



AGENDA

SPECIAL MEETING OF COUNCIL

to be held on

**Thursday, 12 September 2019
at 5.30pm**



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'

DISCLAIMER

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

Important Note: Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

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Item 1 Opening of Meeting

The President to declare the meeting open.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders past, present and future, in working together for the future of Morawa.

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Item 3 Recording of Attendance

3.1 Attendance

Council

President Karen Chappel
Deputy President Dean Carslake
Councillor Jane Coaker
Councillor Debbie Collins
Councillor Shirley Katona
Councillor Ken Stokes

Staff

Chief Executive Officer
Executive Manager Corporate & Community Services
Acting Principal Works Supervisor
Economic Development Manager
Executive Assistant to CEO

Chris Linnell
Jenny Goodbourn
Jan Sternick
Ellie Cuthbert
Sandy Adams

Members of the Public

3.2 Attendance by Telephone / Instantaneous Communications

3.3 Apologies

3.4 Approved Leave of Absence

Councillor Darren Agar

3.5 Disclosure of Interests

Item 4 Public Question Time

Important note:

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Members of the public are also reminded that in accordance with section 6.17(4) of the Shire of Morawa Meeting Procedures Local Law 2012 mobile telephones must be switched off and not used during the meeting.’

4.1 Public Question Time**4.2 Public Statement Time****4.3 Petitions/Deputations/Presentations/Submissions****Item 5 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting**

The Elected Members to declare that they have given due consideration to all matters contained in the agenda.

Item 11 Reports of Chief Executive Officer**11.1 Select Committee Submission**

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council endorses the submission titled **Select Committee into Local Government** as presented and authorises the CEO to submit the submission to the Legislative Council.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

This item considers the submission prepared by the CEO with regard to the Select Committee into Local Government – *Attachment 1*.

DETAIL

The Select Committee into Local Government was established to inquire into how well the system of local government is functioning in Western Australia, with particular reference to:

- (a) whether the Local Government Act 1995 and related legislation is generally suitable in scope, construction and application;
- (b) the scope of activities of local governments;
- (c) the role of the department of state administering the Local Government Act 1995 and related legislation;
- (d) the role of elected members and chief executive officers/employees and whether these are clearly defined, delineated, understood and accepted;
- (e) the funding and financial management of local governments; and
- (f) any other related matters the select committee identifies as worthy of examination and report.

The Committee has extended its deadline to 13 September 2019.

LEVEL OF SIGNIFICANCE

High – due to the potential impact of the Strategic direction.

CONSULTATION

- Shire Councillors
- WALGA
- Department of Local Government, Sport and Cultural Industries (the Department)

LEGISLATION AND POLICY CONSIDERATIONS

- Local Government Act 1995 and its regulations
- Shire of Morawa Strategic Community Plan

Outcome 4.5 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

Nil

CONCLUSION

That Council endorses the Select Committee into Local Government submission from the Shire of Morawa.

ATTACHMENTS

Attachment 1 - 11.1.1a Select Committee into Local Government Submission

Item 7 Closure

7.1 Closure

There being no further business, the President to declare the meeting closed.

Select Committee into Local Government – Submission: Shire of Morawa

About Morawa

The Shire of Morawa is situated in the North Midlands region of Western Australia, approximately 370kms north of Perth and covers just over 350,000 hectares (3,528 km²) consisting of agricultural and pastoral land, mining leases, Crown land, reserves and townsites. According to the 2016 Australian Bureau of Statistics the Shire of Morawa supports a population of approximately 750 people.

The Shire of Morawa has a multimillion-dollar health centre, excellent education options, a variety of sporting infrastructure and thriving community services. Predominantly an agricultural based Shire, Morawa is renowned for its native wildflowers, a spectacular natural phenomenon in Spring.

Tourism is an increasingly important role in our Economic Development and the Shire is actively looking at ways to diversify and increase our tourism options for visitors to the region across the year.

Response Areas

The following statements are provided in response to the Select Committee into Local Government 'Terms of Reference' and is to highlight some of the current and future impacts / opportunities for the Shire of Morawa.

(a) whether the Local Government Act 1995 and related legislation is generally suitable in scope, construction and application

- Due to the length of time since the Local Government Act 1995 was introduced, the Shire of Morawa strongly supports its review and the associated regulations.
- The Shire of Morawa supports the intent of the current Act, which gives Local Governments the legal capacity to do anything that is not prohibited by law and believes the review of the Act should not be diluted by over-regulating the operations of Local Government.
- The Shire of Morawa would like to see consideration given to any new legislation which considers the size and scale of a local government (LG). For example:
 - The demands on the Shire of Morawa to undertake the same level of compliance as a large metro LG.
 - How financial ratios are used as a benchmark across all LGs.
- The Shire of Morawa believes the State Government should not impose responsibilities to Local Governments without adequate resourcing.
- The Shire of Morawa would also like to see a review of rating exemptions to ensure all users of local government services contribute.

(b) the scope of activities of Local Governments

Local Governments deal with their communities on a daily basis face to face, giving and receiving information to perform and carry out their strategic requirements. The scope of activities performed

by regional LGs is very diverse; from grading of roads to community awareness to regeneration of the town; the main focus varying between metro and regional LGs.

- The Shire of Morawa is responsible for approx. 1,000 kms of gravel roads, requiring constant maintenance due to inclement weather and the increase in RAV rating of harvest vehicles; farming being a major component of income to the LG.
- Facilities for sports and community events are the responsibility of the LG and the continued increase in standards required by sporting associations puts a significant weight on smaller LGs.
- Subsidising medical centres, youth centres, tourist centres, swimming pools is a necessary strain on finances in regional LGs, subsidies which may not be required in metro LGs.
- Waste collection, recycling and landfill is proving more demanding with less space forcing LGs to create expensive plans for future control including environmental avenues.
- Town Planning Schemes, building controls, Heritage Inventories and Emergency Management Plans all fall under the umbrella of the smaller LGs.
- The Shire of Morawa is also responsible for the management and operations of an airfield being a vital link for emergency medical assistance.

(c) the role of the Department of State administering the Local Government Act 1995 and related legislation

- The Shire of Morawa, as a smaller LG, has difficulties in always being able to have the available skills required to assist when regulating themselves under the Act. An alarming rate of LGs are now falling over due to lack of understanding by and support for Elected Members.
- Due to the varied responsibilities of LGs there is an abundance of Acts for LGs to follow for which backup is necessary when interpreting.

(d) the role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted

- Local decision making can be challenging for Elected Members with many opportunities for conflict of interest.
- A clearer understanding of the roles as EMs is required, which is being encouraged by Candidate Induction for the next local elections.
- An understanding of the CEO's responsibilities should also be clear to EMs – operational -v- strategic operational directives.
- Regional LGs have difficulty filling positions and often have a gap in skills requiring above award wages to be offered in comparison with metro and coastal LGs. Having to outsource many required services to consultants, e.g. health, building, ranger who only attend on a fortnightly or monthly basis leading to time delays and community distrust in LGs.

(e) the funding and financial management of Local Governments

- The removal of constraints to Local Government revenue capacity is a critical success factor for an improved system of Local Government in Western Australia.

The place of Local Government in Australia's Federation and in the context of the vertical fiscal imbalance has been well documented and well researched. The revenue constraints

impacting on Local Government in virtue of its role in the Federation is perhaps best summarised by the Systemic Sustainability Study Panel:

“The positioning of Australian Local Government in jurisdictional roles, determined by State legislation and with revenue sourced from State and Commonwealth sources along with own-source rates and charges, provides significant scope for role and funding tensions between the three levels of government.”³⁷

- The Shire of Morawa, as with most Local Governments, experiences the effects of infrastructure backlogs and a shortfall in revenue to maintain assets. The Shire is reliant on Federal and State grants to fund its road program.
- Furthermore, this is a major example of Local Governments’ asset management obligations which extend to the buildings and facilities on which the community relies for a whole range of services, including recreation, arts and culture, places of heritage significance and tourism.
- Local Government is a legitimate and essential sphere of Government with the democratically enshrined mandate to raise revenue through rates to fund infrastructure and services for the benefit of their community. However, the imbalance of responsibility being placed on LG by cost shifting from other spheres of government cannot continue to be pushed to the rate payer to foot the bill. Areas where opportunity is available to support the side provision of LG services can be through bring the Financial Assistance Grants (FAG) back to 1% of the Commonwealth taxation revenue, as well as reviewing which entities can receive rate exemptions, for example, entities such as CBH are not required to pay rates yet produce multi-million-dollar profits.
 - The Shire of Morawa strongly support ALGA’s advocacy campaign to restore FAGs to one percent of Commonwealth taxation revenue, which was the level of funding provided in 1996. Since then, despite the Australia’s Gross Domestic Product growing strongly, FAGs funding has eroded to now represent approximately 0.55 percent of Commonwealth taxation revenue.
- The current legislative process for the imposition of differential rates is poorly timed and steeped in bureaucratic red tape. This process should be revised to remove the legislative burden, specifically the need to seek Ministerial approval in some instances. Ministerial input should only be required if the community feedback, after advertising, requests this action.

(f) any other related matters the Select Committee identifies as worthy of examination and Report.

- The Shire of Morawa has no comments at this time.