



# Regional Capitals Alliance

WESTERN AUSTRALIA

**Western Australian Regional Capitals Alliance  
Meeting**

**Minutes  
16 April 2020**

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# Agenda

## 1 OFFICIAL OPENING

Time: 10.05

## 2 RECORD OF ATTENDANCE

### Members:

Dennis Wellington	Mayor City of Albany (Chair)
Andrew Sharpe	CEO City of Albany
Sam Mastrolembo	CEO Shire of Broome
Gary Brennon	Mayor City of Bunbury
Malcolm Osbourne	CEO City of Bunbury
Grant Henley	Mayor City of Busselton
Mike Archer	CEO City of Busselton
Matthew Scott	CEO Shire of Esperance
Shane van Styn	Mayor City of Greater-Geraldton
John Bowler	Mayor City of Kalgoorlie-Boulder
John Walker	CEO City of Kalgoorlie-Boulder
Peter Long	Mayor City of Karratha
Chris Adams	CEO City of Karratha
Chris Antonio	Shire President Shire of Northam
Jason Whiteaker	CEO Shire of Northam
Fredrick Riebeling	Commissioner Town of Port Hedland
Carl Askew	CEO Town of Port Hedland
Paul Rosair	Executive Officer RCAWA
Jane Lewis	Executive Assistant to the Executive Officer RCAWA

**Dial in:** Meeting conducted via zoom conferencing

**Guests:** Nick Sloan; CEO WALGA,  
Mayor Tracey Roberts; President WALGA  
Hon. Nola Marino; Assistant Minister for Regional  
Development and Territories

**Apologies:** Harold Tracey Shire President of Broome  
Ross McKim CEO City of Greater Geraldton  
Ian Mickel Shire President of Esperance

### **3 DECLARATIONS OF INTEREST**

Nil

### **4 CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS**

**Attachment: 1. Outstanding Business Arising Items and Actions Sheet**

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**RESOLUTION :**

**That the Minutes of the Western Australian Regional Capitals Alliance Meeting held on Thursday, 13 February 2020, be confirmed as a true and correct record of proceedings.**

Moved: Peter Long  
Seconded: Grant Henley

**BUSINESS ARISING:**

**Outstanding Business Arising Items and Actions Sheet**

## RCAWA Outstanding Business Arising Items and Actions Sheet

ITEM	ACTION	STATUS	PRIORITY	COMMENTS	
		OS= Outstanding I= In Progress C=Complete OG=ON GOING	1=Urgent 2=high 3=moderate 4=low	<b>* = will be archived and will not show in future reports</b>	
<b>ADMINISTRATION, CORRESPONDENCE, ANNUAL REPORT, GENERAL BUSINESS</b>					
13/2/20	12. EPBC Act and EPA clearing control legislation review submissions	The EO will prepare a submission to the EPBC Act Review to be tabled and endorsed by the April meeting and submitted the following day.	OG	3	*See Item 11
13/2/20	8. Formal Presentations	Alliance to respond to the State Aviation Strategy before the 27 March 2020.	OG	3	EO requested extension
28/11/19	16. General Business	Dennis Wellington to investigate a regional deal for SpendMap.	OG	4	Mayor to action.
28/11/19	16. General Business	Albany to gather issues on behalf of the Alliance outlining problems with the recent local election processes.	OG	3	* Letter sent, see Correspondence
28/11/20	9. Executive Officer Four Monthly Report	That RCAWA write a letter to the State Government seeking an update on the status of the implementation of Machinery of Government reform initiatives	OG	3	*NFA- not going anywhere. EO wrote to Emily Roper. No response.
<b>WALGA WORKING GROUP – REVIEW OF STATE COUNCIL AND ZONES, STRUCTURES AND PROCESSES</b>					
28/11/19	16. Other Business - WALGA Working Group	Mayor Wellington attended meeting and provided update.	OG	4	*Currently in abeyance.
<b>MACWA AWARDS</b>					
28/11/19	14. MACWA	The Executive Officer, in consultation with the City of Bunbury, the MACWA ambassador and WALGA, continues to: <ul style="list-style-type: none"> <li>Refine the MACWA Awards process -provide support to nominees in the way of clearer expectations, guidelines and updated forms</li> <li>Review the categories, compare them to National Accessibility Awards and make recommendations re categories for 2019-20.</li> <li>Review the advertising and marketing of the MACWA Awards</li> </ul>	OG	3	See Item 10
<b>HEALTH ACT AND REGULATIONS DELEGATIONS PROPOSAL</b>					
28/11/19	16. Other Business	<ul style="list-style-type: none"> <li>EO to follow up invitation for Hon. Roger Cook, Minister for Health; Mental Health to attend an RCAWA meeting.</li> <li>EO to prepare a formal submission on behalf of the Alliance.</li> </ul>	OG		*Email sent, See correspondence meeting 13 Feb 2020.

DATE	ITEM	ACTION	STATUS	PRIORITY	COMMENTS
<b>BENCHMARKING AND BASELINING</b>					
28/11/19	11. Benchmarking and Baseline Framework	Report tabled. Completed benchmarking worksheets to be returned to City of Albany in Nov	OG	3	*Finalised report tabled at Feb 2020 meeting. Esperance and Port Hedland since included
<b>MODERNISING THE WA PLANNING SYSTEM</b>					
28/11/19	16. Other Business	Peter Long to write an email to the Reform Group on behalf of the Alliance.	OS	3	*Watching Brief Peter Long provided response. EO attended meeting, see Other Business
<b>WORKERS COMP AND INSURANCE</b>					
28/11/19	12. LGIS Workers Compensation	The Alliance send a delegation of members (as a minimum Karratha, Kalgoorlie and Albany) to meet with LGIS Executive to discuss and refine their earlier offer and in light of those discussions, consider conducting an EOI process for workers compensation insurance	OG	3	Andrew Sharpe to formulate Agenda and arrange a meeting with Nic Sloan ( and LGIS?) + 4 Alliance members on 18 April.
<b>FEDERAL CITY DEALS</b>					
1/8/18	7. Federal City Deals Selection	1. Letter to Premier of WA notifying him of the Alliance position and seeking the State's support to progress the Alliance's nomination to the next stage. 2. EO to request a meeting with the Premier (with a delegation from RCAWA) to discuss the City Deal proposal.	OG OG	2 2	* NFA Letter sent. EO met with Premier on 18-9-19 re the Alliances submission
<b>REGIONAL INVESTMENT FRAMEWORK</b>					
13/2/20	12. Investment Framework and Implementation Strategy	<ul style="list-style-type: none"> <li>The EO will advertise the EOI</li> <li>The Alliance nominated Chris Adams, Mike Archer, Andrew Sharpe and Matthew Scott to assess the EOI proposals and appoint the successful proponent before the 16 April meeting.</li> <li>The EO to manage the contract.</li> </ul>	OG	1	EO sent EOI to <ul style="list-style-type: none"> <li>KPMG</li> <li>Ernst and Young</li> <li>Price Waterhouse</li> <li>Deloits</li> </ul> Assessment deferred due to current situation
28/11/19	9. EO Report	EO met with Vaughn Davies 31/1/2020. Discussed the latest status of the Heritage Legislation reform and potential for the Alliance to participate in policy and By-law development. Also Discussed Aboriginal Heritage Act amendments and upcoming review	OG	3	EO will maintain dialogue with Vaughn Davies.
<b>ALTERNATIVE ENERGY STRATEGY</b>					
18/12/19	9. EO Report	EO met with Jessica Shaw MLA Swan Hills and Chair of the Economics and Standing Committee. Ms Shaw chaired the review of regional airfares and short stay accommodation and produced a report: Report 5 Implications Of A Distributed Energy Future Interim Report.	OG	3	EO to follow up what involvement the Alliance can have in the final report.
1/8/18	10. Alternative Energy Strategy.	EO to progress discussions with stakeholders with the aim of a) developing a MOU between the parties pertaining to alternative energy b) developing a RCAWA policy position/statement regarding renewable energy	I	3	EO to address when time permits.
12/4/18	16. Other Business	Information on current status of renewable energy initiative within the various RCAWA member localities be periodically updated/reviewed with the aim of updating and sharing on best-practice examples.	I	2	EO to address.
<b>LOCAL GOVERNMENT ACT REVIEW</b>					
13/02/2019	9. EO Tri-Monthly Report	On 6-11-19, Government announced the appointment of an expert review panel chaired by David Michael to consider and recommend high-level direction for a new Local Government Act.	OG		EO met with David Michael, Chair of the Review Panel. 3-2-20. Follow up meeting to be scheduled.

## 5 CORRESPONDENCE

**Date of Report:** 16 April 2020  
**Report Author:** Executive Officer – Paul Rosair  
**Disclosure of Interest:** Nil  
**Attachment(s)** Correspondence In and Out

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Correspondence in - Nil

Correspondence out:  
To Minister Stephen Dawson  
Date: 16 March 2020



Hon Stephen Dawson MLC  
Minister for Environment; Disability Services;  
Electoral Affairs  
12<sup>th</sup> Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Dear Minister

### Council Election Feedback

I am writing as Chairman of the Regional Capitals Alliance of Western Australia (RCAWA); an alliance comprising of 10 Regional Cities and Shires and representing half of the regional population of WA. RCAWA is a peak body, advocating for strategic planning for growth and investment in regional capitals. Each of the capitals are considered to have high capability and business prospects, positioning them as ideal locations in which to focus the attention of the government and industry to grow both the population base and economy of the state.

On behalf of the RCAWA, I would like to provide some feedback regarding the local government elections held in October last year.

Whilst acknowledging that the election process generally ran smoothly, the Alliance members feel that there could be improvements, or options available which would improve the process further.

Firstly, the change in Australia Post delivery systems delayed the arrival of some of the voting packages and some candidates did not attend the briefing session and hence distributed non-compliant electoral material that should have been removed.

One suggested solution is that capable local governments, such as those in the Alliance, be able to organise the distribution of voting packages, allowing for quality control, timeliness and delivery cost competition. Another option put forward is the option of electronic voting, and Alliance members would like to know if the Commission is investigating this possibility.

Secondly, given the costs incurred by Capitals for engaging the Electoral Commission services, the local governments are concerned about the level of work they were still required to do. This was expressed in the feedback from councils who advised their front counter and governance staff still needed to contribute significant hours in the lead up to, and after, the elections. Other feedback suggested that one Electoral Commission's appointed Returning Officer had a poor understanding of the process and the local government did not receive value for money as they ended up leading the process and yet had to pay for these services.

The suggested solution is that local governments be given the option to conduct the postal ballots and appoint their own Returning Officer. This would save councils significant amounts of money, usually paid to the Electoral Commission for these services and would allow a better level of quality control across the total process. Local Councils have a good track record of running in-person elections and feel that they could achieve similar results with postal delivery.

The Alliance would like the opportunity to meet with the Minister's Office to discuss their position and a possible way forward for the local governments involved.

Yours faithfully



Dennis Wellington  
Chair RCAWA

16 March 2020



27/3/2020

To Whom it May Concern

**RE: Draft WA Aviation Strategy 2020**

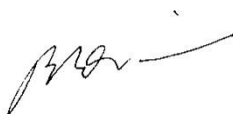
I am writing as Executive Officer of the Regional Capitals Alliance of Western Australia (RCAWA); an alliance comprising of 10 regional Cities and Shires and representing half of the regional population of WA. RCAWA is a peak body, advocating for strategic planning for growth and investment in regional capitals. Each of the capitals are considered to have high capability and prospects, positioning them as ideal locations in which to focus the attention of the government and industry to grow both the population base and economy of the state.

We believe that as a collaborative group we provide a unified voice for strategic commonalities on social and economic issues and a consistent regional investment strategy that supports sustainable regional growth.

The WA Aviation Strategy is exceedingly important for members of RCAWA, and as such we had intended on submitting a response to the draft document. Unfortunately, due to the pressing needs on the Alliance members as a result of COVID-19 response requirements, we have been unable to formulate a comprehensive response at this time.

It is our request that the Alliance be granted an extension for submission in the order of 4-6 weeks.

Kind regards and thank you for your consideration of our request.



Paul Rosair  
Executive Officer  
Regional Capitals Alliance of Western Australia

## 6 TREASURER’S REPORT FEBRUARY 2020

**Date of Report:** 16 April 2020  
**Report Author** Mayor – City of Greater Geraldton  
**Disclosure of Interests:** Nil  
**Attachments:**

### Purpose

The following notes are provided an explanation to the attached statements:  
 Nil

### RESOLUTION:

**That the Board receive and note the Treasurer’s Report for the period ending 31 March 2020 and the accompanying financial documents.**

Moved: Grant Henley  
 Seconded: Shane Van Styn

11:13 AM  
 02/04/20  
 Accrual Basis

### WA Regional Capitals Alliance Inc Profit & Loss Budget vs. Actual July 2019 through March 2020

	<u>Jul 19 - Mar 20</u>	<u>Budget</u>	<u>\$ Over Budget</u>
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
Interest received	50.13	100.00	-49.87
Membership Fee 2019/20	150,000.00	150,000.00	0.00
<b>Total Income</b>	<u>150,050.13</u>	<u>150,100.00</u>	<u>-49.87</u>
<b>Gross Profit</b>	150,050.13	150,100.00	-49.87
<b>Expense</b>			
Accountancy fees	605.00	1,100.00	-495.00
Audit fees	0.00	500.00	-500.00
Bank charges	100.88		
Donations	1,520.00		
Executive Support	58,440.90	85,909.00	-27,468.10
General expenses	220.00		
Meetings & Functions	1,268.35	2,000.00	-731.65
Projects	1,577.50	58,000.00	-56,422.50
Travelling expenses	697.60	2,500.00	-1,802.40
<b>Total Expense</b>	<u>64,430.23</u>	<u>150,009.00</u>	<u>-85,578.77</u>
<b>Net Ordinary Income</b>	<u>85,619.90</u>	<u>91.00</u>	<u>85,528.90</u>
<b>Net Income</b>	<u><u>85,619.90</u></u>	<u><u>91.00</u></u>	<u><u>85,528.90</u></u>

11:14 AM  
02/04/20  
Accrual Basis

**WA Regional Capitals Alliance Inc**  
**Balance Sheet**  
**As of March 31, 2020**

	<u>Mar 31, 20</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Chequing/Savings</b>	
WARCA Cheque Account	87,174.30
WARCA Savings Account	<u>47,545.75</u>
<b>Total Chequing/Savings</b>	<u>134,720.05</u>
<b>Total Current Assets</b>	<u>134,720.05</u>
<b>TOTAL ASSETS</b>	<b><u>134,720.05</u></b>
<b>LIABILITIES</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
Trade creditors	<u>1,668.25</u>
<b>Total Accounts Payable</b>	1,668.25
<b>Other Current Liabilities</b>	
Tax Payable	<u>-1,501.84</u>
<b>Total Other Current Liabilities</b>	<u>-1,501.84</u>
<b>Total Current Liabilities</b>	<u>166.41</u>
<b>TOTAL LIABILITIES</b>	<b><u>166.41</u></b>
<b>NET ASSETS</b>	<b><u>134,553.64</u></b>
<b>EQUITY</b>	
Opening Bal Equity	136,570.00
Retained Earnings	-87,636.26
Net Income	<u>85,619.90</u>
<b>TOTAL EQUITY</b>	<b><u>134,553.64</u></b>

## 7 FORMAL PRESENTATIONS

**Date of Report:** 16 April 2020  
**Report Author:** Executive Officer – Paul Rosair  
**Disclosure of Interest:** Nil  
**Attachment(s)**

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**Purpose:**

The Alliance to receive presentations from Nick Sloan; *CEO WALGA*, Mayor Tracey Roberts; *President WALGA* and the Hon. Nola Marino; *Assistant Minister for Regional Development and Territories*

**Background:**

Leading up to this meeting, Alliance members were canvassed about issues pertinent to the portfolios of the presenters: a consolidated list is provided in the discussion and has been forwarded to the relevant presenters as appropriate.

**Discussion:**

**10.05 am Presentation:**

Nick Sloan; *CEO WALGA* and Mayor Tracey Roberts; *President WALGA*

Topics:

Covid-19 WALGA Response Update as it relates to regional capitals

**10.30 am Presentation:**

Hon. Nola Marino; Assistant Minister for Regional Development and Territories

Topics:

Covid-19 Federal Response Update

**Link to Strategic Directions:**

Advocacy and Policy Influence  
Representation  
Partnership and Collaboration

**Budget Implications:**

Nil

**Recommendation:**

Nil

## 8 COVID-19

<b>Date of Report:</b>	<b>20 April 2020</b>
<b>Report Author:</b>	<b>Paul Rosair</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>Draft Communique</b>

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### **Purpose:**

To provide an opportunity for Alliance Members to discuss the impact of COVID-19, measures taken, content for a communique/media release and a RCAWA strategy for the future.

### **Background:**

COVID-19's effect on all aspects of local government is unprecedented. With some Federal government restrictions already in place, the State Government declared a State of Emergency under the Emergency Management Act and a Public Health Emergency under the Public Health Act on 31 March 2020 .

### **“State of Emergency measures**

The State of Emergency declaration provides the WA Government, the WA Police Force and the Chief Health Officer with the powers and flexibility they need to enforce quarantine and self-isolation measures, as was agreed at the National Cabinet meeting between the Prime Minister, State Premiers and Chief Ministers.

These nationally consistent measures include:

- Australia's borders will be closed to everyone except for Australian residents, citizens and their family members. Effective from 6.00pm or 1800 AWST Friday, 20 March 2020.
- Anyone arriving into Western Australia from overseas will be required to self-isolate for 14 days.
- From 1.30pm (WST) Tuesday, March 24, 2020, Western Australia will implement strict border controls for all access points – by road, rail, air and sea.
- Unless exempted, arrivals from interstate will be ordered to self-isolate for 14 days.
- The WA Police Commissioner is authorised to stop any non-Australian citizens or residents who arrive at WA ports on international cruise ships from disembarking. Those people will be required to stay on the ship, until arrangements have been made for them to be privately transported to the airport to fly to their home country. These orders will be made under the Emergency Management Act.
- All non-essential indoor gatherings of greater than 100 people (including staff) will no longer be permitted from Wednesday, 18 March 2020. A new one person per four square metres (2m x 2m) of floor space rule has been introduced. It applies to non-essential gatherings, in many different circumstances. It does not include places such as schools or the Parliament.

- Restrictions have been placed on travel to WA’s remote Aboriginal communities, with exceptions for delivery of essential services, medical reasons, family or cultural reasons.

These measures do not include impacts to schools, universities, public transport or airports.”

Since this declaration, numerous updates including limiting travel to regions, limitations of numbers of people being allowed to congregate both indoor and outdoor and further businesses being restricted from operating have also been put into place. The State Government’s advice is that “Western Australians should expect these measures to be reviewed and could be in place for at least 6 months”, although on 9 April the Federal Health Minister, Hon. Greg Hunt, was quoted as saying “We haven't changed our guidance over the 6-month period, ***but where we can take early steps that are safe, then we will obviously look to do that.***”

To facilitate a collaborative, supportive network, RCAWA CEO’s have been conducting weekly COVID-19 ring-arounds since 19 March 2020; providing each other with information and their Council’s approach to the pandemic response. A shared Drop Box has been set up which includes information on staff and elected members, disaster recovery and emergency action plans, council meetings, travel and operations, business stimulus and media releases and advocacy.

### **Discussion**

Whilst acknowledging that each capital is unique in resources and demographic, as an Alliance, RCAWA is in a unique position to show leadership and work with the State Government and the Federal Government to limit the impact of COVID-19 in the regions. It will also have the opportunity, if it wishes, to put forward a Regional strategy which looks to take advantage of early steps towards relaxation of social distancing regulations. This may put Alliance members at the forefront of economic recovery.

The EO has prepared a draft communique (attached) for discussion and feedback

### **Link to strategic Direction:**

Partnership and collaboration

Advocacy

### **RESOLUTION:**

**That the EO finalise a communique to be released on behalf of the Alliance which includes an Alliance community contribution figure.**

Moved: Chris Adams

Seconded: Sam Mastrolembo

**Attachment** – Draft Communiqué

“The Regional Capitals Alliance Western Australia (RCAWA) represents 10 Capitals across Regional WA and over 50% of the State’s Regional population.

In facing the current Covid-19 epidemic the Alliance has banded together to collaborate on a united front to immediately respond to the situation and develop a coordinated recovery and stimulus approach.

This will be done recognising the stimulus and recovery work being undertaken by both the State and Federal Governments.

“We want to compliment the State and Federal responses by complementing and building on their initiatives not replicating them” Chair, Dennis Wellington.

Leading into the recovery and stimulation phase the Alliance wants to work with the State and Federal Governments to provide leadership to Western Australian regional communities.

Given the isolation and relatively low rates of Covid-19 infections in our member Municipalities, the Alliance believes it’s members are well placed to provide a platform for recovery once restrictions commence being eased. “We stand ready to lead the State into the recovery phase and work with the State Government to stimulate our business community” he said.

Alliance members are implementing local measure such as a freeze on rates increases, deferral of payments and no penalties paid on late payments. Other measures include assisting local businesses, clubs and associations navigate their way through the quarantine period with lease relief and support packages”

## 9 EPBC ACT REVIEW SUBMISSION

**Date of Report:** 16 April 2020

**Report Author:** Paul Rosair

**Disclosure of Interest:** Nil

**Attachment(s)** EPBC Act Review Submission

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### **Purpose**

To table and discuss the proposed Alliance submission to the EPBC Act Review.

### **Background**

Over the past number of years, Alliance members have expressed concern about arduous approval and reporting processes associated with the EPBC Act and EPA Clearing Control Legislation when undertaking local government development projects.

Fortuitously, a statutory review of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) commenced on 29 October 2019, providing the ideal opportunity to express their issues and to suggest improvements to the process and legislation surrounding this Act. Coincidentally, Minister Stephen Dawson announced that he is seeking feedback on improving environmental legislation and proposed changes to the clearing provisions.

Professor Graeme Samuel AC has been appointed as the independent reviewer for the EPBC Act Review. An Expert Panel will support and provide advice to Professor Samuel on specific issues. Over the next 12 months, the review will look at how the EPBC Act has been operating, and any changes needed for Australia to support ecologically sustainable development into the future. All Australians are invited to participate in the review.

### **Discussion**

The Executive Officer has compiled a response to the questions based on his previous experience in government, his knowledge of industry and a compilation of Alliance member's issues, challenges and possible changes to the EPBC Act.

### **Link to Strategic Directions**

Advocacy and Policy Influence

### **Budget Implications**

Nil

### **RESOLUTION:**

**That the EO submits the EPBC Act Review submission on 17 April 2020**

**Moved:** Peter Long

**Seconded:** Grant Henley



**Attachment:****Independent review of the EPBC Act****Submission from Regional Capitals Alliance of Western Australia****1.0 BACKGROUND**

The statutory review of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) commenced on 29 October 2019. This submission collates the issues raised by the Regional Capitals Alliance of Western Australia (RCAWA) in relation to the scope of the review.

The review is addressing the operation of the EPBC Act, and the extent to which the objects of the Act have been achieved.

The initial consultation phase, due for completion in April 2020, is identifying “those areas where reform will deliver the greatest benefit for the environment, business, and the community, while maintaining strong environmental standards”.

**2.0 REGIONAL CAPITALS ALLIANCE**

The Regional Capitals Alliance of Western Australia (RCAWA) is an alliance comprising of 10 regional cities and shires and representing half of the regional population of WA . Our members are the 10 Mayors and 10 CEOs from each of those capitals.

RCAWA is a peak body, advocating for strategic planning for growth and investment in regional capitals. Each of the capitals are considered to have high capability and prospects, positioning them as ideal locations in which to focus the attention of the government and industry to grow both the population base and economy of the state. We believe that as a collaborative group we provide a unified voice for strategic commonalities on social and economic issues and a consistent regional investment strategy that supports sustainable regional growth and, as such, are well placed to assist the Federal Government to achieve their objectives and priorities in regional Western Australia.

The RCAWA requests the opportunity to participate in the forthcoming targeted round, including through a presentation to the review panel should the opportunity arise.

**3.0 SCOPE OF REVIEW AND ISSUES RAISED**

RCAWA responses to the questions raised in the first phase of the review are provided below.

**3.1 QUESTION 1**

*Some have argued the past changes to the EPBC Act to add new matters of national environmental significance did not go far enough. Others have argued it has extended the regulatory reach of the Commonwealth too far. What do you think?*

Environmental protection is largely the responsibility of relevant State agencies. While efforts have been made to streamline and simplify processes through bilateral agreement arrangements, there remain some issues which need to be considered. These include –

- Lack of referral guidelines for certain species and communities makes it hard to assess whether a project will have a ‘significant’ impact.
- The ‘significant impact’ self-assessment process is very subjective.
- Some existing referral guidelines are outdated and in need of review e.g. Western Ringtail Possum guidelines should be updated to account for recent work by the WA Department of Biodiversity Conservation and Attractions (DBCA) which accurately assesses the habitat value of bushland rather than the current blanket approach by the Federal Government.
- Cost recovery measures apply equally to projects being undertaken for the public good (e.g. road improvements) as well as private development. Cost recovery exemptions should exist for government projects undertaken for the public good.
- Offset requirements should also be exempt for government/public projects.
- There is currently considerable lack of flexibility for approval conditions which makes it difficult to modify projects and their offset arrangements, even when a better way of doing things has emerged. The process should have greater flexibility introduced to enable approval conditions to be varied more easily, particularly where improvements are identified.
- Continued shifts towards outcomes-based conditions, rather than prescriptive methodological requirements, is needed.
- Some duplication of protection occurs between Commonwealth and State laws. While steps have been taken to address this in part through the assessment bilateral agreement, which allow the state government to assess projects under both State and Commonwealth laws, the approval of projects under the EPBC Act is still undertaken by the Commonwealth Government. The *approvals* bilateral agreement needs to occur as a matter of urgency in order to enable a true ‘one stop shop’ approach whereby State Governments undertake both the assessment and approval of projects under both tiers of legislation.

### 3.2 QUESTION 2

*How could the principle of ecologically sustainable development (ESD) be better reflected in the EPBC Act? For example, could the consideration of environmental, social and economic factors, which are the core components of ESD, be achieved through greater inclusion of cost benefit analysis in decision making?*

There is insufficient consideration given to social, economic and cultural implications of developments referred for assessment under the EPBC Act. The Act allows for these matters to be considered, at times outweighing the ability of State processes to consider such matters, but further effort is required in the implementation.

The inclusion of scalable cost benefit analysis (CBA) requirements would enable economic considerations to be more fully undertaken and evaluated. By scalable, it is intended that smaller projects require less intensive (and costly) CBAs to be undertaken.

More consideration should be given to social and social outcomes, particularly where Indigenous / Traditional Owner organisations are party to a project or are the proponent for projects on Aboriginal land. Aboriginal knowledge regarding long term environmental trends and changes in a particular project area should be considered in assessment processes.

For example, where land use change over many years has affected the landscape, resulting in catchment and/or groundwater changes. Landscape scale woody weed growth, such as is evident in parts of the Kimberley with acacia, has downstream consequences for river flow through the lowering of water tables and subsequent discharge. Clearing of woody weed areas would likely increase groundwater levels, thereby increasing discharge into nearby rivers (back to former conditions) and potentially increase habitat for EPBC-listed aquatic fauna. However, there is a social disinclination against clearing, particularly where listed terrestrial and avian species (eg Bilbies and Ramsar-listed birds) may be thought to be present (despite declining habitat quality due to the weeds presence). How can the competing outcomes be managed? Is improving aquatic habitat more important or less important than terrestrial habitat, for listed species? How can the positive environmental outcomes of a proposal be considered? How can the knowledge of Aboriginal Elders regarding former landscape condition be integrated into the decision-making process?

Other examples of ‘how to factor in positive changes’ include the impact upon Ramsar-listed birds. There are many proposals for irrigated agriculture in northern Australia. Adding water to the environment *increases* habitat for wetland birds. Yet under EPBC review requirements, projects are still flagged as ‘impact on Ramsar birds’ and therefore technically require referral, even where positive impacts will occur, adding time, cost and administrative burden.

### **3.3 QUESTION 3**

*Should the objects of the EPBC Act be more specific?*

The objects of the EPBC Act should be more specific, and should be expanded to include balancing economic, social and environmental outcomes, including positive environmental change, if the principles of ESD are to be fully captured.

For example, Objective (C) states ‘to promote the conservation of biodiversity’. How does this apply where a proposal may improve one form of biodiversity (eg irrigation → wetlands → Ramsar birds, per the example given in Question 2)?

### 3.4 QUESTION 4

*Should the matters of national environmental significance within the EPBC Act be changed? How?*

The listed Matters of National Environmental Significance (MNES) at times conflict with State lists. For example, Gouldian Finch (*Erythrura gouldiae*) is listed as *Endangered* under the EPBC Act, and Priority 4 (*Rare, near threatened and other species in need of monitoring*) under the WA Biodiversity Conservation Act 2016. This geographic discrepancy needs to be addressed in the implementation of the Act, in order to clarify requirements for proponents.

### 3.5 QUESTION 5

*Which elements of the EPBC Act should be priorities for reform? For example, should future reforms focus on assessment and approval processes or on biodiversity conservation? Should the Act have proactive mechanisms to enable landholders to protect matters of national environmental significance and biodiversity, removing the need for regulation in the right circumstances?*

The assessment and approval elements of the EPBC Act should be the priorities for reform in view of their significant impacts on local government. The act should focus on the implementation of strategic approaches and assessments of developments to facilitate environmentally sustainable outcomes. While this strategic framework would apply to a broad range of issues in local government, an example includes fire management plans which are currently very topical.

The compliance and enforcement provisions should include a good faith defence to protect landholders in certain circumstances where they have followed the mechanisms and processes prescribed but may not have achieved the desired outcomes.

### 3.6 QUESTION 6

*What high level concerns should the review focus on? For example, should there be greater focus on better guidance on the EPBC Act, including clear environmental standards? How effective has the EPBC Act been in achieving its statutory objectives to protect the environment and promote ecologically sustainable development and biodiversity conservation? What have been the economic costs associated with the operation and administration of the EPBC Act?*

The high level concern that the review should focus on is minimising the burden of the assessment and approvals elements of the Act on local government in the interests of equity and maximising compliance with the Act's provisions. Several improvements that could be made include:

- Providing more guidance on instances in which referral should occur – the existing significant impact guidelines are a good approach; however, some are now outdated in view of contemporary practice and knowledge (e.g. the Western Ringtail Possum significant impact guidelines doesn't reflect recent habitat assessments)

undertaken by the WA Department of Biodiversity, Conservation and Attractions) whilst many Matters of National Environmental Significance lack such guidance altogether.

- Providing cost recovery exemptions for projects undertaken for the public good. Local government is the least financially equipped of the three tiers of government in Australia and yet it delivers many critical functions for the public good. It is incumbent on the Commonwealth Government, as the most financially equipped tier, to aid local government in performing its functions for the community by minimising the fees that it charges.
- Improving post-approval flexibility. There is currently a considerable lack of flexibility for amending approval conditions owing to the Act's formal approval and delegation structure, which makes it difficult to modify projects and their offset arrangements, even when a better way of doing things emerges. The process should have greater flexibility introduced to enable approval conditions to be varied more easily, particularly where improvements are identified.
- Introduction of an Approvals Bilateral Agreement. Some duplication of environmental protection effort occurs between Commonwealth and State laws. While steps have been taken to address this in part through the assessment bilateral agreement with the Western Australian government, the approval of projects under the EPBC Act is still undertaken by the Commonwealth government in this state. The approvals bilateral agreement needs to occur as a priority in order to enable a true 'one stop shop' approach whereby the WA government is empowered to undertake both the assessment and approval of projects under both sets of legislation. This will reduce initial and ongoing administrative and compliance costs.
- Reducing annual reporting to triennial would allow for improved focus on outcomes rather than compliance with prescriptive condition output requirements. This is integral to a streamlined and outcomes-based approach to approvals.
- Project development time delays in completing monitoring requirements and obtaining approvals can have greater implications than the actual costs of completing monitoring.
- There is a significant and real risk that the outsourcing of assessments to academia and privately operating species experts will result in personal species' interests of the reviewing party impacting upon the monitoring and assessment requirements. This is particularly so where academia is seeking additional research work/engagement and (whether consciously or sub-consciously) manipulates recommendations to meet personal or academic goals. For example, where an independent assessor sees future PhD opportunities arising from the impact of a proposal, this can translate into recommendations for more proponent-funded, costly, time-consuming and possibly unnecessary research. This trend has been observed in past assessment processes and needs to be considered very carefully when the Commonwealth Department of the Environment and Energy outsources reviews of proponent environmental submissions.
- The Act is cumbersome and complex and must incorporate clear guidance, frameworks and mechanisms, accompanied by effective communication to better facilitate environmental and biodiversity outcomes.

### 3.7 QUESTION 7

*What additional future trends or supporting evidence should be drawn on to support the review?*

Current environmental condition does not necessarily indicate the natural state. Local Aboriginal historical knowledge, particularly where Aboriginal groups seek to benefit from the outcomes of proposals, should be more readily taken into account. This may appear to be a conflict of interest, but in communities where Aboriginal economic development is essential, it is vital. Local government will benefit where sustained, long term Aboriginal economic development occurs. This is significantly more than the default ‘more funding for rangers’ position that has long underpinned investment in Aboriginal land management.

### 3.8 QUESTION 8

*Should the EPBC Act regulate environmental and heritage outcomes instead of managing prescriptive processes?*

Yes. This is essential. Regulating outcomes will provide clear goals/targets to be met. The outcome should be clearly defined – for example, ‘no decline in the quality of water supporting xyz listed aquatic species’, or ‘no decline in the area of wetland habitat for Ramsar listed birds in Ramsar listed areas’. Prescriptive processes are administratively burdensome, costly (due largely to reporting frequency requirements), and time consuming and difficult to amend through variation processes when improved knowledge or management practices become available.

The WA Environmental Protection Authority is working towards a more outcomes-based approach to environmental management, indicated through its current Environmental Management Plan (EMP) guidelines. Streamlining the EPBC approach to align with the WA EPA requirements would be a sound approach.

### 3.9 QUESTION 9

*Should the EPBC Act position the Commonwealth to take a stronger role in delivering environmental and heritage outcomes in our federated system? Who should articulate outcomes? Who should provide oversight of the outcomes? How do we know if outcomes are being achieved?*

Our members report that their experiences with referrals have been confusing, cumbersome, resource-heavy and time-consuming with an underwhelming outcome still requiring a subsequent referral under the WA Environmental Protection Act. We support any system that will reduce this level of complexity, such as bilateral agreements or state office representation. We also support a consistent approach across states and territories, which also allows for geographic differences to be accommodated. For example, where a species is listed for conservation in other parts of Australia and therefore MNES-listed under the EPBC Act, but is not threatened in WA. Any approaches need to accommodate such differences.

### 3.10 QUESTION 10

*Should there be a greater role for national environmental standards in achieving the outcomes the EPBC Act seeks to achieve?*

*In our federated system should they be prescribed through:*

- *Non-binding policy and strategies?*
- *Expansion of targeted standards, similar to the approach to site contamination under the National Environment Protection Council, or water quality in the Great Barrier Reef catchments?*
- *The development of broad environmental standards with the Commonwealth taking a monitoring and assurance role? Does the information exist to do this?*

Where processes and broad standards are prescribed, there is significant risk that scale and geographic issues, particularly in relation to the implementation of current best (monitoring or management) practices, will create excessive cost and compliance requirements, particularly for regional local governments and proponents. If proponents are restricted from proceeding due to the cost of obtaining approvals and complying with prescriptive requirements, local governments will be impacted due to lost opportunities for regional economic growth.

An example of this relates to best practice guidelines (eg monitoring frequencies) for small, urban-scaled projects where, say, 1-5ha may be proposed for development. In regional areas, larger scale projects (200ha plus) are often expected to meet the same intensive monitoring requirements as small city projects. This is not feasible, particularly in landscapes like the Pilbara and Kimberley. Scale must be taken into consideration, and prescriptive processes cannot do this effectively. Scale assessments must consider that regional and remote areas have different circumstances than urban or semi-urban areas for which procedures and guidelines have been drawn.

### 3.11 QUESTION 11

*How can environmental protection and environmental restoration be best achieved together?*

- *Should the EPBC Act have a greater focus on restoration?*
- *Should the Act include incentives for proactive environmental protection?*
- *How will we know if we're successful?*
- *How should Indigenous land management practices be incorporated?*

The focus of EPBC Act should remain on biodiversity conservation and should not substitute 'restoration' for conservation. Restoration can require significant maintenance and is subject to weed and pest invasion. The costs of doing this are often shifted to Local Government.

Local Governments are concerned that there is a risk of not reaching appropriate biodiversity and environmental targets and outcomes, should post-approval restored areas be passed onto Local Governments to manage.

Areas of national significance, if no longer recognised through the EPBC Act, potentially lose their status of global international significance. Also, if not managed by the Commonwealth, Local Governments could lose potential avenues of funding to protect these values. Bilateral or other agreements could manage this risk.

Conservation management plans for heritage places of significance are useful. Although there is a general move away from separate management plans to ensure holistic landscape planning, management plans still have value at local scale. Such plans should be required at an earlier stage of redevelopment to ensure a level of certainty about any development proposal.

Current and new proponents should not be required to shoulder the cumulative impacts/restoration costs of previously approved projects or developments which occurred prior to current legislation being enacted.

### **3.12 QUESTION 12**

*Are heritage management plans and associated incentives sensible mechanisms to improve? How can the EPBC Act adequately represent Indigenous culturally important places? Should protection and management be place-based instead of values based?*

Culturally important places should be recognised under relevant State legislation. There is the risk of duplication, thereby duplicating costs and administrative requirements, and increasing confusion if Indigenous culturally important and heritage places are not dealt with under State-based Acts. Heritage management plans should be dealt with under State requirements, and should be tailored to Traditional Owner needs and expectations at the appropriate geographic scale.

### **3.13 QUESTION 13**

*Should the EPBC Act require the use of strategic assessments to replace case-by-case assessments? Who should lead or participate in strategic assessments?*

The Act and associated processes should be amended to place greater emphasis on strategic assessments, funded proactively by the Commonwealth government. This must include baseline assessments of all listed MNES in the strategic assessment areas, so that future proponents can add to but not be the sole contributor to place-based environmental information.

The objectives of target groups can be clearly articulated through strategic assessment processes – for example, local government, environmental organisations and Native Title holding groups. Strategic assessments also provide the opportunity to utilise new technologies (eg remote sensing and online databases) and to provide data to allow for single-source, streamlined decision-making advice to the three tiers of government.



The current piecemeal project-by-project assessment approach is suboptimal. It doesn't easily provide for landscape-scale conservation and requires significant expenditure by proponents in navigating approvals requirements. Strategic assessment is a better approach as it enables conservation issues to be dealt with at a larger scale and for development to proceed unfettered in the most appropriate locations. The risk is that strategic assessment may add just another layer of bureaucracy if it does not reduce the approval process and time frames of subsequent project proposals within the strategic assessment areas.

There is a concern from our membership with strategic approvals as opposed to case-by-case approvals, in that over time project operational works can change, and different ecological communities and values can exist over a larger area. One overarching application and subsequent approval may not sufficiently cover protection of environmental values over duration of project, nor over areas of significance. Individual proponents can therefore add to strategic assessment.

Regional and landscape-scale approaches to environmental assessments may have implications for cross-tenure bioregional and strategic planning and decision-making, and this needs to be considered during the assessment processes.

There is a need for a single, combined list of national and state threatened species and communities to inform and improve environmental impact assessment processes at local government level. An integrated representative reserves system could be developed as this would assist local governments in prioritising reserves through relevant local biodiversity prioritisation frameworks, to guide investment.

### **3.14 QUESTION 14**

*Should the matters of national significance be refined to remove duplication of responsibilities between different levels of government? Should states be delegated to deliver EPBC Act outcomes subject to national standards?*

The existing Matters of National Environmental Significance generally work well in complementing state-level environmental priorities and provide an extra layer of surety that Australia's international obligations will be met (i.e. the existing MNES do not need to be modified). However, in the interests of minimising the assessment burden on proponents, the delegation of responsibility for both EPBC Act assessments and approvals to the state governments should occur as a priority. An assessment bilateral agreement is in place with the Western Australian government; however, an approvals bilateral agreement is yet to be realised and is greatly needed.

**3.15 QUESTION 15**

***Should low-risk projects receive automatic approval or be exempt in some way? How could data help support this approach? Should a national environmental database be developed? Should all data from environmental impact assessments be made publicly available?***

It has been identified that automated decision making authorising low-risk projects could potentially miss environmental values through inadequate data or incompetent data analysis by untrained personnel. There is also a concern that making data for Environmental Impact Assessments (EIA's) publicly available could increase the risk of sensitive data being widely known which could potentially put environmental values at risk.

Greater emphasis on significant impact guidelines would assist proponents in making a self-assessment on the need for referral. The current guidelines have proven themselves to be a good approach; however, many MNES lack such guidelines and in some instances existing guidelines are in need of revision

**3.16 QUESTION 16**

***Should the Commonwealth's regulatory role under the EPBC Act focus on habitat management at a landscape-scale rather than species-specific protections?***

This approach would enable States to focus on species at appropriate geographic scales and in relevant localities, and provide for a clearer differentiation of responsibilities.

The Alliance strongly supports landscape-scale solutions for habitat management as opposed to species-specific, given the potential of this approach to deliver a streamlined and inclusive conservation approach. The Alliance further supports State management of landscape-scale for habitat management for land within the State's jurisdiction, and Commonwealth's jurisdiction for habitat management on Commonwealth land and across state boundaries.

**3.17 QUESTION 17**

***Should the EPBC Act be amended to enable broader accreditation of state and territory, local and other processes?***

To date, the integration of the EPBC Act and state and local government land use planning has been limited. Arguably, EPBC Act assessments should occur during early phases of the planning system (e.g. during strategic planning activities and the drafting of schemes) rather than at the final development phase given the significant resources that are expended in progressing planning proposals to the final stages. This issue could be addressed by introducing explicit links between the EPBC Act and State government planning legislation that require EPBC Act assessments to occur early in the planning system, where relevant.

The proposal to rely on State and Territories to address Matters of National Environmental Significance where it does not cross geographical management boundaries could streamline the process. Consideration should be made to ensure that each State and Territory have laws, processes and standards that are consistent with Commonwealth law.

### **3.18 QUESTION 18**

*Are there adequate incentives to give the community confidence in self-regulation?*

We are not sure that incentives are needed. What would be more important to ask is “are there enough checks and balances to give the community confidence in self-regulation?” Self-regulation is an essential tool to administer the legislation given the resources of government to conduct regulation of industry. Random audits, with significant penalties for non-compliance, of self-regulation by industry should be undertaken as an alternative to government conducting government regulation.

### **3.19 QUESTION 19**

*How should the EPBC Act support the engagement of Indigenous Australians in environment and heritage management?*

- *How can we best engage with Indigenous Australians to best understand their needs and potential contributions?*
- *What mechanisms should be added to the Act to support the role of Indigenous Australians?*

The RCAWA supports early and genuine engagement with Indigenous community, however this could prove difficult in practice where there are no Indigenous liaison avenues or where knowledge is unknown, or alternatively where contrary views are held between Indigenous persons within the community. State processes under, for example, the Aboriginal Heritage Act, and as a result of Native Title determinations under Commonwealth legislation, should be utilised wherever possible and not duplicated within the EPBC Act.

### **3.20 QUESTION 20**

*How should community involvement in decision-making under the EPBC Act be improved? For example, should community representation in environmental advisory and decision making bodies be increased?*

The RCAWA supports the notion of a code-of-practice to be developed as a guiding document to involve and engage community in environmental approvals processes on larger projects where relevant, to complement local and State-required community engagement processes. This would require clear accompanying guidelines on where it was applicable, and identify assessments which could be exempt from community input or consultation.

The RCAWA also supports the idea of greater involvement with the community, however there is concern with the broad ranging statement such as ‘advisory bodies required to have greater community membership’ as it could enable selective members of the community with known bias values or vested interests be chosen to sway majority based decisions with

pre-determined views. It would be pertinent to ensure that representatives from various stakeholder groups with differing views were represented as a committee or advisory body. Such processes, if mandated under changes to the EPBC Act, would need to ensure that assessment processes are not delayed unnecessarily by forced stagnation. Regional development objectives could easily be impacted if representatives of community advisory bodies chose to delay or impede decision-making as a means to prevent approvals.

An advisory body for decision making could be a positive initiative if representatives on the community advisory board had expertise to make better informed decisions. A single office-holder could potentially be exposed to lobbying and bias by interested stakeholders and it would be better if this role was in conjunction with an advisory board. The Western Australian government convened “tripartite” reference groups in 2005 with ALCOA, comprising government, industry and community which proved very successful. This model could be revisited and used as a best practice study.

### **3.21 QUESTION 21**

*What is the priority for reform to governance arrangements? The decision-making structures or the transparency of decisions? Should the decision makers under the EPBC Act be supported by different governance arrangements?*

The priority for reform is the decision-making structures. Consideration should be given to altering the existing governance model in the interests of improving pre-approval timelines and post-approval flexibility to enable approval conditions to be varied more easily, particularly where improved approaches and practices are identified. The establishment of approvals under an overall outcomes-based (rather than prescriptive) approach would assist with this latter issue.

### **3.22 QUESTION 22**

*What innovative approaches could the review consider that could efficiently and effectively deliver the intended outcomes of the EPBC Act? What safeguards would be needed?*

Delegation of the objects and administrative responsibilities of the Act to the states within relevant policy frameworks.

### **3.23 QUESTION 23**

*Should the Commonwealth establish new environmental markets? Should the Commonwealth implement a trust fund for environmental outcomes?*

Enabling the EPBC Act to incorporate ecosystem markets encourages the idea of ‘offsets’ rather than biodiversity protection. Offsets and restoration are not substitutes for, and fall short of, biodiversity protection and conservation of environmental areas of significance. The EPBC Act is not the appropriate forum by which to promote these incentives. The role of the EPBC Act should remain as regulatory and compliance focused to ensure retention of protection of environmental and biodiversity values.

Offsets should not be limited to just environmental but extended to economic, social and cultural and should probably be restricted to within the project geographical area or if not applied at a local regional scale.

### 3.24 QUESTION 24

*What do you see are the key opportunities to improve the current system of environmental offsetting under the EPBC Act?*

The current environmental offset approach could be improved by the Commonwealth government working with state and local governments to identify priority sites for use as environmental offsets in the future. Proponents could then be given the opportunity to select these pre-identified offset options rather than to devise their own, with incentives could be offered to encourage proponents to use the pre-identified offsets. Such an approach would be of assistance in maximising environmental offset outcomes.

### 3.25 QUESTION 25

*How could private sector and philanthropic investment in the environment be best supported by the EPBC Act?*

- *Could public sector financing be used to increase these investments?*
- *What are the benefits, costs or risks with the Commonwealth developing a public investment vehicle to coordinate EPBC Act offset funds?*

Refer to other responses

### 3.26 QUESTION 26

- ***Effective Protection of Australia’s environment***  
*Protecting Australia’s unique environment and heritage through effective, clear and focussed protections for the benefit of current and future generations.*
- ***Making decisions simpler***  
*Achieving efficiency and certainty in decision making, including by reducing unnecessary regulatory burdens for Australians, businesses and governments.*
- ***Indigenous knowledge and experience***  
*Ensuring the role of Indigenous Australians’ knowledge and experience in managing Australia’s environment and heritage.*
- ***Improving inclusion, trust and transparency***  
*Improving inclusion, trust and transparency through better access to information and decision making, and improved governance and accountability arrangements.*
- ***Supporting partnerships and economic opportunity***  
*Support partnerships to deliver for the environment, supporting investment and creating new jobs.*
  - ***Integrating planning***  
*Streamlining and integrating planning to support ecologically sustainable development.*

*Do you have suggested improvements to the above principles? How should they be applied during the review and in future reform?*

Refer to other responses

### **3.27 QUESTION 27**

*Is the EPBC Act delivering what was intended in an efficient and effective manner?*

No, the current system is inefficient and is ineffective and, from a pure cost verses benefit, is not achieving the intentions of the Act.

### **3.28 QUESTION 28**

*How well is the EPBC Act being administered?*

The administration of the EPBC Act is considered to be limited by the resources available to and in the Department of Environment and Energy. This has created a state of confusion with changing staff and services, and limited communication to existing proponents between reporting rounds. Proponents, including local governments, are uncertain about to whom they should be speaking about existing and future proposals.

By transferring all administration and approvals processes to State governments under assessment, approval and implementation/monitoring/reporting bilateral agreements, not only will duplication be removed, but the unnecessary administrative confusion will be mitigated.

There is also a perception the personal beliefs and opinions often drive and overly influence policy development and approval decisions

### **3.29 QUESTION 29**

*Is the EPBC Act sufficient to address future challenges? Why?*

No, refer to other responses

### **3.30 QUESTION 30**

*What are the priority areas for reform?*

Reduce timeframes, costs and complexity of approval processes

### **3.31 QUESTION 31**

*What changes are needed to the EPBC Act? Why?*

Refer to other responses

### **3.32 QUESTION 32**

*Is there anything else of importance to you that you would like the review to consider?*

The RCAWA is generally supportive of WALGA's submission from December 2019 and strongly acknowledges the need to review and implement appropriate legislation to balance the protection of Australia's environment with the efficiency in doing so.

Any revision made to the EPBC Act should trigger a review of State legislation to ensure consistency of interaction and bilateral approaches.

## 10 MACWA

<b>Date of Report:</b>	<b>20 April 2020</b>
<b>Report Author:</b>	<b>Executive Officer, Paul Rosair</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>Nil</b>

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**Purpose:**

To update the Alliance members on the current status of the 2020 MACWA Awards

**Background:**

The MACWA Awards have been conducted over the last two years. At the completion of last year's awards, a feedback exercise was conducted, resulting in the recognition that the processes could be streamlined, and the categories changed so that local governments could enter one or more at their own discretion, instead of completing all.

**Discussion:**

Recognising the pressure on local councils at this time due to the impact of Covid-19, it would seem inappropriate to impose further (and “out of focus”) work on them.

**Link to strategic Direction:**

Partnership and collaboration

**RESOLUTION:**

- **That the 2019-2020 MACWA Awards be deferred until 2021 and that it will be advertised as a two-year nomination at that time (2019-2021).**
- **That the Executive Officer write to all the 2018-2019 nominees and judges and advise the decision to defer the Awards.**

**Moved:** John Walker

**Seconded:** Grant Henley



# 11 EXECUTIVE OFFICER BI- MONTHLY REPORT (FEBRUARY–MARCH 2020)

<b>Date of Report:</b>	<b>16 April 2020</b>
<b>Report Author:</b>	<b>Executive Officer – Paul Rosair</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s):</b>	<b>Executive Officer Bi-Monthly Report – February 2020 – March 2020</b>

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**Purpose:**

To update RCAWA on the Executive Officer services provided for the period February 2020 to March 2020 inclusive.

**Background:**

The Executive Officer has been engaged for 38 months and has had further meetings with Alliance members (one-on-one and as a group) and key government, industry and political stakeholders. This report (attached) provides information about the services provided under the following main headings:

- Summary of two-monthly actions
- Stakeholder engagement
- Issues and Opportunities
- Time Allocation

**Discussion:**

As required.

**Link to Strategic Directions:**

Advocacy and policy Influence  
Partnership and collaboration  
Representation

**Budget Implications:**

As per 2019/2020 approved RCAWA budget.

**RESOLUTION:**

**That the information be received.**

**Moved:** Chris Adams

**Seconded:** Sam Mastrolembo

# Executive Officer BI-MONTHLY REPORT

**PREPARED FOR: RCAWA**  
**FEBRUARY-MARCH 2020**



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## Section 1: Summary of Three-Monthly Actions

I have been performing the Executive Officer role for four years. Over the past two months I have had further meetings with Alliance members (one-on-one and as a group), key government, industry and political stakeholders. On behalf of the group, I have been working on the following:

- **Investment Framework Strategy** – as requested by the Alliance the EO developed an EOI for the provision of services to refine the Alliances investment framework as a basis of a submission to the State Government. As per the resolution from the meeting 13 February 2020 the EO worked with a delegated team of CEOs to finalise the EOI and go to the marketplace to engage a suitably qualified company to develop the Investment Framework and Implementation strategy. Companies invited to submit a proposal included:
  - PricewaterhouseCoopers
  - Deloitte
  - Ernst & Young
  - KPMG

Only two proposals were lodged by the 8<sup>th</sup> April: PricewaterhouseCoopers/Mann Advisory, and Main Sheet (recommended by KPMG). These consultants both showed high levels of interest and phoned on numerous occasions to get clarity around the project. In speaking with prospective consultants, I have advised that the Investment Framework strategy will need to be cognisant of the COVID-19 situation. An EOI selection framework is being developed and sent to the Alliance EOI panel to assist with evaluation.

**EPBC Act Review Submission:** Completed a draft submission on behalf of the Alliance using EO personal knowledge of the government legislation and its effects on Local Government and industry in conjunction with responses received from Alliance members. Draft to be presented to the Alliance at the April meeting with submission required on 17 April 2020.

**RCAWA Benchmarking Framework:** Following on from the February 2020 meeting where the first Benchmarking Framework was presented to the members, the EO has been working with Steve Grimmer from Albany and the Alliance members representatives to include figures now received from Esperance and Port Hedland.

**WA Planning System Review:** This matter continues to be on the table. After numerous attempts to develop a white paper for consultation the Government decided to change tact. It formed a working group and developed a number of priority areas to look at reform issues. The EO attended the second Local Government Stakeholder Reference Group, on behalf of the RCAWA, on 17 March 2020.

**COVID-19 Response CEO Group:** EO, in conjunction with the Secretariat, has facilitated weekly CEO ring-arounds including agendas, information tabulation, creation of a shared drop box and is currently working on a press release/communique on behalf of the RCAWA.

**Review of Local Government Act 1995** – As an ongoing activity, I continue to liaise and advocate with relevant government and industry bodies regarding the Local Government Act Review. Met with Hon David Michael MLA, Monday 3<sup>rd</sup> February who is chairing the Expert panel on the Review into the Local Government act. David committed to meet with a delegation of Alliance members to discuss critical issues and potential changes to the Act

Scheduled to meet with Jodie Holbrook, new Project manager for the review. to maintain the Alliances involvement in the reform agenda and to pursue opportunities to influence.

**RCAWA Secretariat Arrangements** – The EO and EA met with Chair, Dennis Wellington and Secretary, Andrew Sharpe in Perth to discuss meeting arrangements and outstanding actions report. To simplify the report, actions in abeyance will be moved to the archive register after the April meeting and administrative matters will not be included from now on.

Website update – In its current state, the RCAWA website does not have an interface which will allow for the Alliance to add items such as the meeting minutes, annual reports and submissions. The EO has, with the consent of the Secretariat, sourced a Web developer to fix the RCAWA website. Still in progress.

**Actions and Business Arising** - Updating all Actions and Business Arising from RCAWA.

**MACWA Awards** –having done some preparatory work for this year’s awards, it has now become evident that it would be considered inappropriate to go ahead, given COVID-19 and the associated implications for local governments. Work is now in abeyance until next year. Refer Item in April Agenda.

**LGIS workers compensation** – EO has arranged a zoom meeting for Alliance members with Jonathon Seth, CEO LGIS, following the bi-annual meeting 16<sup>th</sup> April 2020.

**Reviews and Submissions** – EO continues to monitor progress after the Alliance made submissions for the following.

A) Streamlining WA – State Government initiative, B) Service Priority Review – C) Public Library System D) Review of Heritage Act 1990 E) Local Government Act F) Planning Reform G) Productivity Commission Report – watching brief and liaison with appropriate stakeholders as required H) EPBC Act – Prepared Submission I) Aboriginal Heritage Act– J) Regional Airline Airfares Review.

Stakeholder Engagement: Regular meetings with relevant stakeholders as per Section 3.

## Section 2: Details of Two-Monthly Actions

KEY OBJECTIVES		OVERVIEW OF MONTHLY ACTIONS
ADVOCACY & POLICY INFLUENCE	Preparation of Submissions and Delegations	<p>Currently working on:</p> <ul style="list-style-type: none"> <li>• EPBC Act Review submission</li> <li>• COVID-19 Response</li> <li>• Planning Reform</li> <li>• Energy Strategy</li> <li>• Study into Remote Area Tax Concessions and Payments</li> <li>• Most Accessible Community in Western Australia</li> <li>• Streamlining WA</li> <li>• Investment Framework and Implementation Strategy</li> <li>• Local Government Act Review</li> <li>• Heritage Act Review</li> <li>• WALGA working group on council/ zone review</li> <li>• State’s review of the regulations under the new Public Health Act 2016 TBA see Other Business</li> </ul>
	Advocacy on Key Issues	<p>Upcoming meetings:</p> <ul style="list-style-type: none"> <li>• <b>Nola Marino</b> (<i>Federal Minister Assisting the Minister of Regional Development</i>) Invitation accepted – 16 April 2020</li> <li>• <b>Sue Ellery</b> (<i>Minister for Education and Training Leader of the Government in the Legislative Council</i>) Invitation accepted – 16 April 2020 – deferred</li> <li>• <b>Stephen Dawson</b> (<i>Minister for Environment, Disability Services and Electoral Affairs</i>) Invitation accepted – August 2020</li> </ul> <p>Dates yet to be confirmed:</p> <ul style="list-style-type: none"> <li>• <b>Hon Paul Papalia</b> (<i>Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests</i>)</li> <li>• <b>Mark Webb</b> (<i>Director General - Department of Biodiversity Conservation and Attractions</i>)</li> <li>• <b>Zaeen Khan</b> (<i>Director–Public Utilities Office</i>).</li> <li>• <b>LandCorp: George McCullagh</b> (<i>Chairman – LandCorp</i>) and <b>Frank Marra</b> (<i>CEO LandCorp</i>)</li> <li>• <b>Rebecca Brown</b> (<i>Director General of the Department of Jobs, Tourism, Science and Innovation</i>)</li> <li>• <b>Mathius Cormann</b> (<i>Federal Minister for Finance</i>)</li> <li>• <b>Ken Wyatt</b> (<i>Federal Minister for Indigenous Australians</i>)</li> <li>• <b>Mark McGowan</b> (<i>Premier, Western Australia</i>) and <b>Alannah McTeirnan</b> (<i>Minister of Regional Development</i>)</li> </ul>

KEY OBJECTIVES		OVERVIEW OF MONTHLY ACTIONS
<b>ADVOCA CY &amp; POLICY</b>	Development of Policy Position Papers	<ul style="list-style-type: none"> <li>• EPBC Act Review Submission to be submitted 17 April</li> </ul>
<b>PARTNERSHIP &amp; COLLABORATION</b>	Insurance Services – Workers Compensation	Continuing to negotiate with WALGA and LGIS. Meeting arranged for 16 April 2020
	RCAWA Investment Framework	Investment Framework EOI released in preparation for developing a cogent submission to all major political parties in the lead up to the 2021 State Election to endeavour to secure an election commitment from all.
	COVID-19	Working with Alliance members in collaborating responses to the outbreak. Conducting weekly ring-around meetings and developing a draft communique from the Alliance accordingly. Also created a drop box repository to share key documents, policy and practices.
	Federal Government – City Deals and Smart Cities	In Abeyance
	Communications Support	EO, Secretary and EA are continuing to implement actions contained within the Communications Plan . Website is being repaired and will be updated with all previous and new information, including meeting minutes and annual reports.
	Development of Strategic Plan	Continuing to implement the 2018 Action Plan developed from the Strategic Plan. Strategic planning workshop was scheduled for June meeting – dependent on COVID-19 priorities.
	Meetings and Reporting	<ul style="list-style-type: none"> <li>• RCAWA Meeting (Perth) 13-2-2020</li> <li>• COVID-19 Ring Around 19-3-2020</li> <li>• COVID-19 Ring Around Meeting 26-3-2020</li> </ul>

### Section 3: Stakeholder Engagement

Stakeholder representatives	Meeting Date	Key Meeting Outcomes
<b>Hon Jessica Shaw</b> , MLA and Chair of the Economics and Industry Standing Committee	3-2-2020	Discussed with Jessica the following in the led up to her RCAWA presentation. <ul style="list-style-type: none"> <li>• Economics and Industry Standing Committee Micro Grids in Regional WA – Status of report.</li> <li>• Regional Airfares Inquiry – update on implementation</li> <li>• Implications of a distributed energy future – Interim report</li> <li>• Managing the impact of the increase of short stay rental in WA - “levelling the playing field</li> </ul>
<b>Hon David Michael</b> , MLA and Chair of the Expert Panel appointed by Government to finalise the review of the Local Government Act	3-2-2020	David committed to meet with a delegation of Alliance members to discuss critical issues and potential changes to the Act
<b>Darren Forster</b> ; <i>Principal Policy Adviser, Office of the Minister for Environment, Disability Services, Electoral Affairs</i>	20-2-2020	Native Clearing Controls Legislation Review - Improving Environmental legislation and invitation to Minister Steve Dawson to RCAWA meeting
<b>Andrew Sharpe</b> , <i>CEO Albany</i> <b>Dennis Wellington</b> , <i>Mayor Albany</i>	4-3-2020	Secretariat and administrative RCAWA matters
<b>Paul Anastas</b> , <i>City of Perth</i>	7-3-2020	Future meeting room arrangements for August meeting
<b>Andrew Hammond</b> , Commissioner, City of Perth	8-3-2020	Proposed RCAWA meeting at City of Perth offices for August 2020 meeting.
<b>Nic Sloan</b> , <i>CEO WALGA</i>	9-3-2020	Upcoming Meeting Arrangements and COVID-19 discussions.
<b>Andrew Sharpe</b> , <i>CEO Albany</i>	9-3-2020	Upcoming Meeting Arrangements and COVID-19 discussions.
<b>Department of Planning, Lands and Heritage</b>	17-3-2020	Planning Reform - Local Government stakeholder reference group – Refer Agenda
<b>KPMG, Ernst &amp; Young, Deloitte</b>	18-3-2020	Investment Framework EOI discussions with prospective consultants
<b>RCAWA CEO Group</b>	19-3-2020	COVID-19 teleconference
<b>Nic Sloan</b> , <i>CEO WALGA</i>	24-3-2020	Meeting arrangements
<b>RCAWA CEO Group</b>	26-3-2020	COVID-19 Ring Around

Stakeholder representatives	Meeting Date	Key Meeting Outcomes
<b>Andrew Sharpe, CEO Albany</b>	27-3-2020	State Aviation Strategy- extension required
<b>Nic Sloan, CEO WALGA</b>	27-3-2020	Eligibility for LG's to access the Federal Stimulus Packages
<b>Andrew Sharpe, CEO Albany</b> <b>Dennis Wellington, Mayor Albany</b>	27-3-2020	Covid-19 Response, RCAWA Matters
<b>Shane Van Styn, Mayor, City of Greater Geraldton</b>	27-3-2020	Covid-19 Response, RCAWA matters
<b>Investment Framework EOI,</b>	Mar 2020	Dealt with numerous EOI Enquiries
<b>Alliance Members</b>		Regular telephone discussions

#### Section 4: Issues and Opportunities

Overview of Issue/Opportunity	Update
COVID-19	Teleconferences have been held weekly with the EO and CEOs to provide support, share and collate information and look at ways forward.
Federal Election and Agenda for Growth	Alliance profile and agenda promoted to both sides of politics. Moving from a Federal Election Pitch flyer to an Agenda for Growth drive and now modifying for the 2021 State Election. EO now met with 5 WA Federal members.
Workers compensation Premiums (LGIS)	Engagement with LGIS continuing to endeavour to negotiate cheaper premiums for Alliance members. Alliance members will individually negotiate 2019 contracts with the view to renegotiating as a group in 2020. EO arranging meeting with LGIS and WALGA after the April 2020 Alliance Meeting.
Marketing and Communications	Continuing to implement activities identified in the 2018 Action Plan. Revisiting works agenda for 2020 accordingly.
Strategic Planning	Continuing to implement activities identified on the 2018 Strategic Plan. Revisiting action agenda for 2020 accordingly.
Administrative Support	New Secretariat arrangements in place after meeting with Chair and Secretary in Albany in January 2020.
Regionalising Government Services	EO met with Chair Designate, John Langoulant (and Nicole Lockwood, Infrastructure Australia). Continuing to participate in the State Government's Service Priority review and Streamlining WA by keeping in contact with relevant stakeholders (new



	Manager Emily Roper) to keep abreast of the review and monitor opportunities to participate further.
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**Time allocation summary**

Contract Year	Budgeted Total Annual Contract hrs	Total Billed hrs and Total Actual hrs	YTD Total Billed hrs and YTD Total Actual hrs
<b>May 2018-April 2019</b> (Incl) Completed	400 hrs	Total billed hours for April 2019 35 hrs. (35.5 hrs. actual)	400 hrs billed (408.5 hrs actual)
<b>May 2019-April 2020</b> In Progress (Incl)	400 hrs	Total billed hours for Feb 2020 – Mar 2020 (Incl) 70 hrs (70.5 hrs actual)	365 hrs billed (385 hrs actual)

## 12 RCA UPDATE

<b>Date of Report:</b>	<b>16 April 2020</b>
<b>Report Author:</b>	<b>Grant Henley, Mayor City of Busselton</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>Nil</b>

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**Purpose:**

To update RCAWA members on RCA matters

**Discussion:**

From the Mayor, Grant Henley – City of Busselton, WA Board Representative:

No meetings since last report.

**Link to Strategic Directions:**

Partnership and collaboration  
Representation

**Budget Implications:**

Nil

**Recommendation -nil**

## 13 OTHER BUSINESS

**Spend Map** - Dennis Wellington.  
Project on hold

**Federal Projects Fund** - Dennis Wellington

The Chair brought to the Alliance members attention the funds that have been allocated in the Federal Projects Fund and alerted them to follow up with their local Federal Members, given that the Royalties for Regions program is no longer what it once was.

Health Act submission - Paul Rosair: requested extension: no response

Broome / Canberra Meetings - Dennis Wellington:

Discussion on venues – meetings will be via zoom video conferencing

Modernising the WA Planning System - Paul Rosair: EO attended meeting 17 March 2020 and advised he will attend the next one.

Regional Investment Framework Update - Paul Rosair

Two responses were received for the EOI. There was not a conclusive decision on which one to appoint, so the panel sought advice from the Alliance members.

**Resolution: The EO is to request the two EOI respondents to attend a meeting to present their cases.**

Moved: Peter Long

Seconded: Grant Henley

## 14 CLOSURE OF MEETING

Time: 12.10