



Minutes of the SUSTAINABILITY ADVISORY COMMITTEE held in CONFERENCE ROOM 3, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP on Thursday 18th December 2003 commencing at 5:50 pm and concluding 7.35 pm.

Ms Hardy (Manager, Strategic and Sustainable Development) opened the meeting at 5.50 pm. Due to Joondalup Council being suspended on Friday 5 December 2003, Cr Tim Brewer and Cr Sue Hart did not attend this meeting.

In lieu of the current suspension of Councillors and Cr Brewer's position as Chairperson, Mr Magyar (deputy Chairperson) chaired the meeting.

1. ATTENDANCE AND APOLOGIES

Attendance

Mr Steve Magyar	Acting Chairperson
Mr Geoff Down	Community Representative
Mr Vincent Cusack	Community Representative
Mr Will Carstairs	Community Representative
Assoc. Prof. Adrienne Kinnear	Edith Cowan University Representative
Ms Marilyn Horgan	Community Representative
Ms Ute Goeft	Community Representative
Ms Dawn Atkin	Community Representative
Assoc. Prof. Sherry Saggars	Community Representative

Apologies

Mr Martin Brueckner	Community Representative
Mr Paul Gerrans	Community Representative

Guests

Ms Rhonda Hardy	Manager Strategic and Sustainable Development
Ms Sandi Evans	Team Leader Sustainable Development

Absent

Mr D Wake	Community Representative
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2. CONFIRMATION OF MINUTES HELD ON 27 NOVEMBER 2003

RECOMMENDATION

Moved Mr Geoff Down, seconded Mr Vincent Cusack that the Minutes of the Sustainability Advisory Committee meeting held on 27 November 2003 be confirmed as a true and accurate record of proceedings.

CARRIED

3. ITEMS OUTSTANDING FROM PREVIOUS MEETINGS.

Nil

4. WELCOME TO GUESTS

Mr Magyar welcomed all new members to the committee and advised that at the Council meeting held on 16 December 2003, recommendations from the Committee relating to the endorsement of the Cities for Climate Protection Action Plan and the appointment of new members to the committee were endorsed.

Ms Hardy provided a brief outline of the role of the committee advising that the committee is an arm of the Council and is reconstituted every two years as a new Council is elected. Ms Hardy added that the committee's aim is to make recommendations to Council for endorsement.

Mr Cusack tabled the following documents:

- Extract from the Local Government Amendment Bill 2003;
- Extract of account of Legislative Council meeting held on Wednesday 3 December 2003 related to the Local Government Amendment Bill 2003; and
- Media Statement released 4 December 2003 by the Minister for Local Government the Hon. Tom Stephens MLC.

The tabled documents refer to the introduction of the Local Government Amendment Bill 2003 into the State's Legislative Council and changes to Western Australia's Local Government Act. There are over 80 changes to the Local Government Act and of particular relevance to the committee is that Councils should integrate social, economic and environmental considerations into their decisions, consistent with the State Sustainability Strategy and the insertion of the following subsection into Part 4 – Other amendments, S15, Section 1.3, which reads as follows:

(3) In carrying out its functions a local government is to endeavour to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

A copy of the Local Government Amendment bill 2003 is available at: [http://www.parliament.wa.gov.au/parliament/home.nsf/\(FrameNames\)/Bills](http://www.parliament.wa.gov.au/parliament/home.nsf/(FrameNames)/Bills)

Mr Magyar referred to a request by Cr Sue Hart to attend SAC meetings as an observer. It was agreed that this matter would be referred to Council Support staff for advice.

Mr Cusack questioned who would be chairperson if a commissioner is appointed to the committee. Ms Evans advised that any committee member can nominate as a chairperson and that this matter will be discussed following advice from commissioners as to the status of the committee and whether a commissioner will be appointed to the committee.

Mr Cusack suggested that the sustainability website be updated with a more current photograph of committee members. It was agreed that a photo would be taken of committee members at the next meeting.

All new and existing members introduced themselves, providing a background of background, skills and experience.

5. COMMITTEE HISTORY AND ACHIEVEMENTS.

Ms Evans tabled the committee's Terms of Reference, which provides further clarification on the committee's aims and roles and the City's Strategic Plan 2003-2008.

Ms Evans provided a summary of relevant history and achievements of the City and the committee including:

- Establishment of the Strategic and Sustainable Development Business Unit, located within the office of the CEO;
- Council endorsement of Council Policy 2.6.4, Environmental, Social and Economic Sustainability Policy;
- Participation in the Cities for Climate Protection Programme;
- Council endorsement of the Yellagonga Regional Park Management Plan;
- A number of submission made regarding sustainability including: the WA State Government's Sustainability Strategy and the World Summit for Sustainable Development, Johannesburg, 2002, via the ICLEI delegation;
- The establishment of the Sustainability Advisory Committee;
- The City's Strategic Plan (2003-2008) which provides a significant focus on Sustainability;
- Council endorsement of Joondalup Coastal Foreshore Natural Areas Management Plan. This management plan guides the management of approximately 14km of coastline from Burns Beach to Marmion Beach, and an area totaling 239 ha;
- The City allocates \$40,000 each year through its Community Funding Program through the Sustainable Development category;

- The City of Joondalup facilitated and supported a major international environment conference, “IndoPacific Ecosystem Health Conference” which was hosted by Edith Cowan University;
- The Schools Environment Challenge which provides a strong environmental education focus for schools in the City;
- The City’s celebration of World Environment Day and Joondalup Environment Day which attracts over 500 students from various schools each year; and
- The City’s Sustainability web site which provides an extensive guide to some of the best internet resources available relating to sustainability.

6. WHERE TO FROM HERE.

Ms Evans stated that at the next committee meeting, a workshop would be held to develop a shared view of sustainability and how this can be progressed via the committee. Ms Evans noted that the committee is now well positioned to ‘fully’ address sustainability given the diverse wealth of knowledge and experience of committee members. Ms Evans also noted that short and long term goals need to be identified to measure and celebrate progress and achievements of the committee.

Ms Kinnear requested that to enable new members to effectively contribute to the workshop process, that an information pack be prepared to assist committee members in their understanding of the background and current status quo of sustainability at the City of Joondalup. It was agreed that an information pack be prepared outlining relevant background information and documentation to assist committee members in this regard.

Discussion ensued regarding monitoring and measuring performance of sustainability at the City and the use of indicators. It was agreed that indicators be drawn from those identified in the State Sustainability Strategy and that it is important to maintain a consistent approach between Federal, State and Local Government levels, so this information can be transparent and used interchangeably.

7. OTHER BUSINESS

Mr Magyar requested that each committee member provide a brief account of their vision for sustainability. Responses ranged widely and have been summarized and grouped into the broad categories shown below:

Community

- Bring a sense of community vitality, awareness and commitment to sustainability.
- Gain greater community involvement in progressing sustainability.
- Empower the community to develop sense of contribution and belonging.
- Identify effective methods of consultation to engage and involve the community.
- Provide effective feedback to the community that is clear and consistent.
- Develop a safer community with reduced violence.

Governance

- Identify shared views of what sustainability means.
- Identify the big picture and practical areas that the committee needs to concentrate on.
- Develop more powerful links between the City and ECU's efforts in progressing sustainability.
- Integrate sustainability into Council decision making.
- Make a positive change for the future.

Conservation

- Protect and conserve natural assets.

Cultural

- Integrate cultural aspects into the principles of sustainability.

8. DATE OF NEXT MEETING

The next meeting of the Sustainability Advisory Committee will be held in Conference Room 3, Joondalup Civic Centre, Boas Avenue, Joondalup on Thursday 5th February 2004 at 5.30 pm.

9. CLOSE OF MEETING

The meeting closed at 7.35 pm.

ACTION PLAN

NO.	Action	Status	Whom
1	Seek advice from council support regarding Cr Sue Hart's attendance at SAC as an observer.		SE
2	Follow up advice from commissioners as to the status of the committee and whether a commissioner will be appointed to the committee		SE
3	Prepare and distribute information pack outlining relevant background information and documentation to new assist committee members.		SE
4	Organize for photo to be taken at Feb 04 meeting and update website.		SE

v:\strateg\sdocs\december\ssd031204.docSE

s. 15

Part 4 — Other amendments

15. Section 1.3 amended

After section 1.3(2) the following subsection is inserted —

- “
- 5 (3) In carrying out its functions a local government is to endeavour to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.
- 10 ”

16. Section 1.7 amended and consequential amendments

- (1) Section 1.7(1)(a) is amended by inserting before “published” —

“ subject to subsections (3) and (4), ”.

- (2) After section 1.7(2) the following subsections are inserted —

- 15 “
- (3) If local public notice of a matter is required to be given by a local government, notice of the matter need not be published under subsection (1)(a) if it is published in such other manner as the local government decides.
- 20 (4) A decision under subsection (3) may be made in respect of—
- (a) a specific matter, or matters; or
- (b) all matters,

25 in respect of which the local government is required to give local public notice, as is specified in the decision.

”

Legislative Council

Wednesday, 3 December 2003

THE PRESIDENT (Hon John Cowdell) took the Chair at 10.00 am, and read prayers.

LOCAL GOVERNMENT AMENDMENT BILL 2003

Introduction and First Reading

Bill introduced, on motion by Hon Tom Stephens (Minister for Local Government and Regional Development), and read a first time.

Second Reading

HON TOM STEPHENS (Mining and Pastoral - Minister for Local Government and Regional Development) [10.04 am]: I move -

That the Bill be now read a second time.

It gives me great pleasure to introduce the Local Government Amendment Bill 2003. The purpose of the Bill is to make a wide range of amendments to the Local Government Act 1995 following the completion of a major review of the Act. The Local Government Act 1995 has been in operation for just over seven years. In 2000, the Department of Local Government and Regional Development commenced a major review of the Act in terms of its practical impact on local government operations. In March and April of 2000, 20 seminars were held throughout the State to identify issues of concern to local government elected members and officers. Since then, further analysis and consultation has occurred to appropriately reflect the views of local governments and to incorporate other significant issues identified by the department and, in particular, matters of concern to this Government.

The Government's election policy made a commitment to review the Local Government Act 1995 to delete unnecessary red tape and reporting requirements. The department's review delivers some of these improvements to local governments. One of the main objectives of the review of the Act has been to remove any inefficient or impractical provisions that have been of concern to local governments since the Act came into operation. The department's review also has identified a number of areas in which the Act needs to be tightened up and government policies need to be implemented. In total, the Bill provides for amendments to about 70 provisions of the Act.

Part 2 of the Bill amends part 7 of the Act, which deals with the audit of financial accounts of local governments, including the appointment of auditors and the conduct of audits. New provisions are included that require each local government to establish an audit committee to oversee all auditing functions. These amendments are being made following concerns expressed for several years about the adequacy of the current audit processes and the need for a more rigorous audit review at the local level. The legislation specifies further duties of local governments in respect of audits and additional annual audit reporting to the minister.

Part 3 of the Bill deals with the constitution of the new Western Australian Local Government Association, which replaces the Western Australian Municipal Association. This is the peak association representing the interests of local governments that choose to be members. All the previous associations are to be removed from the Act and now only WALGA will be constituted under the statute. Consequential amendments to other Acts are also included.

Part 4 of the Bill contains a wide range of various amendments to the Act. They include the parts of the Act that deal with introductory matters, the constitution, functions, elections, administration, financial management and audits.

A new provision that accords with the Government's proposals for new legislation dealing with sustainability will be added. This provision will make it clear that the functions of local government need to have regard to environmental outcomes. In carrying out its functions, local governments will need to endeavour to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity. This is consistent with the state sustainability strategy and future legislation under a proposed sustainability Act.

Of significant importance is a clause of the Bill that amends various sections of the Act by removing all references to the concept of a special majority. This concept is replaced with that of an absolute majority, which will apply consistently to important matters dealt with at meetings of councils.

Various amendments deal with local government elections. Specifically, these include a provision that states that, before a council changes the method of electing the mayor or president from a vote of electors to a vote of councillors, it will be required to consult with electors and carry out a binding referendum on the matter. This follows recent experiences with the Town of Vincent. Strong support from the public is expected for this requirement for a referendum. In response to a question in this place about this Bill, I indicated that I hoped that the provisions of this Bill would have the comprehensive support of WALGA. This is not one of those provisions and it is a point of difference between WALGA and me, and I highlight that to the House.

The Bill contains provisions that clarify that a local government election cannot be held on the same day as a commonwealth or state election. Additionally, the Bill provides that the day fixed for an election, following the appointment of a commissioner, can be up to two years after the appointment rather than the current one year.

A new power is included for a local government with no wards to operate with up to 20 per cent of its vacant councillor positions unfilled. This will apply only until the local government holds ordinary or extraordinary elections, at which time the unfilled 20 per cent of positions must be filled.

A new clause has been added to enable regulations to be made that will prescribe the minimum amount of rent that must be paid by an occupier to obtain eligibility to be included on the owners and occupiers roll. This has been included because of concerns raised about people using car parks and other small portions of rateable property as an entitlement to go on the roll for elections. Regulations will specify appropriate minimum amounts for different regions; for example, metropolitan and country.

Provisions have been included to reduce the period for nominating for council elections from 14 days to seven days and, at the same time, bring the close of nominations forward by seven days to the thirty-seventh day before election day. This will provide a further seven days to assist the Electoral Commission in meeting the requirements for issuing postal voting papers following close of nominations. The returning officer for an election is empowered to reject the nomination of a candidate when the person is an elector only, because he or she is a nominee of a body corporate. This reflects the limitation set out in the current Act.

The Bill requires councils to give reasons for refusing to grant councillors leave of absence from council meetings and limiting such periods to six months or four consecutive meetings. The minister's current power to approve leave for longer than six consecutive meetings is to be removed as it is not considered desirable to have members away for such long periods.

Part 3 of the Act describes the functions of local governments. Significant amendments to this part include empowering councils to close thoroughfares for indefinite periods without having to readvertise closures every four years. The Bill further provides that councils may determine that a vehicle is a wreck, and consequently impound and dispose of it within a 14-day period, rather than the current two months. This facilitates a more timely process than the current Act allows.

The Act currently states that councillors must vote at council meetings. However, there is no penalty provided for failing to do so. In recent times, a number of councillors appear to have not complied with this requirement, and the inclusion of a specific offence provision should assist in ensuring full compliance. Furthermore, an amendment is made that requires the person presiding to cast a second vote in instances in which the votes at a council or committee meeting with delegated power are equally divided.

The Bill amends provisions dealing with local government employees. The recent parliamentary inquiry into the Local Government Act 1995 identified issues with the Act in relation to the requirements for employing chief executive officers and senior employees.

Hon Barry House: You've jumped the gun a bit, haven't you? We haven't even reported yet.

The PRESIDENT: Order, members! This is a second reading speech.

Hon TOM STEPHENS: I understand the interjection, and I appreciate that that has not been part of the committee's report. However, as one of the witnesses that appeared before that committee, it was certainly an issue raised with me by committee members.

Hon Derrick Tomlinson: Is that because it was a closed hearing?

Hon TOM STEPHENS: It was not.

Clauses have been included in the Bill requiring such positions to be advertised in accordance with details to be prescribed in regulations. Presently, the Act does not require advertising, and this is not considered consistent with current management and recruitment practices. Significant amendments are being made to enable regulations to specify particular matters that councils must keep confidential. Some council matters need to be kept confidential, and this new power will formalise those arrangements.

Key amendments of a financial nature include provisions that provide councils with the flexibility to adopt their next year's budget in the month of June. In addition, no longer will councils be required to obtain the Treasurer's approval to borrow money or make certain investments. This will remove unnecessary bureaucratic process. A new provision has been included specifying how a regional local government is to obtain security when entering into borrowing arrangements.

Amendments are made to numerous schedules of the Act. Key provisions include requiring that any boundary polls be conducted by the Electoral Commissioner when the Electoral Commissioner agrees to do so; requiring a council to carry out a review of its representation, even if it does not have wards; and empowering the advisory board to request a review at any time in such circumstances as the board determines.

Worthy of specific comment are the amendments to schedule 2.3, which deals with the method for electing mayors, presidents, deputy mayors and deputy presidents when they are elected by the council. New requirements are added to establish procedures for the way in which the formalities are to be conducted. They deal with the calling of nominations, the procedure for conducting the election, the declaration of the election and the Court of Disputed Returns.

Schedule 3.1 specifies the situations in which local governments can issue notices requiring certain nuisances to be rectified on private land. The circumstances in which councils may enter land to rectify nuisances are being widened to include the enforcement of laws relating to the keeping of bees, dilapidated fencing, artificial light and dangerous private thoroughfares. These matters are covered in council local laws, and these additions to the schedule will give local governments more enforcement powers.

Consultation at all stages of the preparation of this legislation has occurred with local governments, the Western Australian Electoral Commission, the Western Australian Local Government Association and Local Government Managers Australia, and I thank these organisations for their involvement in the development of the Bill. For further details, I refer members to the accompanying explanatory memorandum and clause notes, which I have made available. I commend the Bill to the House.

Debate adjourned, pursuant to standing orders.

TAXI AMENDMENT BILL 2003

As to Remaining Stages

Leave granted to proceed through all remaining stages at this day's sitting.

Report

Report of Committee adopted.

Third Reading

HON KEN TRAVERS (North Metropolitan - Parliamentary Secretary) [10.15 am]: I move -

That the Bill be now read a third time.

I indicated to Hon Peter Foss in the committee stage that I would ask the minister a question that he raised with me about whether the minister intended to facilitate a substantial portion of the Western Australian taxi industry being taken over by an eastern states bank, as previously mooted as a possibility when the minister was proposing to instigate the buyback scheme. I have raised that issue with the minister. The minister has advised me that the issue of buyback has been around for some considerable time. Without going through the history of it, it goes back to the time before this Government. It was stated in Labor's election policies that it would examine it. As to the general comments by Hon Peter Foss about the role of Mr Brian Burke, the minister has also advised me that Mr Burke wrote one unsolicited letter to her, and she has not met with him or discussed this matter with him. The answer to Hon Peter Foss's question is no.

Question put and a division taken with the following result -

Ayes (14)

Hon Kim Chance
Hon Robin Chapple
Hon Kate Doust
Hon Jon Ford

Hon Graham Giffard
Hon Nick Griffiths
Hon Dee Margetts
Hon Louise Pratt

Hon Jim Scott
Hon Christine Sharp
Hon Tom Stephens
Hon Ken Travers

Hon Giz Watson
Hon Ed Dermer (*Teller*)

Noes (13)

Hon Alan Cadby
Hon Murray Criddle
Hon Paddy Embry
Hon John Fischer

Hon Peter Foss
Hon Ray Halligan
Hon Barry House
Hon Norman Moore

Hon Simon O'Brien
Hon Barbara Scott
Hon Bill Stretch
Hon Derrick Tomlinson

Hon Bruce Donaldson (*Teller*)

Pairs

Hon Sue Ellery
Hon Ljiljanna Ravlich
Hon Adele Farina

Hon Robyn McSweeney
Hon George Cash
Hon Frank Hough

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

Attachment 4
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Government of Western Australia
Media Statement



The Hon. Tom Stephens MLC

Minister for Local Government and Regional Development; Heritage;
the Kimberley, Pilbara and Gascoyne; Goldfields-Esperance

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Statement Released: 4-Dec-2003

Portfolio: Local Government, Regional Development

Local government laws refreshed

4/12/03

More than 80 changes to Western Australia's Local Government Act aim to reduce red tape and improve protection of resident and ratepayers' interests.

Local Government Minister Tom Stephens has introduced the Local Government Amendment Bill 2003 into the State's Legislative Council.

Mr Stephens said the changes were developed following a four-year review of the 1995 legislation.

"Local governments have an increasingly important role and we have to give them the capacity to meet new challenges and provide better services," he said.

"This means being prepared, when necessary, to change the legislation to enable greater efficiency and flexibility in responding to community expectations.

"The Government has also moved to increase openness and transparency in some areas of local government activity.

"Among the important changes is a requirement that councils hold a referendum before changing the system of choosing a mayor from direct election, to election by council.

"Councils will also be required to advertise chief executive and senior management vacancies.

"Another amendment will mean councils should integrate social, economic and environmental considerations into their decisions, consistent with the State Sustainability Strategy."

Mr Stephens said many other changes would streamline processes across a range of local government activities, including:

- reducing red tape associated with making local laws;
- providing new powers for taking and disposing of abandoned vehicles; and
- altering the notice requirements in relation to the disposal of private property.

A copy of the the Local Government Amendment Bill 2003 is available at [http://www.parliament.wa.gov.au/parliament/home.nsf/\(FrameNames\)/Bills](http://www.parliament.wa.gov.au/parliament/home.nsf/(FrameNames)/Bills)

Minister's office: 9213 6500

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Government of Western Australia

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