



Shire of Lake Grace

27 SEPTEMBER 2023

Ordinary Council Meeting

INFORMATION BULLETIN

ITEM 16.0 - ATTACHMENTS

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Infrastructure Services Report – August 2023	

EXTERNAL ORGANISATIONS

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- Minutes of the WALGA AGM held 18 September 2023
- Minutes of the Varley Progress Association Meeting held 12 September 2023

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Information Bulletin
Infrastructure Services Report

Shire of Lake Grace

Prepared for the September 2023 Ordinary Council Meeting
presenting information to the end of August 2023

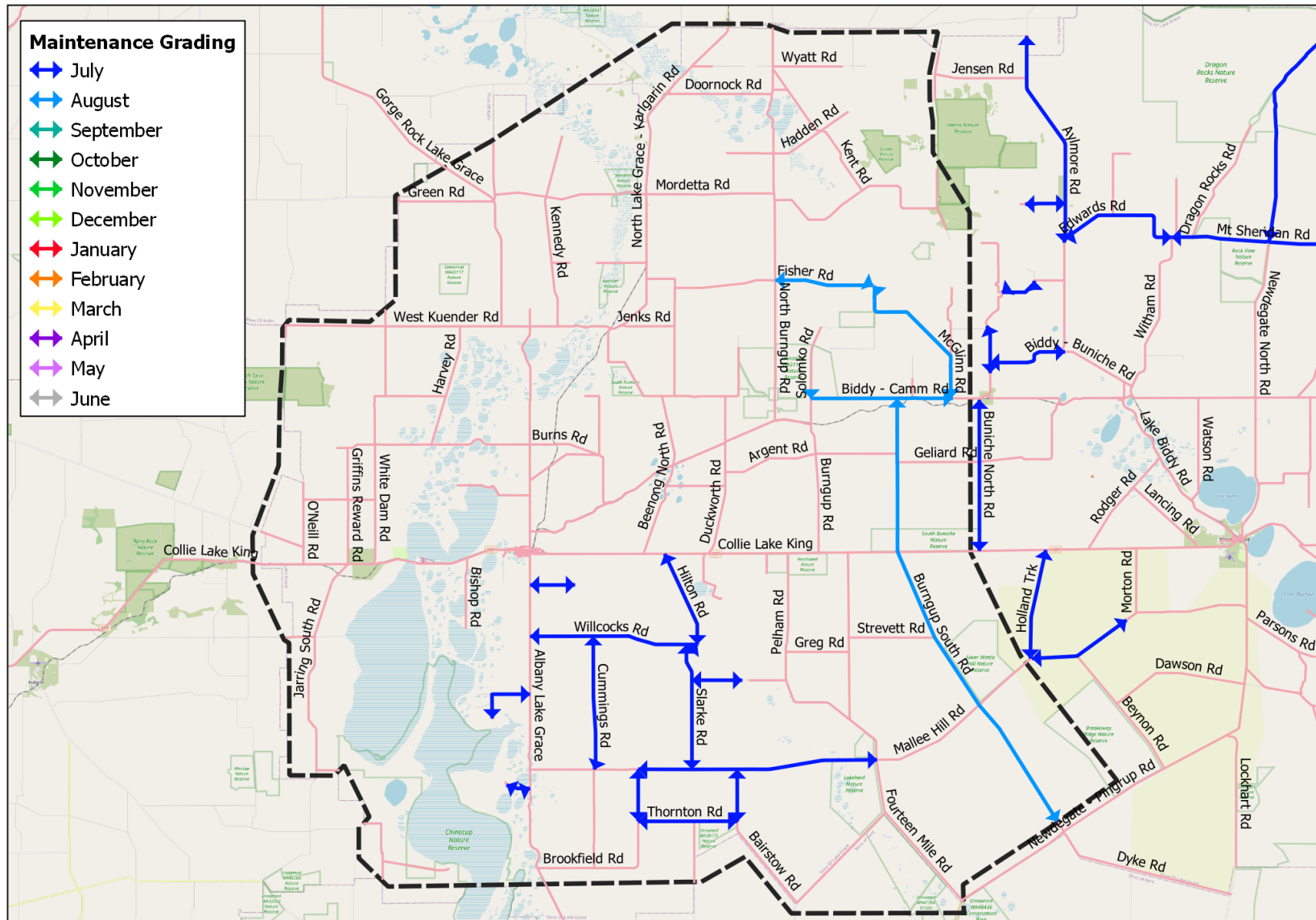
Road Maintenance Grading

For the month of July 2023

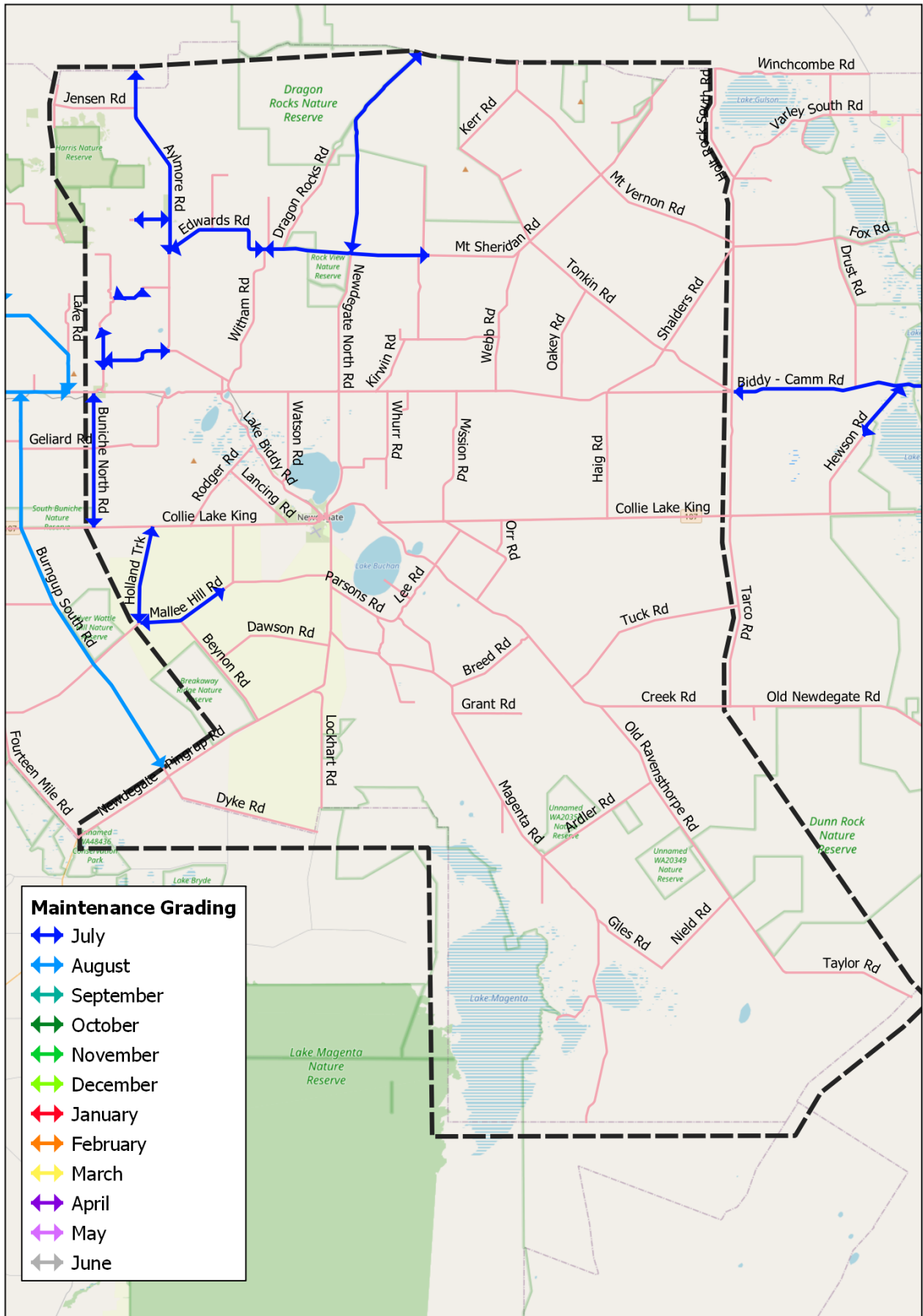
<i>Lake Grace Area</i>		<i>Newdegate Area</i>		<i>Lake King-Varley Area</i>	
<i>Road Name</i>	<i>Graded (km)</i>	<i>Road Name</i>	<i>Graded (km)</i>	<i>Road Name</i>	<i>Graded (km)</i>
Bairstow Rd	3.80	Aylmore Rd	16.02	Baanga Hill Rd	10.31
Beetacoo Rd	1.80	Biddy Buniche Rd	5.95	Fitzgerald Rd	9.76
Brookfield Rd	3.77	Buniche North Rd	14.56	Hatters Hill Rd	27.10
Cummings Rd	9.74	Dillon Rd	2.95	Hewsons Rd	7.28
Elliott Rd	3.30	Edwards Rd	17.08	Kathleen Rd	7.79
Hilton Rd	7.13	Hollands Track Rd	8.06	Long Creek Rd	10.88
Jugos West Rd	4.15	Mallee Hill Rd	7.76	Magdhaba Tr	5.59
Mallee Hill Rd	17.50	Mount Sheridan Rd	13.72	Mallee Tree Rd	9.33
Slarke Rd	9.21	Newdegate North Rd	18.74	Milstead Rd	6.23
Thornton Rd	7.25	Wield Rd	2.95	Muncasters Rd	21.28
Willcocks Rd	12.34			Old Newdegate Rd	7.86
Wolseley Rd	4.54			Smerdon Rd	11.62
<u>Subtotal</u>	<u>84.53</u>	<u>Subtotal</u>	<u>107.79</u>	<u>Subtotal</u>	<u>135.03</u>

2023/24 Year-To-Date Grading by Month

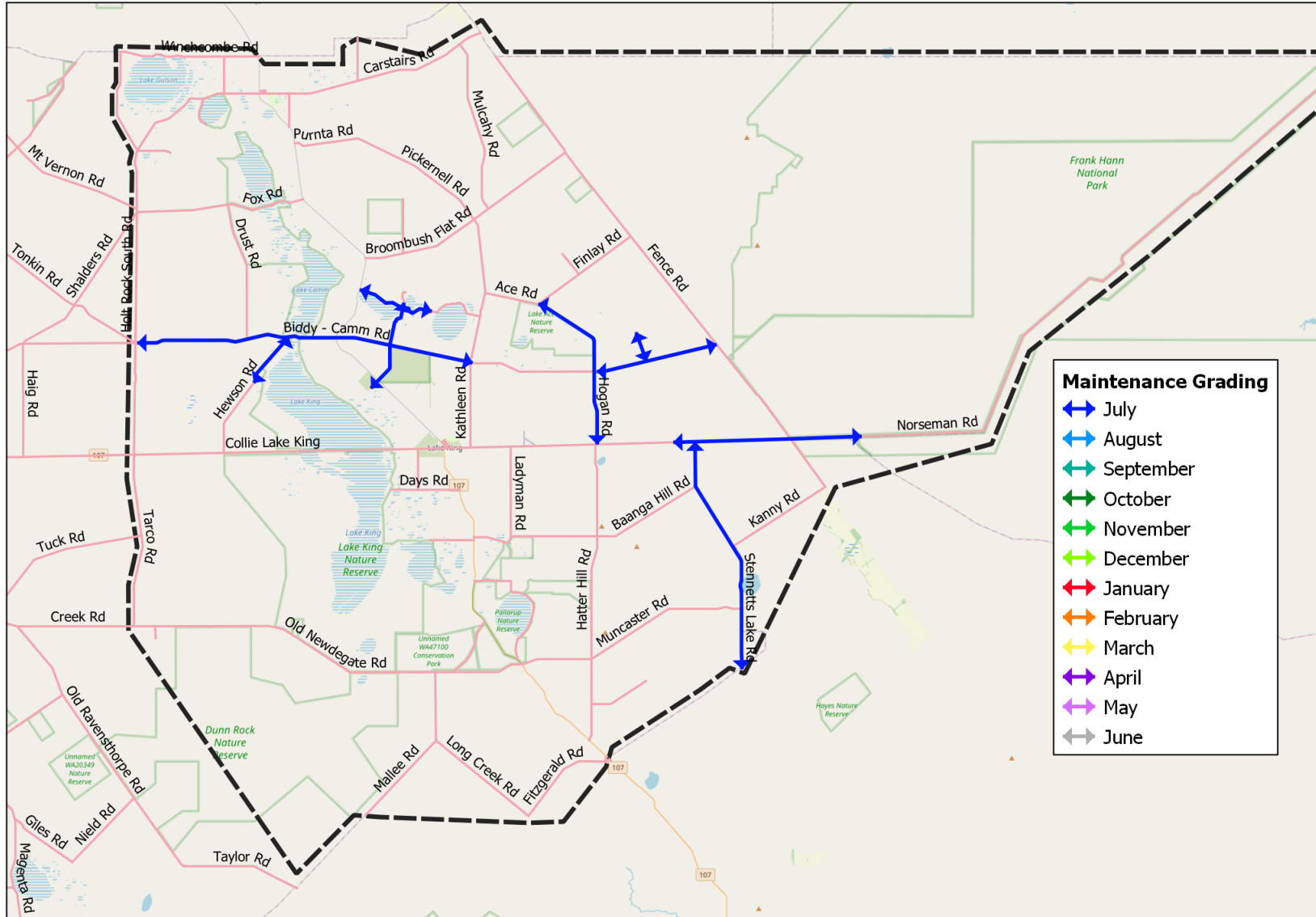
Year	Month	Lake Grace Area (km)	Newdegate Area (km)	Lake King-Varley Area (km)	Monthly Subtotal
2023	July	84.53	107.79	135.03	327.35
	August				
	September				
	October				
	November				
	December				
	2024	January			
February					
March					
April					
May					
	June				
	<u>To-Date</u>	<u>84.53</u>	<u>107.79</u>	<u>135.03</u>	<u>327.35</u>



Monthly maintenance grading – Lake Grace area



Monthly maintenance grading – Newdegate area



Monthly maintenance grading – Lake King-Varley area

Plant Maintenance

Plant Repairs

Plant	Plant Description	Action
PLM06	2015 Toro Reel Mower	Replacement tyre, strip and fit.
PLVU51	2021 Toyota Prado	103,000 km service.
PTCK16	2015 Isuzu NPR Light Truck	Tyre repair.

Building Construction & Maintenance

Construction

- Additional works at the new Newdegate Hockey Shed.

Maintenance

Lake Grace

- 10b Gumtree Drive.
- 36 Bennett Street.
- 6 Blackbutt Way.
- Medical Centre
- Shire Depot.

Newdegate

- Medical Centre.
- Recreation Centre

Lake King

- Public Hall
- Public Toilets.

Varley

- Nil.

Other

- Pingaring Community Centre.
- Pingaring Sports Pavilion.

Parks & Gardens Maintenance

Lake Grace

- General maintenance, gardening/mowing & tidying of gardens and parks.
- Pruning vegetation at sewerage ponds.

- Tidying up Lake Grace Cemetery.
- Preparing 3 Clark Avenue.

Newdegate

- General maintenance, gardening/mowing of the recreation grounds, parks and skate park.
- Tidying up around Field Days Site and recreation grounds.

Lake King

- Carried out general gardening, mowing and spraying to all parks and gardens.

Varley

- Carried out gardening maintenance and general maintenance, including spraying, mowing, raking of the town site, sports complex and cemetery for weeds.

Pingaring

- Nil.

Customer Service Requests

For the period of 1 July 2022 to 31 August 2023:

Category	Complete	Incomplete	Total	% Complete
Works	2	1	3	66.7%
Building	0	0	0	N/A
Parks & Gardens	1	0	1	100.0%
<u>Total</u>	<u>3</u>	<u>1</u>	<u>4</u>	<u>75.0%</u>

Central Country Zone

MINUTES

Friday, 25 August 2023

Strategic Session - Commenced at 9:00am
Zone Meeting – Commenced at 10:35am

Venue

Shire of Kulin

Freebairn Recreation Centre

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1. Opening and Welcome

The Chair declared the meeting open at 10:35am.

1.1 Housekeeping – Zone Chair

1. Welcome:

The Deputy Zone Chair, President Cr Des Hickey, welcomed Zone members and provided OSH/bathroom/exit information to those in attendance.

2. Share your name and Local Government:

Delegates were reminded to ensure that they call their name and Local Government when taking the floor to allow for accurate Minutes to be recorded.

1.2 Host Council Presentation

Cr Grant Robins, President of the Shire of Kulin, extended a welcome to Delegates and guests and provided a presentation on Local Government issues.

2. Attendance and Apologies

Attendance

Shire of Brookton	President Cr Katrina Crute Deputy President Cr Neil Walker Mr Gary Sherry Chief Executive Officer, non-voting
Shire of Corrigin	President Cr Des Hickey (Deputy Chair) Cr Sharon Jacobs Ms Natalie Manton Chief Executive Officer, non-voting
Shire of Dumbleyung	Deputy President Cr Amy Knight Mr Gavin Treasure Chief Executive Officer, non-voting
Shire of Kulin	President Cr Grant Robins Cr Barry West Cr Robbie Bowey (observer)
Shire of Lake Grace	President Cr Len Armstrong Deputy President Cr Ross Chappell
Shire of Pingelly	President Cr Bill Mulrone Deputy President Cr Jackie McBurney Mr Andrew Dover Chief Executive Officer, non-voting
Shire of Quairading	President Cr Peter Smith Cr Jonathan Hippisley
Shire of Wagin	President Cr Phillip Blight

	Deputy President Cr Gregory Ball Mr Mark Hook, A/Chief Executive Officer, non-voting
Shire of Wandering	President Cr Ian Turton Mr Alan Hart Chief Executive Officer, non-voting
Shire of West Arthur	Cr Karen Harrington Mr Vin Fordham Lamont, Chief Executive Officer
Shire of Wickepin	President Cr Julie Russell Mr Nathan Cain Chief Executive Officer, non-voting
Shire of Williams	Cr Moya Carne Mr Geoff McKeown Chief Executive Officer, non-voting
Guests NBNco	Ms Naomi Evans, Head of nbn Local WA Ms Emma Lane, Community Ambassador
Regional Development Australia WA	Ms Mandy Walker, Director Regional Development
Members of Parliament	Hon Steve Martin, Member for the Agricultural Region
WALGA	Mr Tony Brown, Executive Director Member Services Ms Kathy Robertson, Executive Officer Governance

Apologies

Shire of Beverley	President Cr David White Deputy President Cr Chris Lawlor Mr Steve Gollan Chief Executive Officer, non-voting
Shire of Cuballing	President Cr Eliza Dowling Deputy President Cr Rob Harris Mr Stan Scott Chief Executive Officer, non-voting
Shire of Corrigin	Deputy President Cr Scott Coppen
Shire of Dumbleyung	President Cr Julie Ramm
Shire of Kulin	Deputy President Cr Brad Smoker Mr Alan Leeson Chief Executive Officer, non-voting
Shire of Lake Grace	Mr Alan George Chief Executive Officer, non-voting
Shire of Narrogin	President Leigh Ballard (Chair) Cr Graham Broad Mr Dale Stewart Chief Executive Officer, non-voting
Shire of Quairading	Ms Nicole Gibbs Chief Executive Officer, non-voting
Shire of Wandering	Deputy President Cr Paul Treasure
Shire of West Arthur	President Cr Neil Morrell
Shire of Wickepin	Deputy President Cr Wes Astbury
Shire of Williams	President Cr Jarrad Logie
Members of Parliament	Hon Mia Davies MLA, Member for Central Wheatbelt Hon Martin Aldridge MLC, Member for Agricultural Region Hon Colin de Grussa MLC, Member for Agricultural Region Hon Peter Rundle MLA, Member for Roe Rick Wilson MP, Federal Member for O'Connor Hon Shelley Payne MLC, Member for Agricultural Region Hon Darren West MLC, Member for Agricultural Region Hon Sandra Carr MLC, Member for Agricultural Region
Wheatbelt Development Commission	Ms Susan Hall, Chief Executive Officer Ms Pip Gooding, Regional Development Officer – Wheatbelt South
Department of Local Government, Sport, & Cultural Industries	Ms Samantha Cornthwaite, Regional Manager Wheatbelt

Main Roads WA	Mr Mohammad Siddiqui, Director Wheatbelt Region
Commonwealth Department of Health and Aged Care	Ms Rebecca McIlroy, Director WA Country Stewardship
	Ms Roslyn Smith, Assistant Director WA Country Stewardship
Water Corporation	Michael Roberts, Regional Manager Goldfields & Agricultural Region
WALGA	Mr Rodney Thornton, Regional Road Safety Advisor

Attachments to the Minutes

The following are provided as attachments to the Minutes:

- Attachment 1 Item 5.2, NBN Presentation
- Attachment 2 8.3.2, Proposed Boundaries for the 2025 Election
-

3. Declarations of Interest

Nil

4. Announcements

Nil

5. Guest Speakers / Deputations

5.1 Department of Health and Aged Care

The Department of Health and Aged Care regrettably had to reschedule their presentation to the November meeting.

Noted

5.2 Naomi Evans, Head of NBN Local WA

NBNco

Naomi Evans from NBNco presented on emergency preparedness. Presentation attached – **Attachment 1**

Noted

6. Members of Parliament

Members of Federal and State Government, representing the Zone Member Local Government Districts, are invited to provide a brief update on matters relevant to Zone Members.

State Members:

Hon Steve Martin MLC, Member for Central Wheatbelt

- Update on the *Aboriginal Cultural Heritage Act* –

- The new *Aboriginal Cultural Heritage Act 2021* lasted only about 5 weeks before the State Government announced plans to repeal it.
- In a new Bill to be presented to Parliament, the *Aboriginal Cultural Heritage Act 2021* will be repealed and an amended version of the *Aboriginal Heritage Act 1972* will be revived.
- The changes to the revived 1972 Act will be:
 - Greater representation of Aboriginal people in the key body that provides advice and recommendations to the Minister for Aboriginal Affairs, to be called the Aboriginal Cultural Heritage Committee (Committee). It does this by maintaining the membership of the Aboriginal Cultural Heritage Council created under the 2021 Act and transferring it to the Committee;
 - Proponents and Native Title parties having the same right of review for section 18 decisions via the State Administrative Tribunal, with clear timeframes and an ability for the Premier to call-in a decision of 'State significance';
 - When a section 18 has been approved, a new requirement for the land owner to notify the Minister of any new information arising about any Aboriginal heritage site:
 - When new information is provided to the Minister, either by the landowner in compliance with their obligations or through other means, the Minister can amend the section 18 consent, including by imposing new conditions or changing the specification of the land to which it relates, revoke the consent, revoke the consent and give a new consent or confirm the consent; and
 - Provisions in a contract or agreement which prohibit a native title party from seeking to be heard in relation to an application for a section 18 consent, including making submissions, or exercising any right to review or to commence proceedings, will have no effect.
- The WA Electoral Commission have announced the proposed boundaries for the next State election
 - The Commissioners are currently accepting and considering objections.
 - The boundaries proposed are unlikely to be changed substantially.
 - There is likely to be one less non-metropolitan seat in the lower house, and unfortunately resources to the regions probably won't be increased.
- Housing
 - The WA Country Health Service (WACHS) have put an offer out asking if Local Governments could build some accommodation for country health staff.
 - This is just a further example of the State Government relying on Local Governments to fix problems and stretch already strained budgets.
- *Local Government Act* tranche two reforms
 - The tranche two reforms likely won't be on the agenda for this year.
 - The opposition is concerned about how these reforms would continue a trend of shifting costs to Local Governments.

Noted

7. Agency Reports

7.1 Department of Local Government, Sport, and Cultural Industries (DLGSC)

Samantha Cornthwaite, Regional Manager Wheatbelt, was an apology. A report was provided with the Agenda.

Noted

7.2 Regional Development Australia Wheatbelt (RDAW)

Mandy Walker, Director Regional Development, provided a report to the meeting as attached in the agenda.

Noted

7.3 Wheatbelt Development Commission (WDC)

Pip Gooding, Regional Development Officer Wheatbelt South, was an apology.

Noted

7.4 Main Roads Western Australia

Brad Pearce, Operations Manager Narrogin, was an apology

Noted

8. Minutes

8.1 Confirmation of Minutes from the Central Country Zone meeting held on Friday, 23 June 2023

The Minutes of the Central Country Zone meeting held on Friday, 23 June 2023 have previously been circulated to Member Councils.

RESOLUTION

Moved: Cr Ross Chappel
Seconded: Cr Jackie McBurney

That the minutes of the Central Country Zone meeting held on Friday, 23 June 2023 be confirmed as a true and accurate record of the proceedings.

CARRIED

8.2 Business Arising from the Minutes from the Central Country Zone Meeting held on Friday, 23 June 2023

8.2.1 (Item 9.3) Waste Management Funding

RESOLUTION

Moved: President Cr Leigh Ballard
Seconded: President Cr Phil Blight

That the Central Country Zone:

1. *further endorse that the Levy should not be applied to licensed landfills which receive waste from the metropolitan area; and*
2. *organise a deputation to the Minister for Environment on this matter.*

CARRIED

ACTION: the deputation to the Minister will include Cr Leigh Ballard, Cr Des Hickey, Cr Phil Blight, and Rebecca Brown

Comment:

The Executive Officer has written to Hon Reece Whitby MLA, Minister for Environment; Climate Action; Racing and Gaming, requesting a meeting with the deputation as named in the above resolution. We await a response.

Noted

8.3 Minutes of the Central Country Executive Committee Meeting held on Wednesday, 9 August 2023

The recommendations from the Executive Committee Meeting that require Zone consideration have been extracted for the Zones consideration.

8.3.1 (Item 5.5.3) Speakers for the November Zone Meeting

The Executive Committee wish to extend an open invite to the Minister for Local Government to attend a future meeting of the Zone. An Invite will be issued for the November meeting and again once the 2024 dates have been confirmed.

Noted

8.3.2 (Item 7.2) Proposed Boundaries for the 2025 Election

Background:

The Commissioners' proposal to reduce the number of non-metropolitan districts by one is open for objections until Monday 21 August. WALGA are submitting an objection paper on behalf of the sector. In addition, a submission has been prepared on behalf of the Zone. The Central Country Zone and its Members object to the proposal to reduce the number of non-metropolitan districts by one as the reduction in political representation will negatively impact rural and regional communities.

At the time of finalising this agenda, the Zones objection had not been finalised. A copy of the final Zone objection will be provided prior to the meeting.

State Councillor Comment:

Having consulted within my zone I share that there is support for the submission.

This restructuring shifts the balance of power even further away from the economic power house of Australia.

The economic benefit derived from the regions is vastly underestimated in this report as most mining companies have their registered office in a city, not where the mining activity takes place.

No amount of additional resources will substitute for the loss of voices at the table when and where political decisions are made.

One vote one value is only reasonable if services are equally delivered to all people. When regional WA gets tertiary hospitals, universities, public infrastructure, police, public transport, and the vast array of commercial services within same the easy access demanded by metropolitan WA, then vote equally is rational.

What is most concerning is the loss of volunteers in regional WA. These volunteers are the people that hundreds of thousands of metropolitan tourists expect to call upon should they be unfortunate to have an incident when exploring the regions beyond the scarp.

Cr Price's points re FIFO also accentuates this problem as these workers contribute little to regional communities but consume similar volunteer resources provided by the few live in locals.

Secretariat Comment

Local Governments provided responses to the draft submission. All responses were supportive of a submission.

Local Governments provided some good feedback to add to the submission. The following comments have been included:

- Impacts of FIFO and DIDO

The impacts of Fly-In Fly-Out (FIFO) and Drive-in Drive-out (DIDO) workers within the regions need to be considered.

There are some 300,000 workers within the regions which represents some 25% of the State's workforce however no consideration is given to including these numbers in the statistical data when defining boundaries. FIFO and DIDO workers essentially 'reside' within the Local Government boundaries and town centers and, in most cases, spend more time living and working in the regions than they do in the electorate in which they are registered.

If the analysis were to include these numbers within the current electoral boundaries we would see a completely different picture of how our population is dispersed, particularly within the electorates of Moore and North West Central.

It is therefore important that the State Government is aware of the need to consider all aspects of an electorate and not just focus on numbers of registered voters. Representation should be available to all and in light of the size of our State and its diversity both economically and geographically, special consideration should be made when casting the net to capture population numbers.

- Population Dispersment

Western Australia has an uneven dispersment of the State's population. Unlike most other States, Western Australia has always been capital city and broader metropolitan area populous, particularly compared to its regions. This historical and factual situation results in a very unbalanced, almost inverse relationship between Perth and all other parts of the State. This is made even more complex given the large geographical size and remoteness of WA. So a 'one vote, one value' approach around State-wide electoral representation doesn't create a balanced situation where whole of State needs are met. The economic and social requirements of people living in WA are as diverse as the State geography and its landscape.

Basing electoral distribution solely on population numbers only exacerbates the current imbalance. A State as unique and diverse as WA requires a more flexible and rounded electoral distribution system that recognises the challenges and needs of all Western Australians, no matter where they live. A multi-faceted basis and approach for establishing electoral boundaries should be established which also recognises broader socio-economic criteria (& need).

- Matters to consider when dividing the State

The proposed amalgamation of North West Central and Moore does not give due consideration to the factors in section 16I of the *Electoral Act 1907* (WA). The proposed new Mid West district will cover an

estimated 70 townsites and a broad spectrum of land use patterns, from urban fringe development, remote communities, livestock farming, broad acre cropping, and pastoral and mining operations. Factors such as community of interest and land use patterns do not seem to have been taken into account in this proposal to amalgamate urban fringes (peri urban) with regional and remote communities. It is essential that all aspects of an electorate be considered when determining boundaries, not just the number of registered voters.

The attached updated submission (**Attachment 2**) was submitted to the Commissioners prior to the closing date.

Noted

8.4 Minutes of the Central Country Executive Committee Meeting held on Wednesday, 9 August 2023

The Minutes of the Central Country Zone Executive Committee meeting held on Wednesday, 9 August 2023 were attached.

The remainder of the items are for the Zones consideration.

RESOLUTION

Moved: President Cr Phil Blight
 Seconded: President Cr Katrina Crute

That the Minutes of the Central Country Zone Executive Committee Meeting held on Wednesday, 9 August 2023 be noted, and the items not considered above be endorsed.

CARRIED

9. Zone Business

9.1 State Government Changes to Gun Laws

Background:

The Executive Officer wrote to the Hon. Paul Papalia CSC MLA Minister for Police; Road Safety; Defence Industry; Veterans Issues. The Minister was invited to the June meeting to speak to;

'... further outline how the proposed changes to the way firearms legislation is to be implemented, as well as the defined process that led to these proposed changes.'

The Ministers office was unable to accept the invitation however did state they would supply a written response to the Zone. The Executive Officer is still following up on this response and will include in the next Agenda.

Noted

9.2 Water Corporation – Non-Standard Water Services

Gavin Treasure CEO, Shire President Julie Ramm, Shire of Dumbleyung

Background:

Water Corporation has formally contacted the Shire of Dumbleyung to advise that it intends to classify a number of Shire locations as a 'Non-Standard Water Service' (NSWS). This means that Water Corp can no longer meet the required level of service and conditions under Water Corp's operating licence.

Conditions can relate to water quality, water pressure, flow rate and/or continuity of supply. Water Corp has provided the following options for Shire consideration:-

1. Install a water treatment option, (WC to install, Shire to manage ongoing costs for maintenance)
2. Install signage at tap 'Water not for consumption'
3. Disconnect service
4. EHO could conduct regular water sampling, if water quality is within an acceptable range, no treatment is required

Comment:

Specific Shire of Dumbleyung owned sites earmarked for reclassification include Moulyinning Hall, Nippering Cemetery and Kukerin Cemetery. In relation to the Moulyinning Hall, Water Corp has offered to provide free bottled water to users/hirers of the hire until a satisfactory treatment option is identified and established. There is also a CBH property and five residential properties all based in Moulyinning. Water Corp has indicated that it will make direct contact with local residences and property owners impacted by this decision.

Water Corp is seeking Shire feedback on preferred options moving forward. If water treatment is the preferred option, Water Corp has indicated that it would fund the purchase and installation of the agreed solution, but the Shire would then be responsible for ongoing operations and maintenance, including eventual replacement. Water treatment would appear to be the most optimal solution (of the options provided) to safeguard and maintain a consistent quality product.

This Water Corp advice has serious implications for one of our smaller communities (Moulyinning) in which the entire town (community) is potentially slated for standard water services withdrawal (including town hall). This advice raises a number of pertinent issues that need to be better understood and resolved prior to the Shire confirming its preferred position, namely:-

1. The Shire being asked to take on responsibility for provision of potable drinking water that was previously the responsibility of Water Corp
2. The public health and risk implications to the Shire in relation to 1 above
3. The cost implications to the Shire in relation to 1 above

Water Corp has been contacted to seek feedback and comment in relation to the above matters. With these known risks and concerns, the Shire's immediate response should be to 'push back' against this Water Corp initiative and insist that they maintain previous water provision licensing arrangements to all sites and customers.

This matter would appear to have cross LGA implications.

Financial Implications:

As mentioned above, this matter has significant (unknown) risk and cost implications to the Shire of Dumbleyung. It also has cost shifting impacts on the entire Local Government sector.

RESOLUTION

Moved: President Cr Katrina Crute

Seconded: President Cr Phillip Blight

That the Central Country Zone:

1. **Rejects Water Corporation attempts to classify regional sites as a 'Non-Standard Water Service' (unless specific agreement is reached with a Local Government Authority);**
2. **Formally writes to Water Corporation and the Minister for Water confirming this position;**

3. Requests that WALGA supports the position of the Central Country Zone and rejects the Water Corporation's attempts to classify regional sites as a 'Non-Standard Water Service'; and
4. Requests WALGA to engage with the Minister for Water to retain the current services, unless specific agreement is reached with a Local Government Authority.

CARRIED

9.3 Heavy Vehicles - Accredited Mass Management Scheme

Grant Robins, President, Shire of Kulin

Background:

There is currently a lack of enforcement by Main Roads Heavy Vehicles Services in relation to AMMS movements across the wheatbelt. Non compliant AMMS movements relate in the main part to;

- Non-compliant loading by contractors with HVS AMMS permit conditions which requires contractors to load correctly to axle group weightings;
- Contractors going off route and not abiding by HVS/AMMS permit conditions.

To facilitate a greater level of compliance with respect to AMMS it is recommended;

- vehicle tracking is introduced as an AMMS permit condition with data being available to Main Roads WA Heavy Vehicle Services compliance unit upon request;
- Permit holders operating under the AMMS permit system must have a method to validate that loaded produce is done so in a manner which meets AMMS permit conditions (e.g) weigh bridge certificates, or on board weighing system, before entering the road system.

Proposed recommendation:

That the Central Country Zone:

request WALGA to establish an Industry Working Group associated with Main Roads WA Accredited Mass Management Scheme across the Restricted Access Vehicle Network, with a view to reducing accelerated degradation and damage to rural and regional road networks as well as improving road safety for all users. Working Group membership shall be representative of relevant industry stakeholders but not necessarily be limited to (WALGA, Local Government, Main Roads WA, Dept of Transport, CBH, relevant Heavy Vehicle Operators Association)

Secretariat comment:

Main Roads has the sole authority for AMMS and RAV access. Suggest in the first instance these issues need to be raised with Main Roads Heavy Vehicle Services. WALGA can facilitate a meeting with Main Roads and Shire representatives to work through the issues.

RESOLUTION

Moved: President Cr Grant Robins
Seconded: President Cr Katrina Crute

That the Central Country Zone request WALGA to investigate the establishment of an Industry Working Group associated with Main Roads WA Accredited Mass Management Scheme across the Restricted Access Vehicle Network, with a view to reducing accelerated degradation and damage to rural and regional road networks as well as improving road safety for all users. Working Group membership shall be representative of relevant industry stakeholders but not necessarily be limited to (WALGA, Local Government, Main Roads WA, Department of Transport, CBH, relevant Heavy Vehicle Operators Association).

CARRIED

9.4 2023 Local Government Elections – Zone Office Bearer Elections

By Chantelle O'Brien, Governance Support Officer

BACKGROUND

With the bi annual Local Government elections being held on Saturday, 21 October 2023, Zones will also be required to hold an election process for State Council representatives.

A chronological overview of the process is detailed below:

- Local Government elections occur on Saturday, 21 October 2023.
- Member Councils to elect/appoint their Zone Delegates and to advise the Zone Executive Officer, as soon as possible but preferably by 3 November 2023.
- For the purpose of electing their representatives and deputy representatives to the WALGA State Council, the Zones are required to hold these elections at their November 2023 meeting.
- Zones to advise WALGA, in writing, of their elected State Council representative and deputy representative immediately following the 2023 November Zone meeting.
- A State Councillor Induction Session will be held for all State Council representatives and deputy representatives before the first meeting in December.
- The new State Council will take office at the Ordinary Meeting of State Council on **6 December 2023**.

In relation to the nominations and election process to be followed by each Zone in electing a representative and deputy representative to the WALGA State Council, the below process has been instituted by State Council:

1. *Zone Executive Officer to write to all Member Councils no later than 1 month prior to the Zone meeting at which the election is to be held calling for nominations from Delegates to the Zone for the positions of representative and deputy representative to State Council. The correspondence is to state that all nominations are to be made in writing to the Zone Executive Officer, and only Elected Members who are a nominated Zone Delegates are eligible to nominate. The time period for the receipt of nominations is preferably to be **one week prior** to the Zone meeting at which the election will be held. However, nominations will be accepted from the floor at the Zone meeting.*
2. *Zone Executive Officer to receive written nominations from Zone Delegates for the positions of representative and deputy representative to State Council and then provide written confirmation to Member Councils of the nominations received.*
3. *Elections are to be held at the next Zone meeting as the first item of business. Nominations will be permitted from the floor at the Zone meeting. Where there is more than one nomination for each vacant position, an election will be conducted using a secret ballot, with the Zone Executive Officer to represent WALGA as the returning officer for the election. Prior to the ballot, nominees for each position are to be extended the opportunity to provide a 2 minute election bid to Delegates.*
4. *All voting Delegates to the Zone are entitled to cast one (1) vote in the ballot process. The candidate with the greater or greatest number of votes is elected to the office.*
5. **Tied vote** – *in the event of a tied vote, election will be determined by drawing names from a box. The Secretariat will put the names of the candidates concerned in a box and the first name drawn is the Elected Member.*
6. *Zone Executive Officer to advise WALGA in writing immediately following the Zone meeting of the outcome of their elections.*

If you have any questions or require further information in relation to the above mentioned process, please contact Tony Brown, Executive Director Member Services on 9213 2051 or email tbrown@walga.asn.au.

RESOLUTION

Moved: Cr Neil Walker

Seconded: President Cr Bill Mulroney

That the Central Country Zone note the process for election of Zone Representative and Deputy Representative to the WALGA State Council.

CARRIED

9.5 Commonwealth Disaster Ready Fund – Round Two

By Rachel Armstrong, Senior Policy Advisor Emergency Management

Executive Summary

- The [Disaster Ready Fund](#) (DRF) is a \$200 million Commonwealth Government fund that provides grants to government and non-government organisations to help them reduce disaster risk.
- Expressions of Interest (EOIs) for DRF Round 2 are open now and applications for Round 2 will open in early 2024.
- Benefits to Local Governments in applying for the DRF include building partnerships with other organisations and receiving financial assistance for projects that reduce community vulnerability to disasters.
- The Department of Fire and Emergency Services (DFES) is actively engaging with organisations in preparation for Round 2 of the DRF, to identify projects that are most likely to be successful, as well as providing support and advice to develop strong applications.
- DFES is encouraging Local Governments interested in applying for DRF Round 2 to start planning now.
- DFES is holding a [grants webinar](#) on **Monday 4 September**, 10am to 12pm, which will provide more detail on how to submit a successful grant application, and the support available.

Background

The first round of the DRF opened on 10 January and closed 6 March 2023. 19 out of 23 successful Western Australian projects involved Local Governments. Although many WA Local Governments that applied to Round One of the DRF were successful, WA were only allocated just over \$8 million of the total \$200 million available. Successful projects from the first round are listed [here](#).

EOIs for DRF Round 2 are open now and applications for Round 2 will open in early 2024.

Comment

Examples of the types of projects that were successful across Australia, and may be of interest to Local Governments considering applying for a DRF grant in Round Two include:

- Evacuation centre upgrades
- Coastal erosion mitigation
- Flood resilience
- Community disaster risk reduction and resilience projects
- Green canopy initiatives
- Community engagement, education, and preparedness
- Improving natural environments to build resilience.

The extra support being provided by DFES through the early EOI process may help increase DRF funding to Local Governments in Round Two. A key factor in funding success is a well substantiated application, which can be resource intensive to develop.

DFES will hold a grants webinar 10am - 12pm, **Monday 4 September**, with information on how to submit a successful grant application, and what support is available. Register your interest [here](#).

Further information is available on the [SEMC website](#) or semc.grants@dfes.wa.gov.au.

RESOLUTION

Moved: Cr Barry West
Seconded: President Cr Julie Russel

That the Central Country Zone notes that Expressions of Interest for Round 2 of the Disaster Ready Fund are now open, and that the Department of Fire and Emergency Services is providing support to Local Governments to assist with the development of high-quality applications.

CARRIED

10. Zone Reports

10.1 Zone President Report

Zone Chair, President Leigh Ballard was an apology.

Noted

10.2 Local Government Agricultural Freight Group (LGAFG)

The Local Government Agriculture Group have not hosted a meeting since prior to November 2022.

The Executive recommend the Central Country Zone withdraw from the group, however welcome contact from the group should it be re-established.

RESOLUTION

Moved: President Cr Katrina Crute
Seconded: President Cr Bill Mulroney

1. That the Central Country Zone withdraw from the Local Government Agricultural Freight Group; and
2. If the Group is re-established, the Zone can provide feedback on any issue.

CARRIED

10.3 Great Southern District Emergency Management Committee (DEMC)

President Leigh Ballard was an apology.

Noted

10.4 Regional Health Advocacy Group

Ms Natalie Manton is the Central Country Zone representative for this group. The group has not met since 2021.

Noted

10.5 Wheatbelt Interagency Health and Wellbeing Plan Advisory Group

Cr Jackie McBurney provided an update to the Zone.

Noted

10.6 WALGA RoadWise

Rodney Thornton, Regional Road Safety Advisor was an apology.

Noted

11. Western Australian Local Government Association (WALGA) Business

11.1 State Councillor Report

Cr Phillip Blight

State Councillor Phillip Blight endorsed the previously attached 2023 September State Councillor report.

RESOLUTION

Moved: Cr Barry West

Seconded: Cr Karen Harrington

That the State Councillor Report be received.

CARRIED

11.2 WALGA Status Report

By Tony Brown, Executive Officer

BACKGROUND

Presenting the Status Report for August 2023 which contains WALGA’s responses to the resolutions of previous Zone Meetings.

August 2023

Zone	Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
Central C	23 June 2023 Zone Agenda Item 9.4 - Line Marking and Road Safety	That WALGA be requested to engage with Main Roads WA with a view to providing Local Government with greater flexibility and autonomy in relation to line marking thresholds and approval guidelines for rural and regional roads, consistent with the body of the report presented to the Central Country Zone meeting on 23 June 2023.	<p>The Infrastructure Policy Team considered the matter on 5 July and resolved that WALGA develop an advocacy position that will provide Local Governments with greater flexibility and autonomy in providing line markings and to review the criteria for eligibility to provide and fund line marking, including audible markings, on roads to improve road safety for consideration by State Council.</p> <p>A key consideration is the acceptance of (financial) maintenance responsibility for some road markings and the obligations this places on future Councils.</p>	Dec 2023	Ian Duncan Executive Infrastructure Manager iduncan@walga.asn.au 9213 2031
Central C	2022, 18 February Zone Agenda Item 11.1	That the Central Country Zone recommend that the Local Government Agricultural Freight Group be disbanded and request WALGA to consider establishing a policy forum to encompass all Freight issues.	The Infrastructure Policy Team determined not to propose the establishment of a Policy Forum to consider Agricultural Freight. Any decision to disband the Agricultural Freight Group is a matter for the participating Zones.	Ongoing	Ian Duncan Executive Infrastructure Manager iduncan@walga.asn.au 9213 2031
Central C	23 June 2023 Zone Agenda Item 9.1 - Aboriginal Cultural Heritage	That the Central Country Zone request: <ol style="list-style-type: none"> the Department of Planning Lands and Heritage to provide information on the cost to Local Governments of implementing the regulations; WALGA to collate the information from the Local Governments feedback on the Aboriginal Heritage Act and the implementation of the Regulations; and the State Government to underwrite any potential costs of Local Government complying with the requirements of the Aboriginal Heritage Act. 	<ol style="list-style-type: none"> The Department of Planning Lands and Heritage (DPLH) has published information on Aboriginal Cultural Heritage application fees and fees associated with services provided by Local Aboriginal Cultural Heritage Services (LACHS). The costs to Local Government will vary according to the tier and extent of activities planned, their location and whether Aboriginal cultural heritage exists or not. More information can be found here. WALGA is collating feedback from Local Governments on implementation issues to inform ongoing advocacy 	August 2023	Nicole Matthews Executive Manager Policy nmatthews@walga.asn.au 9213 2039

			<p>and additional support for the sector. WALGA has established an online ACH Act Network and monthly question and answer sessions with DPLH to support provision of timely advice to the sector. More information on the WALGA activities can be found here.</p> <p>3. Recommendation 18 of WALGA's submission to Phase three consultation on the ACH Act stated "The State Government to subsidise Local Government for the increased costs that Local Governments will be required to bear as a result of the new legislative ACH regime". While this recommendation has not been supported by State Government to date, WALGA continues to advocate for additional support for Local Government to assist in the implementation of the ACH Act. WALGA President, Karen Chappel JP wrote to the Hon Mr Toni Buti Minister for Aboriginal Affairs, on 1 June 2023 setting out key actions for DPLH including to support Local Government implement the ACH Act through the provision of training, guidance materials, additional regional officers and extension of grant funding project timeframes. In addition, WALGA will escalate issues via its membership of the ACH Act Implementation Group.</p>		
Central C	5 July 2023 State Council Agenda Item 7.5 - Audit Experience Survey Results Summary and Advocacy Position	<p>That:</p> <ol style="list-style-type: none"> 1. State Council note the Audit Experience Survey Results Summary; and 2. WALGA advocate to the Office of the Auditor General (OAG) to reform the audit process for Local Governments by seeking: <ol style="list-style-type: none"> a. Audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied. b. That the OAG review the requirements for pre-audit information with a view to reducing the need for additional information where possible; c. That the OAG review their costing formulae for Local Government audits and show constraint in audit cost increases; 	<p>The issue of fair value reporting was a major concern to the sector from the survey findings. The Department of Local Government, Sport and Cultural Industries have written to WALGA advising that they will be reviewing the Fair Value requirements. The Central Country Zone's position is acknowledged; however, the Australian Accounting Standards require the revaluing of all assets including non-financial assets.</p> <p>State Council Resolution</p> <p>That:</p> <ol style="list-style-type: none"> 1. State Council note the Audit Experience Survey Results Summary; and 2. WALGA advocate to the Office of the Auditor General (OAG) to reform the audit process for Local Governments by seeking: <ol style="list-style-type: none"> a. Audits of Local Governments are completed and reported on in a timely manner and that 	August 2023	Tony Brown Executive Director member Services tbrown@walga.asn.au 9213 2051

		<p>d. That the OAG provide a breakdown on the cost of the audit and justification for any variance to the estimate to the Local Government as part of the final billing process;</p> <p>e. That auditors be required to improve their communication and information management and avoid repeated requests for information that has already been provided;</p> <p>f. That Local Governments only be required to communicate with contract Auditors (<i>unless the OAG is directly auditing the Local Government</i>) and the onus be placed on the contract Auditors to confirm their advice with the OAG before instructing the Local Government; and</p> <p>g. In-conjunction with the Department of Local Government, Sport and Cultural Industries, review the application of Fair Value principles in the context of the audit <u>including considering removing the impost of revaluing non-financial assets (roads and footpaths) from financial reporting requirements for Local Governments.</u></p>	<p>the processes, procedures and scope of audits are consistently applied.</p> <p>b. That the OAG review the requirements for pre-audit information with a view to reducing the need for additional information where possible;</p> <p>c. That the OAG review their costing formulae for Local Government audits and show constraint in audit cost increases;</p> <p>d. That the OAG provide a breakdown on the cost of the audit and justification for any variance to the estimate to the Local Government as part of the final billing process;</p> <p>e. That auditors be required to improve their communication and information management and avoid repeated requests for information that has already been provided <u>or that is publicly available;</u></p> <p>f. That Local Governments only be required to communicate with contract Auditors (<i>unless the OAG is directly auditing the Local Government</i>) and the onus be placed on the contract Auditors to confirm their advice with the OAG before instructing the Local Government;</p> <p>g. In-conjunction with the Department of Local Government, Sport and Cultural Industries, review the application of Fair Value principles in the context of the audit; and</p> <p>h. <u>Seek an opportunity for Local Government to make representations in relation to any adverse findings prior to the publication of the report.</u></p> <p><u>RESOLUTION 464.3/2023</u></p> <p><u>CARRIED</u></p>		
<p>Central C</p>	<p>14 April 2023 Zone Agenda Item 9.1 Financial Burden to Local Governments of Optional Preferential Voting</p>	<p>That WALGA forms a policy position and advocates that:</p> <p>1. any Western Australian Electoral Commission fee increases for the 2023 Local Government elections are capped at 10% when compared with the 2021 rates; and</p>	<p>This item has been referred to the Governance & Organisational Services Policy Team who will recommend an item to State Council. The Zone will be kept informed as this item progresses.</p>	<p>August 2023</p>	<p>Tony Brown Executive Director, Member Services 9213 2051 tbrown@walga.asn.au</p>



		2. the CountWA software from Western Australian Electoral Commission is provided to Local Governments free of charge for the 2023 and subsequent Local Government elections.			
Central C	2021 19 November Zone Agenda Item 12.1 Sector ICT solution	That the Zone request WALGA to research providers and the viability of an in-house IT system.	<p>The idea of an all-of-sector model ICT solution is not viable for the following reasons:</p> <ul style="list-style-type: none"> • Different size Local Governments – no one size fits all; • Local Government's being at different levels of need and maturity in the ICT requirements; • We are unlikely to get the requisite LG buy-in to warrant the investment; and • The inherent complexity of a custom-built system is time and cost-prohibitive. <p>A more workable suggestion is for a group of similar size/maturity level Local Governments to engage a consultant to define a model set that meets their needs. Any recommendations could be reviewed by a representative of the LG ICT Managers Network to ensure it is appropriate.</p> <p>It would be expected that the following range of recommendations are achievable:</p> <ul style="list-style-type: none"> • Suitable hardware requirements (including remote options where appropriate) • Suggested lightweight accounting software • Baseline model directory structure • Security options • Backup software and procedures • Suitable internet options <p>WALGA is looking to assist in facilitating discussions on a shared service model to research this with a group of Local Governments further. Due to work priorities this work was not carried out in 2022, however work is scheduled this year.</p>	August 2023	Tony Brown Executive Director, Member Services 9213 2051 tbrown@walga.asn.au

Zone Comment

This is an opportunity for Member Councils to consider the response from WALGA in respect to the matters that were submitted at the previous Zone Meeting.

Noted

11.3 WALGA President's Report

The WALGA President's Report was attached to the agenda.

RESOLUTION

Moved: President Cr Phillip Blight
Seconded: President Cr Grant Robbins

That the Central Country Zone notes the WALGA President's Report.

CARRIED

11.4 Review of WALGA State Council Agenda – Matters for Decision

11.4.1 State Council Agenda Items – 13 September 2023

Background

WALGA State Council meets five times each year and as part of the consultation process with Member Councils circulates the State Council Agenda for input through the Zone structure.

The full State Council Agenda can be found via link: [State Council Agenda 13 September 2023](#)

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

Matters for Decision

7.1 Local Emergency Management Arrangements (LEMA) Advocacy Position

That WALGA endorse the following position on Local Emergency Management Arrangements (LEMA):

1. *The State Government should fund the implementation of the Local Emergency Management Arrangements (LEMA) Improvement Plan endorsed by the State Emergency Management Committee (SEMC).*
2. *A reformed LEMA system should:*
 - a) *Clearly articulate the roles and responsibilities of Local Governments in emergency management;*
 - b) *Simplify the reporting processes and reduce the administrative burden of maintaining compliance;*
 - c) *Provide a suite of scalable tools and guidance materials that are accessible through an online knowledge hub;*
 - d) *Build the emergency management capacity and capability of Local Governments through the provision of targeted training, exercising support, human resources and sustainable funding;*
 - e) *Assist Local Governments to continue to deliver their core business activities and provide public information during an emergency event;*

- f) *Improve the connectivity of Local Governments' various risk management and hazard planning processes through an integrated approach; and*
- g) *Enable resource sharing and collaboration across the Local Government sector.*

7.2 Advocacy Position on Road Works during Total Fire Ban

That WALGA endorse the following principles in relation to the exemptions and conditions under which road works may be undertaken during a Total Fire Ban:

1. Road Activity Tiers: That there be a tiered risk approach for road work activities and associated controls, based on the proposed activities and fire danger forecast.
2. Local Government operations: That any controls specified in regulations to provide effective risk mitigation and response be able to be implemented within the works crew deployed for the task.
3. Reduce Red Tape: That the processes where repeated notification to DFES for the same task at the same location is required be streamlined.

Policy Team And Committee Reports

- 8.1 Environment and Waste Policy Team Report
- 8.2 Governance and Organisational Services Policy Team Report
- 8.3 Infrastructure Policy Team Report
- 8.4 People and Place Policy Team Report
- 8.5 Municipal Waste Advisory Council (MWAC) Report

RESOLUTION

Moved: President Cr Katrina Crute

Seconded: President Cr Bill Mulroney

That the Central Country Zone:

1. **Supports all Matters for Decision as listed above in the September 2023 State Council Agenda; and**
2. **Notes all Matters for Noting, Policy Team and Committee Reports and Organisational Reports as listed in the September 2023 State Council Agenda.**

CARRIED

12. Emerging Issues

12.1 Retiring members

There are several Central Country Zone Delegates who will be retiring from Local Government as of this year's election. This will be their final Zone meeting.

The retiring Delegates are:

- Neil Walker
- Bill Mulroney
- Barry West
- Julie Ramm

The Chair thanked the contributions of the retiring Delegates for both their service to the Central Country Zone, and to their respective Local Governments.

RESOLUTION

Moved: President Cr Katrina Crute

Seconded: Cr Jackie McBurney

The Central Country Zone thanks the retiring Councillors as well as those outgoing Zone Delegates who are up for election at the October Local Government elections.

CARRIED

12.2 Contaminated Sites

Shire of West Arthur

The Shire of West Arthur has received notification, from the Department of Water and Environmental Regulation, regarding the Darkan Landfill sites' proposed classification under *the Contaminated Sites Act of 2003*. The notification indicated that the landfill had classified "potentially contaminated, investigation required" with a number of site assessment requirements and actions associated with that classification.

Shire CEO, Mr Vin Fordham Lamont, investigated the cost of the assessments outlined in the Departments correspondence and found them to be significant (approximately 10% of the Shire's annual rates revenue).

The Darkan Landfill, due to the low amounts of waste deposited, and risk associated, is a Registered, rather than licenced, landfill complying with the [Environmental Protection \(Rural Landfill\) Regulations \(2002\)](#).

Mr Fordham Lamont has engaged with WALGA to provide assistance and is investigating the best option to ensure the Shire is not required to undertake such costly assessments which are disproportioned to the risk associated with the landfill.

The Shire of West Arthur is concerned that other Local Governments with Registered Landfill Sites may also be receiving similar correspondence and being faced with potentially significant and unnecessary site investigation costs. There are at least 25 regional Local Governments with active Registered Landfill sites.

The Shire is raising this at the Zone, to request:

- WALGA investigate the extent that this issue is impacting regional Local Governments with registered landfill sites.
- Engage with the Department of Water and Environmental Regulation, on behalf of the sector, to ensure that the Departments requirements are proportionate to the risk associated with a particular site.

RESOLUTION

Moved: Cr Karen Harrington
Seconded: President Cr Katrina Crute

That the Central Country Zone request WALGA to:

1. investigate the extent that this issue is impacting regional Local Governments with registered landfill sites; and
2. engage with the Department of Water and Environmental Regulation, on behalf of the sector, to ensure that the Department's requirements are proportionate to the risk associated with a particular site.

CARRIED

12.3 Cost of Optional Preferential Voting to Local Governments

Cr Jackie McBurney, Shire of Pingelly

With the new optional preferential voting system, the cost to small Local Governments for this upcoming LG election is going to be significant and onerous.

Is there something the Zone can do to remedy this cost?

Secretariat Comment

An item will be considered by WALGA's Governance and Organisational Services Committee, where it is proposed that a comprehensive review and analysis of previous election cycles up to and including the 2023 Local Government election be carried out.

The purpose of this approach is to find evidence of the reported rising cost of conducting Local Government elections, with a focus on postal elections conducted exclusively by the WA Electoral Commission. The analysis will also ascertain elector engagement as candidates and as voters.

Upon completion of the analysis, an alternative advocacy approach should be considered as a means of gaining greater traction for WALGA's adopted election-related advocacy.

WALGA will consider the systems in place in other states that have optional preferential voting at LG elections. WALGA will encourage the State Government to investigate what can be done to mitigate costs.

It is unlikely that anything can be done for this year's election, but WALGA will be strongly advocating for change before the 2025 LG Elections.

Noted

13. Date, Time, and Place of Next Meetings

The next Central Country Zone meeting will be held on Friday, 17 November 2023 commencing at 9:30am. This meeting will be hosted by the Shire of Lake Grace.

14. Closure

The Chair thanked the Shire of Kulin for hosting today's meeting, and all Delegates for participating in the Strategic Forum and meeting.

There being no further business the Chair declared the meeting closed at 12:34pm

CENTRAL COUNTRY ZONE

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WESTERN AUSTRALIAN
LOCAL GOVERNMENT ASSOCIATION

Shires of:

Beverley
Brookton
Corrigin
Cuballing
Dumbleyung
Kulin
Lake Grace
Narrogin
Pingelly
Quairading
Wagin
Wandering
West Arthur
Wickepin
Williams

Objection

Proposed Boundaries

for the 2025 State General

Election

August 2023

About the Central Country Zone

The Central Country Zone consists of President's, Councillors and CEOs of 15 Local Governments in the Wheatbelt region. The Zone meets to consider regional issues and provide input to WALGA's Advocacy positions.

The Local Governments in the Zone are as follows:

Shire of Beverley;
Shire of Brookton;
Shire of Corrigin;
Shire of Cuballing;
Shire of Dumbleyung;
Shire of Kulin;
Shire of Lake Grace;
Shire of Narrogin;
Shire of Pingelly;
Shire of Quairading;
Shire of Wagin;
Shire of Wandering;
Shire of West Arthur;
Shire of Wickepin; and
Shire of Williams

Contacts

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Overview

The Central Country Zone and its Members object to the proposal to reduce the number of non-metropolitan districts by one as the reduction in political representation will negatively impact rural and regional communities.

Basis of Objection

Diminished political representation

As a representation of the 15 Local Government communities within the Zone, the Central Country Zone recognises the importance of political representation. With demographic and other forces pulling people and resources away from some regions towards the metropolitan area, political representation becomes increasingly important.

The Commissioners' proposal to reduce the number of non-metropolitan districts by one, will significantly reduce the political representation of regional communities. This reduction in representation is compounded by the 2021 change to the Legislative Council regions to create a whole of state electorate. The Central Country Zone also made a submission at the

time of the 2021 review opposing the ‘one vote, one value’ reform on the basis that the voice of regional, rural, and remote communities would be overwhelmed by the relative number of voters in metropolitan Perth and more populous towns.

The perspective of many regional communities is that, without sufficient political representation, their concerns will be “out of sight, out of mind”, swamped by the sheer weight of voters in metropolitan Perth and large regional centres. Regional communities need effective representation to ensure that the unique needs and challenges of people living outside the metropolitan area are adequately addressed at a State level.

Increased pressure on regional Local Governments

As political representation of non-metropolitan communities at the State level is diminished, the political representation provided by Local Governments will become even more important. This additional responsibility will be challenging for many non-metropolitan Local Governments such as those within the Central Country Zone, already stretched beyond their current capacity and resourcing.

The service provision expectations and requirements of Local Governments have increased considerably, rarely with commensurate increases in funding and resourcing. This has led to Local Governments, particularly in rural and remote parts of Western Australia, providing services previously the responsibility of other spheres of government. Contemporary examples include the provision of primary health care; aged care; housing; and economic development. Diminished political representation, requiring Local Government to fill another gap, will further stretch capacity and resources.

The contributions of non-metropolitan regions

In considering political representation it is important to acknowledge the economic contribution of non-metropolitan districts to the wealth and standard of living in Western Australia.

Regional Western Australia makes a significant contribution to the WA economy. As of July 2023, the regions accounted for 35 percent of Gross State Product. Regional WA is also a significant employer, with more than 300,000 jobs located in regional WA – around 25% of the state’s total workforce. Many of these jobs are located in the agriculture and mining industries.¹

Regional WA is home to many of the state’s key export industries, including the mining and agriculture sectors. WA is an exports-based economy, and accounts for around half of the national goods exports total each year. Goods exports currently account for 61 percent (\$247 billion) of Western Australia’s gross state product. As the prevalence of fly-in-fly-out has increased, it is crucial that the permanent residents of communities that host the bulk of WA’s export industries remain politically represented.

The impacts of Fly-In Fly-Out (FIFO) and Drive-in Drive-out (DIDO) workers within the regions need to be considered.

There are some 300,000 workers within the regions which represents some 25% of the State’s workforce however no consideration is given to including these numbers in the statistical data when defining boundaries. FIFO and DIDO workers essentially ‘reside’ within

¹ WA Economic Profile – July 2023, [Western Australia's economy and international trade \(www.wa.gov.au\)](http://www.wa.gov.au)

the Local Government boundaries and town centers and, in most cases, spend more time living and working in the regions than they do in the electorate in which they are registered.

If the analysis were to include these numbers within the current electoral boundaries we would see a completely different picture of how our population is dispersed, particularly within the electorates of Moore and North West Central.

It is therefore important that the State Government is aware of the need to consider all aspects of an electorate and not just focus on numbers of registered voters. Representation should be available to all and in light of the size of our State and its diversity both economically and geographically, special consideration should be made when casting the net to capture population numbers.

Population Dispersement

Western Australia has an uneven dispersment of the State's population. Unlike most other States, Western Australia has always been capital city and broader metropolitan area populous, particularly compared to its regions. This historical and factual situation results in a very unbalanced, almost inverse relationship between Perth and all other parts of the State. This is made even more complex given the large geographical size and remoteness of WA. So a 'one vote, one value' approach around State-wide electoral representation doesn't create a balanced situation where whole of State needs are met. The economic and social requirements of people living in WA are as diverse as the State geography and its landscape.

Basing electoral distribution solely on population numbers only exacerbates the current imbalance. A State as unique and diverse as WA requires a more flexible and rounded electoral distribution system that recognises the challenges and needs of all Western Australians, no matter where they live. A multi-faceted basis and approach for establishing electoral boundaries should be established which also recognises broader socio-economic criteria (& need).

Matters to consider when dividing the State

The proposed amalgamation of North West Central and Moore does not give due consideration to the factors in section 16I of the *Electoral Act 1907 (WA)*. The proposed new Mid West district will cover an estimated 70 townsites and a broad spectrum of land use patterns, from urban fringe development, remote communities, livestock farming, broad acre cropping, and pastoral and mining operations. Factors such as community of interest and land use patterns do not seem to have been taken into account in this proposal to amalgamate urban fringes (peri urban) with regional and remote communities. It is essential that all aspects of an electorate be considered when determining boundaries, not just the number of registered voters.

Resourcing of electorate offices in the regions

Even before the proposed reduction of non-metropolitan Legislative Assembly districts, there was a need for additional resourcing in the regions to improve the capacity of State representatives to service their electorate. This is particularly true for those electorates that cover a large geographical area. Any reduction in overall regional representation will only exacerbate this problem.

Resourcing for electorate offices in the regions needs to be significantly increased to improve the capacity of representatives to engage with communities within their electorate. The ability for a State Member to effectively represent the interests of their electorate is reliant upon

their ability to effectively communicate with and hear from their constituents. An increase in resources, including staff, is needed for electorate offices in non-metropolitan districts, particularly those covering vast distances.

Conclusion

The Central Country Zone acknowledges the challenges and limited scope inherent to the Commissioners' task to propose electoral boundary changes. Nevertheless, the Central Country Zone supports strong and effective political representation for the non-metropolitan districts to ensure that regional WA is supported to continue to generate export and employment opportunities that benefit us all.

Any further reduction in political representation at the State level will necessarily lead to an expectation that regional Local Governments will expand to fill this gap, a role that may stretch Local Governments beyond their capacity and resources.

Representation for non-metropolitan districts (especially those covering large geographical areas) also needs bolstering by increased resources for electorate offices.

The Central Country Zone's objection to the proposed boundaries are on the basis that the reduction of non-metropolitan districts will:

- 1. Further diminish political representation for regional communities;**
- 2. Increase pressure on regional Local Governments; and**
- 3. Fail to recognise the contributions of non-metropolitan districts to the WA economy.**

The Central Country Zone and its Members support increased resourcing for electorate offices in non-metropolitan districts, particularly those that cover a large geographical area, to ensure effective political representation at the State level.



Emergency Preparedness and the nbn[®] network

Presented by Naomi Evans
August 2023

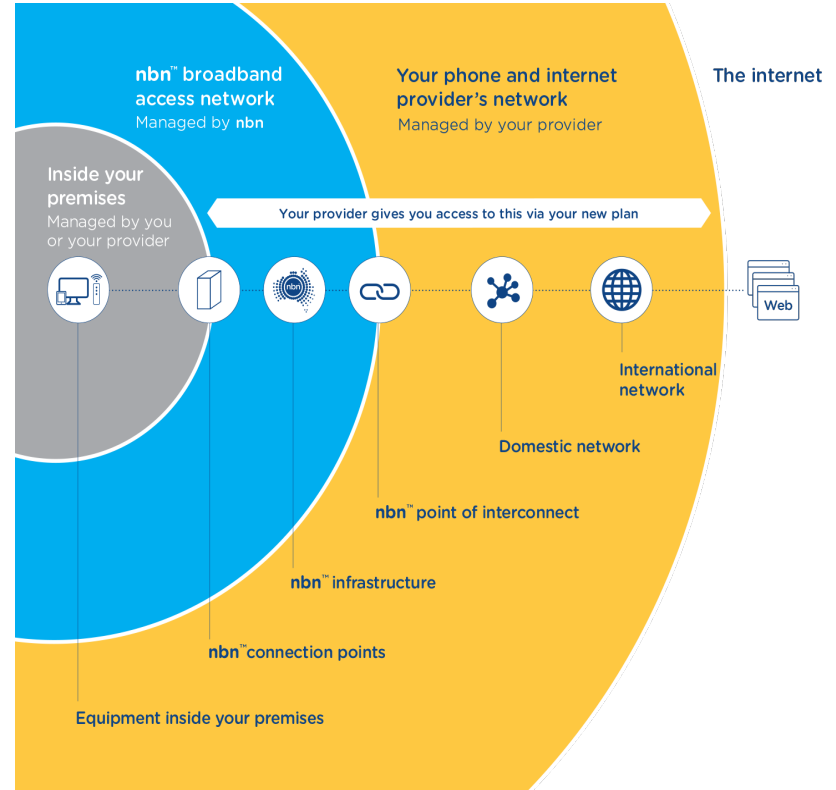
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What is the nbn[®] network?

The **nbn** network is the digital backbone of Australia, constantly evolving as we help keep communities, businesses and all areas of society connected, and our nation productive.

The **nbn** network uses a range of broadband technologies including new fibre-optic cable, fixed wireless and satellite to deliver high-speed broadband internet to homes and businesses across Australia.

As a network wholesaler, **nbn** provides wholesale broadband internet services and related activities to phone and internet providers.





\$750 million investment to 5G-enable nbn® Fixed Wireless to deliver faster speeds to regional Australia

- \$480 million investment in the **nbn**® Fixed Wireless network by the Australian Government, supported by an additional \$270 million from **nbn**
- The investment will help to deliver faster speeds¹ to homes and businesses across semi-rural, regional and remote Australia
- Funding will allow **nbn** to fast-track and scale the integration of 5G millimetre wave technology across the Fixed Wireless network, following extensive testing already completed by the company
- Enhanced data allowances on **nbn**'s Satellite services – **nbn**® Sky Muster and **nbn**® Sky Muster Plus



¹Your experience, including the speeds actually achieved over the nbn® network, depends on the nbn® access network technology and configuration over which services are delivered to your premises, whether you are using the internet during the busy period, and some factors outside nbn's control (like your equipment quality, software, broadband plan, signal reception, and (with the exception of Sky Muster Plus™) how your service provider designs its network). Speeds may also be impacted by the number of concurrent users on the nbn® Fixed Wireless network, including during busy periods.

nbn[®] Sky Muster[®] Plus Premium



nbn[®] Sky Muster[®]
Plus Premium
Uncapped data
usage* for all
your internet
activities

*Fair Use Policy and shaping apply.

More than 400,000 homes and small businesses across Australia can now access a new nbn satellite plan, which provides access to uncapped data usage* to meet the growing data demands of regional, rural and remote communities across Australia.

The new plan, named nbn Sky Muster Plus Premium, is the latest step in the evolution of the nbn satellite network and adds to the suite of existing nbn Sky Muster Plus plans.

Key features of the new plan include:

- **Uncapped Data Usage***: users no longer need to worry about managing a monthly data usage allowance.
- **Capability to Burst Faster**: for the first time our 25/5Mbps wholesale plan can offer burst download speeds of up to 100Mbps[#] enabling users to enjoy higher-quality online experiences, from learning and working at home to connecting with their communities and loved ones.
- **Lower nbn wholesale pricing**: making it even more accessible to people in regional and rural Australia.

Disclaimers

** Fair Use Policy and shaping apply.*

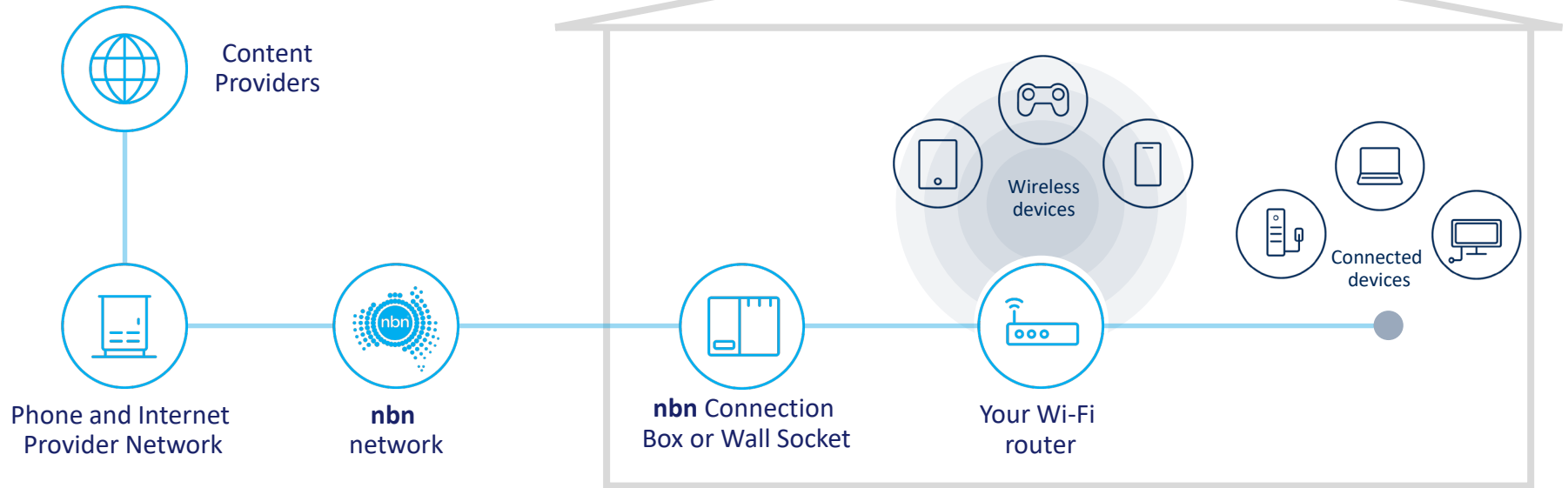
Supplementary Burst allows for wholesale data transfer speeds to exceed the Access Rates of 25Mbps/5Mbps if network capacity is available. For Sky Muster Plus Premium the Supplementary Burst may be able to achieve, from time to time, bursts of up to 100Mbps download and 10Mbps upload. nbn does not guarantee that plans on Sky Muster Plus Premium will achieve burst wholesale download speeds of 100Mbps. Achievable burst speeds are subject to network capacity at the time of transfer (which varies over time based on aggregate usage of the network by all users and may also be dependent on the specifications of end user equipment.

△ Note that an end user's experience, including the speeds actually achieved over the nbn broadband access network, depends on the nbn access technology and configuration over which services are delivered to their premises, whether they are using the internet during the busy period, and some factors outside of nbn's control (like their equipment quality, software or signal reception). For nbn Satellite, end customers may also experience latency.

& nbn is a wholesaler and does not set retail prices. End users should contact their preferred internet service provider to ask about the retail prices they charge.

How does the nbn network work?

There are a number of factors that can impact your broadband experience[#] including the **nbn** network technology connecting your home, content providers, retail service providers (internet service providers) and your in-home set up.



*#Your experience, including the speeds actually achieved over the **nbn** network, depends on the **nbn** access network technology and configuration over which services are delivered to your premises, whether you are using the internet during the busy period, and some factors outside **nbn**'s control (like your equipment quality, software, broadband plan, signal reception and how your service provider designs its network). Speeds may also be impacted by the number of concurrent users on the **nbn** Fixed Wireless network, including during busy periods. Satellite end customers may also experience latency.*

The nbn network and emergency response

nbn is included in every state and territory's emergency management arrangements.

Communications during an emergency event are vital. **nbn** is embedded within emergency prevention, preparedness, response and recovery planning in every Australian state and territory.

In an emergency event where the **nbn** network is affected, we will aim to:



Prioritise

connections to
essential services



Establish

plans for
reconnection of all
services



Respond

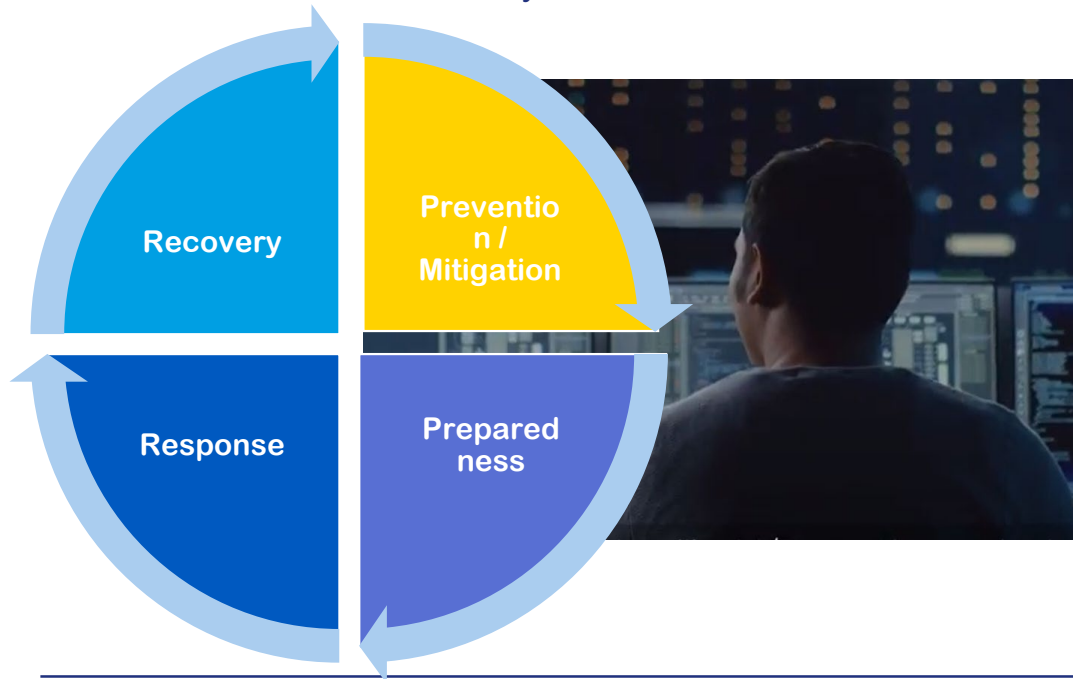
Restore services in a
coordinated, safe and
timely manner.

Please note: factors outside of **nbn's** control including, but not limited to, weather conditions, terrain, damage from an incident, safety and directions from emergency services could impact our ability to respond.

Emergency events – Monitoring and prioritisation

nbn is included in every state and territory's emergency management arrangements. Aligns with national and international best practice.

The **nbn** network is constantly monitored at our Network Management Centre (NMC).



In the event of a disaster, **nbn** will prioritise the restoration of services to impacted communities. This will include special consideration of essential services, community infrastructure and business services in any restoration planning.

nbn network and power outages



Most internet-connected devices require power to operate.



While the nbn network has in-built power resiliency, it requires power at the exchange, at nodes or towers and within the home or business to operate.

Equipment connected via the nbn network will not work during a power outage.





Stay mobile

- ✓ Charged mobile and portable battery





Stay updated

- ✓ Battery powered radio
- ✓ Follow @NBN_Australia on social media



Back up

- ✓ Create a digital back up of valuable information on a USB or on the cloud



Be prepared

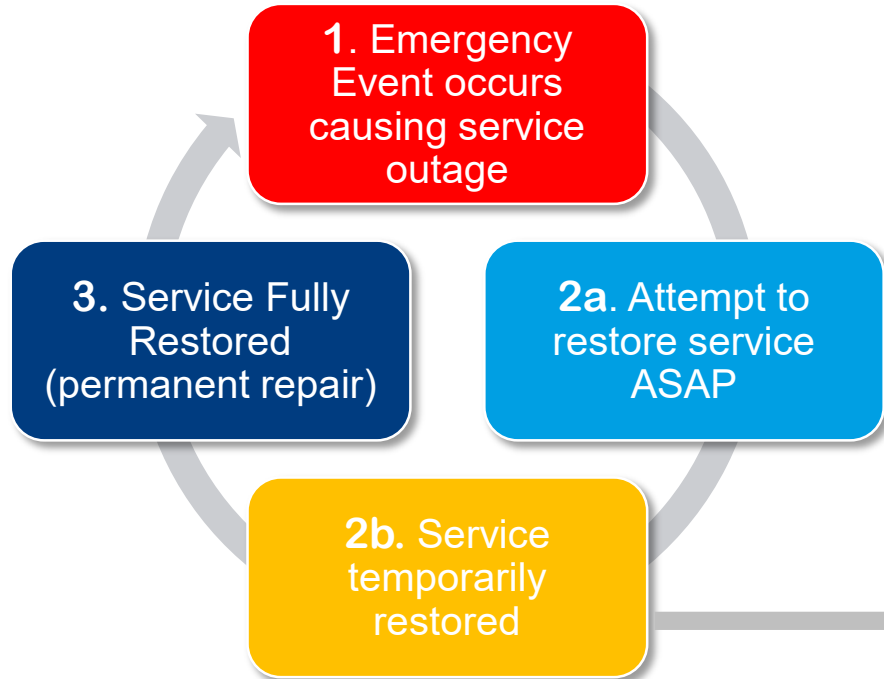
- ✓ Alternative communications and power options
- ✓ A robust Business Continuity Plan

Temporary options to help restore service ASAP

Disaster Satellite Service (STAND - Strengthening Telecommunications Against Natural Disasters)

TNI - Temporary Network Infrastructure

TEMS - Temporary Emergency Management Solutions



<p>Disaster Satellite Service Additional Communications Options</p>	<p>Back-up internet connection at fixed locations chosen by Emergency Services for use during events at community hubs or evacuation centres</p>
<p>TNI Temporary Service Restoration</p>	<p>Where equipment has been damaged and requires days / weeks / months to repair, nbn uses TNI to temporarily restore nbn service</p>
<p>TEMS Temporary Emergency Management Solutions</p>	<p>nbn's temporary internet solutions can be requested by emergency services via the State/Territory government agencies to support impacted communities at community hubs or evacuation centres</p>

If service cannot be restored due to damage alternative solutions are put in place

TEMS - Temporary Emergency Management Solutions

nbn's temporary solutions can be requested by emergency services via the state/territory emergency management processes and can provide impacted communities with temporary connectivity at a community hub or evacuation centre*.

A top priority for evacuees is to be able to contact their loved ones, while performing online banking and lodging insurance claims are also top of mind. **nbn's** fleet of portable satellite services was also boosted a \$1.7 million grant under the STAND program and the TEMS fleet can be rapidly mobilised to keep our end customers connected.



Road Muster trucks

These vehicles are equipped with an **nbn™** satellite dish to provide emergency workers and evacuated residents with a valuable Wi-Fi connection. These trucks can also display crucial information via external LCD screens.



Portable satellite communication kits

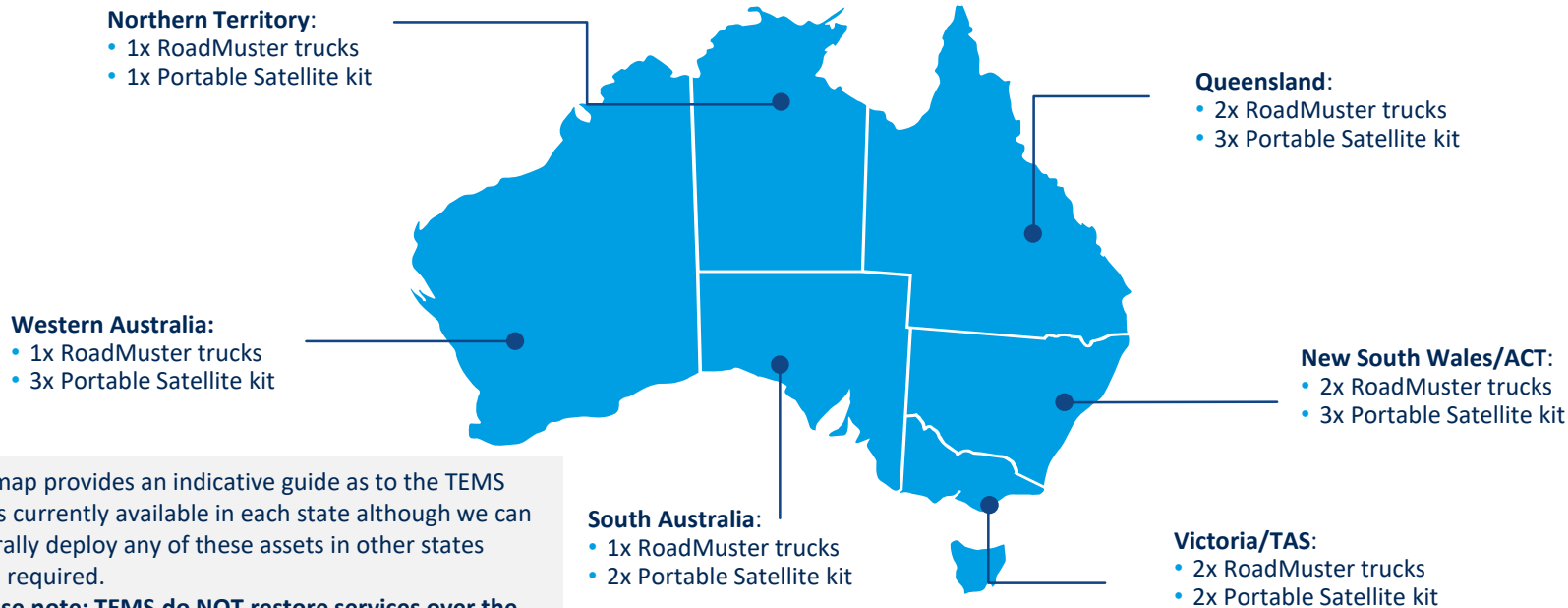
These compact kits are easily transportable to areas without communication services. They can be deployed to assist emergency services during disaster situations.

***TEMS do NOT restore services over the nbn network.**

TEMS Preparing for an emergency – nbn community assistance



While emergency events are difficult to predict, to help support affected communities during relief and recovery phases we generally have temporary **nbn** emergency management solutions (TEMS) positioned close to at-risk areas to deploy them as soon as it's safe to do so – in line with the State and Territory priorities for the event*.



This map provides an indicative guide as to the TEMS assets currently available in each state although we can generally deploy any of these assets in other states when required.

***Please note: TEMS do NOT restore services over the nbn network.**



Temporary Network Infrastructure (TNI)

TNIs help speed up temporary restoration of services over the **nbn** network for the end-user, so our field teams can focus on repairing damaged equipment.



NOW (Network on Wheels)

A versatile, towable enclosed trailer that contains rack space, cooling, power systems, fibre distribution and devices for a small exchange. It can be used to support Fibre-to-the-Premise/Node/Curb and Fixed Wireless networks.



Multi-Tech Trailers

A technology diverse trailer that is self-powered containing equipment to support Fibre-to-the-Node, Hybrid-Fibre-Coaxial and Fixed Wireless networks. Complemented by Wireless Mast Trailers (WMT) for fixed wireless support.



Hybrid Power Cubes

Next generation generators which combine solar and diesel power sources to enable **nbn**[™] Fixed Wireless facilities to operate for long periods of time without a power grid connection.

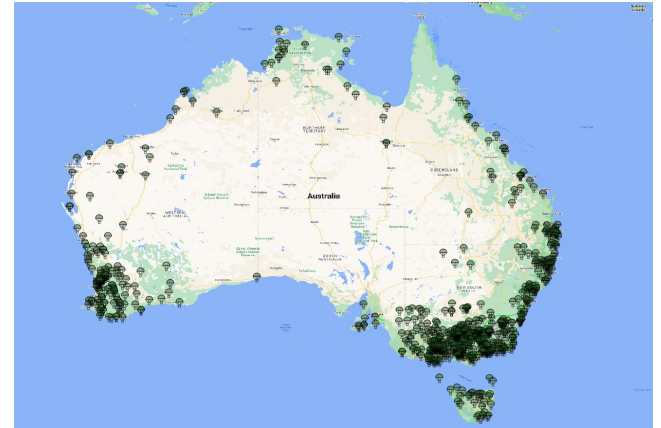
STAND – Strengthening Telecommunications Against Natural Disasters

STAND is a Commonwealth Government program to install a temporary back-up services over the **nbn** network at fixed locations chosen by Emergency Services for use during an emergency.

As the digital backbone of the nation, **nbn**'s purpose is to lift the digital capability of Australia – in the good times and the bad.

Under funding from the Commonwealth Government's Strengthening Telecommunications Against Natural Disasters (STAND) program, Disaster Satellite Services utilise **nbn**'s satellite service to supply, via participating service providers, a backup connection that can be used by Emergency Services during an emergency event.

The STAND program has also an additional grant of \$1.7 million to boost **nbn**'s mobile fleet (TEMS), which can be used to provide the community temporary internet connection at community hubs or evacuation centres.



The locations for the installation of emergency satellite infrastructure at rural and country emergency management sites and designated evacuation centres. These locations have been nominated by state and territory governments and relevant emergency service agencies ensuring they exist where they are needed most.



Group	Why do you attend?	What do you want retained?	What could be improved?
1.	<ul style="list-style-type: none"> • Variety of topics/issues raised – from guest speakers, so many LGs in the Zone • Networking • Sharing ideas – like to hear and see what other Councils are doing • Collaboration – resource share and work with neighbours • Individually we struggle with the major items, but easier collectively – share combined power to work on major issues strategically • Mentoring 	<ul style="list-style-type: none"> • Size and shape of the Zone – don't want it any bigger • Happy with seating arrangement – CEOs at the table • Adequate opportunity for networking and conversations 	<ul style="list-style-type: none"> • Less operational in discussions, and more strategic – e.g. guest speakers that get into operational stuff • More roundtable conversations with strategic issues in focus, such as this Forum • An induction process for new Zone Delegates – e.g. important recent decisions, priorities of the Zone, processes • Improving attendance of MPs at meetings – invite less, more strategically on specific issues? • More input from individual LGs to Agenda items
2.	<ul style="list-style-type: none"> • To know what's happening within each Shire • Meeting up with like-for-like, CEOs/EMs/Presidents • Supporting others • Rural focus – very city-centric legislation and loss of voting power in the regions, city voters making decisions for the country, e.g. loss of Council numbers, wards in the LGA amendments • Solve country problems • Obligation to our LG to attend – to represent our ratepayers within our Shire, and represent the Zone within the state 	<ul style="list-style-type: none"> • Rotation of host LG – great opportunity to visit different towns, and for host community to showcase themselves • Collegiality and networking • Strong attendance – representing all LGs in the Zone • Timing of the meetings – mornings are effective, opportunity to travel and to finish with lunch provides an opportunity to network • Connection to politicians 	<ul style="list-style-type: none"> • Zone Executive support – whether the Zone should move to a more 'Zone focused' person • Better advocacy to WALGA re changes impacting the Zone – want WALGA to be more political about changes impacting Member LGs • Encourage new Councillors to attend Zone meetings to get a better understanding of what is happening here
3.	<ul style="list-style-type: none"> • Specialist briefings – good to hear those things from experts in specific topics 	<ul style="list-style-type: none"> • Presentations – interesting and informative • Networking 	<ul style="list-style-type: none"> • Presentations – some presenters focus on their own box ticking rather than providing useful information to the Zone

	<ul style="list-style-type: none"> To influence policy of State government, LG and WALGA 	<ul style="list-style-type: none"> Catering Opportunity for LGs to comment on WALGA submissions Visiting different LGs for each meeting Invitations to local politicians 	<ul style="list-style-type: none"> More input from LG Councils Timing of Agenda distribution – give Councils an opportunity to consider and vote on items Consider timing of parliament when inviting politicians More space at the table, to avoid bumping elbows
4.	<ul style="list-style-type: none"> Networking Connection on local issues Collaboration of ideas Information provided by regional departments and groups – important connection between these groups and the Zone Avenue to lobby MPs and State Council on regional issues 	<ul style="list-style-type: none"> Connection of local people, State Council and MPs Regional Agenda that is relevant, achievable and goal oriented Rotation of LG hosts Regional mentality, rather than individual LGs Relevant speakers to regional issues, relevant to the Zone 	<ul style="list-style-type: none"> Shorten presentations / reports – focus on questions, written reports rather than verbal Opportunity to provide Shire forward planning from the guest groups Passing learning / knowledge to new Delegates More focus on the status report and to keep issues achievable and moving forward
5.	<ul style="list-style-type: none"> Networking Information sharing Understanding the big picture – looking outside our own little patches Opportunity to feed issues back to WALGA and into the State Council Agenda Strength in numbers Hearing different perspectives on issues – leads to better decision making and outcomes Mentoring Providing feedback to lead agencies 	<ul style="list-style-type: none"> Networking opportunities –more? Time for discussing emerging issues – potential to add more value Seating arrangements – happy to keep CEOs at the table 	<ul style="list-style-type: none"> Alignment of Zone meetings with Council meeting dates Lead agencies discuss issues relevant to our region – a gap between what is spoken about and what the Zone wants to hear about; give presenters a specific topic to address; aligning our priorities to the speakers presentations Encouraging equal buy-in between every LG – Chair could encourage input Better use of WALGA resources – a meeting of skillsets within WALGA with strategic priorities of the Zone; encourage WALGA to send specialist staff on particular topics

Agency presentations	Seating arrangements	Things other Zones do well
<ul style="list-style-type: none"> • Not just reading off a written report • Focus presentations on Zone issues • Short, factual, relevant • Need to brief Agencies and presenters before they attend 	<ul style="list-style-type: none"> • Keep as is 	<ul style="list-style-type: none"> • Could WALGA help write some of the Agenda items for LGs? • Bringing specialist WALGA staff to speak on relevant topics

ACTION: Draft an item recording the results of today's discussion for inclusion in the November Agenda

ACTION: Discuss strategic priorities of the Zone at the February meeting

WALGA Annual General Meeting Minutes

Monday, 18 September 2023

Crown Perth

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Order of Proceedings

- 2:00pm Opening and welcome – WALGA President, Cr Karen Chappel AM JP
- 2:05pm LGIS Address – Chief Executive Officer, Mr James Sheridan
- 2:15pm Award Presentations
- 2:45pm Commencement of Annual General Meeting (to follow formal Agenda)
- 5:00pm Close of Annual General Meeting

1. Apologies and Announcements

The Chair declared the meeting open at 2:45pm.

1.1 Record of Apologies

- Shire of Dowerin
- Town of Mosman Park
- Shire of Williams

1.2 Announcements

Nil

2. Adoption of AGM Association Standing Orders

The Annual General Meeting Association Standing Orders were contained within the Agenda

RESOLUTION

Moved: Cr Paul Kelly, Town of Claremont
Seconded: President Cr Tony Dean, Shire of Nannup

That the Annual General Meeting Association Standing Orders be adopted.

CARRIED

3. Confirmation of Previous Minutes

The [Minutes of the 2022 WALGA Annual General Meeting](#) were contained within the Agenda, along with a report on the action taken on the 2022 AGM resolutions.

RESOLUTION

Moved: President Cr Michelle Rich
Seconded: Mayor Deb Hamblin, City of Rockingham

That the Minutes of the 2022 WALGA Annual General Meeting be confirmed as a true and correct record of proceedings.

CARRIED

4. Adoption of Annual Report

The [2022-2023 Annual Report](#), including the 2022-2023 Audited Financial Statements, was distributed to Members separately.

RESOLUTION

Moved: Cr Paul Kelly, Town of Claremont
Seconded: President Cr Moira Girando, Shire of Coorow

That the 2022-2023 Annual Report, including the 2022-2023 Audited Financial Statements, be received.

CARRIED

5. Consideration of Executive and Member Motions

5.1 Local Governments' representation at the State Administrative Tribunal relating to planning matters within its district

Shire of York

RESOLUTION

Moved: President Cr Denese Smythe, Shire of York

Seconded: President Cr Rosemary Madacsi, Shire of Toodyay

That WALGA lobby the State Government for legislative reform to enable Local Governments the automatic right to be a represented party at all State Administrative Tribunal hearings related to planning matters within its district.

CARRIED

MEMBER COMMENT

The Shire of York acknowledges WALGA's current position on Third Party Appeal rights for decisions made by Development Assessment Panels (DAPs). However, the Shire submits this motion requesting WALGA lobby for legislative change to enable local governments the right to be included as a Party at State Administrative Tribunal (SAT) proceedings relating to planning matters within their districts, even where the relevant DAP has been the responsible authority for considering the matter.

The Great Southern Landfill - Allawuna Farm development proposal is a key case in point. The original planning application for the landfill proposal was considered by the Joint DAP (JDAP) as required due to the cost of the development in accordance with the *Planning and Development (Development Assessment Panel) Regulations 2011*.

While the landfill proposal has been a matter of consideration since around 2011, most recently the JDAP refused the applicant's request for an extension of time for the development to occur. The applicant subsequently applied to the SAT for a review of the JDAP's decision.

The *Planning and Development (Development Assessment Panels) Regulations 2011* and the *State Administrative Tribunal Act 2004* do not currently enable local governments the automatic right to be included as a Party to the SAT proceedings.

Hence, although the development proposal is within the district of the Shire of York, and there are substantial impacts to the community and infrastructure should the proposal be approved, the Shire of York is currently unable to be represented at the SAT as it is not recognised as a Party. This significantly impacts the Shire's ability to provide viewpoints on the development proposal, and the ability for the Shire to appropriately represent and act on behalf of its community. It is clear the current planning system has woeful neglect of the community in planning matters.

Local governments have an intimate knowledge of their communities and relevant planning schemes hence it is considered appropriate that local governments should have the statutory right to 'opt out' of such representation, as opposed to having to make special request to the SAT for inclusion as an Intervener or Joinder under Section 36 of the *State Administrative Tribunal Act 2004*.

Making such an application under Section 36 to the SAT can be at considerable cost to the local government, and while larger local governments may have legal teams on staff, small local governments rarely have the skill set within the organisation. Adherence to procurement policies and working within budget constraints may prohibit smaller local governments from participating in the SAT process, which could be of significant detriment of their communities. This is particularly important where there may be a range of short and long term environmental, bushfire, social and safety risks applicable to the development proposal the SAT is determining. In some circumstances these risks may be considered unacceptable for the community and locality.

Relying on the JDAP to appoint appropriate legal representation may jeopardise a local governments' standpoint being given proper consideration at the SAT proceedings. Enabling local governments the statutory right to be included as a Party would reduce that risk.

This scenario is not considered to be unique to the Shire of York and could affect many other local governments throughout the State, hence this Notice of Motion is presented to WALGA's AGM for consideration.

It is noted the State Government is about to undertake changes to the DAP Regulations as part of its [Planning Reform Agenda](#). The Shire of York considers this timely as any further suggestions on other changes to the system could be incorporated into WALGA's advocacy position on the Government's reforms.

SECRETARIAT COMMENT

Local Government has several responsibilities and functions under the current Development Assessment Panel (DAP) system. This includes receipting the application, undertaking the technical assessment of the proposal, writing the responsible authority report to be presented to the Panel with recommendations, and ensuring compliance of any proposal for the life of the development. Further, two Local Government Elected Members sit on all DAPs and vote on all matters.

Where the DAP makes a decision that is unsatisfactory to the proponent and they appeal the matter to the State Administrative Tribunal (SAT), the matter is managed by the Department of Planning, Lands and Heritage and the State Solicitors Office, as the DAP is a creature of the State.

Local Governments often seek to participate in such SAT matters as an interested third party. There is a strong argument for Local Government participation in such matters, as involvement of assessing officers and their understanding of the proposal and local planning framework can aid the SAT in their decision making.

The motion aligns with the intent of WALGA's [planning advocacy positions 6.3 Third Party Appeal rights and 6.4 Development Assessment Panels](#) in relation to both Third Party Appeal Rights and DAPs. While WALGA does not support the ongoing existence of DAPs, the advocacy position provides a number of recommended changes to the system that seek to address Local Government concerns and increase community involvement and transparency.

5.2 Land Use Policy

Shire of Moora

RESOLUTION

Moved: President Cr Tracy Lefroy, Shire of Moora
Seconded: Cr Denise Clydesdale-Gebert, Shire of Moora

That WALGA establish and promote policies to protect and prioritise the preservation of agricultural land against its displacement by non-agricultural activities that lead to a net reduction of the State's productive agricultural land.

CARRIED

MEMBER COMMENT

The future of the Australian agriculture sector holds tremendous potential, with the United Nations Food and Agriculture Organization (FAO) projecting a global population exceeding 9 billion by 2050, accompanied by a 75% increase in food demand compared to 2012. Expanding populations, especially in countries like China, Indonesia, and India, offer significant opportunities for Australia's agricultural exports.

To harness this potential, it is vital to ensure that our agricultural sector can access the necessary land and water resources. Currently, agriculture remains the dominant land use in Australia, but its share has been declining over the years. Urbanisation, lifestyle living, mining, gas activities, and renewable technology expansion have all contributed to the reduction of productive agricultural land.

The decisions made by governments at all levels can profoundly impact the success of the agriculture sector. We must address the challenges posed by the conversion of agricultural land to other uses, such as carbon sequestration, which may hinder innovative farming practices and compromise agricultural output.

Therefore, WALGA's commitment to preserving existing agricultural land and actively engaging in strategic land use planning is crucial. We should advocate for cohesive planning frameworks that prioritize the value of agricultural land for agricultural purposes.

Background

In 2005/06, approximately 59% of Australia's land was used for agriculture, covering around 456 million hectares. However, this proportion has been declining, with about a 4% reduction between 1992-93 and 2005-06. Recent data suggests that the decline has accelerated since 2006.

Changes in land use at regional and local levels can significantly impact the agriculture sector, such as displacing agriculture entirely, reducing net productivity, limiting farming practices, and risking essential natural resources like water. This situation is further exacerbated by land conversion to carbon sequestration areas and other non-agricultural uses.

Issue

The Shire of Moora notes the alarming loss of Wheatbelt agricultural land due to its conversion for carbon sequestration purposes. This conversion locks significant parcels of land away for extended periods, hindering innovative farming practices and shorter-term restorative initiatives. As such, the Shire urges WALGA to commit to a comprehensive strategic approach that actively preserves existing agricultural land from further loss to unproductive uses.

Local, state and federal governments each have responsibilities and decision-making powers that influence access to land for the agriculture sector. The responsibilities and powers are largely enshrined in planning and environmental protection laws.

The Shire of Moora urges WALGA to commit to an active policy of preserving the existing agricultural land mass from further loss to unproductive uses. The Shire encourages WALGA to actively engage in a comprehensive strategic approach that promotes the value of agricultural land in land use planning and establishes cohesive planning frameworks that ensure the preservation of productive agricultural land for agricultural purposes.

Call-to-Action

The Shire of Moora urges WALGA to adopt a policy that actively preserves the existing agricultural land mass from further loss to unproductive uses. Additionally, WALGA should engage in a comprehensive strategic approach to promote the value of agricultural land in land use planning and establish cohesive planning frameworks that ensure the preservation of productive agricultural land for agricultural purposes.

By incorporating these suggested edits, your policy motion will become more focused, specific, and persuasive. It will provide a clearer picture of the issue at hand and the actions necessary to address it effectively. Feel free to make further adjustments as needed to align with your local government's preferences and requirements.

SECRETARIAT COMMENT

Land use planning in Western Australia relies on an interaction between the state planning framework and the local planning framework of each Local Government. The planning framework operates on the principle of 'higher law' where local planning frameworks will only be approved by the State where they are consistent with the objectives, principles and policy measures of the relevant state framework. Policy direction at the state level is generally broader, with the local planning framework expected to deliver state policy measures in more detail in a manner supported by community and in line with local context.

State Planning Policy 2.5 Rural Planning (SPP2.5) provides the basis for planning and decision-making for rural and rural living land across Western Australia. The current state planning framework supports protecting prime agricultural land. The first objective of SPP2.5 is:

to support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;

Further, policy measure 5.1b of SPP2.5 states:

The WAPC will seek to protect rural land as a state resource by retaining land identified as priority agricultural land in a planning strategy or scheme for that purpose;

The implementation of these state-wide principles occurs through the local planning framework, including the Local Planning Strategy, Local Planning Scheme and Local Planning Policies.

SPP2.5 encourages Local Governments to identify priority agricultural land in their Local Planning Strategy and, with their community, set objectives and preferred development outcomes for such locations. Such a designation would then flow into a priority agriculture zone in a Local Planning Scheme, with land use permissibility and statutory provisions in line with the principles outlined in the Local Planning Strategy. Following this, a Local Government can develop Local Planning Policies to guide discretionary decision making for proposals on priority agricultural land.



WALGA [advocacy positions 6.1 Planning Principles and 6.2 Planning Reform](#) support the ability of Local Governments to retain the ability to respond to local context and characteristics through Local Planning Frameworks.

5.3 Transparency – Management Order Determinations

Shire of Carnarvon

RESOLUTION

Moved: President Cr Eddie Smith, Shire of Carnarvon
Seconded: President Cr Cheryl Cowell, Shire of Shark Bay

That WALGA:

- 1. Advocates for Department of Planning, Lands and Heritage to consult and collaborate with Local Governments in reviewing and publishing its policies, decision making criteria, guidelines and procedures associated with the administration of management orders;**
- 2. Ensure the review recognises the cost burden on local governments in managing reserves and options for supporting local governments in meeting that responsibility; and**
- 3. Calls for proactive consultation and advice to Local Government management bodies.**

CARRIED

MEMBER COMMENT

The Shire of Carnarvon, like most Local Governments across the State, have many reserves it manages on behalf of the State Government. The reserve is a form of tenure over Crown Land.

The reserve is usually created for the care of land that is used for community benefit or in the delivery of government services, and local governments have accepted management orders for reserves which comes with the responsibility for the care and control of the reserve, a responsibility that comes at a cost, sometimes a significant cost to the local government.

An extract from the Department of Planning, Lands and Heritage (DPLH) website states:

“Reserves are not usually granted for long-term economic development or for a commercial purpose or benefit.”¹

The use of the word “usually” is ambiguous and subject to interpretation. The question therefore becomes, in what circumstance are leases on reserved land appropriate for a management body to be the lessor? The Shire of Carnarvon is seeking greater transparency on when and how this clause should be applied.

The Shire of Carnarvon has had several examples where an opportunity to recoup reserve management costs via a commercial lease has been offered, but not been able to be progressed due to the stipulation that the local government cannot enter into a commercial leases for a reserve; instead the Shire has been required to relinquish the reserve, or a portion of the reserve, so that the area can be leased direct by the State to the lessee so that the State benefits financially from the lease.

The Shire of Carnarvon is seeking support for a review of that considers the cost to local government for maintaining reserves on behalf of the State and considers and provides transparency for how and

¹ DPLH, (August, 2023) *Crown Land Reserves*. <https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/crown-land-reserves>



when commercial leasing could be considered to allow local governments an opportunity to realise a financial return to reinvest into community facilities.

SECRETARIAT COMMENT

A number of Local Governments have recently requested WALGA advocate for the State Government to review Management Order administration, specifically management body leasing approvals.

There have been examples of DPLH delays in resolving matters that enable new, variations to or revocation of Management Orders. The Departments website provides only limited information/guidance and does not provide management bodies (Local Governments) with access to the policies, decision making criteria, procedures and guidelines applied to the administration of Management Orders.

WALGA has been informed that DPLH, under delegated authority, is refusing some Local Government requests for new or renewed leasing of Crown Land subject to Management Orders.

5.4 Regional and Remote Housing

Shire of East Pilbara

RESOLUTION

Moved: President Cr Anthony Middleton, Shire of East Pilbara
Seconded: Cr Wendy McWhirter-Brooks, Shire of East Pilbara

That WALGA advocates to the WA State and Commonwealth Governments to address the dire shortage of affordable key worker family housing options in regional and remote towns to encourage families to live and work in regional and remote towns. Social housing is addressed at both the State and Federal levels.

CARRIED

MEMBER COMMENT

A lack of affordable key worker housing continues to limit small business expansion and attract key workers and their families to remote and regional areas of WA.

Government does a good job addressing the supply of social housing but more investment is needed to provide housing for key workers in remote and regional areas.

Businesses and families should be encouraged to invest in our regional towns and a key part of the solution is addressing shortages in the cost of housing for workers.

SECRETARIAT COMMENT

A lack of affordable key worker housing is a significant barrier to economic development in many regional areas of the state. This issue was a key finding of research undertaken by WALGA last year to review WALGA's Economic Development Framework and gain contemporary information about how Local Governments in Western Australia support economic development which involved a survey of Local Governments and a series of focus group discussions which also identified barriers and challenges for the sector.

The State Government allocated \$61.6 million in additional funding for the Government Regional Officer Housing (GROH) Program in the 2023-24 State Budget to add new supply and refurbish existing homes to assist with the attraction and retention of key workers in regional areas. WALGA is advocating for the State Government to work with Local Governments on the delivery of this investment to ensure it does not further tighten the housing market in regional WA. The Department of Communities will also spend \$1.1 million to undertake a comprehensive review and reform of the GROH program.

In recent months, State Council approved WALGA's 2023-24 Budget, which included an additional resource to progress the economic development policy agenda. Issues related to housing will be a priority for this new role. The new role is expected to commence in October 2023.

5.5 Proposed New WALGA Constitution

Executive Motion

VOTING REQUIREMENT: SPECIAL MAJORITY

Amendments to the Constitution require endorsement by a Special (75 percent) Majority of Members at a General Meeting, whether present and voting or not.

MOTION

Moved: Mayor Rhys Williams, City of Mandurah
Seconded: President Cr Stephen Strange, Shire of Bruce Rock

That a new WALGA Constitution giving effect to an alternate governance model be adopted, as per the attached.

LOST

Executive Summary

- On [5 July](#), a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting (AGM):
 1. To consider a new Constitution to give effect to an alternate governance model; and
 2. To amend the existing Constitution to retain the current governance model with some necessary changes.
- This is the first item, which considers a new Constitution to give effect to an alternate governance model for WALGA as per the [Best Practice Governance Review Final Report](#).
- The alternate governance model would establish a new Board above the existing State Council and Zone structure.
- Membership of the Board would be drawn from State Council representatives, as well as the option to appoint up to 3 'independent' Members.
- The Board would be responsible for the overall governance of WALGA, including financial oversight and strategic direction.
- The role of State Council under the new model would primarily be focused on policy development and advocacy priorities.

Attachment

- Proposed New WALGA Constitution

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the [2022 Annual General Meeting](#) (AGM), the Steering Committee put forward a [Consultation Paper](#) for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its [Final Report](#) and recommendation to State Council in February 2023.



At the meeting on [1 March](#) this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on [3 May](#). At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

- a. *Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and*
- b. *Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.*

As per the resolution above, two versions of the Association Constitution were presented to State Council for consideration at the meeting on 5 July:

1. The first being a new Constitution, giving effect to an alternate governance model, as per the [Best Practice Governance Review Final Report](#); and
2. The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes.

State Council [resolved](#) by special majority to put both versions to Members for consideration at the 2023 AGM.

Comment

This item (recommending a new Constitution to give effect to the alternate model) will be presented first, as only one version of the Constitution can be endorsed. If this item does not receive 75 percent approval from Members, the next item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will be presented.

If this item (for a new Constitution) is successfully passed by a special majority of Members, the second item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

Assistance was provided by legal firm, Jackson McDonald, in preparing the new constitution for the alternate model.

The following provides a summary of the governance structure under the alternate model, as established by the proposed new WALGA Constitution:

Body	Composition and Term	Role
Board	<p>Minimum of 8 up to a maximum of 11 Board members:</p> <ul style="list-style-type: none"> • President of State Council • Deputy President of State Council • 6 members elected from and by State Council members (3 from Metropolitan; 3 from Country) • Up to 3 'independent' members appointed by the Board for their skills which can include Elected Members. State Council members are not eligible. <p>Board members elected for a 2 year term; maximum Board Tenure Limit is 8 years (4 terms).</p> <p>The President and Deputy President is limited to 2 terms, maximum limit of 4 years. This maximum is in addition to the Board Tenure Limit, which means a person serving as President or Deputy President (or both) could be a Board member for up to 16 years.</p>	<p>The President is the Chair and the Deputy President is the Deputy Chair.</p> <p>The Board is responsible for the overall governance of WALGA, strategic direction, financial oversight, approving the annual budget, appointing the CEO etc.</p> <p>The Board must consult with State Council before changing boundaries of the Constituencies and/or allocating Ordinary Members to Zones and Constituencies.</p> <p>All Board members have a deliberative vote and it makes decisions by simple majority vote, except to change the powers of the Association, or representation or voting rights on State Council or the number of Zones, which requires an Absolute Majority decision of both the Board and State Council. Amending the Constitution requires a Special Majority decision of the Board, before being put to Members. The Board will meet at least 6 times per year.</p>
State Council	<p>26 State Council members:</p> <ul style="list-style-type: none"> • The President elected from and by the 24 State Council Representatives (Ex officio). • 12 elected by and from Metropolitan Zones • 12 elected by and from Country Zones • The President of Local Government Professionals Australia WA (Ex-officio) – does not have a right to vote. <p>The Deputy President is elected from amongst and by the 24 State Council members from the alternative constituency to the President. (That is, if the President is from a Metropolitan Zone, the Deputy will be elected from the 12 Country Zone representatives).</p> <p>Once the President is elected, the Zone that they were elected to represent, appoints a replacement to State Council.</p> <p>The primary State Council members elected by the Zones are the primary State Council members, the deputies may attend the State Council meetings and vote if the primary representative is unable to attend. Only primary State Council members are eligible to be elected to the Board.</p>	<p>The President chairs State Council meetings but does not have a deliberative vote (has a casting vote).</p> <p>State Council elects the President, Deputy President and members to the Board.</p> <p>State Council considers matters referred to it by the Board for consultation or approval. State Council decisions are made by voting as per the current process.</p> <p>State Council will meet at least 3 times per year.</p> <p>State Council and the Board composition is based upon the principle that there should be equal representation from both Constituencies.</p>

Zones

<p>State Council members are not eligible to be appointed as an independent Board member.</p> <p>State Council members are elected for a two year term. There is no tenure limit for State Council members.</p>	
<p>There are:</p> <ul style="list-style-type: none"> • 5 Metropolitan Zones; and • 12 Country Zones. <p>The boundaries of the Zones (i.e. Metropolitan v Country) are determined by the Board (in consultation with State Council) and documented in the Corporate Governance Charter.</p> <p>The Zones comprise of representatives from Ordinary Members as determined by the Board (in consultation with State Council).</p> <p>The number of Zones and the number of representatives that may be elected by a Zone to State Council are determined by an Absolute Majority decision of both the Board and State Council.</p>	<p>The Zones elect members to State Council, as follows:</p> <ul style="list-style-type: none"> • Each Country Zone elects one primary representative and one deputy representative to State Council. • In the Metropolitan constituency: <ul style="list-style-type: none"> ○ The North Zone elects 3 primary representatives and a deputy for each to State Council. ○ The South Zone elects 3 primary representatives and a deputy for each to State Council. ○ The other 3 Zones each elect 2 primary representatives and a deputy for each to State Council.

Association Constitution

Adopted: 7 August 2001
Amended: 8 August 2004
6 August 2006
5 August 2007
6 August 2011
7 August 2013
3 August 2016
1 August 2018
20 September 2021
18 September 2023

Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association (dissolved in August 2003), the Country Urban Councils' Association (dissolved in August 2002) and the Local Government Association (dissolved in August 2003).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.

1. NAME

The name of the Association is “**Western Australian Local Government Association**”.

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

“**Absolute Majority**” means, in relation to the Board, State Council or any General Meeting of the Association, a majority comprising enough of the Board Members, State Council Representatives or Delegates for the time being for their number to be more than 50% of the number of voting positions of Board Members, State Council Representatives or Delegates (whether Present and voting or not);

“**Annual General Meeting**” means the meeting convened under clause 22 of this Constitution;

“**Association**” means Western Australian Local Government Association (WALGA);

“**Associate Member**” means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(7) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(11); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(10);

“**Board**” means the governing board of the Association established under clause 9;

“**Board Member**” means a member appointed or elected to the Board;

“**Board Member Representative**” means a State Council Representative elected to the Board under clause 18A or clause 19;

“**Chief Executive Officer**” means the Chief Executive Officer of the Association;

“Code of Conduct” means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all Board Members and State Council Representatives.

“**Commissioner**” means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act;

“**Constituency**” means either or both of the Country Constituency and the Metropolitan Constituency (as the case may require);

“**Corporate Governance Charter**” means the instrument approved by the Board and used to implement good governance policies, procedures and practices;

“**Councillor**” has the same meaning as under the Local Government Act except that it includes a mayor or president elected by electors and includes a Commissioner;

“**Country Constituency**” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia as determined by the Board (in consultation with State Council), the details of which are contained in the Corporate Governance Charter;

“Delegate” means a Councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or at a Zone meeting pursuant to clause 14 of this Constitution;

“Deputy President” means the Deputy President for the time being of the Association;

“Ex-officio” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“General Meeting” means an Annual General Meeting or a Special General Meeting (as the case requires).

“Independent Board Member” means a person appointed to the Board under clause 9(4);

“In Writing” means notice provided by posting or transmission in electronic form;

“Life Members” means those persons admitted as Life Members of the Association in accordance with sub-clause 5(9) of this Constitution;

“Local Government” means an entity constituted under Part 2 of the Western Australian Local Government Act;

“Local Government Act” means the Western Australian *Local Government Act 1995*;

“Local Government Professionals Australia WA” means the Western Australian Division of Local Government Professionals Australia;

“Member” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone with sub-clauses 5(5), 5(6) and 14(2).

“Metropolitan Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia as determined by the Board (in consultation with State Council), the details of which are contained in the Corporate Governance Charter;

“Ordinary Meeting of the Board” means one of the six scheduled meetings of the Board referred to under clause 10(1);

“Ordinary Meeting of the State Council” means one of the three scheduled meetings of the State Council referred to under clause 12(1);

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Local Government created pursuant to a merger or amalgamation of existing Local Governments that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer;

“Secretariat” means the staff of the Association appointed from time to time by the Chief Executive Officer or, in the case of the Chief Executive Officer, by the Board;

“Special General Meeting” means the meeting convened under clause 23 of this Constitution.

“Special Majority” means, in relation to the Board or of any General Meeting of the Association, a majority comprising enough of the Board Members or the Delegates for the time being for their number to be at least 75% of the total number of Board Members or Delegates (whether Present and voting or not);

“Special Meeting of the Board” means any Board meeting that is not an Ordinary Meeting of the Board;

“Special Meeting of the State Council” means any State Council meeting that is not an Ordinary Meeting of the State Council;

“Simple Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the the State Council Representatives or Delegates for the time being for their number to be more than 50% of the number of State Council Representatives or Delegates that are Present;

“State Council” means the advisory policy council established pursuant to clause 11;

“State Council Representative” means a member on the State Council elected or appointed by the Constituencies in accordance with the provisions of sub-clauses 11(1) and 11(2) (or 17(4) as applicable) as the primary representative (and not as the deputy representative);

“Transitional Provisions” means those provisions of this Constitution appearing in Schedule Three;

“WALGA” means the Western Australian Local Government Association constituted under section 9.58 of the Local Government Act; and

“Zone” means a geographically based subdivision containing Ordinary Members and incorporated within a Constituency as determined under clause 14(3) and reflected in the Register of Zone Membership referred to in sub-clause 14(9).

(2) In this Constitution:

- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
- (b) words meaning persons include natural persons, corporations and associations; and
- (c) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;
- (c) to speak on behalf of Local Government in Western Australia;
- (d) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (e) to provide services to Local Government in Western Australia;
- (f) to promote Local Government issues of importance by involvement with national bodies;

- (g) to do all and any such other things as in the opinion of the Board may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and
- (h) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may be paid or otherwise distributed, directly or indirectly, to Members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clauses 10(6) and 12(5).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the Local Government Act including, but without limitation, power to:
 - (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;
 - (c) sue and be sued; and
 - (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
 - (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all Local Governments.
- (3) Ordinary Membership shall be immediately conferred upon any new Local Government created by the merger of existing Local Governments that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor Local Government of that new Local Government have been paid.
- (4) An Ordinary Member shall belong to either the Metropolitan Constituency or the Country Constituency, but not both.
- (5) Subject to clause 5(6), the membership of Ordinary Members to Zones shall be determined from time to time by the Board in consultation with State Council.

- (6) The Board, on application from an Ordinary Member and in consultation with State Council, may resolve to permit an Ordinary Member to be a member of an alternate Constituency. In considering any application made pursuant to this subclause, the Board shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two Constituencies. The Board may (in consultation with State Council) approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The Board from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members may be admitted from time to time through a decision of the Board.
- (11) Any person or organisation seeking admission as an Associate Member shall make written application to the Chief Executive Officer. The Board or its delegate shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.
- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon:
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or
 - (b) non-payment by a Member of the required subscription within three months of the date fixed by the Board for subscriptions to be paid, unless the Board decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.
- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the Board, including such other Committees as the Board may deem expedient pursuant to clause 21.
- (2) The Budget shall be submitted to the Board for approval not later than 31 July prior to the financial year to which it relates.

8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the Board.
- (2) Subscription levels shall be submitted for approval by the Board together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the Board may decide having regard to all relevant circumstances.

9. THE BOARD

- (1) The Board is the governing board of the Association, responsible for the management and affairs of the Association.
- (2) The Board may exercise all of the powers of the Association except those which must, under this Constitution, be exercised by the State Council or the Members at a General Meeting.
- (3) The Board must consist of a minimum of 8 and a maximum of 11 members, comprising the following:
 - (a) The President;
 - (b) The Deputy President;
 - (c) 3 Board Member Representatives elected by State Council from amongst State Council Representatives from the Metropolitan Constituency;
 - (d) 3 Board Member Representatives elected by State Council from amongst State Council Representatives from the Country Constituency; and
 - (e) up to 3 eligible Independent Board Members appointed by the Board from time to time on the basis of their skills, experience or background.
- (4) In respect of the appointment of an Independent Board Member, the Board may determine its own procedures and:
 - (a) a State Council Representative is not eligible to be appointed;
 - (b) a Councillor or, subject to clause 9(4)(a), any other person is eligible to be appointed, subject to meeting any additional eligibility criteria, qualification or experience requirements determined by the Board (if any); and
 - (c) the person appointed, holds office for a term of two years from the date of their appointment, and subject to this clause and clause 9(5), is eligible for re-appointment.
- (5) An Independent Board Member may not serve as an Independent Board Member for more than four consecutive terms.
- (6) A Board Member Representative, the President and Deputy President is elected by State Council for a term as determined under clauses 16 – 19.
- (7) A deputy representative of a Zone as elected to State Council is not eligible to be elected as a Board Member Representative.
- (8) Subject to clauses 9(9) and 9(10), a Board Member Representative may not serve as a Board Member Representative for more than four consecutive terms.
- (9) A person serving as the President or Deputy President may not serve in that role for more than two consecutive terms, but for the avoidance of doubt, may serve two consecutive terms as President and two consecutive terms as Deputy President.



- (10) The Board tenure limit for a Board Member Representative is separate and in addition to the tenure limit for the role of the President or Deputy President.

10. BOARD PROCEEDINGS

- (1) The Board must meet together for the dispatch of business not less than six times in each calendar year.
- (2) Ordinary Meetings of the Board shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (3) Special Meetings of the Board shall be called by the Chief Executive Officer by providing notice to Board Members of the date, time, place and purpose of the meeting upon the written request of the President or at least three Board Members.
- (4) Each Board Member Present shall be entitled to exercise one (1) deliberative vote on any matter considered by the Board (including the person presiding at the meeting).
- (5) Subject to clauses 10(6), 10(7) and 29(1), any resolution put forward at a Board meeting must be passed by a majority of Board Members Present.
- (6) The following resolutions shall not be passed by the Board unless they receive an Absolute Majority of the Board and of State Council:
- (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the number of Zones.
- (7) In the event of there being an equality of votes in respect of a matter considered by the Board, the person presiding at the meeting does not have a casting vote.
- (9) At any meeting of the Board, at least 50% of Board Members in office (rounded up to the nearly whole number), Present and entitled to vote shall form a quorum.
- (10) The President shall preside at all meetings of the Board.
- (11) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the Board.
- (12) In the absence of both of the President and Deputy President, or if they are unwilling or unable to preside, the Board shall choose a Board Member to preside at the Board meeting.
- (13) The Board must establish a Corporate Governance Charter.
- (14) The Board must establish a Code of Conduct to which all Board Members and State Council Representatives must comply.
- (15) Subject to this Constitution, the Board Members Present at a Board meeting may determine the procedure and order of business to be followed at the Board meeting.
- (16) The Board is responsible for establishment and review of the processes which are to be applied by the Zones to determine the election of their representatives and deputy representatives to the State Council.

11. STATE COUNCIL

- (1) The State Council is to be a policy advisory council. Members of the State Council are:
 - (a) 12 Councillors elected as primary representatives from amongst the Delegates to the Zones of the Metropolitan Constituency;
 - (b) 12 Councillors elected as primary representatives from amongst the Delegates to the Zones of the Country Constituency;
 - (c) The President (Ex-officio); and
 - (d) The President of Local Government Professionals Australia WA (Ex-officio).
- (2) The primary State Council Representatives and deputy representatives to the State Council shall be elected by Zones of the Constituencies from amongst the Delegates to the Zones (in accordance with the procedures set out in the Corporate Governance Charter) for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (3) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the Constituencies elect their primary representatives and deputy representatives to the State Council.
- (4) A deputy representative elected from amongst the Delegates to that Zone to act in the capacity of a primary representative unable to attend a meeting of the State Council shall exercise all rights of that representative at a State Council meeting, except that a deputy representative is not eligible to be elected as a Board Member Representative.
- (5) If for any reason, a primary representative or deputy representative is unable to hold office for the full period for which the primary representative or deputy representative was appointed to State Council, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a primary representative or deputy representative. The primary representative or deputy representative so appointed shall hold office on State Council for the balance of the term of the primary representative or deputy representative originally elected.
- (6) The State Council must conduct the elections for President, Deputy President and the Board Member Representatives, from amongst State Council Representatives in accordance with the provisions in this Constitution and ensure an equal representation from the Constituencies, at the first Ordinary Meeting of State Council following the biennial Local Government elections.

12. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than three times in each calendar year.
- (2) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (3) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Council Representatives of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of State Council Representatives.
- (4) Each State Council Representative shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any Ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but

excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.

- (5) Except as provided in this clause, all motions at a State Council meeting shall be passed by a Simple Majority of the State Council Representatives, or by their deputy representatives, Present and entitled to vote. The following resolutions shall not be passed by the State Council unless they receive an Absolute Majority of State Council:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the number of Zones.
- (6) At any meeting of the State Council, thirteen (13) State Council Representatives Present and entitled to vote shall form a quorum.
- (7) The President shall preside at all meetings of the State Council.
- (8) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (9) In the absence of the President and Deputy President, or if they are unwilling or unable to preside, the State Council shall choose a State Council Representative to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.
- (10) State Council shall adopt Standing Orders that will apply to all meetings.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The Board may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The Board may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the Board determines and as set out in the Corporate Governance Charter or in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the Board.
- (3) Subject to the control of the Board, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.
- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the Metropolitan and Country Constituencies.

- (2) Subject to clause 5(6), the membership of Ordinary Members to Zones shall be determined from time to time by the Board in consultation with State Council.
- (3) The number of Zones shall be determined from time to time by the Board and State Council under clauses 10(6)(c) and 12(5)(c) accordingly.
- (4) Each Ordinary Member of a Zone shall be entitled to be represented by a Delegate or Delegates elected or appointed by the Member to represent its interests. Zones shall determine the number of Delegates to which each Member is entitled to be represented by on the Zone.
- (5) The term of a person who is a Delegate of an Ordinary Member of a Zone expires when the person:
 - (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the Local Government Act.
- (6) The management and affairs of the Zone shall be vested in the Delegates that are elected or appointed to the Zone by each Member of the Zone.
- (7) The functions of each Zone shall be:
 - (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (8) An application for change in membership between Zones may only be made by the Member seeking to change its membership and with the approval of the receiving Zone.
- (9) Applications for changes in membership between Zones shall be determined by the Board (in consultation with State Council). In considering such applications, the Board shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected by the application and the views of State Council. The Board (in consultation with State Council) may approve or refuse any application, advising accordingly and including any reason therefore.
- (10) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by the Board. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (11) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.



- (12) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (13) An Associate Member of a Zone may not:
- (a) nominate a delegate for election to any office of the Zone;
 - (b) participate in an election held for any office bearer of the Zone; or
 - (c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

Any election, other than to elect the President or Deputy President, held by the Association shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the post";
- (d) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are –
 - i. the candidate who receives the greatest number of votes; and
 - ii. the candidate who receives the next highest number of votes; and
 - iii. the candidate who receives the next highest number of votes,and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section (d) or (e) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be Present to determine which candidate is elected.

17. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

An election to elect the President or Deputy President shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the-post";
- (d) the candidate who receives the greatest number of votes is elected;
- (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
- (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
- (g) when the meeting resumes, an election will be held in accordance with sub-sections (a), (b), (c) and (d);
- (h) if two or more candidates receive the same number of votes so that sub-section (d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be Present to determine which candidate is elected.

18. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect the President from amongst the primary State Council Representatives.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for President and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected as a State Council Representative.
- (4) The Constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same Zone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, subject to clause 19(6), that person shall not hold office as President beyond two (2) full consecutive terms.

19. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate Constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate Constituency to the incumbent President will be eligible to be elected.

20. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its State Council Representatives, provided the Deputy President represents the alternate Constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for Deputy President and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, subject to clause 19(6), that person shall not hold office as Deputy President beyond two (2) full consecutive terms.

21. BOARD MEMBER REPRESENTATIVES

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, and the election of the Deputy President pursuant to clause 18 of this Constitution, the State Council shall elect 6 Board Member Representatives from amongst its State Council

Representatives, provided that 3 are from the Metropolitan Constituency and 3 are from the Country Constituency.

- (2) The Board Member Representatives shall be elected by the State Council at the first Ordinary Meeting of State Council following the biennial Local Government elections for a term commencing from the date of the election for the Board Member Representatives and concluding on the day of the first Ordinary Meeting of State Council held after the next following biennial Local Government elections.
- (3) Prior to expiration of a term of office, a Board Member Representative may seek re-election for a consecutive term.
- (4) Where a Board Member Representative seeks and is re-elected for a consecutive term, subject to clause 19(9), that person shall not hold office as Board Member Representative beyond four (4) full consecutive terms.

22. VACANCY – PRESIDENT, DEPUTY PRESIDENT AND BOARD MEMBER REPRESENTATIVES

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19(5) will be conducted for the office of Deputy President from amongst representatives of the alternative Constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the term of the Deputy President replaced, provided the Deputy President represents the alternate Constituency to that of the President.
- (6) A State Council Representative elected to fill a vacancy of President or Deputy President pursuant to this clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.
- (7) If a Board Member Representative is elected to fill a vacancy of President or Deputy President pursuant to this clause 19, their position as a Board Member Representative is declared vacant.
- (8) If the office of a Board Member Representative becomes vacant or if for any other reason the Board Member Representative is unable to take or hold office, then the State Council shall meet to elect from among their number a Board Member Representative who shall hold the office for the balance of the term of the Board Member Representative replaced, provided the new Board Member

Representative represents the same Constituency as the Board Member Representative who is being replaced.

- (9) A State Council Representative elected to fill a vacancy of Board Member Representative pursuant to this clause 19 shall still be eligible for election for a subsequent four (4) full consecutive terms.

23. VACATION OF OFFICE

A person shall cease or be disqualified from being a Board Member, a representative or deputy representative on the State Council or from being President or Deputy President of the Association, if that person:

- (a) dies;
- (b) except in respect of an Independent Board Member, ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the Local Government Act;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive Ordinary Board or Ordinary State Council meetings (as applicable);
- (h) except in respect of an Independent Board Member, is a member of a Local Government that ceases to be a member of the Association;
- (i) except in respect of an Independent Board Member, is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuance of sub-clause 17(4);
- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the Local Government Act; or
- (k) is a candidate for election to State or Federal Parliament on or after the date the election writ is issued.

24. COMMITTEES AND SUB-COMMITTEES

- (1) The Board may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
- (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a decision of the Board pursuant to sub-clause 10(6) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the Board.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the Board.
- (4) Subject to the Corporate Governance Charter, each Committee shall elect a Chair from the members of the Committee.

25. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the Board, provided that such date occurs prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (3) At an Annual General Meeting, greater than one half of the Delegates of Ordinary Members who are eligible to vote and are Present constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - (b) confirmation of minutes from last Annual General Meeting;
 - (c) adoption of President's annual report;
 - (d) consideration of annual financial statements; and
 - (e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the Board or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.
- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the Board considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the Board may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the Board and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the Board is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

26. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the Board or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify the nature of the business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.



- (3) At a Special General Meeting, greater than one half of the Delegates of Ordinary Members who are eligible to vote and are Present constitute a quorum.
- (4) Where the Board considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the Board may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the Board and the reasons for that decision.
- (5) Notwithstanding the provisions of sub-clause (4), the Board is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

27. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) Delegates.
- (2) A Delegate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association.
- (3) A Delegate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a Delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the General Meeting at which the proxy is to be exercised and shall be signed by the Delegate or by the Chief Executive Officer of the Ordinary Member that nominated the Delegate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a Simple Majority of the Ordinary Members' Delegates or by a duly authorised proxy vote exercised on their behalf.

28. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all proceedings of all General Meetings, Board meetings and State Council meetings to be taken and then to be entered within 30 days after the holding of each General Meeting, Board meeting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- (2) The President must ensure that the minutes taken of a General Meeting, Board meeting or State Council meeting under sub-clause (1) are checked and signed as correct by the person who presided at the General Meeting, Board meeting or State Council meeting to which those minutes relate or by the person who presides at the next succeeding general meeting, Board meeting or State Council meeting, as the case requires.
- (3) When minutes have been entered as correct under this clause, they are, until the contrary is proved, evidence that:
 - (a) the General Meeting, Board meeting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

29. AUDIT

- (1) At least once a year the Board shall cause the Association's accounts to be audited by a person or persons appointed by the Board or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

30. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the Board, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the Board may deem appropriate.
- (3)
 - (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a decision of the Board.
 - (b) The Board on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

31. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the approval of the Board and every use of that common seal must be recorded in the minutes of the Board meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer and any Board Member.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the Board from time to time decides.

32. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) A Special Majority resolution at any meeting of the Board; and
- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a Special Majority of Delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:
 - (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
 - (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

33. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the Board on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the Board meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by decision of the Board.

34. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
 - (a) a Member and another Member; or
 - (b) a Member and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the Board having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the Board may decide, being not less than three (3), who shall be drawn from amongst the following:
 - (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government; or
 - (d) such other persons as the Board considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (6) The panel, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985* (WA) and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.
- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.
- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.

35. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The Board shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.

36. TRANSITIONAL PROVISIONS

- (1) The Transitional Provisions shall apply in accordance with their terms as if set out in this Constitution in full.
- (2) In the case of any inconsistency between the Transitional Provisions and any other provision of this Constitution, the Transitional Provisions will prevail.
- (3) The Transitional Provisions shall have continuing force and effect in accordance with their terms.



SCHEDULE ONE

REGISTER OF POWERS

The powers of the Association on incorporation are the:

- (a) advocacy of Federal and State matters;
- (b) progression of Legislative Review;
- (c) management and pursuit of Local Government Act matters;
- (d) management and pursuit of Industrial (Labour) Relations matters;
- (e) direction of the Secretariat and management of the Association's offices; and
- (f) instigation of all things necessary to pursue and achieve the objectives of the Association.

In construing the above powers the following terms shall have the meanings set out opposite them:

- “Federal Affairs” means all matters from time to time under consideration by the Australian Local Government Association and all matters concerned with aspects of Federal legislation including all inter-governmental finance questions between Federal and State Governments but shall not extend to the intra-state distribution of grants;
- “Industrial (Labour) Relations” includes all issues concerned with conditions of employment within Local Government whether award or otherwise, personnel practices and training;
- “Legislative Review” means any review or proposed review of existing or proposed legislation whether State or Federal unless the Board resolves that it is of relevance only to one of either the metropolitan or country constituencies;
- “Local Government Act matters” means all questions pertaining to the provisions of the Local Government Act.

The above powers and definitions may be added to, amended, modified or substituted from time to time in accordance with clause 4 of the Constitution.

SCHEDULE TWO

REGISTER OF DELEGATED POWERS, AUTHORITIES, DISCRETIONS AND DUTIES

Date	Committee/Person	Detail on Delegations
2 December 2015	Chief Executive Officer	<p>Chief Executive Officer delegated the authority to admit or refuse organisations seeking Associate Membership to WALGA on the basis that such organisations are:</p> <ul style="list-style-type: none"> • organisations constituted by Local Governments such as Regional Councils, Voluntary Regional Councils and Alliances; • not-for-profit organisations that can demonstrate a link or relationship with the Local Government sector, or • Government agencies, including Government Trading Entities.
4 December 2002	President Deputy President Chief Executive Officer	<p>Affixation of the Common Seal</p> <ul style="list-style-type: none"> • Affixation of the Association's common seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval; • In instances where obtaining prior approval is impractical, authority to affix the common seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; • A regular report be submitted to State Council "for noting" outlining all instances where the common seal has been used without prior resolution; and • WALGA give priority to preparing an appropriate instrument of delegation.
6 February 2002 6 June 2007 (Updated)	Honours Panel	<p>Honours Panel</p> <ul style="list-style-type: none"> • Overseeing the Association's annual Honours Program with delegated power from the State Council during the entire process. • Adjudicating in the selection of recipients for Association Honours and the Local Government Medal, annually. • Recommending, where appropriate, the conferral of alternative Association Honours where it is concluded that a nominated candidate is better suited to a different award category than the one they were originally nominated for. • Overseeing the annual budget set for the Association's Honours Program. • Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians. • Reviewing the Honours Policies and supporting documentation as deemed necessary.

SCHEDULE THREE TRANSITIONAL PROVISIONS

1. For the purposes of these Transitional Provisions:

“**Effective Date**” means 18 September 2023 OR the date of the Annual General Meeting at which the Members approved the amendments to this Constitution.

“**Transition Date**” means 6 December 2023 OR the date that the first Ordinary Meeting of State Council is held in December 2023 following the biennial Local Government elections.
2. These Transitional Provisions come into effect on and from the Effective Date.
3. With respect to those holding constitutionally recognised offices as at the Effective Date, the following provisions shall apply:
 - (a) Subject to clause 3(b) of this Schedule, the members of State Council remain in office until the day immediately before the Transition Date.
 - (b) The President and Deputy President remain in office until the newly formed State Council (as referred to in clause 4 of this Schedule) conducts its election on the Transition Date.
4. The election by the Zones for the primary State Council Representatives and deputy representatives to the State Council from amongst the Delegates to the Zones under clause 11(2) of the Constitution, shall be conducted in November 2023 to form the new State Council to take office on the Transition Date.
5. The Board is constituted at the conclusion of the elections conducted at the first Ordinary Meeting of State Council held on the Transition Date.
6. On and from the Effective Date until the close of the first Ordinary Meeting of State Council held on the Transition Date, all references to the Board, and its role, powers and functions as specified in the Constitution, are to be read as references to the State Council and may be exercised by State Council, and State Council remains the governing body of the Association during this period.
7. The Corporate Governance Charter and State Council Standing Orders in effect as at the Effective Date, remain in effect until the Transition Date. Upon the Transition Date:
 - (a) the Board is deemed to have approved the Corporate Governance Charter; and
 - (b) the State Council approves State Council Standing Orders,

to apply on and from the Transition Date, as tabled at the meeting, which have been amended to be consistent with the amendments made to the Constitution and to the governance structure of the Association.

5.6 Proposed Amendments to WALGA's Constitution

Executive Motion

VOTING REQUIREMENT: SPECIAL MAJORITY

Amendments to the Constitution require endorsement by a Special (75 percent) Majority of Members at a General Meeting, whether present and voting or not.

MOTION

Moved: President Cr Phil Blight, Shire of Wagin
Seconded: Cr Chris Mitchell, Shire of Broome

That the WALGA Constitution be amended to retain the current governance model but with necessary changes, as per the attached mark-up.

LOST FOR LACK OF A SPECIAL MAJORITY

Executive Summary

- On [5 July](#), a special majority of State Council resolved to put two items to Members at the 2023 WALGA Annual General Meeting (AGM):
 1. To consider a new Constitution to give effect to an alternate governance model; and
 2. To amend the existing Constitution to retain the current governance model with some necessary changes.
- This is the second item, which proposes amendments to the existing Constitution to make some necessary changes whilst still retaining the current governance model.
- The proposed changes are intended to address inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted by WALGA in 2001.

Attachment

- WALGA Constitution – Proposed Amendments Mark-Up

Background

In March 2022, State Council commissioned the Best Practice Governance Review and appointed a Steering Committee to oversee the Project.

Following the endorsement of a set of Governance Principles by Members at the [2022 Annual General Meeting](#) (AGM), the Steering Committee put forward a [Consultation Paper](#) for feedback from Members. Informed by the Governance Principles, the Paper detailed five possible model options for WALGA's governance structure (including the Current Model).

A total of 99 Council-endorsed submissions were received in response to the model options. After considering both the submissions received and results of independent research conducted with the sector, the Steering Committee produced its [Final Report](#) and recommendation to State Council in February 2023.

At the meeting on [1 March](#) this year, State Council resolved that:

1. *The Best Practice Governance Review Stage 3 Final Report be received;*
2. *The proposed changes to WALGA's governance structure as per the revised Model 1, detailed in the Stage 3 Final Report, be noted;*
3. *Members be engaged on the detail of the model and a Final Report be presented to the May 2023 State Council meeting for consideration;*
4. *Any recommendation to the 2023 AGM include Option 5 as the Current Model and Option 1 as an alternative to the Current Model; and*
5. *Subject to points 1, 2, 3 and 4 above, constitutional changes be developed for consideration by State Council.*

As per point 3 above, feedback was subsequently sought from Members in relation to the proposed alternate model.

A further report detailing the feedback was presented to State Council at its last meeting on [3 May](#). At that meeting, State Council resolved to receive the report, and that:

Two sets of constitutional changes be developed for consideration by State Council at the July 2023 meeting to be put to the 2023 Annual General Meeting, that:

- a. *Give effect to the revised Model 1, as per the Best Practice Governance Review Final Report; and*
- b. *Refine the current constitution to address inconsistencies and other issues while maintaining the current governance model.*

As per the resolution above, two versions of the Association Constitution were presented to State Council for consideration at the meeting on 5 July:

1. The first being a new Constitution, giving effect to an alternate governance model, as per the [Best Practice Governance Review Final Report](#); and
2. The second being a marked-up version of the current Constitution, which retains the current governance model of WALGA, with necessary changes.

State Council resolved by special majority to put both versions to Members for consideration at the 2023 AGM.

Comment

This item (recommending amendments to the *current* Constitution but otherwise maintaining the current governance model) will only be presented to Members if the first item (recommending a new Constitution to give effect to the alternate model) does not receive 75 percent approval from Members.

If the first item (for a new Constitution) is successfully passed by a special majority of Members, this item will not be put to the vote.

Amendments to the Constitution require endorsement by a special (75 percent) majority at State Council, as well as a 75 percent majority of Members at a General Meeting.

The proposed amendments to the Constitution under this item will provide necessary changes, but otherwise retain the current governance model. The proposed changes are intended to fix inconsistencies that have emerged after several rounds of amendments since the Constitution was first adopted in 2001, as well as to address some potential issues that have been raised by State Council.

- There are several proposed amendments to the definitions contained in clause 2 Interpretation. In particular:
 - the inclusion of new definitions for “General Meeting”, “Ordinary Meeting” and “Special Meeting”; and

- the refinement of the current definitions for “Constituency”, “Country Constituency” and “Metropolitan Constituency” to move away from defining boundaries by way of the Metropolitan Region Planning Scheme.
- The deletion of clause 9(2) in light of clause 12(2)(b), which empowers State Council to decide the “allocation or change in allocation of any representation or voting rights on the State Council”, rather than Members. Similarly, clause 14(3) to be amended to again empower State Council to decide the number of Zones, rather than the Members at a General Meeting.
- A new reason for disqualification has been included in clause 22(k) that refers to a State Councillor, Deputy State Councillor, President or Deputy President vacating their office once they become a candidate for election to a State or Federal Parliament “on or after the date the election writ is issued”. This addition was prompted by State Council discussions in [September 2021](#) which resulted in similar changes to the Corporate Governance Charter.
- The deletion of clause 33(1)(c) as it deals with a non-Constitutional topic.
- In Schedule One, the meaning of subclause (f) was unclear and so has been deleted.
- The Register of Delegate Powers, Authorities, Discretions and Duties in Schedule Two has been amended to only include those powers as referred to in the Constitution, with those other powers to be captured in the Corporate Governance Charter.
- Finally, there has been a general tidy up of defined terms throughout the Constitution (that is, terms that are defined in clause 2 and require capitalisation).

Association Constitution

Adopted: 7 August 2001
Amended: 8 August 2004
6 August 2006
5 August 2007
6 August 2011
7 August 2013
3 August 2016
1 August 2018
20 September 2021
[18 September 2023]

Constitution

Preamble

This Constitution serves as the instrument for establishment of the Western Australian Local Government Association (WALGA).

WALGA marks the progression from a structure in which the Western Australian Municipal Association (WAMA) serves as a federation of three separate constituent Associations to a single association tasked with directly representing the needs and interests of all Western Australia.

The Constituent Associations of WAMA were: the Country Shire Councils' Association (dissolved in August 2003), the Country Urban Councils' Association (dissolved in August 2002) and the Local Government Association (dissolved in August 2003).

The establishment of WALGA in 2001 represents an evolution in the process by Local Government to promote more effective representation on behalf of its elected membership and the broader community.

Central to this process is the recognition of the sense of history and significant contribution of WAMA's constituent Associations, both in terms of the creation of WALGA and in the pursuit of aims and objectives on behalf of all Western Australian Local Governments as represented within this Constitution.

1. NAME

The name of the Association is **“Western Australian Local Government Association”**.

2. INTERPRETATION

(1) Throughout this Constitution, if not inconsistent with the context:

“Absolute Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of voting positions of representatives or delegates (whether present and voting or not);

“Annual General Meeting” means the meeting convened under clause 22 of this Constitution;

“Association” means Western Australian Local Government Association (WALGA);

“Associate Member” means:

- in relation to the Association, those Members of the Association referred to in sub-clause 5(~~6~~7) and those persons admitted as Associate Members of the Association in accordance with sub-clause 5(~~9~~11); or
- in relation to a Zone, those Ordinary Members of the Association admitted as Associate Members of a Zone in accordance with sub-clause 14(9);

“Chief Executive Officer” means the Chief Executive Officer of the Association;

“Code of Conduct” means the written guidelines which define the minimum standards of professional conduct and integrity that are expected of all State Council members.

“Commissioner” means a commissioner appointed to a Local Government under sections 2.6(4) or 2.36A(3) of the Local Government Act ~~1995~~;

“Constituency” means the Country Constituency and the Metropolitan Constituency (as the case may require)~~such country and metropolitan groupings of Ordinary Members as the Association for the time being, may determine;~~

“Corporate Governance Charter” means the instrument approved by State Council and used to implement good governance policies, procedures and practices;

“Councillor” has the same meaning as under the Local Government Act ~~1995~~ except that it includes a mayor or president elected by electors and includes a Commissioner ~~appointed under section 2.6(4) or section 2.36A(3) of the Local Government Act 1995;~~

“Country Constituency” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia ~~not included within the boundaries of the Metropolitan Region Planning Scheme, as determined by State Council, the details of which are contained in the Corporate Governance Charter;~~

“Country Shire Councils’ Association” means ~~the Country Shire Councils’ Association constituted under section 9.58 of the Local Government Act 1995;~~

~~“Country Urban Councils’ Association” means the Country Urban Councils’ Association of Western Australia constituted under section 9.58 of the Local Government Act 1995;~~

“**Delegate**” means a ~~e~~Councillor or officer nominated or appointed to represent an Ordinary Member and exercise voting entitlements at General Meetings of the Association pursuant to clauses 22 and 23 of this Constitution, or ~~on~~at a Zone meeting pursuant to clause 14 of this Constitution;

“**Deputy President**” means the Deputy President for the time being of the Association;

“**Ex-officio**” means a person or organisation who has an entitlement to membership of the State Council or another committee, by virtue of their office, but is not entitled to exercise a deliberative vote on any matter before the State Council or another committee;

“General Meeting” means an Annual General Meeting or a Special General Meeting (as the case requires);

~~“Governance Charter” means the written policy document that clearly defines the respective roles, responsibilities and authorities of the President, State Council members (individually and collectively) and the Chief Executive Officer in setting the direction, management and control of the Association.~~

“**In Writing**” means notice provided by posting or transmission in electronic form;

“**Life Members**” means ~~those members of the Association referred to in sub-clause 5(1) and~~ those persons admitted as Life Members of the Association in accordance with sub-clause 5(~~89~~) of this Constitution;

“**Local Government**” means an entity constituted under Part 2 of the Western Australian Local Government Act ~~1995~~;

“**Local Government Act**” means the Western Australian *Local Government Act 1995*;

~~“Local Government Association **WALGA**” means the Western Australian Local Government Association of Western Australia constituted under section 9.58 of the Local Government Act 1995;~~

“**Local Government Professionals Australia WA**” means the Western Australian Division of Local Government Professionals Australia;

“**Member**” means:

- in relation to the Association, a Local Government, organisation or person admitted to Ordinary, Life or Associate membership of the Association in accordance with the provisions of this Constitution; or
- in relation to a Zone, those Ordinary Members of the Association that are determined to be members of a Zone by State Council in accordance with sub-clause 14 (2); ~~or~~
- ~~a new Council created pursuant to a merger or amalgamation of existing Councils that were Ordinary Members of the Association prior to the merger or amalgamation.~~

“**Metropolitan Constituency**” means the Ordinary Members as are grouped within the geographical area of the State of Western Australia ~~within the Metropolitan Region~~

Planning Scheme, as determined by State Council, the details of which are contained in the Corporate Governance Charter;

“**Ordinary Meeting**” means one of the four scheduled meetings of the State Council referred to under clause 10(1);

“Ordinary Member” means a Local Government admitted to membership of the Association in accordance with the provisions of this Constitution and includes a new Council-Local Government created pursuant to a merger or amalgamation of existing Councils-Local Governments that were Ordinary Members of the Association prior to the merger or amalgamation;

“President” means the President for the time being of the Association;

“Present” means attendance in person or by electronic means deemed suitable by the Chief Executive Officer

“Representative” means a member on the State Council elected or appointed by the country and metropolitan constituencies in accordance with the provisions of sub-clause 9(1) and 9(3);

“Secretariat” means the staff of the Association appointed from time to time by the Chief Executive Officer or, in the case of the Chief Executive Officer, by State Council ~~and includes the Chief Executive Officer;~~

“Special General Meeting” means the meeting convened under clause 25 of this Constitution.

“Special Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be at least 75% of the number of representatives or delegates (whether present and voting or not);

“**Special Meeting**” means any State Council meeting that is not an Ordinary Meeting of the State Council;

“Simple Majority” means, in relation to the State Council or any General Meeting of the Association, a majority comprising enough of the representatives of the State Council or delegates of Ordinary Members for the time being for their number to be more than 50% of the number of representatives or delegates that are present;

“State Council” means the governing board of the Association established pursuant to clause 9; ~~and~~

“**WALGA**” means the Western Australian Local Government Association constituted under section 9.58 of the *Local Government Act 1995*, and

“Zone” means a geographically based subdivision containing Ordinary Members and incorporated within a country and metropolitan constituency. The country and metropolitan zones are set out in the Register of Zone Membership referred to in sub-clause 14(8).

(2) In this Constitution:

- (a) a reference to any written law, whether specific or general, includes a reference to all amendments, modifications, re-enactments or replacements and includes all orders, ordinances, regulations, rules and by-laws made under or pursuant to that written law;
- (b) words meaning persons include natural persons, corporations and associations; and
- (c) the headings shall not affect the interpretation or construction of this Constitution.

3. OBJECTS

The objects of the Association shall be:

- (a) to provide a united voice for Local Government in Western Australia;
- (b) to promote the credibility and profile of Local Government;
- (c) to speak on behalf of Local Government in Western Australia;
- (d) to represent the views of the Association to the State and Federal Governments on financial, legislative, administration and policy matters;
- (d) to provide services to Local Government in Western Australia;
- (e) to promote Local Government issues of importance by involvement with national bodies;
- (f) to do all and any such other things as in the opinion of the State Council may conveniently be carried on by the Association or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the members of the Association; and
- (g) to use the property and income of the Association solely for the promotion of the objects or purposes of the Association. No part of the property or income of the Association may be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of those objects or purposes.

4. POWERS

- (1) The Association shall have such specific powers as may be vested in it from time to time by the Ordinary Members or as amended under this Constitution. The initial powers of the Association are set out in the Register of Powers (Schedule One).
- (2) The powers of the Association may be added to, amended, withdrawn, modified or substituted in accordance with the provisions of sub-clause 12(3).
- (3) The Chief Executive Officer shall keep an up-to-date copy of the Register of Powers which records all changes and the dates thereof. The Register of Powers shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.
- (4) Subject to obtaining the requisite majority support, the Association shall have general power to act in connection with all other matters in its discretion.
- (5) The Association may do all acts and things as are necessary, incidental or conducive to the attainment or execution of its objects and shall have all the powers conferred on an association constituted under section 9.58 of the *Local Government Act 1995* including, but without limitation, power to:
 - (a) acquire hold and dispose of real and personal property;
 - (b) accept any gift of any real or personal property or any interest or estate in that property or disclaim the benefit of any such gift;

- (c) sue and be sued; and
- (d) do all things that bodies corporate may do.

5. MEMBERSHIP OF THE ASSOCIATION

- (1) Three classes of membership to the Association shall be available:
 - (a) Ordinary Membership;
 - (b) Associate Membership; and
 - (c) Life Membership.
- (2) Ordinary Membership of the Association shall be open to all ~~Western Australian~~ Local Governments.
- (3) Ordinary ~~m~~Membership shall be immediately conferred upon any new ~~Council Local Government~~ created by the merger of existing ~~Councils Local Governments~~ that were Ordinary Members of the Association prior to the merger, provided that all membership fees and subscriptions owed to the Association up to the date of merger by the predecessor ~~Councils Local Government~~ of that new ~~Council Local Government~~ have been paid.
- (4) An Ordinary Member shall belong to either the ~~m~~Metropolitan ~~e~~Constituency or the ~~e~~Country ~~e~~Constituency, but not both.
- (5) Subject to subclause (~~54~~), if an Ordinary Member has land both within and outside the Metropolitan Region Planning Scheme (MRPS), if the greater land area is in the MRPS, it will be deemed to be in the metropolitan constituency, otherwise it will be deemed to belong to the country constituency; or
- (6) State Council, on application from an Ordinary Member, may resolve to set aside the general rule prescribed in subclause (~~54~~) and permit an Ordinary Member to be a member of an alternate constituency. In considering any application made pursuant to this subclause, State Council shall give regard to the reasons provided in support of the application and any views expressed by Ordinary Members within the two constituencies. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (7) Associate Members shall be:
 - (a) the Local Government Professionals Australia WA; and
 - (b) any other Associate Member admitted to membership pursuant to sub-clause 5(11).
- (8) Associate Members are ineligible to vote at all meetings of the Association.
- (9) The State Council from time to time will determine nominations for Life Membership of the Association.
- (10) Additional Ordinary Members may be admitted from time to time on a simple majority resolution of the State Council.
- (11) Any person or organisation seeking admission as an Associate Member shall make written application to the Chief Executive Officer. The State Council or its delegate shall consider the application and may admit or refuse the applicant, advising accordingly including any reason therefore.

- (12) If an application for membership is granted, the membership shall commence upon payment of the appropriate subscription.
- (13) The Chief Executive Officer shall keep and maintain in an up-to-date condition a Register of the Members of the Association. The Register shall be open for inspection to the representatives of Ordinary Members during office hours and on reasonable notice.

6. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION

- (1) Membership of the Association may be terminated upon:
 - (a) receipt by the Chief Executive Officer of not less than 3 months notice in writing from a Member requesting to withdraw from membership of the Association; or
 - (b) non-payment by a Member of the required subscription within three months of the date fixed by the State Council for subscriptions to be paid, unless the State Council decides otherwise; or
 - (c) expulsion of a Member in accordance with clause 30.
- (2) Pursuant to subclause 6(1), where the membership of an Ordinary Member is terminated, the Chief Executive Officer shall remove the name of the Ordinary Member from the Register of the Members of the Association and that Ordinary Member shall cease to be a Member of the Association.
- (3) A Member who withdraws from membership to the Association shall not be entitled to a refund of any portion of such subscription as the Member will have paid in advance for the period up to and including 30 June of that year.

7. BUDGET

- (1) The Association's Budget shall be prepared annually by the Chief Executive Officer in consultation with the State Council, including such other Committees as the State Council may deem expedient pursuant to clause 21.
- (2) The Budget shall be submitted to the State Council for approval not later than 31 July prior to the financial year to which it relates.

8. SUBSCRIPTION

- (1) The annual subscriptions of all Members of the Association shall be as determined by the State Council.
- (2) Subscription levels shall be submitted for approval by the State Council together with the relevant Budget each year.
- (3) Subscriptions shall be due and payable on such date or dates as the State Council may decide having regard to all relevant circumstances.

9. STATE COUNCIL

- (1) The State Council is to be the governing board of the Association, responsible for the management and affairs of the Association. Members of the State Council shall include:

- (a) 12 Councillors elected as representatives from amongst the ~~e~~D~~e~~legates to the Zones of the ~~m~~M~~e~~tropolitan ~~e~~C~~o~~nstituency;
- (b) 12 Councillors elected as representatives from amongst the ~~e~~D~~e~~legates to the Zones of the ~~e~~C~~o~~untry ~~e~~C~~o~~nstituency;
- (c) The President (ex-officio); and
- (d) The President of Local Government Professionals Australia WA (ex-officio).

~~(2) The metropolitan constituency and country constituency shall determine the allocation of representational positions on State Council between the Zones within each respective constituency.~~

- (2) Representatives and deputy representatives to the State Council shall be elected by Zones of the ~~metropolitan and country e~~C~~o~~nstituencies from amongst the ~~e~~D~~e~~legates to the Zones for a term commencing on the day of the first Ordinary Meeting of State Council immediately following the biennial Local Government elections and concluding on the day before the first Ordinary Meeting of State Council of the following biennial Local Government elections.
- (3) The State Council shall be the body responsible for establishment and review of the processes which are to be applied by the Zones of the metropolitan and country constituencies to determine the election of their representatives and deputy representatives to the State Council.
- (4) The Secretariat shall be the body responsible for coordinating the nominations and election processes by which the Zones of the ~~metropolitan and country e~~C~~o~~nstituencies elect their representatives and deputy representatives to the State Council.
- (5) A deputy representative elected from amongst the delegates to that Zone to act in the capacity of a representative unable to attend a meeting of the State Council shall exercise all rights of that representative.
- (6) If for any reason, a representative or deputy representative is unable to hold office for the full period for which the representative or deputy representative was appointed, the affected Zone shall be entitled to fill that vacancy by appointing some other Councillor from within that Zone as a representative or deputy representative. The representative or deputy representative so appointed shall hold office for the balance of the term of the representative or deputy representative originally elected.

10. PROCEEDINGS OF STATE COUNCIL

- (1) The State Council must meet together for the dispatch of business not less than four times in each year.
- (2) Each representative on the State Council shall be entitled to exercise one (1) deliberative vote on any matter considered by the State Council provided that this clause shall not apply to any ex-officio members of the State Council. The President shall exercise a casting vote only, in the event of there being an equality of votes in respect of a matter considered by the State Council but excluding an election held in accordance with Clause 16 in which the President is entitled to a deliberative vote only.
- (3) At any meeting of the State Council, thirteen (13) representatives present and entitled to vote shall form a quorum.
- (4) The President shall preside at all meetings of the State Council.

- (5) In the absence of the President, or if the President is unwilling or unable to preside, the Deputy President shall preside at a meeting of the State Council. In presiding, the Deputy President shall be entitled to exercise one (1) deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter considered, shall exercise a casting vote.
- (6) In the absence of the President and Deputy President, or if they are unwilling or unable to preside, the State Council shall choose a representative of the State Council to preside at the meeting of the State Council. The representative chosen to preside shall exercise a deliberative vote in respect of a matter considered by the State Council, and in the event of there being an equality of votes in respect of a matter being considered, shall exercise a casting vote.
- (7) The State Council shall establish a Corporate Governance Charter as the instrument to be used by State Council in implementing good governance policies, procedures and practices.
- (8) The State Council shall establish a Code of Conduct to which all State Council members must comply.
- (9) State Council shall adopt Standing Orders that will apply to all meetings.

11. NOTICE OF STATE COUNCIL MEETINGS

- (1) Ordinary Meetings of the State Council shall be called by the Chief Executive Officer in accordance with the Corporate Governance Charter.
- (2) Special Meetings of the State Council shall be called by the Chief Executive Officer by providing notice to State Councillors of the date, time, place and purpose of the meeting upon the written request of the President or at least one quarter of the representatives to the State Council.

12. RESOLUTIONS OF STATE COUNCIL

- (1) Except as provided in this clause, all motions concerning the affairs of the Association shall be passed by a simple majority of the representatives of the State Council or by their deputy representatives.
- (2) The following resolutions shall not be passed unless they receive a ~~s~~**S**pecial ~~m~~**M**ajority ~~of not less than 75% of representatives~~ of the State Council or by their deputy representatives:
 - (a) any addition, amendment, withdrawal, modification or substitution to, of or in the powers of the Association; or
 - (b) any allocation or change in allocation of any representation or voting rights on the State Council; or
 - (c) any change to the membership of Ordinary Members to Zones.
- (3) The annual budget, including annual subscriptions, shall not be adopted unless passed by an absolute majority of representatives of the State Council or by their deputy representatives.

13. CHIEF EXECUTIVE OFFICER AND SECRETARIAT

- (1) The State Council may appoint a Chief Executive Officer at such remuneration and on such terms and conditions and with such powers, authorities, discretions and duties as it deems appropriate and may terminate the appointment of the Chief Executive Officer.
- (2) The State Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Constitution from time to time in such manner as the State Council determines and the scope of which are set out in Schedule Two. The Chief Executive Officer shall be responsible for the establishment and maintenance of a Register of Powers, Authorities, Discretions and Duties delegated by the State Council.
- (3) Subject to the control of the State Council, the Chief Executive Officer shall be solely responsible for the appointment of the staff of the Secretariat and the administration of the Association.
- (4) The Chief Executive Officer shall be the custodian of records, books, documents and securities of the Association.

14. ZONES

- (1) Ordinary Members of the Association shall be grouped into Zones of the ~~m~~Metropolitan and ~~e~~Country ~~e~~Constituencies.
- (2) The membership of Ordinary Members to Zones shall be determined from time to time by State Council.
- (3) The number of Zones shall be determined from time to time by ~~the Ordinary Members of the Association at a Special or Annual General Meeting~~State Council.
- (4) Each ~~Ordinary~~ ~~m~~Member of a Zone shall be entitled to be represented by a ~~d~~Delegate or ~~d~~Delegates elected or appointed by the ~~m~~Member to represent its interests. Zones shall determine the number of ~~d~~Delegates to which each ~~m~~Member is entitled to be represented by on the Zone.
- (4a) The term of a person who is a ~~d~~Delegate of a ~~m~~Member of a Zone expires when the person:
 - (a) dies;
 - (b) ceases to be a Councillor of the Ordinary Member;
 - (c) resigns the position by notice in writing given to the Ordinary Member who elected or appointed the person as its delegate and the resignation is accepted;
 - (d) becomes a member of State or Federal Parliament;
 - (e) is convicted of an offence under the *Local Government Act 1995*;
 - (f) is permanently incapacitated by mental or physical ill-health; or
 - (g) is the subject of a resolution passed by the Ordinary Member who appointed the person as its delegate terminating their appointment as the delegate of that Ordinary Member.
 - (h) is a Councillor that has been suspended by the Minister for Local Government under part 8 of the *Local Government Act 1995*.
- (5) The management and affairs of the Zone shall be vested in the ~~d~~Delegates that are elected or appointed to the Zone by each ~~m~~Member of the Zone.
- (6) The functions of each Zone shall be:

- (a) electing a representative or representatives and deputy representative or deputy representatives to the State Council;
 - (b) considering the State Council agenda;
 - (c) providing direction and/or feedback to their representative or representatives on the State Council; and
 - (d) any other functions deemed appropriate by the members of the Zone.
- (7) An application for change in membership between Zones may only be made by the ~~m~~Member seeking to change its membership and with the approval of the receiving Zone.
- (8) Applications for changes in membership between Zones shall be determined by the State Council. In considering such applications, State Council shall give regard to the reasons provided in support of the application and any views expressed by the Zones directly affected by the application. State Council may approve or refuse any application, advising accordingly and including any reason therefore.
- (9) The Chief Executive Officer is to keep and maintain in an up-to-date condition a Register of Zone Membership, which may be varied from time to time by State Council. Upon request of an Ordinary Member, the Chief Executive Officer shall make the Register available for inspection by the representatives of an Ordinary Member during office hours and on reasonable notice.
- (10) A Zone may, from time to time, resolve to admit an Ordinary Member or Associate Member of the Association from outside their existing membership as an Associate Member of their Zone. In considering whether to admit an Ordinary Member or an Associate Member of the Association as an Associate Member of a Zone, the Zone shall give regard to the significance of communities of interest between the existing membership of the Zone and the Ordinary Member or Associate Member of the Association that is seeking to become an Associate Member of the Zone.
- (11) Subject to subclause (12), Zones shall determine the participation of any Associate Member admitted to the Zone, including the extent to which the representatives of an Associate Member may speak to and vote on matters considered by the Zone.
- (12) An Associate Member of a Zone may not:
- (a) nominate a delegate for election to any office of the Zone;
 - (b) participate in an election held for any office bearer of the Zone; or
 - (c) vote on any matter considered by the Zone requiring a 75% majority.

15. ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS

Prior to the Annual General Meeting, the President and Chief Executive Officer shall prepare the President's annual report and audited financial statements of the Association for presentation to Members at the Annual General Meeting.

16. ELECTION PROCEDURE

Any election other than to elect the President or Deputy President held by the Association shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of "first-past-the post";

- (d) if the election is to fill one vacancy, the candidate who receives the greater or greatest number of votes is elected;
- (e) if the election is to fill two or more vacancies, the candidates elected are –
 - (i) the candidate who receives the greatest number of votes; and
 - (ii) the candidate who receives the next highest number of votes; and
 - (iii) the candidate who receives the next highest number of votes,and so on up to the number of vacancies to be filled; and
- (f) if two or more candidates receive the same number of votes so that sub-section (d) or (e) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

1746A. ELECTION PROCEDURE – PRESIDENT AND DEPUTY PRESIDENT

An election to elect the President or Deputy President shall be conducted as follows:

- (a) the Chief Executive Officer or his/her delegate shall act as returning officer;
- (b) representatives are to vote on the matter by secret ballot;
- (c) votes are to be counted on the basis of “first-past-the-post”;
- (d) the candidate who receives the greatest number of votes is elected;
- (e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;
- (f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;
- (g) when the meeting resumes, an election will be held in accordance with sub-sections (a), (b), (c) and (d);
- (h) if two or more candidates receive the same number of votes so that sub-section (d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.

187. PRESIDENT

- (1) Subject to subclause 17(3) of this Constitution, the State Council shall elect a President from amongst those of its members that are representatives from the Zones of the metropolitan and country constituencies or were originally elected to State Council in that capacity.
- (2) The President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The President’s term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) A person, other than the incumbent President of the Association, shall not be eligible for election as President unless they have first been elected by the metropolitan or country constituencies as a representative on the State Council.
- (4) The metropolitan or country constituency from which the President is elected has the right to nominate a further representative to the State Council, with that representative being drawn from the same zZone and entitled to serve for the same term as their originally nominated representative.
- (5) Where the incumbent President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

197A. ROTATION OF PRESIDENCY

- (1) At an election for the position of President conducted under sub-clause 17(2), only the incumbent President, subject to complying with sub-clause 17(5), or State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.
- (2) At an election for the position of President conducted under Clause 19, only State Councillors from the alternate constituency to the incumbent President will be eligible to be elected.

2018. DEPUTY PRESIDENT

- (1) Following determination of the election of the President pursuant to clause 17 of this Constitution, the State Council shall elect a Deputy President from amongst its Metropolitan and Country representatives, provided the Deputy President represents the alternate Constituency to the President elected pursuant to clause 17.
- (2) The Deputy President shall be elected by the State Council at the first Ordinary Meeting of State Council of an even numbered year. The Deputy President's term shall commence from the date of election and shall conclude on the day of the first Ordinary Meeting of State Council of the following even numbered year.
- (3) Prior to expiration of a term of office, a Deputy President may seek re-election for a consecutive term.
- (4) Where a Deputy President seeks and is re-elected for a consecutive term, that person shall not hold office beyond two (2) full consecutive terms.

2119. VACANCY – PRESIDENT AND DEPUTY PRESIDENT

- (1) If the office of the President becomes vacant or if for any other reason the President is unable to take or hold office at a period which exceeds six months from the date of the next scheduled election for that office, then the State Council shall meet to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced.
- (2) Where a vacancy occurs in the office of President at a period which is six months or less from the date of the next scheduled election for that office, the State Council may convene a meeting to elect from among their number a President who, subject to this Constitution, shall hold the office of President for the balance of the term of the President replaced, or the State Council may in its discretion, determine that the vacancy be filled by the Deputy President until the date of the next scheduled election.
- (3) An election pursuant to sub-clause 19(1) or sub-clause 19(2) shall cause the office of Deputy President to be declared vacant immediately prior to the conduct of the election.
- (4) Following an election pursuant to sub-clause 19(1) or sub-clause 19(2) an election pursuant to Clause 19 (5) will be conducted for the office of Deputy President from amongst representatives of the alternative Constituency to that of the President just elected.
- (5) If the office of Deputy President becomes vacant or if for any other reason the Deputy President is unable to take or hold office, then the State Council shall meet to elect from among their number a Deputy President who shall hold the office for the balance of the

term of the Deputy President replaced, provided the Deputy President represents the alternate ~~e~~Constituency to that of the President.

- (6) A State Council representative elected to fill a vacancy of President or Deputy President pursuant to clause 19 shall still be eligible for election for a subsequent two (2) full consecutive terms.

2220. VACATION OF OFFICE

A person shall cease or be disqualified from being a representative or deputy representative on the State Council or from being President or Deputy President of the Association, ~~or from attending State Council in an ex-officio capacity,~~ if that person:

- (a) dies;
- (b) ceases to be a Councillor of the Ordinary Member;
- (c) resigns the position by notice in writing delivered or sent by post to the Chief Executive Officer, and such resignation is accepted;
- (d) is a member of State or Federal Parliament;
- (e) is convicted of an offence under the *Local Government Act 1995*;
- (f) is permanently incapacitated by mental or physical ill-health;
- (g) is absent from more than 3 consecutive ordinary State Council meetings;
- (h) is a member of a Local Government that ceases to be a member of the Association;
- (i) is the subject of a resolution passed by the Zone from which that person was originally elected terminating his or her appointment as a representative or deputy representative of that Zone, except where that person is the subject of any resolution consequent upon his or her being elected President of the Association and in pursuence of sub-clause 17(4); ~~or~~
- (j) is a Councillor that has been suspended by the Minister for Local Government under Part 8 of the *Local Government Act 1995*; or
- (k) is a candidate for election to State or Federal Parliament on or after the date the election writ is issued.

2321. COMMITTEES AND SUB-COMMITTEES

- (1) The State Council may from time to time as it may deem necessary or expedient appoint, delegate or refer to any person or committee any of its powers, duties and functions as it thinks fit except the powers to:
- (a) acquire, hold and dispose of real property;
 - (b) borrow money;
 - (c) set subscription levels; and
 - (d) progress any matter requiring a resolution of the State Council pursuant to sub-clauses 12(2) or 12(3) of this Constitution.
- (2) The person or the members of any committee so appointed shall not be required to be representatives on the State Council.
- (3) Any person or committee in the exercise of the powers, duties or functions so delegated or referred to it shall observe and perform any rules, regulations and directions that may be made by the State Council.
- (4) Subject to the Corporate Governance Charter, ~~E~~each Committee shall elect a Chair from the members of the Committee.

2422. ANNUAL GENERAL MEETING

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the State Council, provided that such date occurs prior to 31 October each year.
- (2) The Chief Executive Officer shall give at least ninety (90) days' notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (3) At an Annual General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present constitute a quorum.
- (4) At each such Annual General Meeting the order of business shall be as follows:
 - (a) attendance, apologies and announcements;
 - (b) confirmation of minutes from last Annual General Meeting;
 - (c) adoption of President's annual report;
 - (d) consideration of annual financial statements; and
 - (e) consideration of Executive and Member motions.
- (5) In respect of the Annual General Meeting:
 - (a) a notice of motion may only be submitted by the State Council or an Ordinary Member; and
 - (b) a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.
- (6) An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.
- (7) Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.
- (8) Notwithstanding the provisions of sub-clause (7), the State Council is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions.

2523. SPECIAL GENERAL MEETING

- (1) A Special General Meeting shall be called by the Chief Executive Officer upon the instructions of the State Council or the written demand of not less than any twenty (20) Ordinary Members.
- (2) The Chief Executive Officer shall give at least thirty (30) days notice of any Special General Meeting by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall specify

the nature of the business to be transacted at the Special General Meeting and shall be deemed to have been delivered immediately if transmitted electronically or on the second date after posting.

- (3) At a Special General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present constitute a quorum.
- (4) Where the State Council considers that a direction or decision from a Special General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.
- (5) Notwithstanding the provisions of sub-clause (4), the State Council is required to give consideration to any direction or decision made at a Special General Meeting in its discharge of responsibilities and functions.

2624. REPRESENTATION AND VOTING AT GENERAL MEETINGS

- (1) Subject to this Constitution, each Ordinary Member shall be entitled to be represented at any Annual General Meeting or Special General Meeting of the Association by two (2) ~~e~~D~~e~~legates.
- (2) A ~~e~~D~~e~~legate shall be entitled to one (1) deliberative vote at the Annual General Meeting or Special General Meeting of the Association.
- (3) A ~~e~~D~~e~~legate unable to attend any Annual General Meeting or Special General Meeting shall be entitled to cast a vote by proxy. A proxy shall be in writing and shall nominate the person in whose favour the proxy is given which person need not be a delegate. Proxy authorisations shall be delivered to the Chief Executive Officer before the commencement of the general meeting at which the proxy is to be exercised and shall be signed by the ~~e~~D~~e~~legate or by the Chief Executive Officer of the Ordinary Member that nominated the ~~e~~D~~e~~legate.
- (4) Except as provided in this Constitution, all matters considered at an Annual General Meeting or Special General Meeting of the Association shall be passed by a ~~s~~S~~i~~mple ~~m~~M~~a~~jority of the Ordinary Members' ~~e~~D~~e~~legates or by a duly authorised proxy vote exercised on their behalf.
- (5) At any Annual General Meeting or Special General Meeting of the Association, greater than one half of the ~~e~~D~~e~~legates who are eligible to vote must be present to form a quorum.

2725. MINUTES OF MEETINGS OF ASSOCIATION

- (1) The Chief Executive Officer must cause proper minutes of all ~~g~~G~~e~~neral ~~m~~M~~e~~etings and State Council meetings to be taken and then to be entered within 30 days after the holding of each ~~g~~G~~e~~neral ~~m~~M~~e~~eting or State Council meeting, as the case requires, in a minute book kept for that purpose.
- ~~(2) The President must ensure that the minutes taken of a general meeting or State Council meeting under sub-clause (1) are checked and signed as correct by the person who presided at the general meeting or State Council meeting to which those minutes~~

~~relate or by the person who presides at the next succeeding general meeting or State Council meeting, as the case requires.~~

- (23) When minutes have been entered ~~and signed~~ as correct under this clause, they are, until the contrary is proved, evidence that-
- (a) the ~~g~~General ~~m~~Meeting or State Council meeting to which they relate (in this sub-clause called "the meeting") was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

2826. AUDIT

- (1) At least once a year the State Council shall cause the Association's accounts to be audited by a person or persons appointed by the State Council or its delegated body.
- (2) The accounting records of the Association shall be open for inspection by the representatives of Ordinary Members during office hours and on reasonable notice.

2927. BANKING

- (1) All moneys received by the Association shall be banked into an operating account established by the State Council, in the name of the Association.
- (2) Payments drawn on the account and other documents relating to such account shall be authorised by the Chief Executive Officer and such other authorised persons as the State Council may deem appropriate.
- (3)
 - (a) The operating account to be so established, may be utilised for the purposes of paying salaries and operating expenses and for other purposes authorised by a resolution of the State Council.
 - (b) The State Council on the advice of the Chief Executive Officer, may appoint any member of the Secretariat to manage the operating account.

3028. COMMON SEAL

- (1) The Association shall have a common seal on which its corporate name appears in legible characters.
- (2) The common seal of the Association must not be used without the approval of the State Council and every use of that common seal must be recorded in the minutes of the State Council meeting.
- (3) The affixing of the common seal of the Association must be witnessed by any two of the Chief Executive Officer, the President and the Deputy President.
- (4) The common seal of the Association must be kept in the custody of the Chief Executive Officer or of such other persons as the State Council from time to time decides.

3129. AMENDMENT TO THE CONSTITUTION

The Constitution of the Association may be altered, added to or repealed by:

- (1) A resolution at any meeting of the State Council on the receipt of a ~~s~~Special ~~m~~Majority of ~~not less than 75%~~ of representatives or by their deputy representatives; and
- (2) A resolution at an Annual General Meeting or Special General Meeting passed by a ~~Special m~~Majority of ~~not less than 75% of d~~Delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:
 - (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
 - (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

320. EXPULSION OF MEMBERS

- (1) An Ordinary Member may be expelled from the Association by resolution at a meeting of the State Council on the consent in writing to the proposition for expulsion being first received from not less than 75% of the Ordinary Members.
- (2) The Ordinary Member whom it is proposed to expel must receive at least sixty (60) days notice of the State Council meeting referred to in sub-clause (1) and shall be given the opportunity of attending the meeting and being heard with respect to the motion for expulsion.
- (3) An Associate Member may be expelled by resolution of State Council.

331. DISPUTES, MEDIATION AND ARBITRATION

- (1) The grievance procedure set out in this clause applies to disputes arising in connection with this Constitution between:
 - (a) a member and another member; or
 - (b) a member and the Association; ~~or~~
 - ~~(c) if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.~~
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the dispute must, within ten (10) days, be referred initially to a panel to settle the dispute by mediation and if the dispute cannot be resolved, to arbitrate the dispute.
- (4) The panel shall be established by the State Council having regard to the nature and circumstances of the dispute and shall comprise such number of persons as the State Council may decide, being not less than three (3), who shall be drawn from amongst the following:
 - (a) Life Members of the Association;
 - (b) the President or Past Presidents of Local Government Professionals Australia WA;
 - (c) the Director General, Department of Local Government; or
 - (d) such other persons as the State Council considers appropriately qualified having regard to the nature and circumstances of the dispute.
- (5) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

- (6) The panel, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (7) Any arbitration shall be conducted in accordance with the provisions of the *Commercial Arbitration Act 1985 (WA)* and, notwithstanding section 21 (1) of that Act, each disputant may be represented by a duly qualified legal practitioner or other representative.
- (8) If a matter proceeds to arbitration, then the decision of the panel shall be final and binding on the disputants.
- (9) Any mediation or arbitration conducted under this clause must be confidential and without prejudice.

342. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

The State Council shall if instructed in writing by all of the Ordinary Members dissolve the Association and, after paying and discharging out of the Association's funds and assets all debts and liabilities, transfer the funds or realise the same and transfer the proceeds to any organisation or organisations constituted with similar objects to those of the Association and which organisation or organisations prohibit the distribution of property among the Ordinary Members thereof or in the absence of such an organisation as determined by a Judge of the Supreme Court.

SCHEDULE ONE

REGISTER OF POWERS

The powers of the Association on incorporation are the:

- (a) advocacy of Federal and State matters;
- (b) progression of Legislative Review;
- (c) management and pursuit of Local Government Act matters;
- (d) management and pursuit of Industrial (Labour) Relations matters;
- (e) direction of the Secretariat and management of the Association's offices; and
- ~~(f) appointment of delegates in the case of joint appointment from amongst the metropolitan and country constituencies; and~~
- (gf) instigation of all things necessary to pursue and achieve the objectives of the Association.

In construing the above powers the following terms shall have the meanings set out opposite them:

- “Federal Affairs” means all matters from time to time under consideration by the Australian Local Government Association and all matters concerned with aspects of Federal legislation including all inter-governmental finance questions between Federal and State Governments but shall not extend to the intra-state distribution of grants;
- “Industrial (Labour) Relations” includes all issues concerned with conditions of employment within Local Government whether award or otherwise, personnel practices and training;
- “Legislative Review” means any review or proposed review of existing or proposed legislation whether State or Federal unless the State Council resolves that it is of relevance only to one of either the metropolitan or country constituencies;
- “Local Government Act matters” means all questions pertaining to the provisions of the Local Government Act.

The above powers and definitions may be added to, amended, modified or substituted from time to time in accordance with clause 4 of the Constitution.

SCHEDULE TWO

REGISTER OF DELEGATED POWERS, AUTHORITIES, DISCRETIONS AND DUTIES

Date	Committee/Person	Detail on Delegations
2 December 2015	Chief Executive Officer	<p>Chief Executive Officer delegated the authority to admit or refuse organisations seeking Associate Membership to WALGA on the basis that such organisations are:</p> <ul style="list-style-type: none"> • organisations constituted by Local Governments such as Regional Councils, Voluntary Regional Councils and Alliances; • not-for-profit organisations that can demonstrate a link or relationship with the Local Government sector, or • Government agencies, including Government Trading Entities.
1 June 2011	Chief Executive Officer	<p>Authorisation of Expenditure Authorising all expenditures as approved in the budget, subject to:</p> <ul style="list-style-type: none"> • all Chief Executive Officer compensation, outside of normal monthly remuneration being authorised by the President; and • all business-related expenses paid to the Chief Executive Officer being authorised or ratified by the President
27 March 2019	Chief Executive Officer	<p>Reallocations of Budget Subject to compliance with budgetary policies / limitations set by State Council, the CEO may reallocate budget allocations between activity areas up to a maximum amount of \$20,000 between State Council meetings, with such amendments to be reported to the next meeting of the Finance and Services Committee detailing the amount and reasons.</p>
4 December 2002	President Deputy President Chief Executive Officer	<p>Affixation of the Common Seal</p> <ul style="list-style-type: none"> • Affixation of the Association's common seal be undertaken upon the resolution of State Council except where it is impractical to obtain prior approval; • In instances where obtaining prior approval is impractical, authority to affix the common seal be delegated to the Chief Executive Officer and one of either the President or Deputy President; • A regular report be submitted to State Council "for noting" outlining all instances where the common seal has been used without prior resolution; and • WALGA give priority to preparing an appropriate instrument of delegation.
6 February 2002 6 June 2007 (Updated)	Finance and Services Committee Insurance Board Municipal Waste Advisory Council Honours Panel Selection Committee	<p>Finance and Services Committee</p> <p>On behalf of State Council, and in accordance with any policies, directions or limitations set by State Council, undertake the following functions:</p> <ul style="list-style-type: none"> • Determining key directions in relation to the establishment and/or development of new and current business opportunities that result in the delivery of outputs which enhance the financial and operational capacity of members and the Association. • Adoption of business plans for the Association's service delivery units that deliver the key objectives within the Association's Strategic Plan, with regular monitoring of outcomes against agreed performance indicators. • Oversee the financial management of the Association, including the recommendation of a draft annual Governance Budget to State Council, long term financial planning, monitoring/assessment of financial reports, approving and/or recommending budgetary reallocations to State Council, committing or reallocating reserve funds for special purposes, and auditing and presentation of the Association's annual accounts. • Internal audit including monitoring/assessing compliance against financial and asset management and internal control policies. • Oversee the delivery of business development, business management, human resource management and information management and corporate services. • Establish a risk governance structure which ensures that management has implemented sound risk management policies and procedures across the Association, and which is regularly reviewed. • Establish risk management and internal control performance indicators that are regularly evaluated through internal and external audit processes. • Regularly report to State Council on the key activities and major decisions of the Committee.

		<p>Local Government Self Insurance Schemes Board</p> <ul style="list-style-type: none"> • To provide the overall strategic direction of the Schemes. • To recommend the appointment of the Scheme Manager to State Council. • To monitor the financial performance of the Schemes. • To ensure the compliance of the Schemes with the law • To ensure the proper management of risk. • Communicating between the Scheme Manager and Stakeholders. • To establish business plans for the Schemes with ongoing review. • To establish performance indicators and set achievable targets in consultation with the Scheme Manager. • To monitor the performance of the Scheme Manager's management of Scheme operations against key performance indicators. • To require the Scheme Manager to put forward policy recommendations on key operational issues for the Services, including reinsurance, deductibles, level of contributions, levels of policy cover, investments, provisioning (reserves), risk management, rehabilitation etc, and to adopt policies on these issues and keep them under review. • To make procedural determinations on process which are to be followed for the resolution of major claims. • To satisfy itself that satisfactory reinsurance cover has been obtained for the Schemes for each Fund year. • To accept members into the Schemes, with authority to place conditions for admission to membership, with authority for the Board to delegate this power to the Scheme Manager. • To consider the advice of the Scheme Manager and make determinations on the levying of additional contributions on the Scheme Members where the Board considers such action to be necessary, and on the disbursement of surpluses. • To consider the advice of the Scheme Manager and make determinations on the application of penalty loadings or other directives to members of the Schemes who have failed to comply with reasonable risk management standards or taken on additional risk exposures. • To approve annual budgets, financial statements and annual reports for the Schemes. • To appoint Scheme bankers, actuaries, auditors, legal panels, investment advisors and other service providers as required. • To consider actuaries reports and set reserves. • To consider auditors reports. • To review the findings of Scheme performance reviews and customer satisfaction surveys. • To adopt and keep under review Scheme Rules and Policy Wordings. • To undertake such inquiries and seek such reports and information on the Schemes operations as the Board deems fit. • To satisfy itself that the Scheme Manager maintains appropriate professional indemnity, public liability and other appropriate insurance policies that indemnify WALGA and the Schemes against Scheme Manager negligence. <p>Municipal Waste Advisory Council (MWAC)</p> <p>Representing the Western Australian Local Government Association in all matters relating to municipal waste management through delegation of appropriate powers and expenditure of budgeted funds, except the powers to acquire, hold and dispose of real property; borrow money; and set subscription levels. This delegation is further defined by the following:</p> <ul style="list-style-type: none"> • Decisions consistent with an existing formal Policy Statement of the Association can be made without reference to State Council. • Decisions on issues where there is not an existing formal Policy Statement of the Association, may be made without prior reference to State Council – all decisions of this nature will be referred to State Council as soon as practicable for endorsement. • Changes to the membership and voting entitlements of the Municipal Waste Advisory Council must be adopted by State Council prior to taking effect. <p>The objectives of the Municipal Waste Advisory Council Strategic Plan as amended from time to time define the primary areas of activity of the Council. The objectives of the current Strategic Plan are:</p> <ul style="list-style-type: none"> • Maintain MWAC as a credible, active and effective peak body in the area of waste management; • Facilitate and encourage cooperative linkages between Local, State and Federal Government, Regional Councils, Industry and the Community. • Promote economically sound, environmentally safe and socially acceptable waste management and minimisation strategies. • Represent Local Governments' view on waste management issues. • Coordinate and initiate research on waste management issues.
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		<p>Honours Panel</p> <ul style="list-style-type: none"> Overseeing the Association's annual Honours Program with delegated power from the State Council during the entire process. Adjudicating in the selection of recipients for Association Honours and the Local Government Medal, annually. Recommending, where appropriate, the conferral of alternative Association Honours where it is concluded that a nominated candidate is better suited to a different award category than the one they were originally nominated for. Overseeing the annual budget set for the Association's Honours Program. Encouraging, educating, promoting and raising the profile of all honours available to people in Local Government and all Western Australians. Reviewing the Honours Policies and supporting documentation as deemed necessary. <p>Selection Committee</p> <ul style="list-style-type: none"> Oversee the nominations and selection processes in accordance with the objectives and framework endorsed by the State Council. Call for and assess nominations for vacancies on Boards and Committees on the basis of objective selection criteria. Ensure that all steps in the selection process are completed before existing appointments to Boards and Committees expire. Make advisory recommendations to the State Council concerning the selection of applicants for vacancies on Boards and Committees which have been previously identified by State Council as being of strategic importance to the Association, including providing reasons for recommendations. For vacancies on boards and committees that have been identified as the highest strategic priority to Local Government, institute a process of formal interviews in the selection of candidates to ensure that the best person for the vacancy is recommended to State Council. Resolve upon preferred applicants for vacancies on Boards and Committees which have not been identified by State Council as being of strategic importance to the Association, including providing reasons for decision. Provide routine reports to State Council on the exercise of all delegated decision making authority concerning the selection process. Establish key performance indicators and set achievable targets for the Association's selection process. Review the process for the selection of applicants for vacancies on Boards and Committees and the delegations provided to the Selection Committee annually or biennially. Develop and implement measures to increase the awareness and understanding of the selection process amongst the Association's membership.
<p>1 October 2002</p>	<p>Selection Committee</p>	<p>Nominations for Boards and Committees</p> <p>That the President be given authority to co-opt persons for vacancies where no nominations were received.</p>
<p>4 December 2002</p>	<p>Local Government Self Insurance Schemes Board Joint Venture Management Committee</p>	<p>Local Government Self Insurance Schemes</p> <p>In relation to the roles, relationships and responsibilities between the LGIS Management Committee and the Local Government Self Insurance Schemes Board:</p> <ul style="list-style-type: none"> The name of the LGIS Management Committee be formally amended to 'Joint Venture Management Committee'. The roles for the Local Government Self Insurance Schemes Board be: <ul style="list-style-type: none"> providing the overall strategic direction of the Schemes; recommending appointment of the Scheme Manager to State Council; monitoring/evaluating Scheme Manager performance; monitoring the financial performance of the Schemes; ensuring compliance of the Schemes with the law; the proper management of risk; and communicating between the Scheme Manager and Stakeholders. The roles for the Joint Venture Management Committee be: <ul style="list-style-type: none"> policy oversight for the Municipal Insurance Broking Service (MIBS); monitoring the market share achieved by MIBS, by Council and by insurance type; and development of new insurance services or the enhancement of existing services and presenting such proposals to the WALGA Finance and Services Committee. All responsibility for managing the contractual relationship between the Association and JLT reside with the WALGA Finance and Services Committee. All relevant documentation be amended accordingly to reflect these changes. Membership to the Joint Venture Management Committee comprise the President and CEO of WALGA or their nominees, the CEO or nominee of JLT and another senior officer of JLT.

6. Closure

*Upon the completion of business, the Chair declared the meeting closed **3:24pm**.*



**Lake Varley &
Districts Progress Association
General Meeting Minutes
12th September 2023**

Meeting Opened: 6.45pm

Present: CEO Alan George, Cr Len Armstrong, Cr Ross Chappell, MIS Craig Elefsen, Sarah Mudge, Melissa Atkins, Tristan Cornwall, Naomi Cornwall, Nicola Slabbert, Bennie Slabbert, Graeme Atkins, Sheena Zurnamer

Apologies: Cr Lucia Varone, Cr Roz Lloyd, Cr Ben Hyde, Carla Hyde, Colin Tapper, John Zurnamer, Anna Scheepers, Wietske Lambrechts, Brent Hyde, Clare Hyde, John Cornwall, John Zurnamer

Presentation & Endorsement of Previous Minutes:

Emailed to affiliated clubs and community members. A copy is tabled.

Moved by Melissa Atkins *Seconded by* Bennie Slabbert

Business Arising from Previous Minutes:

- *Centenary Committee (Sarah Mudge)*- Spoke to Carla today about the Centenary. She has 3 people wanting to help with the Centenary committee. The date of the Centenary will be the 22nd-25th September 2028. It will be on the same weekend as Lake King. One night will be a Varley night and the next night will be a Lake King night. The Centenary committee will start talking to the Newdegate committee soon about their 100 year to see what they need to do. There will be a small committee and jobs are to be delegated. Cam is doing Humble Beginnings. Carla will ask Gav to update the honour board. The Centenary will be low-key.
- *Bendigo Bank Business Account Change (Tristan Cornwall)*- Lake Varley & Districts Progress Association have finished their application. Are still waiting for Bendigo Bank to open the bank account. From what Tristan has been told after Bendigo Bank have received the paperwork it will take 2-3 months to open an account. It is expected in September or October the Lake Varley & Districts Progress Association will have a new bank account. The 31st December is when Bankwest will close the Lake Varley & Districts Progress Association business account.

Presentation & Endorsement Finance Report:

Moved by Tristan Cornwall *Seconded by* Nicola Slabbert

Presentation & Endorsement Correspondence:

Incoming letters/email to be read.

Moved by Melissa Atkins *Seconded by* Sheena Zurnamer

Business Arising from Correspondence:

Nil

Reports:

- *Lake Grace Shire –*

Cr Len Armstrong – The doctor service through the Shire of Lake Grace has changed taking effect this month. The doctors we had have gone their separate ways. Currently operating through Livingston Medical at the moment. They will work as a locum until 2 permanent doctors arrive who will be a husband and wife from Queensland. The permanent doctors should arrive on 12th October. Dr Michael Livingston is on call to the hospital. At the moment he is at Lake Grace full-time. Dr Livingston will continue his medical services until he moves on to Narembeen.

This could be Len's last meeting as elections are due. With the Shire of Lake Grace they have only been operating with 8 councillors for the last 18 months. Will move down from 8 councillors to 7. There are 4 councillors up for re-election. There are only 3 positions available. There's also been a nomination for another person. On the nomination list there are 5 people. The voting has changed this year. You can number 1-5 or simply put 1. The postal votes will be released in the mail by the Electoral Commission this Friday.

CEO Alan George- Strategic Community Plan. There has been a meeting on how to format. Some of the things have already been actioned. The Strategic Community Plan will hopefully be out in a month's time.

MIS Craig Elefsen- A big capital works program happening this year. There has been a bit of work happening in Varley and Lake King. Still looking for staff to do the gravel. Paving at the Chicken Ranch will hopefully happen next week. Painting should be happening by the end of this week or early next week.

Cr Ross Chappell- The budget has been passed and there are some good projects coming up.

- *Cropping Committee –*

Sarah Mudge – Tristan said the hay was cut on Friday. The contractor is doing everything now. Bennie will spray after the hay bales have been removed.

- *Townscaping Committee –* Not much has happened. Just waiting for the brick paving to be done at the Chicken Ranch. Sheena is looking at doing signage to show how the Chicken Ranch came about. An advertisement can be put in the Varley Voice so everyone can give their comment. Carla and Sheena will do a story of the Chicken Ranch, a bit of history of the museum, a bit about the Rabbit Cemetery and talk about the plaques at the Chicken Ranch with stories on them at the Lake Grace Shire Tourism meeting. Still working on Geocache. Not sure about doing the walking trails around Varley. The solar lights are a work in progress. Sheena has been thinking of asking Doug Pauley but will persevere with the company in Albany. The Shire of Lake Grace can also help out with contacts.

- *Social Committee-*

Sarah Mudge - Organising a band or singer to play at the Junior Tennis Tournament on 4th October. Jenna Mouritz indicated she is interested in bringing pilates to Varley. Today she has said they can't fit it into their schedule. The Social Committee will look into bringing another form of fitness to Varley. If people have any ideas about exciting things to happen around town Carla, Clare or Sarah are interested to hear about them.

It would also be nice to get a couple of extra people to join the Social Committee. The Christmas Party will be held on 15th December – everyone is welcome.

General Business:

- *Varley Survey results-*
Sarah Mudge- Hoping to come to Varley within the next couple of weeks and chat with people about the results and what could be implemented. A finance application can then be put to Progress about what people might want to do. Caris and Sarah have discussed having a mural or sculpture in Varley. It would be something for tourists to look at, something to be proud of and also take photos next to.
- *Garden Blower-*
Sarah Mudge - Anna has put through a letter asking if Progress will pay for a garden blower. She would like a smaller blower to use. Craig from the Shire has a Makita blower for Anna. Craig will drop it off at the hall.
- *Tank Murals-*
Sarah Mudge - No funding for murals on the tank. Need to contact mural artists in Kalgoorlie. Could apply for a CBH grant although we need community support. Could talk to Tania Spencer or Kerry Argent from the Lake Grace Art Group for support and further information. A Community Development Officer from Kondinin could also be contacted for ideas.

Meeting Closed: 7.16pm



**Lake Varley & Districts Progress Association
Finance Meeting Minutes
12th September 2023**

Meeting Opened: 6.31pm

Present: CEO Alan George, Cr Len Armstrong, Cr Ross Chappell, MIS Craig Elefsen, Sarah Mudge, Melissa Atkins, Tristan Cornwall, Naomi Cornwall, Nicola Slabbert, Bennie Slabbert, Graeme Atkins, Sheena Zurnamer

Apologies: Cr Lucia Varone, Cr Roz Lloyd, Cr Ben Hyde, Carla Hyde, Colin Tapper, John Zurnamer, Anna Scheepers, Wietske Lambrechts, Brent Hyde, Clare Hyde, John Cornwall, John Zurnamer

Presentation & Endorsement of Finance Report:

Completed in General Meeting.

Finance Applications:

- *Varley Museum*- Request for a security camera system, costing \$5746.90. Sarah Mudge moves a motion the Finance Committee come together to meet in 4 weeks to vote on the Museum sub-committee finance application. The Finance Committee will meet in person. Ring the Lake Grace Shire if the installer comes before the 4 week period is up.

Sheena seconded motion.

Meeting closed: 6.45pm

Varley Progress Assoc 2023

Opening Balance 01/01/23	\$98,637.70	
Gold Term Deposit	\$80,000.00	
	27/6/23 - 12/9/23	2023 Total
Credit		
Term Deposit's Interest	\$612.16	\$1,418.74
Subs	\$0.00	\$4.00
Varley Number Plates - Cr	\$2,025.00	\$3,375.00
Social Committee	\$0.00	\$2,567.53
Varley Voice Ads	\$495.00	\$945.00
FM Tower Re-Imbursement	\$0.00	\$837.08
Misc	\$0.00	\$482.50
Total Credit	\$3,132.16	\$9,629.85
Debit		
Cropping Costs		
Fert, seed etc	-\$16,577.00	-\$37,383.50
Varley AgSolutions (Chemicals)	-\$9,359.90	-\$37,402.30
Running Costs (10k)		
Cleaning	-\$200.00	-\$1,762.50
Water	-\$86.26	-\$470.40
Insurance	\$0.00	-\$739.41
Newsletter Editor	\$0.00	-\$6,300.00
Tractor License	\$0.00	\$0.00
Varley Number Plates - Db	-\$1,800.00	-\$3,200.00
FM Tower (Synergy, Repairs, Ins.)	-\$109.42	-\$1,593.64
Donations- RFDS, P&C, St John	\$0.00	-\$15,000.00
Varley Ag Misc	\$0.00	-\$2,919.70
Social Committee	\$0.00	-\$6,399.88
synergy museum	\$0.00	\$0.00
Misc		-\$823.58
Total Debit	-\$28,132.58	-\$113,994.91
Total Profit (Loss)	-\$25,000.42	-\$104,365.06
Closing Balance - Bank	\$74,272.64	\$0.00
Cash on Hand - Subs	\$131.00	