



WESTERN AUSTRALIAN
LOCAL GOVERNMENT ASSOCIATION

Local Government & Department of Industry and Resources

Protocol for future State Agreements and
resources projects of significance to the State.

protocol



Local Government & Department of Industry and Resources Protocol for future State Agreements and resources projects of significance to the State.

preamble

This Protocol has been jointly developed by the Department of Industry and Resources (DoIR) (on behalf of the Minister for State Development), the Western Australian Local Government Association (WALGA) and the Department of Local Government and Regional Development (DLGRD) (on behalf of the Minister for Local Government and Regional Development).

This Protocol recognises the complexity of developing major resources projects and the effects such projects may have on local communities, the wider region and the State as a whole.

It is important to understand the aspirations of local communities, as represented by local governments, in relation to projects of significance to the State and to ensure that there are sufficient opportunities for consultation between the State Government and local governments as projects are planned, constructed and operated.

This Protocol recognises the Overarching and General Principles of the State & Local Government Partnership Agreement signed by the Premier, WALGA and the local government Managers Association, in the presence of the Minister for Local Government, on 4 December 2002. That Partnership Agreement makes a commitment to improve cooperation between the State and Local Government to enhance the sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, cooperation and collaboration at both strategic and project levels.

This Protocol also recognises the Partnership Agreement on Communication and Consultation signed on 2 June 2004. The Agreement emphasises the importance of effective consultation and communication as key ingredients in strengthening relations between State and local government.

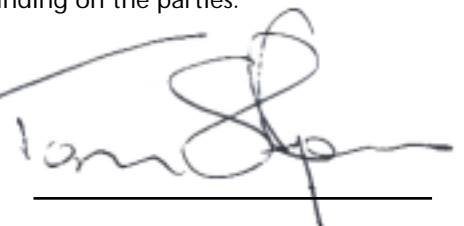
This Protocol does not create any contractual relationships, nor is it legally binding on the parties.



Signed by the Hon C Brown, MLA
MINISTER FOR STATE DEVELOPMENT



Signed by Cr Clive Robartson
PRESIDENT OF THE WESTERN AUSTRALIAN
LOCAL GOVERNMENT ASSOCIATION FOR AND
ON BEHALF OF WESTERN AUSTRALIAN LOCAL
GOVERNMENTS



Signed by the Hon Tom Stephens, MLC
MINISTER FOR LOCAL GOVERNMENT AND
REGIONAL DEVELOPMENT

28 July 2004

purpose

The purpose of this Protocol is to establish a broad set of principles and procedures that will facilitate communication and discussion between DoIR and relevant local governments (hereafter referred to as "the parties") in regard to projects of significance to the State, future State Agreements and major variations to existing State Agreements.

In this way, the parties can gain a better understanding of the potential effects and benefits of significant projects, at the local, regional and State levels.

principles & procedures

1. Where DoIR is the primary agency responsible for administering and coordinating the State's involvement with projects of significance to the State it will, at the earliest practicable opportunity, liaise with the relevant local government(s). The parties note that such projects are usually highly confidential at the early feasibility stage and cannot be discussed without the consent of the proponent company(ies). DoIR will, however, seek from the proponent(s), its concurrence for the 'earliest practicable' consultation with the local government(s) and undertakes to ensure that no decisions on issues affecting the local government(s) will be taken without full consultation with the local government(s).
2. The relevant local government(s) will, at the earliest practicable opportunity, liaise with DoIR about any concerns held regarding a referred project that is proposed to be, or is located in, the local government(s) area(s). At that time the local government(s) may provide a list of issues related to the project on which they desire to be consulted.
3. The parties will, from the outset, determine the level of liaison required between them, the principal contact officers and the mechanisms required to facilitate and coordinate the ongoing consultation.
4. Throughout the planning and construction stages of a referred project, DoIR will keep the relevant local government(s) informed about the development of the project and related issues.
5. Similarly, the relevant local government(s) will keep DoIR informed and apprised of Council and local community views, social and planning issues and any other matters that could affect the local community.
6. Where a State Agreement is required, DoIR will, prior to the commencement of negotiations, and during negotiations as issues arise, consult with the relevant local government(s) in regard to all matters that may affect the local government(s), in particular, and at the earliest opportunity, as to issues that could affect the revenue of the local government(s). DoIR will also ensure that consultation occurs between the proponent(s) and the local government(s) throughout the State Agreement process.
7. Consultations between the parties shall address, but not be limited to the following issues:
 - proposed location and scope of a major resources project;
 - proposed project timelines and local, regional and State infrastructure and planning requirements;
 - identification of potential social and financial effects and benefits;
 - planning issues;
 - possible solutions to, and the means to resolve the effects identified; and,
 - issues affecting the revenue of the local government(s).
8. During the operational phase of a significant project, DoIR will also make officers available, as necessary and at agreed times, to consult on issues relevant to the project with the local government(s).
9. During negotiation of major variations to an existing State Agreement, DoIR will consult with the relevant local government(s), keep them informed of progress and developments, discuss issues of relevance as they arise and provide opportunities for the local government(s) to put its views on issues.
10. The parties should endeavour to foster a spirit of cooperation and work to maximise communication and consultation on significant projects to achieve beneficial outcomes for all parties.
11. DoIR will encourage the development of a good working relationship and spirit of cooperation between the proponent(s) of a significant resources project and the relevant local government(s).
12. In the event that during the consultations an issue arises that cannot be resolved by the parties, the matter will be referred to the Minister for State Development for resolution. Each party will have the opportunity to individually present their position to the Minister, before a decision is made.
13. DoIR, WALGA and DLGRD will review the operation of this Protocol five years after the date of signing of this Protocol, or at an earlier date as mutually agreed between them.