



Western Australian  
**Regional Capitals Alliance**

**Western Australian Regional Capitals  
Alliance Meeting**

**AGENDA**

# TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OFFICIAL OPENING .....	3
2	RECORD OF ATTENDANCE .....	3
3	DECLARATIONS OF INTEREST .....	4
4	CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS .....	4
5	TREASURERS REPORT – JANUARY 2017 .....	5
6	2017 ELECTION LOBBY PAPERS.....	8
7	NEW MEMBERS UPDATE.....	12
8	ESTABLISHMENT OF A REGIONAL SUBSIDIARY .....	13
9	WARCA STRATEGIC DIRECTIONS – 2017 PRIORITIES .....	24

# AGENDA

## 1 OFFICIAL OPENING

## 2 RECORD OF ATTENDANCE

### Attendees:

Peter Long	Mayor City of Karratha (Chair)
Chris Adams	CEO City of Karratha
Dennis Wellington	Mayor City of Albany
Andrew Brien	CEO City of Bunbury
Shane van Styn	Mayor City of Greater-Geraldton
Ken Diehm	CEO City of Greater Geraldton
John Bowler	Mayor City of Kalgoorlie-Boulder
John Walker	CEO City of Kalgoorlie-Boulder
Camilo Blanco	Mayor Town of Port Hedland
David Pentz	CEO Town of Port Hedland
Jason Whiteeaker	CEO Shire of Northam
Steven Pollard	Shire President Shire of Northam
Shane Burge	Director Corporate Services Shire of Esperance

### Apologies:

Andrew Sharpe	CEO City of Albany
---------------	--------------------

### Dial in:

Gary Brennan	Mayor City of Bunbury
Ron Johnston	Mayor Shire of Broome
Sam Mastrolembo	Acting CEO Shire of Broome

### Guests:

Jennifer Matthews	Director General – Department of Local Government
Rachel Sweeney	Regional Capitals Alliance

**3 DECLARATIONS OF INTEREST**

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

---

**OFFICER’S RECOMMENDATION**

**That the Minutes of the Western Australian Regional Capitals Alliance Meeting held on Friday, 9 December 2016, be confirmed as a true and correct record of proceedings.**

## 5 TREASURERS REPORT – JANUARY 2017

<b>Date of Report:</b>	<b>4 January 2017</b>
<b>Report Author:</b>	<b>CEO City of Greater Geraldton</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>Balance Sheet as at 27 January 2017</b> <b>Budgeted Profit and Loss for the period ending 27 January 2017</b> <b>Accounts Receivable Ageing Summary as at 27 January 2017</b>

---

Below are the financial reports for the consideration of the members:

1. Balance Sheet as at 27<sup>th</sup> January 2017
2. Budgeted Profit and Loss for the period ending 27<sup>th</sup> January 2017
3. Accounts Receivable Ageing Summary as at 27<sup>th</sup> January 2017

The following notes are provided as an explanation to significant variances in the Budgeted Profit and Loss Statement:

1. UWA Expenses – The significant underspend is associated with the termination of secretariat services provided by UWA.

The following notes are provided as an explanation to certain balances in the Balance Sheet:

1. Trade Creditors – This balance relates to the final invoice associated with the termination of the UWA research partnership and the audit fees, both of which have since been paid.
2. Income in Advance – This is the residual balance of funds held on behalf of the City Greater Geraldton for advance payments.

### **Recommendation**

**That the Board receive and note the Treasurer’s Report, and accompanying financial statements, for the period ending 27 January 2017.**

**Balance Sheet as at 27 January 2017**

	<u><b>Jan 27, 17</b></u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Chequing/Savings</b>	
Cash at Bank	<u>351,532.71</u>
<b>Total Chequing/Savings</b>	<u>351,532.71</u>
<b>Total Current Assets</b>	<u>351,532.71</u>
<b>TOTAL ASSETS</b>	<u><b>351,532.71</b></u>
<b>LIABILITIES</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
Trade creditors	<u>218,942.90</u>
<b>Total Accounts Payable</b>	218,942.90
<b>Other Current Liabilities</b>	
Income in advance	60,309.00
Tax Payable	<u>20,640.44</u>
<b>Total Other Current Liabilities</b>	<u>80,949.44</u>
<b>Total Current Liabilities</b>	<u>299,892.34</u>
<b>TOTAL LIABILITIES</b>	<u>299,892.34</u>
<b>NET ASSETS</b>	<u><b>51,640.37</b></u>
<b>EQUITY</b>	
<b>Opening Bal Equity</b>	136,570.00
	-
<b>Retained Earnings</b>	134,023.94
Net Income	<u>49,094.31</u>
<b>TOTAL EQUITY</b>	<u><b>51,640.37</b></u>

**Budgeted Profit and Loss for the period ending 27 January 2017**

	<u>Jul 1, 16 - Jan 27, 17</u>	<u>Budget</u>	<u>\$ Over Budget</u>
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
Interest received	0.00	100.00	-100.00
Memberships 2016/2017	314,538.00	314,539.00	-1.00
<b>Total Income</b>	<u>314,538.00</u>	<u>314,639.00</u>	<u>-101.00</u>
<b>Gross Profit</b>	314,538.00	314,639.00	-101.00
<b>Expense</b>			
Accountancy fees	400.00	2,000.00	-1,600.00
Meetings & Functions	71.36	2,000.00	-1,928.64
RCA Memberships 2016/2017	49,000.00	56,000.00	-7,000.00
Travelling expenses	0.00	4,000.00	-4,000.00
UWA - Media Relations	1,666.67	5,000.00	-3,333.33
UWA - Research Contribution	198,639.00	198,639.00	0.00
UWA - Secretariat	13,000.00	39,000.00	-26,000.00
UWA - Website Development	2,666.66	8,000.00	-5,333.34
<b>Total Expense</b>	<u>265,443.69</u>	<u>314,639.00</u>	<u>-49,195.31</u>
<b>Net Ordinary Income</b>	<u>49,094.31</u>	<u>0.00</u>	<u>49,094.31</u>
<b>Net Income</b>	<u><u>49,094.31</u></u>	<u><u>0.00</u></u>	<u><u>49,094.31</u></u>

**Accounts Receivable Ageing Summary as at 27 January 2017**

	<u>Jan 27, 17</u>
Midwest Financials	440.00
University of Western Australia	<u>218,502.90</u>
<b>TOTAL</b>	<u><u>218,942.90</u></u>

## 6 2017 ELECTION LOBBY PAPERS

<b>Date of Report:</b>	<b>30 January 2017</b>
<b>Report Author:</b>	<b>CEO City of Karratha</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>Response letter from Mark McGowan’s office</b>

### Purpose

To update members on the status of issues 2017 Election issues

### Background

WARCA member collectively prepared a series of four (4) issues papers that were circulated to major parties in December 2016 as a pre-cursor to the State Government election. At the time of writing a formal response has been received from Mark McGowan’s office the response is reflected in the table below. No formal response has been received from any other political party on any matter. Follow up letters were sent on the 30/1/17 requesting a response to the correspondence.

Current actions on the issues.

Issue	Progress
1. Decentralisation of Government Agencies	<ul style="list-style-type: none"> <li>• DPAW in Bunbury - commenced</li> <li>• DAA office in Kalgoorlie</li> <li>• Labor party pledge to support Decentralisation of Government Agencies</li> </ul>
2. Regional Centres Development Plans	<ul style="list-style-type: none"> <li>• Funds committed for Stage II</li> <li>• Some political commitments to fund projects listed in Stage 1 Plans</li> </ul>
3. Local Government Act Review	<ul style="list-style-type: none"> <li>• Labor party pledge to Review LG Act.</li> </ul>
4. Royalties for Regions	<ul style="list-style-type: none"> <li>• Lots of commitments from various parties re how/where R4R will be spent but limited commentary or focus on the value and importance of investing in WARCA Cities.</li> <li>• Labor party pledge to keep Royalties for Regions</li> </ul>

It is proposed to discuss what action/s are required to further progress these matters in the lead up to the March 11<sup>th</sup> State Election.

### Link to Strategic Directions

The development of position papers was a priority WARCA project in 2016.

### Budget Implications

Nil

### Options

N/A

### Conclusion

Some traction has been made on WARCA position paper issues but a formal response is yet to be received from any political party.



**Recommendation**

**That WARCA discuss what action/s should be undertaken to further progress the WARCA State Election position papers.**

## Mark McGowan

Leader of the Opposition



Our ref: 21725rc

Mayor Peter Long  
Chairman  
WA Regional Cities Alliance

Email: [ceo@karratha.wa.gov.au](mailto:ceo@karratha.wa.gov.au)

Dear Peter

Thank you for your letter and position papers in relation to the WA Regional Cities Alliance priority issues.

WA Labor has been critical of the Liberal-National Government's tendency to cut government staff in regional areas, including significant reductions in regional-based department of Agriculture and Food staff, Department of Education staff and the many unfilled vacancies in Department for Child Protection and Family Support regional offices. The single example of a reverse trend; the establishment of Department of Parks and Wildlife "headquarters", looks like being simply a regional headquarters rather than State headquarters as the Government has refused to specify when the State Headquarters staff and Director General will relocate to Bunbury and they have only funded Stage 1 of the project.

WA Labor is committed to providing Government services, wherever possible, closer to where people live. We also want to support local economies by creating more local jobs in regional areas and we have a chapter detailing our policy initiatives for regional areas in our *Plan for Jobs*.

These initiatives include strengthening the Buy Local guidelines to close existing loopholes to ensure the guidelines are applied to regional projects and tender arrangements to head contractors. We are committed to ensuring there is more local content in regional areas on State Government purchasing and building and construction projects.

In terms of Government Departments, the degree to which we can increase staff in regional areas is very dependent of the State's finances. It is difficult from Opposition to get a full and detailed picture of the State's finances and we are yet to see how much more financial damage the Liberal Government will do in the next 2 months.

As reported recently on the front page of *The West Australian* newspaper ("Budget Sham", 27 December 2016) there are at least \$1 billion in Liberal-National Government spending commitments not included in the Budget papers.

For these reasons, we will not know the true state of the finances until we gain government.

**Mark McGowan**  
Leader of the Opposition

Parliament House Perth WA 6000

Phone: (08) 6552 9900 | Fax: (08) 6552 9901 | Email: [leader@loop.wa.gov.au](mailto:leader@loop.wa.gov.au)  
[www.markmcgowan.com.au](http://www.markmcgowan.com.au) |  Mark McGowan MP



Noting that the Liberal-National Government has increased debt by more than 800 per cent (from \$3.6 billion to \$33 billion), has a \$3.4 billion deficit predicted and ratings agency Moody's has slashed the State's AAA credit rating down to AA2, a WA Labor Government would always act in a financially responsible way when making budget decisions.

Royalties for Regions is part of WA Labor policy. We will keep Royalties for Regions and ensure that it is focussed on investment attraction, creating skilled jobs and delivering regional roads. Royalties for Regions expenditure on construction and maintenance projects should be used wherever possible to grow local businesses and create local jobs.

WA Labor sees the role of Regional Development Commissions as crucial and we will ensure the Commissions take a more proactive role in maximising the value of local content delivered on Royalties for regions programs.

The Regional Centres Development Planning framework will provide the guide towards greater economic diversity for regional centres should we win Government in the March election.

In terms of Local Government, the Liberal National Government has badly mishandled the Local Government ministerial portfolio, especially the reform process, wasting millions of dollars on a process that never achieved any significant reform.

WA Labor has committed to undertaking a review of the *Local Government Act 1995* if elected and such a review would, of course include regional Local Governments.

More detail on WA Labor's *Plan for Jobs* and our other policies can be found at [www.markmcgowan.com.au](http://www.markmcgowan.com.au).

Thank you for raising your concerns with me.

Yours sincerely

A handwritten signature in blue ink that reads "Mark McGowan". The signature is fluid and cursive, with a period at the end.

MarkMcGowanMLA  
LEADER OF THE OPPOSITION

31 JAN 2017

## 7 NEW MEMBERS UPDATE

<b>Date of Report:</b>	<b>30 January 2017</b>
<b>Report Author:</b>	<b>CEO City of Karratha</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>Nil</b>

---

### **Purpose**

To update on discussions with potential new WARCA members.

### **Background**

Given the research undertaken by UWA, WARCA elected to invite the following three (3) additional LGA's to become members of WARCA:

- City of Busselton
- Shire of Northam
- Shire of Esperance

Formal letters were sent from the Chair to the Mayor/Shire President of each LGA on the 29/9/16. In addition, follow up phone calls have been made with each organisation. To date the following feedback has been received:

- City of Busselton – *To date no response has been received*
- Shire of Northam – *Advised they would like to attend the next WARCA meeting being held in Perth on Friday 10<sup>th</sup> February, 2017 and they will then take the matter to council for consideration*
- Shire of Esperance – *Advised they would like to attend the next WARCA meeting being held in Perth on Friday 10<sup>th</sup> February, 2017 and they will then take the matter to council for consideration*

### **Link to Strategic Directions**

Nil

### **Budget Implications**

Additional members will bring some additional revenue to WARCA

### **Options**

N/A

### **Conclusion**

For information

### **Recommendation**

**That WARCA members note the current status of proposed new members.**

## 8 ESTABLISHMENT OF A REGIONAL SUBSIDIARY

<b>Date of Report:</b>	<b>6 February 2017</b>
<b>Report Author:</b>	<b>CEO City of Greater Geraldton</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>Local Government (Regional Subsidiaries) Regulations 2017</b>

---

### **Purpose**

The purpose of this report is to provide advice to the WARCA Board in relation to the Local Government (Regional Subsidiaries) Regulations 2017 as a proposed governance model for WARCA.

### **Background**

At the last WARCA meeting, it was resolved that:

1. WARCA agrees to investigate establishing a Regional Subsidiary in lieu of the pre-existing and proposed updated Memorandum of Understanding.
2. The City of Geraldton prepare a report, including a draft Charter, for WARCA's consideration at the first WARCA meeting in 2017.

At that time the Regional Subsidiary regulations were still in the process of being drafted and the exact nature of the regulations were not known. Since then the regulations have been completed and were gazetted on 21 January 2017 (copy attached).

In my view, the Regional Subsidiary regulations are not suitable for formalising the organisational / governance structure of WARCA due to the onerous requirements with respect to:

1. Establishing a regional Subsidiary,
2. Amending the Charter and changes in membership,
3. The ongoing management of the Regional Subsidiary.

Because of the above concerns, I have not undertaken any further action until seeking further advice and direction from the WARCA Board.

My preference would be for the Board of WARCA to establish itself as a not-for-profit incorporated association, as it would provide greater flexibility in relation to the establishment and management of WARCA, while providing a sound governance arrangement for its ongoing operations and activities.

### **Policy Implications**

The ultimate governance model for the WARCA will have significant policy implications with respect to the formation, operations, management and governance of the entity.

### **Legislative Implications**

The ultimate governance model chosen for WARCA will have unique legislative implications that can be provided in a further report

**Budget Implications**

Establishment of a not-for-profit governance model for WARCA has limited financial implications, which can easily be accommodated within the current budget. However, if the Board chooses to pursue a Regional Subsidiaries governance model then it is likely that additional budget allocations in the order of around \$20,000 would be required.

**Recommendation**

**That the Board of WARCA resolve to:**

- 1. Establish itself as a not for profit incorporated association,**
- 2. Direct the Treasurer to prepare the necessary documentation for the consideration of the WARCA Board.**



Western Australia

Local Government Act 1995

## **Local Government (Regional Subsidiaries) Regulations 2017**

# Local Government (Regional Subsidiaries) Regulations 2017

## Contents

### Part 1 — Preliminary

1. Citation 1
2. Commencement 1
3. Terms used 1

### Part 2 — General

4. Community consultation about formation of regional subsidiary 2
5. Application for approval for formation of regional subsidiary 4
6. Community consultation about amendment to charter 4
7. Application for approval for amendment to charter 6
8. No capacity to commence trading undertaking or enter into land transactions 6
9. Matters to be dealt with in regional subsidiary's charter 7
10. Participants have access to information held by regional subsidiary 8
11. Power to borrow 9

### Part 3 — Prescribed modifications

12. Act and regulations modified 9
13. Absolute majority 9
14. General modifications 9



- 15. Tenders for providing goods or services (application of modified section 3.57(1) and modified regulations) 11
- 16. No capacity to form or acquire control of body corporate (application of modified section 3.60) 13
- 17. Dissolution of regional subsidiary (application of modified section 3.63) 13
- 18. Financial management (application of modified provisions of Act and modified regulation) 13
- 19. Financial management (application of modified provisions of *Local Government (Financial Management) Regulations 1996*) 14
- 20. Disclosure of financial interests (application of modified Part 5 Division 6 of Act) 17
- 21. Access to, and improper use of, information (application of modified sections 5.91, 5.92 and 5.93) 18
- 22. Power to invest (application of modified section 6.14(1) and modified regulation) 18
- 23. Fees and charges (application of modified Part 6 Division 5 Subdivision 2 of Act) 19
- 24. Scrutiny of affairs of regional subsidiaries (application of modified Part 8 Divisions 1 and 4 of Act) 19
- 25. Certain persons protected from liability for wrongdoing (application of modified section 9.56) 21

**Notes**

Compilation table 22

## Local Government (Regional Subsidiaries) Regulations 2017

### 8.1 Part 1 — Preliminary

#### 8.1.1.1.1 1. Citation

These regulations are the *Local Government (Regional Subsidiaries) Regulations 2017*.

#### 8.1.1.1.2 2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2016* section 9 comes into operation.

#### 8.1.1.1.3 3. Terms used

In these regulations —

***amend***, in relation to a charter, means to amend the charter in accordance with section 3.70(1)(f);

***charter*** means the charter prepared under section 3.70 in relation to a regional subsidiary;

***financial management***, of a regional subsidiary, means the financial management, planning, auditing and reporting to be undertaken by a regional subsidiary in accordance with its charter and section 3.70(1)(e);

***general modifications*** has the meaning given in regulation 14;

*participants* means the 2 or more local governments that form, or propose to form, a regional subsidiary;

*section* means a section of the Act.

**8.2 Part 2 — General**

8.2.1.1.1 4. Community consultation about formation of regional subsidiary

(1) In this regulation —

*significant change*, in relation to the proposal to form a regional subsidiary, means —

- (a) the inclusion of a further participant with the participants that propose to form the regional subsidiary; or
  - (b) the withdrawal of a participant from the participants that propose to form the regional subsidiary; or
  - (c) an amendment to the business plan prepared under subregulation (3) relating to the proposed functions of the regional subsidiary.
- (2) Before applying to the Minister for approval for the formation of a regional subsidiary, the participants are required to consult with the community in their districts in accordance with this regulation.
- (3) The participants must prepare a business plan that includes an overall assessment of the formation of the regional subsidiary and is to include details of —
- (a) its expected effect on the provision of facilities and services by the participants; and
  - (b) its expected effect on other persons providing facilities and services in the participants' districts; and
  - (c) its expected financial effect on the participants; and

- (d) its expected effect on matters referred to in each participant's current plan prepared under section 5.56; and
  - (e) the service that is proposed to be provided, or the activity that is proposed to be carried on, by the regional subsidiary; and
  - (f) why the regional subsidiary is proposed to be formed to provide that service or carry on that activity.
- (4) Each participant must publish the business plan on its official website and make copies of the plan available for inspection at its office.
- (5) Each participant must give local public notice of the proposal to form a regional subsidiary in accordance with a business plan, stating that —
- (a) submissions about the proposal may be made to the participant before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
  - (b) the business plan has been published on its official website and copies of it are available for inspection at its office.
- (6) After the last day for submissions, each participant must consider any submissions made to the participant.
- (7) If, having considered any submissions made, the participants decide to proceed with the proposal or with a proposal that does not involve a significant change in what was proposed, the participants may apply to the Minister for approval for the formation of the regional subsidiary, subject to compliance with section 3.70(2).
- (8) If, having considered any submissions made, the participants decide to proceed with a proposal that involves a significant change in what was proposed, the participants must —
- 
-

- (a) prepare a revised business plan; and
- (b) comply with this regulation in respect of the revised business plan and the new proposal.

8.2.1.1.2 5. Application for approval for formation of regional subsidiary

- (1) An application for approval for the formation of a regional subsidiary must be made in a form approved by the Minister.
- (2) The participants must supply the Minister with any further information about the application, including information about the charter forwarded to the Minister under section 3.70(2) with the application, that the Minister asks for.
- (3) In considering whether or not to approve the formation of a regional subsidiary, the Minister must have regard to the following —
  - (a) the service that is proposed to be provided, or the activity that is proposed to be carried on, by the regional subsidiary;
  - (b) the estimated annual expenditure and the estimated annual revenue and income of the regional subsidiary;
  - (c) any other matters the Minister considers relevant to the application.
- (4) If the Minister approves the formation of a regional subsidiary, the Minister may grant the approval subject to any conditions determined by the Minister.
- (5) Any conditions determined by the Minister must be specified in the notice under section 3.69(2) declaring that the regional subsidiary is established.

8.2.1.1.3 6. Community consultation about amendment to charter

- (1) In this regulation —  
*participant* includes (except in the expression “further participant”) a local government proposing to become a further
-

participant with the participants that formed a regional subsidiary;

**significant change**, in relation to a regional subsidiary's charter, means —

- (a) the inclusion of a further participant with the participants that formed the regional subsidiary; or
  - (b) the withdrawal of a participant from the participants that formed the regional subsidiary; or
  - (c) an amendment to the charter relating to the functions of the regional subsidiary.
- (2) Before an application may be made under regulation 7 for approval for an amendment to a charter that would involve a significant change to the charter approved by the Minister, the participants are required to consult with the community in their districts in accordance with this regulation.
- (3) Each participant must publish the proposal to amend the charter, and the reasons for the proposal, on the participant's official website and make copies of the proposal and reasons available for inspection at their offices.
- (4) The participants must give local public notice in their districts of the proposal to amend the charter, stating that —
- (a) submissions about the proposal may be made to the participants before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
  - (b) the proposal, and the reasons for the proposal, have been published on the participants' official websites and copies of the proposal and reasons are available for inspection at their offices.
- (5) After the last day for submissions, each participant must consider any submissions made to the participant.

- (6) If, having considered any submissions made, the participants decide to proceed with the proposal or with a proposal that does not involve a significant change in what was proposed, the participants may apply under regulation 7 for approval for the amendment to the charter.
- (7) If, having considered any submissions made, the participants decide to proceed with a proposal that involves a significant change in what was proposed, the participants must comply with this regulation in respect of the new proposal.

**8.2.1.1.4 7. Application for approval for amendment to charter**

- (1) The participants may apply to the Minister for approval for an amendment to a regional subsidiary's charter.
- (2) The application must be made in a form approved by the Minister.
- (3) The participants must supply the Minister with any further information about the application that the Minister asks for.
- (4) Regulation 5(3) and (4) apply to an application under this regulation as if a reference in those provisions to approving the formation of a regional subsidiary were a reference to approving the amendment of a regional subsidiary's charter.
- (5) If the Minister approves the amendment of a regional subsidiary's charter, the Minister must, by notice given to the participants and published in the *Gazette*, declare that the charter is amended on the date set out in the notice.
- (6) Any conditions determined by the Minister under regulation 5(4), as applied by subregulation (4), must be specified in the notice under subregulation (5).

**8.2.1.1.5 8. No capacity to commence trading undertaking or enter into land transactions**

- (1) In this regulation —
- 
-

*land transaction* has the meaning given in section 3.59(1);

*trading undertaking* has the meaning given in section 3.59(1).

- (2) A regional subsidiary cannot commence a trading undertaking or enter into a land transaction.

8.2.1.1.6 9. Matters to be dealt with in regional subsidiary's charter

For the purposes of section 3.70(1)(h), the following matters are required to be dealt with in a charter —

- (a) the employment, appointment or engagement of staff by the regional subsidiary;
  - (b) the execution of documents by the regional subsidiary;
  - (c) a means of determining the procedures for meetings of the regional subsidiary's governing body and of any committees of the governing body;
  - (d) procedures for the participants to request information from the regional subsidiary and, if information is requested by only one participant, for determining whether the regional subsidiary must provide the information to each of the other participants;
  - (e) procedures for the participants to give directions to the regional subsidiary's governing body and the consequences of a failure to comply with a direction;
  - (f) a means of resolving disputes between participants as to matters relating to the regional subsidiary;
  - (g) in relation to the financial management of the regional subsidiary — details of any of the listed provisions (as defined in regulation 19(1) and applied by that subregulation to a regional subsidiary subject to its charter) that do not apply to the regional subsidiary, and the reasons why they do not apply;
  - (h) a means of determining the continuing financial contributions (if any) of the participants to the funds of the regional subsidiary;
- 
-



- (i) the way in which any profits produced by the regional subsidiary are dealt with;
- (j) the circumstances (if any) in which the regional subsidiary may operate at a loss and, if it does operate at a loss, a means for preventing its insolvency;
- (k) the circumstances in which the regional subsidiary is to be wound up and procedures for the winding up of the regional subsidiary;
- (l) procedures for the withdrawal of a participant from the regional subsidiary;
- (m) procedures for another local government being included in the charter as a further participant;
- (n) procedures for the division of assets and liabilities between the participants in the event of the regional subsidiary being wound up or a participant withdrawing from the regional subsidiary;
- (o) the way in which money may be invested by the regional subsidiary in accordance with the Act, as modified by regulation 22;
- (p) procedures for the disposal of property;
- (q) a means of developing a code of conduct (if any) for the employees of the regional subsidiary, for the members of the regional subsidiary's governing body or for the members of a committee of the governing body;
- (r) the fees and charges (if any) that may be imposed by the regional subsidiary;
- (s) the process for reviewing the charter.

8.2.1.1.7 10. Participants have access to information held by regional subsidiary

The participants can have access to any information held by a regional subsidiary that relates to the performance by the

regional subsidiary of any functions under the Act or another written law.

**8.2.1.1.8 11. Power to borrow**

- (1) A regional subsidiary may borrow money from one or more of the participants to enable the regional subsidiary to perform its functions.
- (2) A regional subsidiary cannot borrow money otherwise than under subregulation (1).

**8.3 Part 3 — Prescribed modifications**

**8.3.1.1.1 12. Act and regulations modified**

This Part prescribes modifications to the Act and to other regulations made under the Act for the purposes of the application of the Act and those regulations in relation to a regional subsidiary.

**8.3.1.1.2 13. Absolute majority**

If —

- (a) a provision of the Act, or of other regulations made under the Act, is applied to a regional subsidiary by a modification of the provision by this Part; and
- (b) that provision has a requirement relating to an absolute majority,

the reference to an absolute majority is taken to be a reference to a majority comprising enough of the persons for the time being constituting the regional subsidiary's governing body for their number to be more than 50% of the number of offices (whether vacant or not) on that body.

**8.3.1.1.3 14. General modifications**

If it is stated in this Part that a provision of the Act, or of other regulations made under the Act, applies as if amended by the

---

---

general modifications, the provision applies as if amended so that —

- (a) any reference to a local government is a reference to a regional subsidiary; and
  - (b) any reference to a member, in relation to a council, is a reference to a member of a regional subsidiary's governing body; and
  - (c) any reference to a member, in relation to a committee, is a reference to a member of a committee of a regional subsidiary's governing body; and
  - (d) any reference to a council is a reference to a regional subsidiary's governing body; and
  - (e) any reference to a committee is a reference to a committee of a regional subsidiary's governing body; and
  - (f) any reference to the CEO is a reference —
    - (i) to the chief executive officer of a regional subsidiary; or
    - (ii) if a regional subsidiary does not have a chief executive officer, to the presiding member of the regional subsidiary's governing body or as otherwise provided for in the regional subsidiary's charter;
- and
- (g) any reference to the mayor or president is a reference to the presiding member of the regional subsidiary's governing body; and
  - (h) any reference to an employee is a reference —
    - (i) to a regional subsidiary's employee; or
    - (ii) in relation to a regional subsidiary that does not have employees, to a participant's employee.

8.3.1.1.4 15. Tenders for providing goods or services (application of modified section 3.57(1) and modified regulations)

- (1) Section 3.57(1) applies in relation to a regional subsidiary as if amended as set out in subregulation (2).
- (2) Section 3.57(1) is amended so that the reference to a local government is a reference to a regional subsidiary.
- (3) The *Local Government (Functions and General) Regulations 1996* Part 4 Division 2 (except regulation 11(2)(a) and (ea)) and Division 3 and Part 4A apply in relation to a regional subsidiary as if amended as set out in subregulations (4), (5) and (6).
- (4) The provisions referred to in subregulation (3) are amended so that —
  - (a) any reference to a local government (except in regulation 11(2)(e)) is a reference to a regional subsidiary; and
  - (b) any reference to a council is a reference to a regional subsidiary's governing body; and
  - (c) any reference to the CEO is a reference —
    - (i) to the chief executive officer of a regional subsidiary; or
    - (ii) if a regional subsidiary does not have a chief executive officer, to the presiding member of the regional subsidiary's governing body or as otherwise provided for in the regional subsidiary's charter;and
  - (d) any reference to an employee is a reference —
    - (i) to a regional subsidiary's employee; or
    - (ii) in relation to a regional subsidiary that does not have employees, to a participant's employee.

- (5) The *Local Government (Functions and General) Regulations 1996* regulation 24E(3)(a) is amended so that it refers to the entire district of each participant.
- (6) The *Local Government (Functions and General) Regulations 1996* regulation 24F(4)(b) is amended so that it requires a copy of an adopted regional price preference policy to be made available at the office of a regional subsidiary.

8.3.1.1.5 16. No capacity to form or acquire control of body corporate (application of modified section 3.60)

- (1) Section 3.60 applies in relation to a regional subsidiary as if amended as set out in this regulation.
- (2) Section 3.60 is amended so that the reference to a local government is a reference to a regional subsidiary.
- (3) In section 3.60 delete “except a regional local government unless it is permitted to do so by regulations”.

8.3.1.1.6 17. Dissolution of regional subsidiary (application of modified section 3.63)

- (1) Section 3.63 applies in relation to a regional subsidiary as if amended as set out in this regulation.
- (2) Section 3.63 is amended so that —
  - (a) any reference to a regional local government is a reference to a regional subsidiary; and
  - (b) any reference to the establishment agreement is a reference to the charter.

8.3.1.1.7 18. Financial management (application of modified provisions of Act and modified regulation)

- (1) Sections 5.53 and 6.2 apply in relation to the financial management of a regional subsidiary as if amended by the general modifications, the amendments set out in this regulation and any other necessary modifications.
- (2) Delete section 5.53(2)(a), (e), (hb) and (i).
- (3) Section 6.2(1) is amended so that it requires a regional subsidiary to prepare and adopt a budget for the relevant financial year in accordance with its charter.

- (4) Section 6.2(2) is amended so that it requires a regional subsidiary to have regard to its business plan in preparing the detailed estimate referred to in that provision.
- (5) Delete section 6.2(2)(b).
- (6) Delete section 6.2(4)(b) and (f).
- (7) The *Local Government (Administration) Regulations 1996* regulation 19B applies in relation to a regional subsidiary as if amended as set out in subregulation (8).
- (8) The *Local Government (Administration) Regulations 1996* regulation 19B is amended so that —
  - (a) the reference to the annual report of a local government is a reference to a regional subsidiary’s annual report; and
  - (b) the reference to the number of employees of the local government is a reference to the number of employees of the regional subsidiary.

8.3.1.1.8 19. Financial management (application of modified provisions of *Local Government (Financial Management) Regulations 1996*)

- (1) The provisions of the *Local Government (Financial Management) Regulations 1996* listed in the Table (the ***listed provisions***) apply to the financial management of a regional subsidiary subject to its charter and as if amended by the general modifications, the amendments set out in this regulation and any other necessary modifications.

**Table**

r. 5A to 6	r. 11
r. 14 to 17A	r. 19
r. 22	r. 25 to 33A

---

r. 36	r. 41 and 42
r. 44	r. 48 and 49
r. 51	

- (2) The listed provisions are amended so that any reference to the annual financial report is a reference to the annual financial report of a regional subsidiary.
- (3) In regulation 22(1) of the listed provisions delete paragraphs (d), (e) and (f).
- (4) Regulation 26(2) of the listed provisions is amended by deleting the reference to —
  - (a) all general rates; and
  - (b) each specified area rate; and
  - (c) each service charge.
- (5) In regulation 27 of the listed provisions delete paragraphs (a), (b), (c), (g), (h), (i), (j) and (k).
- (6) Regulation 29(d) and (e) of the listed provisions are amended so that the references to the power to borrow under section 6.20 are references to the power to borrow under regulation 11 of these regulations.
- (7) In regulation 30(1) of the listed provisions delete paragraph (c).
- (8) Regulation 30(1)(d) of the listed provisions is amended so that it refers only to regulations 27(i)(i), 27(j) and 29(f).
- (9) In regulation 31(3) of the listed provisions delete paragraph (b).
- (10) Regulation 33 of the listed provisions is amended so that a copy of the annual budget of a regional subsidiary is required to be submitted to each participant within the period provided for in the regional subsidiary's charter.



- (11) Regulation 33A(4) of the listed provisions is amended so that a copy of the review and determination by a regional subsidiary's governing body is required to be provided to each participant.
- (12) In regulation 36(1) of the listed provisions delete paragraphs (a) and (f).
- (13) In regulation 36(2) of the listed provisions delete paragraphs (a) and (b).
- (14) Regulation 36(2) of the listed provisions is amended so that the Table only includes the listed provisions mentioned in that Table.
- (15) Regulation 42(2) of the listed provisions is amended by deleting the reference to —
  - (a) all general rates; and
  - (b) each specified area rate; and
  - (c) each service charge.
- (16) Regulation 48 of the listed provisions is amended —
  - (a) so that the references in paragraphs (d) and (e) to the power to borrow under section 6.20 are references to the power to borrow under regulation 11 of these regulations; and
  - (b) in paragraph (f)(v) by deleting the reference to —
    - (i) general purpose grants; and
    - (ii) rates; and
    - (iii) service charges.
- (17) Regulation 51(1) of the listed provisions is amended so that the reference to the annual financial report being audited in accordance with the Act is a reference to the annual financial report of a regional subsidiary being audited in accordance with the regional subsidiary's charter.

- (18) Regulation 51(2) of the listed provisions is amended so that a copy of the annual financial report of a regional subsidiary is required to be submitted to each participant within the period provided for in the regional subsidiary's charter.

8.3.1.1.9 20. Disclosure of financial interests (application of modified Part 5 Division 6 of Act)

- (1) Part 5 Division 6 of the Act applies in relation to a regional subsidiary as if amended by the general modifications, the amendments set out in this regulation and any other necessary modifications.
  - (2) Part 5 Division 6 of the Act is amended so that any reference to the election of a relevant person is a reference to the appointment of a relevant person.
  - (3) Delete section 5.60B(1)(a) and (b).
  - (4) Delete section 5.63(1)(b) and (2)(a) and (b).
  - (5) Delete section 5.65(3).
  - (6) Section 5.68(3) is amended so that the reference to the Minister is a reference to a regional subsidiary's governing body or participants, as provided for in the regional subsidiary's charter.
  - (7) Section 5.69 is amended so that any reference to the Minister is a reference to a regional subsidiary's governing body or participants, as provided for in the regional subsidiary's charter.
  - (8) After section 5.69(4) delete the Penalty.
  - (9) Section 5.69A is amended so that any reference to the Minister is a reference to a regional subsidiary's participants.
  - (10) After section 5.69A(4) delete the Penalty.
  - (11) Section 5.71 is amended by deleting the reference to Division 4.
  - (12) Section 5.74(1) is amended —
- 
-

- (a) in the definition of *designated employee* paragraph (b) by deleting the reference to Division 4; and
  - (b) in the definition of *start day* paragraph (a) so that that provision refers to the day on which a person became a member of a regional subsidiary's governing body.
- (13) Section 5.79(1)(a) is amended so that that provision refers to the address of each parcel of real property located in the district of a participant or in an adjoining district.
- (14) Section 5.86(1)(a) and (2)(a) are amended so that those provisions refer to real property located in the district of a participant or in an adjoining district.
- 8.3.1.1.1021. Access to, and improper use of, information (application of modified sections 5.91, 5.92 and 5.93)
- Sections 5.91, 5.92 and 5.93 apply in relation to a regional subsidiary as if amended by the general modifications.
- 8.3.1.1.1122. Power to invest (application of modified section 6.14(1) and modified regulation)
- (1) Section 6.14(1) applies in relation to a regional subsidiary as if amended as set out in subregulation (2).
  - (2) Section 6.14(1) is amended so that it confers power on a regional subsidiary to invest, in accordance with its charter, money that is not, for the time being, required by the regional subsidiary for any other purpose as trust funds may be invested under the *Trustees Act 1962* Part III.
  - (3) The *Local Government (Financial Management) Regulations 1996* regulation 19C applies in relation to a regional subsidiary as if amended as set out in subregulation (4).
  - (4) The *Local Government (Financial Management) Regulations 1996* regulation 19C is amended so that the reference to a local government is a reference to a regional subsidiary.
- 
-

**8.3.1.1.1223. Fees and charges (application of modified Part 6 Division 5 Subdivision 2 of Act)**

- (1) If the imposition of fees and charges is authorised by a regional subsidiary's charter, Part 6 Division 5 Subdivision 2 of the Act applies in relation to the regional subsidiary as if amended as set out in this regulation.
- (2) Part 6 Division 5 Subdivision 2 of the Act is amended so that —
  - (a) any reference to a local government is a reference to a regional subsidiary; and
  - (b) any reference to the annual budget is a reference to the annual budget of a regional subsidiary.
- (3) In section 6.16(2)(c) delete “subject to section 5.94,”.
- (4) Delete section 6.17(3).

**8.3.1.1.1324. Scrutiny of affairs of regional subsidiaries (application of modified Part 8 Divisions 1 and 4 of Act)**

- (1) Part 8 Divisions 1 and 4 of the Act apply in relation to a regional subsidiary as if amended by the general modifications, the amendments set out in this regulation and any other necessary modifications.
  - (2) Part 8 Divisions 1 and 4 of the Act are amended so that any reference to local government property is a reference to anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, a regional subsidiary.
  - (3) Section 8.2(1) is amended so that, if written notice is given to a regional subsidiary under that provision (as applied by subregulation (1)), a copy of the notice must also be given to each of the participants.
  - (4) Section 8.14(1) is amended so that, if a copy of a report is given to a regional subsidiary under that provision (as applied by subregulation (1)), a copy of the report must also be given to each of the participants.
- 
-

- (5) Section 8.14(3) is amended so that, if the written advice setting out the things referred to in that provision (as applied by subregulation (1)) must be given to the Minister by the regional subsidiary, written notice setting out those things must also be given by the regional subsidiary to each of the participants.
- (6) Section 8.15(1)(a) is amended so that it refers to the advice received by the Minister under section 8.14(3) (as applied by subregulation (5)).
- (7) Section 8.15(2) is amended so that, in the stated circumstances, the Minister may, by order, direct the regional subsidiary to be wound up.
- (8) Section 8.15A is amended so that, if paragraph (a) or (b) (as applied by subregulation (1)) of that section applies, the Minister may order the regional subsidiary or the participants to pay all or part of the costs of the inquiry and the regional subsidiary or the participants, as the case requires, must comply with that order.
- (9) Section 8.41(3) and (4) are amended so that, if written notice is given to a regional subsidiary under either provision (as applied by subregulation (1)), a copy of the notice must also be given to each of the participants.
- (10) Section 8.43(1) is amended so that, if an order has been made under section 8.42(1) against a council member who is personally liable to pay an amount misapplied to a local government, any disqualification from being a council member under section 8.43(1) also applies to being a member of a regional subsidiary's governing body.
- (11) Section 8.43(1) is further amended so that, if an order has been made under section 8.42(1) (as applied by subregulation (1)) against a member of a regional subsidiary's governing body —
  - (a) who is personally liable to pay an amount misapplied to the regional subsidiary; and

(b) who is also a council member,

any disqualification from being a member of the regional subsidiary's governing body under section 8.43(1) (as applied by subregulation (1)) also applies to being a council member.

8.3.1.1.1425. Certain persons protected from liability for wrongdoing  
(application of modified section 9.56)

- (1) In this regulation —  
*prescribed*, in relation to a regional subsidiary, means prescribed in the regional subsidiary's charter.
- (2) Section 9.56 applies in relation to a regional subsidiary as if amended as set out in this regulation.
- (3) Section 9.56(1) is amended so that a protected person for the purposes of section 9.56 is a person who is —
  - (a) a member of the governing body, or of a committee of the governing body, of a regional subsidiary; or
  - (b) an employee of a regional subsidiary; or
  - (c) a person appointed or engaged by a regional subsidiary to perform functions of a prescribed office or functions of a prescribed class.
- (4) Section 9.56(4) is amended so that the reference in that subsection to the local government is a reference to the regional subsidiary.
- (5) Section 9.56(5)(b) is amended so that the reference in that paragraph to the doing of anything by a protected person in a capacity described in section 9.56(1)(a), (b) or (c) is a reference to the doing of anything by a protected person in a capacity described in subregulation (3)(a), (b) or (c).

## **Local Government (Regional Subsidiaries) Regulations 2017**

---

### **Notes**

- <sup>1</sup> This is a compilation of the *Local Government (Regional Subsidiaries) Regulations 2017*. The following table contains information about those regulations.

### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Local Government (Regional Subsidiaries) Regulations 2017</i>	20 Jan 2017 p. 689-713	r. 1 and 2: 20 Jan 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Jan 2017 (see r. 2(b) and <i>Gazette</i> 20 Jan 2017 p. 648)

## Defined terms

*[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
amend.....	3
charter .....	3
financial management .....	3
general modifications .....	3
land transaction .....	8(1)
listed provisions .....	19(1)
participant .....	6(1)
participants.....	3
prescribed.....	25(1)
section .....	3
significant change .....	4(1), 6(1)
trading undertaking	



## 9 WARCA STRATEGIC DIRECTIONS – 2017 PRIORITIES

<b>Date of Report:</b>	<b>30 January 2017</b>
<b>Report Author:</b>	<b>CEO City of Karratha</b>
<b>Disclosure of Interest:</b>	<b>Nil</b>
<b>Attachment(s)</b>	<b>Nil</b>

### Purpose

For WARCA to consider its strategic priorities and actions for the 2017 calendar year.

### Background

When discussing the potential direction for WARCA at the Dec 2016 meeting, WARCA resolved (in-part) that:

**The key focus areas for 2017 for the organisation will be:**

- **Advocacy on agreed matters**
- **Developing priority projects that are consistent across Regional Capitals**
- **CEO and organizational cooperation/collaboration on issues and projects of common interest**

The following issues/projects have previously been discussed at WARCA meetings. Members are requested to identify other issues/projects that they would like delivered in 2017 prior to the Feb meeting to enable additional discussion regarding this matter.

<b>Focus Area</b>	<b>Issue/Project</b>
Advocacy	<ol style="list-style-type: none"> <li>1. Local Government Act Review</li> <li>2. Regional Centres Growth Plan – Implementation Funds.</li> <li>3. De-centralisation of Government staff to WARCA Cities</li> <li>4. Royalties for Regions Funding: Focus on Regional Cities</li> <li>5. Local Government Rating of NFP/Charities</li> <li>6. Airline Ticket Pricing</li> <li>7. Crime and Policing</li> </ol>
Developing priority projects that are consistent across Regional Capitals.	<ol style="list-style-type: none"> <li>8. Identifying commonalities within Growth Plans</li> <li>9. Preparing combined 'bids' for resources from Government for common projects/theme areas.</li> </ol>
CEO and organizational cooperation/collaboration on issues and projects of common interest	<ol style="list-style-type: none"> <li>10. Conduct/deliver WARCA Insurance Tender</li> <li>11. Formalisation of WARCA as independent body.</li> <li>12. Promotion of the importance of WARCA Cities (Website, Social Media)</li> </ol>

At the Feb 2017 meeting it is proposed to discuss what other issues/projects that WARCA would like to collectively pursue in 2017 (in addition to those listed above). It should be noted that previously discussion has focused on the principal that WARCA projects:

**Link to WARCA Strategic Directions/Establishment Agreement**

A new Strategic Directions Plan is proposed to be prepared for 2017

**Budget Implications**

Nil

**Options**

N/A

**Conclusion**

For discussion and review.

**Recommendation**

That the following issues/projects form the basis of the 2017 WARCA Strategic Directions document:

<b>Focus Area</b>	<b>Issue/Project</b>
<b>Advocacy</b>	1. 2. 3. 4.
<b>Developing priority projects that are consistent across Regional Capitals.</b>	1. 2. 3. 4.
<b>CEO and organizational cooperation/collaboration on issues and projects of common interest</b>	1. 2. 3. 4.