



Regional Capitals Alliance

WESTERN AUSTRALIA

Regional Capitals Alliance Western Australian
Meeting

Minutes
9th DECEMBER 2021

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Agenda

1 OFFICIAL OPENING

Meeting opened at: 1: 20p.m

2 RECORD OF ATTENDANCE

Attendees:

Dennis Wellington	Mayor City of Albany (Chair)
Andrew Sharpe	CEO City of Albany
Sam Mastroleambo	CEO Shire of Broome
Jaysen de San Miguel	Mayor City of Bunbury
Malcolm Osborne	CEO City of Bunbury
Grant Henley	Mayor City of Busselton
Mike Archer	CEO City of Busselton
Ian Mickel	Shire President of Esperance
Shane Burge	CEO Shire of Esperance
Shane Van Styn	Mayor City of Greater-Geraldton
Ross McKim	CEO City of Greater Geraldton
John Bowler	Mayor City of Kalgoorlie-Boulder
Alex Weise	A/CEO City of Kalgoorlie-Boulder
Peter Long	Mayor City of Karratha
Chris Adams	CEO City of Karratha
Chris Antonio	Shire President of Northam
Jason Whiteaker	CEO Shire of Northam
Peter Carter	Mayor Town of Port Hedland
Carl Askew	CEO Town of Port Hedland
Paul Rosair	Executive Officer, RCAWA
Jane Lewis	Executive Assistant, RCAWA

Apologies:

Harold Tracey	Shire President of Broome
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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

Resolution :

That the Minutes of the Western Australian Regional Capitals Alliance Meeting held on Monday 15th November 2021, be confirmed as a true and correct record of proceedings.

Moved: Peter Long

Second: Peter Carter

Attachment 1: Outstanding Business Arising Items and Actions Sheet

DATE	ITEM	ACTION	STATUS	PRIORITY	COMMENTS
			OG=Outstanding I=In Progress C=Complete OG=ON GOING	1=Urgent 2=high 3=moderate 4=low	* = will be archived and will not show in future reports

ADMINISTRATION, CORRESPONDENCE, ANNUAL REPORT, GENERAL BUSINESS					
15/11/21	8. Formal Presentations	Executive Officer to send the RCAWA response to the SIS questions 17,18 and 19	C	4	Sent 1-12-21
15/11/21	8. Formal Presentations	Executive Officer to contact Tristan Prosser, advisor for regionalization project (in Bridget McKenzie's ministerial office)	IP	3	EO left message on 3/12
15/11/21	8. Formal Presentations	Executive Officer to contact WARDA	IP	3	Met with WARDA on 9/12
15/11/21	6. Treasurer's Report	Executive Assistant is to follow up the accounts receivable	IP	3	All contacted
BENCHMARKING					
15/11/21	10. Benchmarking	Andrew Sharpe to assist with sourcing a replacement for Brian Sharp to deliver future benchmarking services for the Alliance	OG	2	To advise progress at 9/12 meeting
19/02/21	10. Benchmarking	Executive Officer to work with Brian Sharp - enhance the benchmarking to include State and Federal services such as health, education and policing etc so as to allow comparisons between metropolitan and regional servicing.	G		Brian Sharp - ongoing.
RCAWA STRATEGIC PLANNING					
15/10/20	12. RCAWA Strategic Planning	Executive Office to develop a research plan in collaboration with RCAWA benchmarking officer and Secretariat for distribution and agreement with Alliance members	OG	2	Paper tabled at 15/2 meeting
LOCAL GOVERNMENT ACT REVIEW					
15/11/21	16. Other Business	Executive Officer to canvas members in order to write a response to the Local Government Reform	OG	3	Other business 15/2 meeting
RCAWA HOUSING SOLUTIONS AND ACTION PLAN					
15/11/21	13. Housing Solutions	The Alliance to present the Action Plan to the Minister for Housing's Ministerial subcommittee	IP	2	EO has made several attempts to contact - will keep trying
5/08/21	13. RCAWA housing solutions and action plan	That the Action Plan be developed as outlined above with the inclusion of FBT	IP	2	Paper tabled 15/11/21

5 CORRESPONDENCE

Date of Report: 9th December 2021
Report Author: Executive Officer – Paul Rosair
Disclosure of Interest: Nil
Attachment(s) Nil

Note, there has been numerous email correspondence between the Executive Officer, Executive Assistant and Ministerial offices, departmental staff and industry bodies which do not form part of this formal correspondence item as they are administrative in nature.

Correspondence Out:

Date: 1/12/2021
To: Rebecca Tomkinson
Title: Copy of RCAWA's InfrastructureWA's SIS response to Qu 17,18 and 19

Correspondence In:

Nil

Resolution:

- That the correspondence be received.

Moved: Mal Osborne

Second: Chris Antonio

6 TREASURER'S REPORT OCTOBER 2021

Date of Report:	9th December 2021
Author	Mayor – City of Greater Geraldton
Disclosure of Interests:	Nil
Attachments:	2. RCAWA November Profit and Loss Budget vs. Actual
	3. RCAWA November Balance Sheet
	4. RCAWA November Creditors
	5. RCAWA November Debtors

Purpose:

To inform the Alliance members of the RCAWA financial situation.

Discussion:

As required.

Resolution:

- **That the members receive and note the Treasurer's Report for the periods ending 30th November 2021 and the accompanying financial documents.**

Moved: Shane van Styn

Second: Peter Long

Attachment 2: RCAWA 2020/2021 November Profit and Loss Budget vs. Actual

5:19 PM

02/12/21

Accrual Basis

WA Regional Capitals Alliance Inc Profit & Loss Budget vs. Actual July through November 2021

	Jul - Nov 21	Budget	\$ Over Budget
Income			
Interest Received	1.98	50.00	-48.02
Membership Fee 2021/22	150,000.00	150,000.00	0.00
Total Income	150,001.98	150,050.00	-48.02
Expense			
Accountancy Fees	390.00	1,100.00	-710.00
Administration Costs	8,181.85	18,000.00	-9,818.15
Audit Fees	100.00	900.00	-800.00
Bank Charges	58.39	200.00	-141.61
Donations	500.00	1,500.00	-1,000.00
Executive Support	33,806.80	86,350.00	-52,543.20
Meetings and Functions	0.00	2,000.00	-2,000.00
Projects	5,345.00	33,500.00	-28,155.00
Rent	1,354.15	3,250.00	-1,895.85
Travelling Expenses	1,971.59	3,250.00	-1,278.41
Total Expense	51,707.78	150,050.00	-98,342.22
Net Income	98,294.20	0.00	98,294.20

Attachment 3: RCAWA November 2021 Balance Sheet

5:19 PM

02/12/21

Accrual Basis

WA Regional Capitals Alliance Inc Balance Sheet As of November 30, 2021

	Nov 30, 21
ASSETS	
Current Assets	
Chequing/Savings	
WARCA Cheque Account	119,648.59
WARCA Savings Account	47,575.14
Total Chequing/Savings	167,223.73
Accounts Receivable	
Trade Receivables	16,652.00
Total Accounts Receivable	16,652.00
Total Current Assets	183,875.73
TOTAL ASSETS	183,875.73
LIABILITIES	
Current Liabilities	
Accounts Payable	
Trade Creditors	14,125.10
Total Accounts Payable	14,125.10
Other Current Liabilities	
Tax Payable	-3,132.94
Total Other Current Liabilities	-3,132.94
Total Current Liabilities	10,992.16
TOTAL LIABILITIES	10,992.16
NET ASSETS	172,883.57
EQUITY	
Opening Bal Equity	136,570.00
Retained Earnings	-61,980.63
Net Income	98,294.20
TOTAL EQUITY	172,883.57

Attachment 4: RCAWA November A/P Ageing Summary

5:21 PM
02/12/21

**WA Regional Capitals Alliance Inc
A/P Ageing Summary
As of November 30, 2021**

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>> 90</u>	<u>TOTAL</u>
Elysian Consulting	0.00	3,850.00	0.00	0.00	0.00	3,850.00
NAJA Business Consulting Services	10,209.10	0.00	0.00	0.00	0.00	10,209.10
Pam Weston's Bookkeeping	66.00	0.00	0.00	0.00	0.00	66.00
TOTAL	<u>10,275.10</u>	<u>3,850.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>14,125.10</u>

Attachment 5: RCAWA November A/R Ageing Summary

5:21 PM
02/12/21

**WA Regional Capitals Alliance Inc
A/R Ageing Summary
As of November 30, 2021**

	<u>Current</u>	<u>1 - 30</u>	<u>31 - 60</u>	<u>61 - 90</u>	<u>> 90</u>	<u>TOTAL</u>
City of Busseton	0.00	0.00	0.00	0.00	16,500.00	16,500.00
John Walker	0.00	0.00	0.00	0.00	76.00	76.00
Peter Carter	0.00	0.00	0.00	0.00	76.00	76.00
TOTAL	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>16,652.00</u>	<u>16,652.00</u>

7 RCAWA BENCHMARKING FRAMEWORK

Date of Report:	9th December 2021
Report Author:	Executive Officer and Research Officer
Disclosure of Interest:	Nil
Attachment(s)	Attachment 6 Benchmarking Report (sent as separate attachment)

Purpose:

To update the Alliance on the Benchmarking Framework that has been developed, in order to provide meaningful information that can be used to inform and improve the performance of all participants.

Background:

Brian Sharp was engaged as Research Officer until September 2021 to:

- Update benchmarking indicators to include the 2019-2020 financial year - complete;
- Look for opportunities to value add to the model and align it with members' needs;
- Provide regular updates and reports to Alliance members bi-monthly meetings;
- Analyse the data and provide key insights into the results;
- Focus on opportunities to improve service delivery based on learnings from others.
- At the February 2021 meeting it was agreed that the Research Officer, in consultation with the Executive Officer, would undertake research activities being:
 - Identify state and federal government services provided within each member area;
 - Metro vs regional local government – where is the level playing field;
 - Statistical research on the Capitals' capability/prospectivity justification;
 - Covid19 – impacts and opportunities;
 - Amalgamation case studies and models;
 - UWA ABS census data program.
- At the April 2021 meeting it was agreed the Executive Officer (EO) works with the Research Officer and CEOs to develop a housing action plan focussing on solutions and highlighting successful case studies and investment models that could be adopted by Local and State Government;
- At the June 2021 meeting it was agreed that Brian Sharp would focus specifically on the Benchmarking Project using the February 2021 report as a basis for the new report for the period ending 30 June 2021 and incorporating additional indicators associated with state and federal government services. The EO would engage Greg Cash to assist in developing the Housing Action and Solution Plan.
- At the August 2021 meeting the timetable to present the 2021 Benchmarking Report to Members in December 2021 was agreed; the Research Officer was requested to start the process to gather data on Government Services in each member's area; and to review members' Service Review Process to either identify areas to investigate and/or create consistent templates for members to use.

- At the November 2021 meeting members were advised that Brian Sharp would not be continuing beyond December 2021 when the 2021 Benchmarking report is scheduled to be tabled at the December Alliance meeting. Discussion was held about a potential replace for Brian without resolution.

Discussion

The 2021 Benchmarking Report (the Report) is attached for members to read and review. The report builds on the previous two years' reports and includes additional sections covering:

1. **Visitor Centres** – initial collation and reporting of financial data for each member's visitor centres.
2. **Government Services** – initial data regarding government services – State and Federal – provided within each member's area.
3. **Financial Results by Ratepayer** – shows all graphs contained the Financial Results section of the Report by Ratepayer rather than per 1000 Residents.

The Report contains discussion on Capital Expenditure by members comparing actual versus budgeted capital expenditure for the 2019, 2020 and 2021 financial years. In addition, the Report compares Development Applications and Building Applications for 2019, 2020 and 2021 and provides a link to the Alliance's Housing Solutions and Action Plan. A more detailed and on-going analysis of both application types can provide insight into the housing construction pipeline for all members.

Link to strategic Direction:

Partnership and collaboration

Resolution:

- **The report 2021 Benchmarking Report to be received.**
- **A substitute for Brian Sharp be sourced as per action from 15th November meeting**

Moved: Andrew Sharpe

Second: Dennis Wellington

8. AROUND-THE-GROUNDS

Date of Report:	9th December 2021
Report Author:	Executive Officer, Paul Rosair
Disclosure of Interest:	Nil
Attachment(s)	Nil

Purpose:

For Alliance members to share information that may have an impact on other regional capitals either in the form of a collaborative opportunity, a win or a warning.

Background:

At the 18th February 2021, Alliance members showed an interest in incorporating an around-the-grounds item into future meetings. A Recommendation was passed at the April meeting that the format of the around-the-grounds item will be 2-3 minutes per capital per meeting for a maximum total of 30 minutes. If members wish to pursue a topic in more detail, they can pursue it out of session or raise it as an agenda item for the next meeting.

Discussion:

As required.

Link to strategic Direction:

Partnership and collaboration

Recommendation:

Nil

9 OTHER BUSINESS

ITEM	RESPONSIBLE
<p>Local Government Reform (See Attachment 7)</p> <p>Information was included in Novembers Agenda, however time did not permit discussion</p> <p>Resolution:</p> <ul style="list-style-type: none"> • Executive Officer to canvas members in order to write a response to the Local Government Reform <p>Moved: Peter Long</p> <p>Second: John Bowler</p>	<p>Paul</p>
<p>Cultural Heritage Bill (See Attachment 8)</p> <p>Aboriginal Cultural Heritage Bill: Resolution:</p> <ul style="list-style-type: none"> • The Executive Officer is conduct further research into the implications of the Aboriginal Cultural Heritage Bill and may engage, in consultation with the secretary, external consultancy services to a maximum of \$3,000. Report to be tabled at the February 2022 meeting. <p>Moved: Ian Mickel</p> <p>Second: Mal Osborne</p>	<p>Paul</p>

<p>MACWA</p> <p>Recommendations from November meeting to be moved</p> <p>Resolution:</p> <ul style="list-style-type: none"> • That the MACWA Awards for 2021 be advertised in February 2022; • The Executive Officer canvasses for sponsorship for the three categories • The RCAWA sponsors the Overall winner - \$500 • The Award ambassador, Melissa Northcott be remunerated \$500 for travel expenses in 2022 as in previous years. <p>Moved: Mal Osborne</p> <p>Second: Peter Carter</p>	<p>Paul</p>
<p>Housing Plan Update</p>	<p>Paul</p>
<p>Meeting dates for 2022</p> <p><u>Feb 17</u> 1-3 pm Zoom</p> <p><u>April 28-29</u> 1-5pm Thursday and 8.30am-1pm Friday In person - Busselton to host</p> <p><u>June 16</u> 1-3pm Zoom</p> <p><u>August 18-19</u> 1-5pm Thursday meeting and 9am-12.30pm Friday Strategic planning – In person - Perth</p> <p><u>October 20</u> 1-3pm Zoom</p>	

Dec 15

1-5pm In person Perth
AGM and general meeting

Resolution:

- **That the 2022 RCAWA meetings are accepted**
- **That the Zoom meetings be from 1-3pm (unless exceptional circumstances arise)**

Moved: Chris Adams

Second: Carl Askew



STRATEGIC PRIORITIES

- 1** Deliver a streamlined and contemporary Legislative framework by reforming the *Local Government Act* and other relevant legislation.
- 2** Develop the supporting environment and provide local governments with the tools to build a transparent, robust, and innovative sector.
- 3** Deliver on our current commitments of existing projects and programs of reform.

SHORT TERM

- 1.1 Finalise agreement on the Local Government reform package.
- 1.2 Finalise reforms and implementation of the new legislation for a centralised system of registration (Dog and Cat breeders).
- 1.3 Introduce legislation to ensure the appropriate regulation and recognition of park homes in Western Australia.
- 1.4 Introduce a contemporary legislative framework based on the recommendations from the review the *Local Government Act*.
- 1.5 Standardise and streamline local government policies, laws, and procedures; and develop model laws to support local governments.
- 1.6 Introduce contemporary legislative framework for cemeteries and cremations in Western Australia.

LONG TERM

- 2.1 Develop and rollout relevant and useful online material to assist the local government sector.
- 2.2 Introduce a risk based approach to inform where support within the local government sector is needed.
- 2.3 Develop an 'early intervention' model of support for local governments.
- 2.4 Develop a scalable financial reporting framework and introduce model financial statements.
- 2.5 Support local governments to introduce livestreaming of council meetings across all councils.
- 2.6 Encourage and support excellence and innovation through the Better Practice Reviews (BPR).
- 2.7 Develop and implement a strategy to work with peak bodies to support and retain good councillors.
- 2.8 Work with sector stakeholders to introduce one standardised benchmarking framework for local governments. Review and improve how this is reported through MyCouncil.
- 2.9 Develop an education and capacity building framework for local governments.
- 2.10 Revise approach and simplification of integrated Planning and Reporting (IPR).

- 3.1 Finalise the Partners in Government Agreement and support implementation of agreed outcomes.
- 3.2 Deliver election commitments, and implement recommendations from OAG and authorised inquiries.
- 3.3 Implement changes to local government legislation and policy under the second tranche of planning reform.
- 3.4 Establish a centralised system for dog and cat registrations.
- 3.5 Implement Off Road Vehicle legislation and reforms.
- 3.6 Deliver a short stay accommodation database for Western Australia.



ENABLERS TO ACHIEVE PRIORITIES

- Develop an engagement plan for working in partnership with the local government sector.
- Build internal capability and capacity to work in different ways and support the sector.
- Actively engage and work in partnership with other areas of DLGSC to identify new opportunities.
- Deliver high quality reporting for the local government sector.
- Leverage data to track and monitor progress within the sector.

FOUNDATIONS OF CORE BUSINESS

Develop policy and legislation; and process statutory applications.	Provide advice and guidance to the local government sector.	Address public enquires and complaints; investigate and support investigations.	Partner with stakeholders to deliver grants, programs and election commitments.	Ensure compliance with local government legislation.	Provide executive support to WA Local Government Grants Commission and Advisory Board.
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Local Government Reform

Stronger local democracy and community engagement

Election and community engagement reforms are proposed to empower ratepayers to participate in local democracy and decision-making.



Direct Election of the Mayor or President

All electors in large local governments will be able to vote directly for the Mayor or President, giving ratepayers more power to choose the leadership of their council. This reflects a broader trend, with councils such as Stirling and Rockingham already having moved to a public vote for the election of their Mayors.



Preferential Voting

Local government elected members will be elected by preferential voting, which is the same as State and Federal elections. Preferential voting ensures the elected council best reflects community views.



Consistent Number of Elected Members

To increase consistency, the number of elected members on any council will be set based upon the population within that local government. The Local Government Panel Report recommended a number of elected members as follows:

- population of up to 5,000 – 5 councillors (including the President)
- population of between 5,000 and 75,000 – 5 to 9 councillors (including the Mayor/President)
- population of above 75,000 – 9 to 15 councillors (including the Mayor)



No Wards for Small Local Governments

Wards in small local governments can cover very limited areas, with small populations. This means that councillors are more likely to be elected unopposed, or with a very small number of votes. In line with a broader trend, it is proposed that wards for all small local governments be abolished.



Reforms to Ensure Valid Candidate and Voter Eligibility

Rules for who is eligible to vote or run for council will be tightened, ensuring that only legitimate residents or businesses will be eligible. New laws will prevent candidates from using sham leases in council elections. The basis for why a candidate is eligible to run will also be required to be publicly disclosed.



Community Engagement Charter

Local governments will be required to establish a Charter which sets out how it will engage with ratepayers and the community about the local government's proposed policies, initiatives, and projects. A model Charter will be published to assist local governments who wish to adopt a standard Charter.



Other Amendments

There are also more reforms proposed to further enhance local government democracy and community engagement, including proposed minor changes to the annual meeting.

To provide your feedback on these reforms, please email your comments to actreview@dlgsc.wa.gov.au by 4 February 2022.



Stronger local democracy and community engagement

Local Government Reform

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[Print this page](#)

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Tags

- [reform](#)

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Other amendments

There are also more reforms proposed to further enhance local government democracy and community engagement, including proposed minor changes to the annual meeting.

Feedback

To provide your feedback on these reforms, please email your comments to actreview@dlgsc.wa.gov.au by 4 February 2022.

Attachment 8 Aboriginal Cultural Heritage Bill



Aboriginal Cultural Heritage Bill

A Bill is an idea for a law. The current law about Aboriginal cultural heritage in WA at the moment is called the *Aboriginal Heritage Act 1972* (1972 Act). It doesn't work, and needs to be replaced.

The Aboriginal Cultural Heritage Bill (the Bill) is a new way for managing Aboriginal cultural heritage in WA by giving Aboriginal people a much stronger say in managing their cultural heritage.

When the Bill becomes the law, there will be better protection for Aboriginal cultural heritage.

The main things the Bill wants to do:

- recognise how important Aboriginal cultural heritage is to Aboriginal people;
- recognise that Aboriginal cultural heritage is important to non-Aboriginal people as well;
- make sure it is Aboriginal people who decide what their cultural heritage is and how important it is to them;
- protect and preserve Aboriginal cultural heritage;
- provide a way to stop people from damaging Aboriginal cultural heritage and provide a good result for Aboriginal people and other people in WA; and
- make sure that people appreciate WA's Aboriginal cultural heritage.

Main parts of the Bill:

1. UPDATED ABORIGINAL CULTURAL HERITAGE DEFINITION

- The Bill better defines Aboriginal cultural heritage as valued by Aboriginal people.
- One that includes things that you can see, for example stone tools, and things that you can't see, for example stories about places.
- The old laws concentrate on sites (special places) and artefacts, like tools. This kind of heritage management practice is old fashioned, and is designed to give people permission to impact heritage. The new definition recognises that living culture is part of Aboriginal cultural heritage and this is important to keep Aboriginal people healthy.
- Under the new laws more heritage that is important to Aboriginal people will be protected.
- The Bill allows for really important places to be named as Protected Areas. The important places can include cultural landscapes.

2. RECOGNISING ABORIGINAL CUSTODIANSHIP AND CONTROL OF CULTURAL HERITAGE

- The Bill says that Aboriginal people are keepers of their Aboriginal cultural heritage and are the right people to look after ancestral remains (bones from long ago) and secret and sacred objects.
- The Bill says that people and organisations holding ancestral remains (bones from long ago) must give them back to the right Aboriginal people. The Bill also says it is a good idea to give back secret and sacred objects to the right Aboriginal people.

3. A NEW DIRECTORY OF ABORIGINAL CULTURAL HERITAGE

- The Bill says that a person must report Aboriginal cultural heritage (if they find it). This will be recorded in a computer database called the Aboriginal Cultural Heritage Directory. If it is a secret sacred site, such as a secret men's or women's Law site, then the Bill says Aboriginal people can stop it going on the Directory.
- The Aboriginal Cultural Heritage Directory will be somewhere where people can put a record of WA's Aboriginal cultural heritage. For example Aboriginal places, Aboriginal objects, Aboriginal cultural heritage permits and Aboriginal Cultural Heritage Management Plans.
- The Aboriginal Cultural Heritage Council will work out what kind of information has to be recorded in the Directory.

4. GIVING ABORIGINAL PEOPLE A SAY

- The Bill will set up the Aboriginal Cultural Heritage Council (ACH Council) to run the Aboriginal Cultural Heritage system. There will be two chairpersons, one man and one woman, and both will have to be an Aboriginal person and the majority of other members, where possible, should also be Aboriginal. There will be a rule that board members will be chosen for their skills, knowledge and experience in Aboriginal cultural heritage.
- This Council will explain why WA's Aboriginal cultural heritage is important and must be protected, make sure Aboriginal people are consulted. The ACH Council will be involved in making sure Aboriginal Cultural Heritage Management Plans have all the right information.
- The Bill aims to set up local Aboriginal cultural heritage services (LACHS), which have local knowledge of Aboriginal people and heritage in each area in WA. Native Title groups through their PBCs will have first say to become a LACHS if they want to.

- This is what LACHS will do:
 - talk to Native Title groups and knowledge holders in the area about Aboriginal cultural heritage issues;
 - talk to people who want to do work on their country about Aboriginal cultural heritage and how to look after it;
 - organise heritage surveys and meetings;
 - make Aboriginal Cultural Heritage Management Plans;
 - help Aboriginal Cultural Heritage Management Plans to be carried out;
 - give Aboriginal cultural heritage information to the ACH Council and talk about how important it is in an area; and
 - other things.
- LACHS will be paid for their services.
- The Government will make sure there is money to help LACHS do their job.

5. **PROTECTING REALLY IMPORTANT AREAS**

- The Bill can protect really important areas from things that damage Aboriginal cultural heritage. There is no change for areas already protected by the 1972 Act, they stay protected.
- Aboriginal people can apply to have a really important area made a Protected Area.
- If an area is made a Protected Area, it will have the highest protection under the law. This will mean more really important places can be made into Protected Areas. Aboriginal people will be able to manage these Protected Areas.

6. **MANAGING THINGS THAT MAY DAMAGE ABORIGINAL CULTURAL HERITAGE**

- The Bill says that Aboriginal people will have a say about their heritage. The main part of this will be Aboriginal Cultural Heritage Management Plans between Aboriginal people and people who want to do things on country.
- People who want to do work on country that may impact Aboriginal cultural heritage have to talk to the right Aboriginal people for that area.
- The Bill will set up a system with different levels about using the land. This means there will be four different tiers or levels with different activities in each one. What kinds of activities fit into each level is something Aboriginal people, the Government, and industry still need to talk about and work out together.
- The Bill says people who want to do work on country should try as hard as they can to find out if their work will damage Aboriginal cultural heritage.

The four tiers (levels) are:

Exempt activities –

- **These are things that you don't need permission to do and may be things like walking, taking photos and emergency activities.**

Tier one activities –

- **This may be things like metal detecting and weed control.**
- **People do not need approval for doing these things but can ask the Department of Planning, Lands and Heritage for a letter of advice. They also need to try as hard as they can not to impact Aboriginal cultural heritage.**

Tier two activities -

- **This may be digging of the ground with hand tools.**
- **This kind of work needs an Aboriginal Cultural Heritage Permit.**
- **People wanting to do work on country would have to let Aboriginal people know before applying for a permit.**

Tier three activities –

- **This kind of work involves digging of the ground by machines, like drilling and mining. People doing this kind of work need to agree on an Aboriginal Cultural Heritage Management Plan with the right Aboriginal people.**
- **Once the Plan is agreed, the ACH Council or the Minister will say if the Aboriginal Cultural Heritage Management Plans are approved. The plans need to say what to do when new Aboriginal cultural heritage is found and when there is new information about the importance of the cultural heritage.**
- **If an Aboriginal Cultural Heritage Management Plan will impact Aboriginal cultural heritage that is really important to the whole State, the Government will need to give special permission before this can happen, or the Government may say “no” and not give permission.**
- **If there are disagreements about an Aboriginal Cultural Heritage Management Plan, then the ACH Council can try to help get agreement between Aboriginal people and the person or company who wants to do the activity. If people can't agree then the ACH Council can make its own plan for the Minister to decide.**
- **Native Title agreements and cultural heritage agreements between people wanting to do work on country and Aboriginal people can be used as part of an Aboriginal Cultural Heritage Management Plan if they meet the standard in the Bill.**

- If people got permission to impact Aboriginal cultural heritage under the old rules (section 18s), but they haven't started their project yet, they will need to have started within 10 years of the Bill becoming law, or they will lose their permission.

7. BETTER REGULATION AND STICKING TO RULES

- The Bill says that if any person or organisation impacts Aboriginal cultural heritage they will get a fine. The fines are higher than in any other Aboriginal Cultural Heritage laws in Australia. For example, if someone badly impacts Aboriginal cultural heritage, the punishment for a company will be up to a \$10 million fine, and for a person a \$1 million fine or 5 years in prison or both.
- The Government can stop people from impacting Aboriginal cultural heritage with two things called a stop activity order and a prohibition order.
- The Bill will try to make people follow rules in the Bill using Aboriginal heritage inspectors. The time people can be charged after they commit an offence will be changed and extended from 1 year to 6 years.
- The Bill says that any recommendations or decisions made about impacting Aboriginal cultural heritage should be made public and given to any people affected by them.
- If Aboriginal heritage is harmed and someone is found guilty, compensation for that harm may be payable to Aboriginal people.

8. OTHER THINGS TO HELP THE BILL WORK

- Guidelines will be there to make it easier for everyone to understand and follow the rules for when they are consulting, planning, requesting to work or working on country of Aboriginal cultural heritage.
- Aboriginal people, industry and Government will talk further about what the Guidelines say.

9. How does the Bill stop Juukan Gorge from happening again?

- The Bill has rules that would stop another Juukan Gorge that the 1972 Act does not have.
- The Bill gets rid of the 1972 Act's section 18 process, which gave permission for the destruction of sites at Juukan Gorge.
- The Bill's tiered assessment system means more activities will need permission if they will impact Aboriginal cultural heritage compared to the rules under the 1972 Act.

- The Bill says Aboriginal Cultural Heritage Management Plans should aim to protect Aboriginal cultural heritage and avoid harming cultural heritage.
- The Bill says that both Aboriginal people and industry must agree on what to do when new cultural heritage information comes up or new cultural heritage is found. No work can happen at the location of the cultural heritage until the Aboriginal people and industry have talked about the new information.
- The Bill gives the Minister the power to make people stop work if they are acting in a way that is not approved or authorised under the new law, or if there is new information about the heritage.
- The rules in the Bill say that people who want to do work on country that may impact Aboriginal cultural heritage will have to talk to the right Aboriginal people for that area. The 1972 Act does not tell people to talk to Aboriginal people about their cultural heritage.
- The Bill says it is up to Aboriginal people to say what their cultural heritage is and how important it is to them. This will give Aboriginal people power to make better agreements with miners and other land users.

10. What happens next?

- There will be more talks with Aboriginal people, State Government and industry, even after the Bill is being talked about in Parliament.
- These talks will be about the important papers that will help people understand the Bill and how the rules will work.
- The 1972 Act will keep going for around 1 year after the Bill starts so the Bill can change over to the new Act.
- The Aboriginal Cultural Material Committee will keep running while the ACH Council is being set up during the transition (between the 1972 Act and the Bill).
- The Bill says that in five years everyone should talk about how the new rules have been working and talk about any changes that could be made.

MEETING CLOSED: 2:45