravlich MLC, Minister for Local Government
- State Advisory and Main Roads WALGA Liaison Committee
- WALGA/DPI Liaison Meeting
- State Infrastructure Meeting

Local Government Relations

Meetings with:

- South West Regional Road Group Meeting
- Mr Lionel Quartermaine, (former ATSIIC Board member) Manager Emu Services
- Road Safety Council
- Pilbara Regional Road Group Meeting
- Visit to Town of Port Hedland, Mayor Stan Martin and Chief Executive Officer, Mr Chris Adams
- Local Government Advisory Board

Conferences / Workshops / Public Relations

- South West Biodiversity Addendum Launch, Bunbury
- Australia Day Lunch

Zone

- South West Country Zone
- Pilbara Country Zone Meeting
- South East Metro Zone
- Great Eastern Country Zone
- North Metropolitan Zone
- Central Country Zone

11. GENERAL BUSINESS

Nil

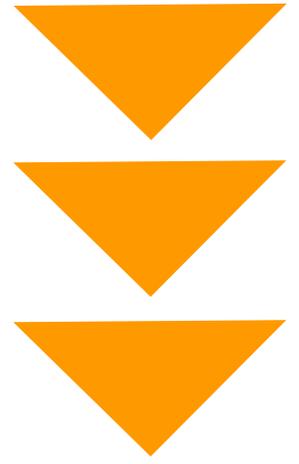
12. DATE, TIME & PLACE OF NEXT MEETING

DRAFT MOTION

The next meeting of the North Metropolitan Zone will be held at the City of Joondalup on Thursday, 20 March 2008, commencing at 6.00pm.

13. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 7.55pm.

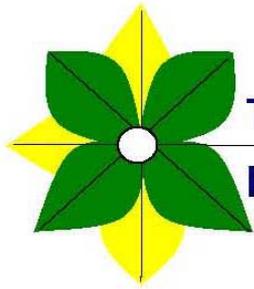


State Council Summary Minutes



February 2008





TAMALA PARK
REGIONAL COUNCIL

Ordinary Meeting of Council

MINUTES

Thursday 21 February 2008
Town of Vincent, 5.30pm

TAMALA PARK
REGIONAL COUNCIL
(TPRC)
COMPRISES THE
FOLLOWING
COUNCILS:

Town of Cambridge
City of Joondalup
City of Perth
City of Stirling
Town of Victoria Park
Town of Vincent
City of Wanneroo

MEMBERSHIP

OWNER COUNCIL	MEMBER	ALTERNATE MEMBER
Town of Cambridge	Mayor Simon Withers	
City of Joondalup	Cr Albert Jacob Mayor Troy Pickard	
City of Perth	Cr Eleni Evangel	
City of Stirling	Cr Paul Collins Cr John Italiano Cr David Michael Cr Bill Stewart	Cr Kathryn Thomas Cr Terry Tyzack
Town of Victoria Park	Mayor Trevor Vaughan	
Town of Vincent	Mayor Nick Catania	Cr Steed Farrell
City of Wanneroo	Cr Tracey Roberts Cr Bob Smithson	Cr Alan Blencowe Cr Frank Cvitan

NB: Although some Councils have nominated alternate members, it is a precursor to any alternate member acting that a Council carries a specific resolution for each occasion that the alternate member is to act, referencing Section 51 of the Interpretation Act. The current Local Government Act does not provide for the appointment of deputy or alternate members of Regional Councils. The DLGRD is preparing an amendment to rectify this situation.

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PRESENT

Chairman	Cr Troy Pickard
Deputy Chairman	Cr Tracey Roberts
Councillors	Cr Nick Catania (departed meeting at 7.05pm) Cr Paul Collins Cr Eleni Evangel (arrived at 5.40pm and departed meeting at 7.15pm) Cr John Italiano Cr Albert Jacob Cr David Michael Cr Bob Smithson Cr Bill Stewart (departed meeting from 6.55pm to 6.58pm) Cr Trevor Vaughan Cr Simon Withers
Alternate Members	Nil
Staff	Rod Constantine (Chief Executive Officer) Kylie Jeffs (Minute Clerk)
Apologies Councillors	Nil
Leave of Absence	Nil
Absent	Nil
Consultants	Nil
Apologies Represented Councils' Advisers	Mr Charles Johnson (City of Wanneroo)
In Attendance	Mr Lewis Bond (City of Perth) Mr John Bonker (Town of Victoria Park) Mr Jason Buckley (Town of Cambridge) Mr John Giorgi (Town of Vincent) Mr Garry Hunt (City of Joondalup) Mr Jason Lyon (Town of Cambridge)
Members of the Public	Nil
Press	Nil

1. OFFICIAL OPENING

The meeting was declared open at 5.35pm.

DISCLOSURE OF INTERESTS

Mr R Constantine declared a financial interest in the CEO Performance Review Item which was discussed under item 12 – Urgent Business Approved by the Chairman.

2. PUBLIC STATEMENT/QUESTION TIME

Nil

3. APOLOGIES AND LEAVE OF ABSENCE

Cr Eleni Evangel requested a leave of absence for the period 25 February 2008 to 14 March 2008 inclusive.

Moved Cr Michael, Seconded Cr Smithson

That leave of absence from Council and other meetings be granted to Cr Eleni Evangel for the period 25 February 2008 to 14 March 2008 inclusive.

The Motion was put and declared CARRIED (12/0).

4. PETITIONS

Nil

5. CONFIRMATION OF MINUTES

Ordinary Meeting of Council - 6 December 2007

Moved Cr B Stewart, Seconded Cr P Collins

That the minutes of the Ordinary Meeting of Council of 6 December 2007 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (12/0).

Special Meeting of Council – 23 January 2008

Moved Cr B Stewart, Seconded Cr P Collins

That the minutes of the Special Meeting of Council of 23 January 2008 be confirmed, and signed by the Chairman, as a true and correct record of proceedings.

The Motion was put and declared CARRIED (12/0).

6. ANNOUNCEMENTS BY CHAIRMAN (WITHOUT DISCUSSION)

- The Chairman advised that the names of councillors voting for and against each motion will be recorded in meeting minutes except that where a vote is unanimous the recording of Councillor's names may be optional as voting will be reflected in the record of meeting attendance.
- The Chairman advised that as a result of his attendance at the recent Green Cities conference, a contact from the Green Building Council of

Australia has been invited to meet with the Chief Executive Officer Mr R Constantine in the near future to discuss Green Star principles and particularly the developing of Green Star principles and guidelines for residential buildings.

- The Chairman advised he has received a notice of rescission of a part of a Council Resolution to be raised under Item 12 - Urgent Business Approved by the Chairman.

7. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

8. REPORTS OF COMMITTEES

Audit Committee Meeting – 21 February 2008

Audit Committee Meeting Item 9.1 TPRC Budget Review – 1 July 2007 to 30 June 2008 at 31 January 2008

Committee Recommendation

Moved Cr B Stewart, Seconded Cr J Italiano

The Committee recommends to Council:

That the Budget Review for the period 1 July 2007 to 30 June 2008 (as at 31 January 2008) be RECEIVED, NOTED and FORWARDED to the Department of Local Government and Regional Development.

The Motion was put and declared CARRIED by absolute majority vote (12/0).

Audit Committee Meeting Item 9.2 Local Government Compliance Audit for Year Ended 31 December 2007

Committee Recommendation

Moved Cr B Stewart, Seconded Cr J Italiano

The Committee recommends to Council:

That the Compliance Audit Return for the TPRC for the year ended 31 December 2007 be ADOPTED, RECORDED in the minutes, CERTIFIED and SENT to the Executive Director as required by the Local Government Act and Regulations.

The Motion was put and declared CARRIED (12/0).

Audit Committee Meeting Item 9.3 Audit Charter & Annual Audit Plan

Committee Recommendation

Moved Cr B Stewart, Seconded Cr J Italiano

The Committee recommends to Council:

That the TPRC Audit Committee Charter and annual Audit Plan be CONFIRMED.

The Motion was put and declared CARRIED (12/0).

9. ADMINISTRATION REPORTS

9.1 BUSINESS REPORT – PERIOD ENDING 31 JANUARY 2008

Moved Cr A Jacob, Seconded Cr T Roberts

[The Motion recommended in the agenda]

That the Business Report to 31 January 2008 be RECEIVED.

The Motion was put and declared CARRIED (12/0).

9.2 STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTHS DECEMBER 2007 AND JANUARY 2008

Moved Cr D Michael, Seconded Cr T Vaughan

[The Motion recommended in the agenda]

That the Council RECEIVE and NOTE the Statement(s) of Financial Activity for the months ending 31 December 2007 and 31 January 2008.

The Motion was put and declared CARRIED (12/0).

9.3 LIST OF MONTHLY ACCOUNTS SUBMITTED FOR THE MONTHS DECEMBER 2007 AND JANUARY 2008

Moved Cr T Vaughan, Seconded Cr E Evangel

[The Motion recommended in the agenda]

That the Council RECEIVE and NOTE the list of accounts paid under Delegated Authority to the CEO for each of the months December 2007 and January 2008:

- **Month ending 31 December 2007 (Total \$29,988.15); and**
- **Month ending 31 January 2008 (Total \$23,695.36)**
- **Total Paid \$53,683.51**

The Motion was put and declared CARRIED (12/0).

9.4 DISTRIBUTION OF EQUITY REQUEST – MUNICIPAL RATES LOT 9504 (PART) REQUEST – TOWN OF CAMBRIDGE

Moved Cr E Evangel, Seconded Cr N Catania

[The Motion recommended in the agenda]

- 1) That, pending transfer from participant local authorities to the TPRC of the developable land described in the TPRC Establishment Agreement, a funds distribution of capital from TPRC be made to participant local authorities equivalent to the rates levied for Lot 9504 less rates attributable to the proportion of land leased to MRC.
- 2) The payment in part (1) one of the motion to be made while the rate assessment is based on the calculation method defined in the TPRC Establishment Agreement and if the rate assessment changes, the matter be reconsidered by the Council.

The Motion was put and declared CARRIED by absolute majority (7/5).

For: Crs N Catania, E Evangel, J Italiano, T Pickard, T Roberts, T Vaughan and S Withers.

Against: Crs P Collins, A Jacob, D Michael, B Smithson and B Stewart.

9.5 ABORIGINAL HERITAGE STUDY – LOT 9504 & SURROUNDS, ETHNOGRAPHIC & ARCHAEOLOGICAL REPORT – AUSTRALIAN INTERACTION CONSULTANTS

Moved Cr N Catania, Seconded Cr A Jacob

[The Motion recommended in the agenda]

- 1) That the Council **RECEIVE** the report from Australian Interaction Consultants dated November 2007.
- 2) That the Council **NOTE** the recommendations of the report with the qualifications set out in the comments section of the agenda for this item.
- 3) That Councils purchasing and contract policy be **ADJUSTED** to include the requirement for a cultural material contingency plan and for Council staff and contracting personnel to be made aware of their obligations under the Aboriginal Heritage Act.
- 4) That the reports be **INCLUDED** as reference material for future structure planning of the TPD land.

Moved Cr D Michael, Seconded Cr E Evangel that the Motion be amended by the addition of a clause 5 to read as follows:

- 1) That the Council **RECEIVE** the report from Australian Interaction Consultants dated November 2007.
- 2) That the Council **NOTE** the recommendations of the report with the qualifications set out in the comments section of the agenda for this item.
- 3) That Councils purchasing and contract policy be **ADJUSTED** to include the requirement for a cultural material contingency plan and for Council staff and contracting personnel to be made aware of their obligations under the Aboriginal Heritage Act.

- 4) That the reports be **INCLUDED** as reference material for future structure planning of the TPD land.
- 5) That Cr N Catania be included in team consultations by TPRC regarding aboriginal heritage issues in recognition of his relevant negotiation experience.

The Amendment and Amended Motion were put and declared CARRIED (7/5).

For: Crs N Catania, E Evangel, D Michael, T Pickard, T Roberts, B Stewart and T Vaughan

Against: Crs P Collins, J Italiano, A Jacob, B Smithson and S Withers

9.6 STRUCTURE PLAN BRIEF – ITEMS ARISING FROM SPECIAL COUNCIL MEETING 23 JANUARY 2008

Recommended:

That the report be NOTED and the Council CONFIRM the requirement for the matters covered in the report to be included in the brief for structure planning for the TPD.

Moved Cr B Stewart, Seconded Cr P Collins that the Motion be amended to read as follows:

- 1) That tenders be **INVITED** to conduct structure planning for the development of the Tamala Park land including (subject to agreement by the State Government) of the State Government land at the junction of Neerabup Road and Mitchell Freeway.
- 2) That the structure planning brief requirements be **BASED** upon Schedule 5 and part 6 of the amended development brief submitted to and approved by this meeting with inclusion of the following items:
 - **Background to the TPRC and the development;**
 - **Summary of and reference to planning audits for the area;**
 - **Previous structure planning for the TPRC land; and**
 - **Completed and in progress studies relating to the TPRC land.**

The Amendment and Amended Motion were put and declared CARRIED (12/0).

9.7 WATER BALANCE STUDY – CSIRO

Moved Cr T Vaughan, Seconded Cr A Jacob

[The Motion recommended in the agenda]

That the Council ENDORSE the proposal for a water balance study for the TPD.

Cr N Catania retired from the meeting at 7.05pm during debate and before voting on this item.

The Motion was put and declared CARRIED (11/0).

9.8 MINDARIE REGIONAL COUNCIL – COMPLETED LANDFILL STUDY

Moved Cr A Jacob, Seconded Cr B Smithson

[The Motion recommended in the agenda]

- 1) That the report be NOTED.
- 2) That the brief for structure planning for the TPRC site INCLUDE REFERENCE to the desired use of part of the completed MRC landfill for recreation/leisure/servicing activity for the TPD and include considerations for consequential traffic movements and access to the site.
- 3) In advance of completion of the MRC inputs in April 2008, that a working group be ESTABLISHED of representatives of the participant local authorities to consider possible uses and issues to be taken up in a comprehensive brief for use of the completed MRC landfill.

The Motion was put and declared CARRIED (11/0).

9.9 PRESENTATION ITEMS DEFERRED FROM MEETING 23 JANUARY 2008

Moved Cr P Collins, Seconded Cr B Stewart

That the item relating to Presentation Item Deferred from Meeting 23 January 2008 be HELD OVER to the next Council meeting to be held on 24 April 2008.

Cr E Evangel retired from the meeting at 7.15pm during debate and before voting on this item.

The Motion was put and declared CARRIED (10/0).

9.10 INDICATIVE PROJECT CASH FLOW – DEVELOPMENT LOT 9504 MINDARIE

Moved Cr P Collins, Seconded Cr B Stewart

That the item relating to Indicative Project Cash Flow - Development Lot 9504 Mindarie be HELD OVER to the next Council meeting to be held on 24 April 2008.

The Motion was put and declared CARRIED (9/1).

For: Crs P Collins, J Italiano, A Jacob, D Michael, T Pickard, T Roberts, B Smithson, B Stewart and T Vaughan

Against: Cr S Withers

9.11 CEO GROUP (TPRC) MEETINGS

Moved Cr B Stewart, Seconded Cr D Michael

[The Motion recommended in the agenda]

That Council RECEIVE and ENDORSE the proposals for CEO Group (TPRC) meetings.

Moved Cr P Collins, Seconded Cr B Smithson that the Motion be amended to read as follows:

That Council RECEIVE and ENDORSE the proposals for CEO Group (TPRC) meetings subject to the Council meeting agenda being distributed to TPRC Council members, prior to the CEO's meeting.

The Amendment and Amended Motion were put and declared CARRIED (10/0).

10. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS BY ELECTED MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12. URGENT BUSINESS APPROVED BY THE CHAIRMAN

- *New Standard Agenda Items*

Moved Cr P Collins, Seconded Cr T Pickard

That a 'General Business' item be incorporated into the order of business and appear after 'Item 13 - Matters Behind Closed Doors' and that a 'Business Arising from Meeting' item be incorporated into the order of business and appear after the 'General Business' item.

The Motion was put and declared CARRIED (10/0).

- *CEO Performance Review*

Mr R Constantine declared a financial interest in the CEO Performance Review Item and departed the meeting at 7.48pm.

The Chairman distributed a written proposal and quotation from WALGA (Workplace Solutions) dated 15 February 2008 for assisting the Council or an appointed Committee with the CEO performance review.

Moved Cr D Michael, Seconded Cr T Roberts

- 1) That Council establish a CEO Performance Review Committee comprising Cr J Italiano, Cr T Pickard, Cr T Roberts, Cr B Smithson, Cr B Stewart and Cr S Withers.
- 2) That Workplace Solutions (WALGA) be appointed to assist the process of the CEO performance review in accordance with their submission and for the quoted sum of \$4,000.
- 3) That the Committee be convened for appointment of a Chairman and for commencement of the review process.

The Motions were put and declared CARRIED (10/0).

Mr R Constantine returned to the meeting at 7.54pm.

- *Notice of Rescission*

Moved Cr S Withers, Seconded Cr A Jacob

That a notice of rescission for Item 13.6 of the 6 December 2007 ordinary Council meeting, in relation to Elected Member Allowances be given, specifically the part of the resolution that reads as follows:

- i) Elected member allowances be reviewed in June 2008.

The Motion was put and declared LOST for want of an absolute majority Vote (6/4).

For: Cr P Collins, Cr J Italiano, Cr A Jacob, Cr T Pickard, Cr B Smithson and Cr S Withers

Against: Cr D Michael, Cr T Roberts, Cr B Stewart and Cr T Vaughan

13. MATTERS BEHIND CLOSED DOORS

Nil

14. FORMAL CLOSURE OF MEETING

The Chairman declared the meeting closed at 8pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2008

as a true record of proceedings.

CHAIRMAN

NOTICE OF MEETING

Meeting No. 1 of 2008 of the Western Australian Local Government Association State Council held at the York Bowling Club, South Street, York on 8 February commencing at 8:30am.

ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1. ATTENDANCE

Chairman	President of WALGA	Cr Bill Mitchell JP
Members	Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone East Metropolitan Zone Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone Northern Country Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone South West Country Zone	Cr David Hood President Cr Steve Martin Cr Janet Davidson (Deputy) Mayor Tina Klein (Deputy) President Cr Elizabeth Taylor JP Mayor Ron Yuryevich AM RFD Cr Ronnie Fleay Cr Halley Cowan President Cr Kevin Forbes President Cr Graeme Campbell Cr Ashley Dowden Mayor David Boothman Cr Frank Cvitan JP Mayor Troy Pickard Cr Ian West JP Mayor Paddi Creevey Vacant Cr Henry Zelones JP Cr Barbara Dunnett
Ex-Officio	Local Government Managers Australia	Mr Steve Cole
Secretariat	Chief Executive Officer Deputy Chief Executive Officer Executive Manager Environment & Waste Executive Manager Governance & Strategy Executive Manager Workplace Business Solutions Executive Manager Corporate Business Solutions Governance Policy Officer	Ms Ricky Burges Mr Wayne Scheggia Mr Mark Batty Mr Tony Brown Mr John Phillips Mr Nick Wood Mr Timothy Lane

2. APOLOGIES

Member	South Metropolitan Zone South East Metropolitan Zone Central Metropolitan Zone	Mayor Carol Adams Cr Richard Graham Mayor Stephen Lee Cr Keith Hayes (Deputy) Cr Paul Kelly
Associate	The Rt Hon Lord Mayor of the City of Perth	Ms Lisa Scaffidi

3. ANNOUNCEMENTS

Mr Terrence Waldron MLA was in attendance at the meeting.

Cr Michael Carlton attended as an observer from the South West Country Zone.

Members of the Avon-Midland Country Zone, Central Country Zone and Great Eastern Country Zone were in attendance as observers.

Order of Proceedings

1. MINUTES

RESOLUTION 316.1/2008

That the Minutes of the Western Australian Local Government Association (WALGA) State Council Meeting held on Wednesday 5 December 2008 be confirmed as a true and correct record of proceedings.

Moved Cr Henry Zelones / Seconded Cr Frank Cvitan

CARRIED

2. DECLARATIONS OF INTEREST

3. EMERGING ISSUES

3.1 Whaling in Australian Waters

RESOLUTION 317.1/2008

That WALGA on behalf of Local Governments in Western Australia, support the Prime Minister of Australia in his Government's bid to have whaling in Australian waters ceased and that further, we also support, in principle, the mounting of a legal case to the International Court to secure such a ban.

Moved Mayor Troy Pickard / Seconded Mayor Paddi Creevey

CARRIED

4. KEY ISSUES FOR DECISION

As per matters listed.

5. MATTERS FOR DECISION

5.1-5.5 As per matters listed; and

Matters for Decision by State Council only (Under Separate Cover).

5.6 Selection Committee Minutes (Under separate cover)

The Selection Committee operates under delegated power of the WALGA's State Council pursuant to clause 21(1) of the WALGA Constitution. The Selection Committee Minutes, including associated papers, remain confidential until after the appeal process has concluded (generally 10 working days after the State Council meeting) when the results are advertised in the next edition of the Local Government News.

With respect to Ministerial approved appointments of Local Government representatives to Boards and Committees, results are advertised in the Local Government News, only after the relevant Minister has advised of the approved appointments.

The Selection Committee Minutes of 25 January 2008 and associated papers were distributed to State Councillors prior to the 8 February State Council meeting.

RESOLUTION 318.1/2008

That:

1. the advisory recommendations of the Selection Committee contained in its report of 25 January 2008 to State Council be endorsed; and
2. the resolutions of the Selection Committee contained in its report of 25 January 2008 to State Council be noted.

Moved Mayor Troy Pickard / Seconded Mayor Paddi Creevey

CARRIED

5.7 Finance & Services Committee Minutes (Under separate cover)

The Finance & Services Committee operates under delegated power of the WALGA's State Council pursuant to clause 21(1) of the WALGA Constitution. The Finance & Services Committee Minutes, including associated papers, remain confidential to the State Council representatives.

The Finance & Services Committee Minutes and associated papers were distributed to State Councillors prior to the 7 December 2007 State Council meeting.

RESOLUTION 319.1/2008

That the minutes of the Finance & Services Committee meeting held on 6 February 2008 be received.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

5.8 Appointment of Australian Local Government Association Delegates

The Western Australian Local Government Association is entitled to hold two (2) positions on the ALGA Executive Committee and is permitted to exercise four (4) votes at the Annual General Meeting.

State Council, at its August 2005 meeting, resolved to appoint the President and Deputy President to these representative roles.

RESOLUTION 320.1/2008

That

1. **Deputy President, Mayor Troy Pickard, be appointed as the second Western Australian delegate on the ALGA Executive Committee;**
2. **the out of session flying minute, resolved in November 2007, be endorsed:**
 - a. **that the WALGA President, Cr Bill Mitchell exercise the 4 voting rights attributed to Western Australia, at the Australian Local Government Association's 2007 Annual General Meeting and**
 - b. **that following the 2007 Australian Local Government Association's (ALGA) Annual General Meeting (AGM) the allocation of voting rights be returned to the Association's protocols where the President and Deputy President are allocated 2 votes each.**

Moved Cr Kevin Forbes / Seconded Cr Elizabeth Taylor

CARRIED

5.9 Local Government Self Insurance Schemes Board Membership

Replacement of the Independent Board Member (Finance/Accounting/Actuarial) position for the LGIS Board, for the full three year term and the replacement of the Independent (Board/Business Management) position for the LGIS Board, for the final year of the three year term. Positions have arisen as a result of the expiration of the current term and the retirement of the incumbent member.

RESOLUTION 321.1/2008

1. That Ms Eileen Newby be appointed as an Independent Board Member (Finance/Accounting/Actuarial) to the Local Government Self Insurance Schemes Board for a term of 3 years to 1 February 2011.
2. That Ms Zelinda Bafle be appointed as an Independent Board Member (Board/Business Management) to the Local Government Self Insurance Schemes Board for a term of 1 year to 1 February 2009.

Moved Cr Henry Zelones / Seconded Mayor Tina Klein

CARRIED

6. MATTERS FOR NOTING / INFORMATION

As per matters listed.

7. PRESIDENT'S REPORT

RESOLUTION 322.1/2008

That the President's Report for February 2008 be received.

Moved Mayor Troy Pickard / Seconded Mayor Paddi Creevey

CARRIED

8. CHIEF EXECUTIVE OFFICER'S REPORT

RESOLUTION 323.1/2008

That the Chief Executive Officer's Report for February 2008 be received.

Moved Cr Henry Zelones / Seconded Cr Janet Davidson

CARRIED

9. REPORTS AND APPENDICES

RESOLUTION 324.1/2008

That Reports and Appendices be received.

Moved Mayor Ron Yuryevich / Seconded Cr Elizabeth Taylor

CARRIED

10. MEETING ASSESSMENT

President Cr Elizabeth Taylor provided feedback on the effectiveness of the meeting.

11. DATE OF NEXT MEETING

RESOLUTION 325.1/2008

That the meeting of the Western Australia Local Government Association State Council be held at WALGA, 15 Altona Street, West Perth, Wednesday 2 April 2008, commencing at 5:00 pm.

Moved Cr Elizabeth Taylor / Seconded Cr Kevin Forbes

CARRIED

12. CLOSURE

There being no further business, the Chair declared the meeting closed at 9:05 am.

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4. KEY ISSUES FOR DECISION

4.1 Planning and Development Amendment (Third Party Appeals) Bill 2007 (06-13-07-04-001 AH)

RESOLUTION 326.1/2008

That:

1. the member for Alfred Cove, Dr Janet Woollard MLA and the Minister for Planning and Development, Hon Alannah MacTiernan be advised of the inaccuracies and duplications contained in the proposed *Planning and Development Amendment (Third Party Appeals) Bill 2007*; and
2. as there is no justification for the proposed legislation and there are significant negative implications for Local Government, industry and the community, Local Government continues to be opposed to the introduction of third party appeal rights in Western Australia.

Moved Mayor Ron Yuryevich / Seconded Cr Graeme Campbell

CARRIED

4.2 Report on Systemic Sustainability Taskforce (05-034-01-0009 TB)

RESOLUTION 327.1/2008

That the Systemic Sustainability Study process and timeline as presented in this report be endorsed

Moved Cr Janet Davidson / Seconded Cr Steve Martin

CARRIED

4.3 State Graffiti Vandalism Reduction Strategy 2007 - 2010 (05-072-03-0001 JH)

RESOLUTION 328.1/2008

1. That the State Government be advised;
 - a that Local Government will not support the Graffiti Vandalism Strategy 2007-2010 until the issues that Local Government have with the strategy have been fully addressed by the State Government. This is to include:
 - i. a full cost analysis of the impact of the State Graffiti Vandalism Strategy 2007-2010 for Local Government, developed in accordance with the Intergovernmental Agreement (2006);
 - ii. a commitment that current and future graffiti funding is not tied to the State/Local Government Community Safety and Crime Prevention Partnership Agreements; and
 - iii. consultation with Local Government on endorsement and implementation of the Strategy.
 - b due to a lack of consultation, Local Government is not in a position to undertake any additional functions required by the State Graffiti Vandalism Reduction Strategy 2007-2010.; and
2. That the Office of Crime Prevention develops a consultation strategy and implementation plan on the State Graffiti Strategy 2007-2010 that:
 - a. ensures key partners are engaged, and their issues identified and addressed;
 - b. the State Government does not progress the implementation process of this strategy without full consultation and collaboration with Local Government on the implementation plan. Any Local Government that has their own methodology for graffiti removal can continue to use their existing system; and
 - c. ensures consultation with Local Government is progressed in accordance with the *State Local Government Communication and Consultation Agreement (2004)*.
3. That the State Government be requested to cease use of the term “graffiti vandalism” in public communications and instead use the term “criminal damage”, which reinforces the serious nature of the offence and differentiates it from permissible forms of graffiti artwork.
4. That the State Government be requested to provide statistics on the number of incidents of graffiti reported to Police in 2007 and the number of offences processed. Further, that a summary of the penalties imposed be provided.

Moved Cr Henry Zelones / Seconded Mayor Tina Klein

CARRIED

5. MATTERS FOR DECISION

5.1 Contributions to Community Infrastructure (05-036-01-0002 AH)

RESOLUTION EN BLOC 329.1/2008

That:

concurrent with further consultation with member Councils, the Association forward the draft State Planning Policy (Developer Contributions for Infrastructure) and Local Government Toolkit to the Minister for Planning and Infrastructure and the WA Planning Commission (WAPC) seeking commencement of the Commission's formal State Planning Policy consultation and adoption processes as a matter of urgency, so that Local Government implementation of the new model can be expedited.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

5.2 Retail Electricity Market Review (05-049-03-0001 ID)

RESOLUTION EN BLOC 330.1/2008

That:

1. the interim submission from WALGA to the Office of Energy Retail Electricity Market Review be endorsed;
2. the State Government be asked to ensure that Street Lighting services be included in future contestability arrangements, and that the associated administrative arrangements regarding vested street lighting infrastructure be developed in conjunction with Local Governments to encourage participation of electricity suppliers in the provision of street lighting;
3. that future arrangements within the retail electricity market allow energy buyers to meet their environmental objectives through a more flexible provision of street lighting infrastructure and operating regimes; and
4. the electricity transmission providers be encouraged to adopt a customer focused approach to reduce both the costs of service provision and the costs imposed on Local Governments implementing road improvements and other projects.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

5.3 Main Roads WA Road Lighting Draft Policy Statement and Associated Application and Approval Guidelines (05-001-03-003 MM)

RESOLUTION EN BLOC 331.1/2008

That the Association's interim submission to Main Roads on the Main Roads Western Australia Road Lighting Draft Policy Statement and Associated Application and Approval Guidelines be endorsed.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

5.4 Western Australian Natural Disaster Relief Arrangements (05-024-02-0019 JL)

RESOLUTION EN BLOC 332.1/2008

That:

1. FESA be advised that the Association supports the continued implementation of the Community Development and Justice Standing Committee WA Disaster Relief Arrangements (WANDRA) recommendations (2, 3, 4, 6, 10, 11, 12, 13) as endorsed by State Cabinet on 3 December 2007.
2. The Association supports the model and funding arrangements for Recommendation 1.
3. FESA be advised that the Association supports the intent of Recommendation 9 subject to further consultation between WALGA and Main Roads WA (MRWA) and other stakeholders to formulate an acceptable definition of Major Roads for the purposes of WANDRA.
4. FESA develops a consultation strategy on Western Australian Natural Disaster Relief Arrangements that:
 - a. ensures key partners are engaged and their issues identified and addressed.
 - b. consultation with Local Government is progressed in accordance with the *State Local Government Communication and Consultation Agreement (2004)*.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

5.5 Interim submission – Parliamentary Inquiry into Water Licensing and Services (05-064-03-0022 MJB)

RESOLUTION EN BLOC 333.1/2008

That the Association's interim submission to the Economic and Industry Standing Committee Parliamentary Inquiry into Water Licensing and Services be endorsed.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

6. MATTERS FOR NOTING / INFORMATION

6.1 Report on Key Activities, Planning and Community Development Policy Team (01-006-03-0014 AH & JH)

RESOLUTION EN BLOC 334.1/2008

That the report from the Community Policy Team for February 2008 be noted.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

6.2 Report on Key Activities, Environment & Waste Policy Team (01-006-03-0017 MJB)

RESOLUTION EN BLOC 336.1/2008

That the report from the Environment Policy Team for February 2008 be noted.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

6.3 Report on Key Activities, Governance Policy Team (01-006-03-0007 TB)

RESOLUTION EN BLOC 337.1/2008

That the report from the Governance Policy Team for February 2008 be noted.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

**6.4 Report on Key Activities, Infrastructure Policy Team (05-001-02-0003 MM)
(Agenda Appendices Page 104)**

RESOLUTION EN BLOC 338.1/2008

That the report from the Transport and Roads Policy Team for February 2008 be noted.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

6.5 Report on Key Activities, Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB) (Agenda Appendices Page 69)

RESOLUTION EN BLOC 339.1/2008

That the resolutions of the Municipal Waste Advisory Council at its 12 December 2007 meeting be noted.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

6.6 Assessing Local Government Revenue Raising Capacity (05-051-03-0002 ID)

RESOLUTION EN BLOC 340.1/2008

That the draft research report, Assessing Local Government Revenue Raising Capacity, released by the Australian Government Productivity Commission be noted.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

6.7 Community Development and Justice Standing Committee Inquiry into Fire and Emergency Services Legislation (05-024 -01-0006 JL)

RESOLUTION EN BLOC 341.1/2008

That the implementation of the 88 recommendations of the Community Justice Standing Committee Inquiry into Fire and Emergency Services and development of consultation process with Local Government be noted.

Moved Cr Ian West / Seconded Cr Elizabeth Taylor

CARRIED

7. ADDITIONAL ZONE RESOLUTIONS

RESOLUTION EN BLOC 342.1/2008

That the additional Zone Resolutions from the January – February 2008 round of Zone meetings be referred to the appropriate Policy Team for consideration.

Moved Cr Henry Zelones / Seconded Cr Frank Cvitan

CARRIED