

## Survey - Administrative Efficiencies

1. Have you read the discussion paper associated with this survey?  
  
b. No
2. Who are you completing this submission on behalf of?  
a. Yourself  
b.
3. What is the name of that organisation? **City of Kwinana**
4. What is your name?
5. What best describes your relationship to local government?  
a. Resident / ratepayer  
b. Staff member or CEO  
c.   
d. Peak body  
e. State Government agency  
f. Supplier or commercial partner  
g. Community organisation
6. What best describes your gender?  
a. Male  
b. Female  
c. Other  
d.
7. What is your age?  
a. 0 – 18  
b. 19 – 35  
c. 36 – 45  
d. 46 – 55  
e. 56 – 65  
f. 66 – 75  
g. 76+  
h.
8. Which local government do you interact with most? **City of Kwinana**
9. Would you like to be updated on the progress of the *Local Government Act 1995* review and further opportunities to have your say?  
  
b. No
10. Do you wish for your response to this survey to be confidential?  
a. Yes  
b.
11. What is your email address?

12. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>“All local governments regardless of their size should have the same level of powers and responsibilities.”</p> <p><i>The administrative burden on smaller local governments is not something the City of Kwinana should comment on as this is best left to those local governments affected.</i></p>			X		
<p>“The functions of the Grants Commission and the Advisory Board should be combined under one Board.”</p> <p><i>These are two very different functions and there may be a real or perceived bias in regard to decision making by a single body. If this were to be implemented, this would require the Board to ensure they have an adequate level of resources and the skills required to fulfil responsibilities.</i></p>			X		
<p>“Membership of the Local Government Advisory Board and the Local Government Grants Commission should be required to be drawn from specific geographic locations, for example, metropolitan Perth as well as regional and remote Western Australia.”</p>					X
<p>“Prior to conducting a poll to change the method of election of the Mayor/President from election by electors to election by the council, the local government should be required to draft the question and summaries and submit the question to the Advisory Board.”</p> <p><i>This should be a local government decision and is usually driven by the community</i></p>	X				
<p>“The Advisory Board should not assess a proposal for changes to boundaries that does not meet the minimum requirements.”</p> <p><i>However, there should be a guidance note or further description incorporated within the regulations to</i></p>					X

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<i>make it clear what the minimum requirements for a proposal are. At the moment the wording of the regulations sets out the matters that the Board should consider rather than what the applicant should address within their proposal.</i>					
“The petition of affected electors should require each signatory to sign an acknowledgement that they have read the summary of the proposal and have seen a plan or map detailing any proposed changes.”					X
<p>“The affected local government(s) should be provided with a copy of the proposal prior to it being submitted to the Advisory Board.”</p> <p><i>This will allow the affected local government(s) to validate the electors who have signed the petition, to have the opportunity to commence an early review of the proposal and communicate with residents and ratepayers in relation to the proposal.</i></p>					X
<p>“The applicant should be able to withdraw a proposal at any time prior to a recommendation being made to the Minister, providing there are circumstances which, in the Advisory Board’s view, warrant withdrawal of the proposal.”</p> <p><i>If a proposal is withdrawn or not supported by the Minister, the proposal should not be able to be considered for five years from the date of lodgement.</i></p> <p><i>The time spent in considering and reviewing any applications and then the application being withdrawn will result in a waste of the allocation of resources to the relevant departments and local governments.</i></p> <p><i>There should be a power for the Board to make a cost order against an applicant to prevent vexatious proposals. It is recommended that a definition of vexatious is included in the new Act.</i></p>			X		

13. Currently a proposal to the Advisory Board from the community must be signed by 250 people or 10% of the community whichever is less. Should proposals from districts with a population over 5,000 be increased to 500 signatures?

- a. Yes
- b. **No**
- c. Unsure

*Should consider that it is only based on a percentage, not a number of the community. The City of Kwinana’s 2019 forecast population is estimated to be 47,331. If the number of people increases to 500 people, it will only represent 1% of the population. It is recommended that 10% of the population is required and remove the number, currently at 250 people.*

14. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“People need the power to impound stray cattle.”	X				
“Local governments need the power to impound stray cattle.”					X
“People need the power to detain and dispose of stray goats, pigs and poultry.”	X				
“Offences that apply to pound keepers should also apply to similar facilities maintained by local governments, for example cats and dogs.”  <div style="border: 1px solid red; padding: 5px; margin-top: 10px;"> <i>This question does not make sense because if a local government is operating a facility for cats and dogs, it should be a pound.</i> </div>			X		

15. Which of the following pieces of information should be provided by local governments to the Department and the Minister for Local Government?

Section		Yes	No	Unsure
s 4.79	Provide a report on the result of an election (ordinary or extra-ordinary election)	X		
s 5.3	Advise of the failure to hold council meetings within the last 3 months	X		
s 7.12A	Provide a copy of the report that addresses the issues identified in the audit report	X		
LG (Audit) Reg 14	Provide a copy of the compliance audit report	X		
LG (Audit) Reg 15	Provide a certified copy of the compliance audit return		X	
LG (Constitution) Reg 11FA	Provide a report on the result of an election (election of Mayor/President and Deputy Mayor/President)	X		
LG (Constitution) Reg 11H	Advise the outcome of the Court of Disputed Returns (election of Mayor/President and Deputy Mayor/President)	X		
LG (Constitution) Form 2	Request for a poll on a recommended amalgamation	X		
LG (Elections) Reg 86	Advise the outcome of the Court of Disputed Returns (ordinary or extra-ordinary election)	X		
LG (Financial Management) Reg 33	Provide a copy of the annual budget		X	
LG (Financial Management) Reg 33A	Provide a copy of the review and determination of the reviewed annual budget		X	
LG (Financial Management) Reg 51	Provide a copy of the annual financial report		X	

*Most local governments publish the annual report, annual budget, annual budget review and the annual financial report on their website. If this was made to be a requirement of all local governments they would be available to the Department to view as they wished. All other reports are generally not available on local governments' websites.*

16. Which of the following decisions should be made by the Minister?

Section		Yes	No	Unsure
s 2.25	Approval for a leave of absences greater than six consecutive council meetings  <i>This should be approved by the Director General. The meeting frequency of all local governments does differ, it is recommended that approval be required if greater than six months.</i>		X	
s 3.53	Ordering which local government is responsible for managing a facility that is located within two or more districts (only when the local governments themselves do not agree about how to manage the facility)  <i>It is recommended that local governments who wish to enter into shared use arrangements should do so if all parties agree to the conditions and any dispute resolution should be carried out as per the agreement. Where there is no shared use arrangements and the local governments can not agree then the Minister should be the decision maker.</i>	X		
s 3.59	Commencing or undertaking a major land transaction or trading undertaking (as required under the regulations)		X	
s 3.61	Establishing a regional local government	X		
s 3.65	Amending the establishment agreement of a regional local government	X		
s 3.69	Establishing a regional subsidiary	X		
s 3.70	Amendment to a regional subsidiary's charter		X	
s 5.7	Reducing the number of people required for a quorum or absolute majority	X		
s 5.69	Approval to participate in a meeting (after disclosing an interest)	X		
s 5.69A	Exemption from some or all disclosure of interest requirements for committee members	X		
s 6.35	Minimum payment of rates on vacant land  <i>It is recommended that the Council approve the minimum payment of rates on vacant land as Council set the rates each year.</i>		X	

Section		Yes	No	Unsure
s 6.74	Approval to re-vest land to the State for non-payment of rates	X		
s 9.63	Direction to two or more local governments on how to resolve a dispute  <i>All local governments involved must agree for the dispute to be determined by the Minister.</i>		X	

17. How should the following decisions be resolved by council?

Section		Simple Majority	Absolute Majority	Unsure
ss 3.12 & 3.16	Making local laws		X	
s 3.59(5)	Undertaking major land transactions or major trading activities		X	
s 4.17	Deciding if a councillor's seat should remain vacant prior to the next ordinary election (if the vacancy occurs between January and July in an election year)		X	
s 4.20	Appointing the Electoral Commissioner to conduct an election or appointing a returning officer		X	
s 4.57	Appointing a person to be a Councillor if no nominations are received twice for a vacant position		X	
s 4.61	Deciding if an election should be a postal election		X	
s 5.8	Establishing committees to assist council in the performance of powers and duties		X	
ss 5.10 & 5.11A	Appointing members (and deputies) to a committee		X	
s 5.15	Reducing the number of offices required to form a quorum at a committee meeting (if required)		X	

Section		Simple Majority	Absolute Majority	Unsure
s 5.16	Delegating or revoking any local government powers and duties to a committee		X	
s 5.36	Decisions on CEO's employment contract		X	
s 5.42 & 5.45	Deciding to delegate powers or duties to the CEO (and revoke this delegation)		X	
s 5.54	Accepting the annual report for a financial year		X	
s 5.98A	Deciding to pay the deputy mayor an additional allowance		X	
s 5.99	Deciding to pay council members the prescribed minimum fee or a fee within the prescribed range		X	
s 5.99A	Deciding to pay council members an annual allowance or an allowance that has been set for expenses		X	
s 6.2	Preparing and adopting a budget for the financial year		X	
s 6.3	Imposing a supplementary general rate or specified area rate		X	
s 6.8	Spending money from the municipal fund that was not in the annual budget		X	
s 6.11	Changing the purpose of a reserve account		X	
s 6.12	Granting a discount for the early payment of money, waiving or granting concessions, or writing off any amount owed to the local government		X	
s 6.13	Deciding to require a person to pay interest on an amount owed to a local government		X	
s 6.16	Imposing (or amending) a fee for goods or services		X	



Section		Simple Majority	Absolute Majority	Unsure
s 6.20	Deciding to borrow and spend borrowed money		X	
s 6.32	Imposing a general rate on rateable land or a supplementary general rate in an emergency		X	
s 6.46	Granting a discount or other incentive for the early payment of any rate or service charge		X	
s 6.47	Deciding to waive a rate or service charge		X	
s 6.51	Deciding to impose interest on a rate or service charge or costs of proceedings to recover amounts unpaid		X	
s 7.1A	Appointing audit committee members		X	
s 7.1B	Delegating powers and duties to the audit committee		X	
Sch 2.2 clause 4	Deciding to propose to the Advisory Board that a submission should be rejected or dealt with as a minor matter that does not require public submissions		X	
Sch 2.2 clause 5	Making a proposal to the Minister or the Advisory Board to change the name of a district or ward		X	
Sch 2.2 clause 9	Making a proposal to the Advisory Board to change ward boundaries, the name of the district or wards, or the number of councillors		X	
LG (Admin) Reg 10(2)	Deciding to revoke or change a decision made by absolute majority		X	
LG (Admin) Reg 14A	Deciding to approve a member to be present at a meeting via telephone	X		
LG (Admin) Reg 19C and 19DA)	Adopting a strategic community plan and corporate business plan		X	
LG (Financial Management) Reg 33A	Determining whether to adopt a review of the budget or recommendations in the budget review		X	

18. Which regulatory measures within the Act should be removed or amended to make the legislation more efficient? Please provide detailed analysis with your suggestions.

Briefly describe the red tape problem you have identified.

What is the impact of this problem? Please quantify if possible.

What solutions can you suggest to solve this red tape problem?

There seems to be an overlap of the scope of a number of audits in the finance area, which includes:

1. Regulation 9 of the *Local Government (Audit) Regulations 1996* which includes testing financial controls.
2. Regulation 17 review of systems and procedures of the *Local Government (Audit Regulations) 1996*.
3. Regulation 5 of the *Local Government (Financial Management) Regulations 1996* where local governments are required to conduct a review of their audit systems and procedures, and their financial management systems no less than every three years.

It is recommended that the Regulation 17 review of systems and procedures excludes the financial section of the local government as internal control and legislative compliance relating to finance is already included in the other two audits.

You can also email your suggestions to [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au).

## Survey - Beneficial Enterprises

1. Have you read the discussion paper associated with this survey?

**a. Yes**

b. No

2. Who are you completing this submission on behalf of?

a. Yourself

**b. An organisation, including a local government, peak body or business**

3. What is the name of that organisation? **City of Kwinana**

4. What is your name?

5. What best describes your relationship to local government?

a. Resident / ratepayer

b. Staff member or CEO

**c. Council member, including Mayor or President**

d. Peak body

e. State Government agency

f. Supplier or commercial partner

g. Community organisation

6. What best describes your gender?

a. Male

b. Female

c. Other

**d. Not applicable / the submission is from an organisation**

7. What is your age?

a. 0 – 18

b. 19 – 35

c. 36 – 45

d. 46 – 55

e. 56 – 65

f. 66 – 75

g. 76+

**h. Not applicable**

8. Which local government do you interact with most? **City of Kwinana**

9. Would you like to be updated on the progress of the *Local Government Act 1995* review and further opportunities to have your say?

**a. Yes**

b. No

10. Do you wish for your response to this survey to be confidential?

a. Yes

**b. No**

11. What is your email address?



12. The local government sector has been requesting that it be given additional powers to form independent corporations. These entities could be used to manage part of a local government's existing business activity or pursue new commercial opportunities. To what extent do you support the following statement?

"A local government should be able to create a company known as a beneficial enterprise."

- a. Very unsupportive
- b. Unsupportive
- c. Neutral

**d. Supportive**

- e. Very supportive

13. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>"There should be no limitations on a Local Government to create a beneficial enterprise."</p> <p><i>There should be no limitations on the nature of the beneficial enterprise but there should be limitations with respect to the establishment and operation of a beneficial enterprise. Where possible these limitations should be those in the Corporations Act 2001 rather than a whole set of new provisions in the new Local Government Act</i></p>				X	
<p>"Only local governments deemed to be a low risk should be allowed to create a beneficial enterprise."</p> <p><i>Low risk would need to be defined in terms that would still allow smaller and/or growth local governments to improve upon their financial situation otherwise this will only allow the larger local governments to increase their revenue base</i></p>		X			
<p>"Only local governments that meet a threshold for financial health should be</p>		X			

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>allowed to be create a beneficial enterprise."</p> <p><i>Financial health would need to be defined in terms that would still allow smaller and/or growth local governments to improve upon their financial situation otherwise this will only allow the larger local governments to increase their revenue base</i></p>					
<p>"Local governments should only be permitted to invest in a company up to a specific percentage of their annual expenditure."</p> <p><i>Generally, there is a substantial upfront investment to start-up an enterprise that may require expenditure over the percentage that the new Local Government Act may set. There should be an opportunity to seek approval for an exemption to this requirement, possibly through a submission of a business plan.</i></p>			X		
<p>"Only local governments that are in band 1 &amp; 2 of the Salaries and Allowance Tribunal banding should be allowed to create a beneficial enterprise."</p>		X			
<p>"Local government beneficial enterprises should be able to compete with private businesses."</p> <p><i>A beneficial enterprise should carry out transactions at arms length to the local government and should be operating without subsidy or competitive advantage as a result of any unfair access or treatment by the local government.</i></p>					X
<p>"Beneficial enterprises should have to employ staff under the same pay rates and</p>	X				

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>conditions as employees of local governments."</p> <p><i>Whatever sector the beneficial enterprise is operating in then the relevant award should govern the pay rates and conditions.</i></p>					
<p>"Local governments should have to tell their community how much they are investing in a beneficial enterprise."</p> <p><i>Through the annual report only. No confidential or other documentation relating to business practices should be available to the public that is not a requirement of the Corporations Act 2001.</i></p>					X
<p>"Communities should be able to decide if their local governments can establish a beneficial enterprise."</p> <p><i>Communities should be consulted before a local government establishes a beneficial enterprise however they should not decide whether one can be established.</i></p>	X				

*It is recommended that if this is incorporated into the new Local Government Act that the Department work with the Australian Securities and Investments Commission (ASIC) to develop procedures, guidelines, governance and that ASIC oversee and regulate the disclosures and reporting of the corporations that are created. Any beneficial enterprise established should be subject to the same fee structure as other corporations.*

14. Which of the following functions should a local government beneficial enterprise be permitted to undertake?

	Agree	Disagree
There should be no restrictions	X	
Local governments should not be permitted to form a company		X
Statutory approvals for example building and planning	X	
Leisure centres	X	
Human resources	X	
Information technology	X	
Airports	X	
Waste management	X	
Parking	X	
Road maintenance	X	
Retail (shops and service stations)	X	
Age or child care facilities	X	
Land development	X	
Caravan parks	X	
Other (please specify)		

15. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>"The local government should be required to guarantee any debt of a local government beneficial enterprise."</p> <p><i>Beneficial enterprises should be treated like any other proprietary limited company.</i></p>	X				

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The local government should be able to lend money to a local government beneficial enterprise." <i>The City is supportive of local governments purchasing shares to allow beneficial enterprises to raise capital.</i>	X				
"The Western Australian Treasury Corporation should be able to lend money to a local government beneficial enterprise"	X				
"Commercial lenders should be able to lend money to a local government beneficial enterprise"					X

16. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The local government <u>must</u> receive approval from the Minister prior to creating a local government beneficial enterprise." <i>It is recommended that local governments who wish to undertake a beneficial enterprise are subject to the provisions of the Corporations Act 2001 and are only established after a formal resolution of Council after consideration of any submissions received by the community through the consultation process.</i>	X				



	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The local government <u>must</u> receive approval from the Treasurer prior to creating a local government beneficial enterprise."	X				
"The Office of the Auditor General should be responsible for auditing local government beneficial enterprises."	X				
"A local government beneficial enterprise should be required to hold public meetings." <i>The annual shareholders meeting should be a public meeting but no other meetings should be required to be held in public.</i>			X		

17. Do you have any comments or feedback on the ability of a local government to form a beneficial enterprise? Additional information can also be provided to the review team via email at [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au).

## Survey - Community Engagement

1. Have you read the discussion paper associated with this survey?  
 a. **Yes**  
 b. No
2. Who are you completing this submission on behalf of?  
 a. Yourself  
 b. **An organisation, including a local government, peak body or business**
3. What is the name of that organisation? **City of Kwinana**
4. What is your name?
5. What best describes your relationship to local government?  
 a. Resident / ratepayer  
 b. Staff member or CEO  
 c. **Council member, including Mayor or President**  
 d. Peak body  
 e. State Government agency  
 f. Supplier or commercial partner  
 g. Community organisation
6. What best describes your gender?  
 a. Male  
 b. Female  
 c. Other  
 d. **Not applicable / the submission is from an organisation**
7. What is your age?  
 a. 0 – 18  
 b. 19 – 35  
 c. 36 – 45  
 d. 46 – 55  
 e. 56 – 65  
 f. 66 – 75  
 g. 76+  
 h. **Not applicable**
8. Which local government do you interact with most? **City of Kwinana**
9. Would you like to be updated on the progress of the *Local Government Act 1995* review and further opportunities to have your say?  
 a. **Yes**  
 b. No
10. Do you wish for your response to this survey to be confidential?  
 a. Yes  
 b. **No**
11. What is your email address? [REDACTED]
12. What methods of engagement do you believe are most effective (please select all options that apply)  
 a. **In person**  
 b. Telephone

- c. Online
- d. Community forums

- e. Citizen juries
- f. Other (please specify)

13. How could local governments engage with different community groups (e.g. young people, seniors, families, people with disabilities, Aboriginal people and people from Culturally and Linguistically Diverse communities, etc.)?

*The City does not agree that the means of community engagement should be prescribed. Determining what is the appropriate community engagement method/s should be up to the local government to decide for the different groups in the community and the purpose of the engagement.*

14. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“The Act needs to set rules for community engagement by defining what community engagement is and how it should be done.”	X				
“Local governments should be required to adopt a community engagement charter or policy.”					X
“All local governments should operate under a universal community engagement charter or policy.”	X				
<i>The demographics of a community are very different between one local government to another.</i>					
“Local governments should determine if they require a community engagement charter or policy and the content of that charter or policy.”					X

15. Other jurisdictions have included principles with their engagement charter. How relevant do you believe each of these principles are?

	Irrelevant	Neutral	Relevant
Engagement is genuine			X
Engagement is inclusive and respectful			X

	Irrelevant	Neutral	Relevant
Engagement is fit-for-purpose			X
Engagement is informed and transparent			X
Engagement processes must be reviewed and improved			X

*These principles should not be prescribed in legislation.*

16. In what circumstances should local governments be required to engage with the community? (please select all options that apply)

- |  |
|--|
| <b>a. When preparing or reviewing their Strategic Community Plan</b>                   |
| <b>b. When preparing their annual budget – for rating purposes</b>                     |
| <b>c. Making a local law</b>   |
| <b>d. Planning matters – only for applications that currently require notification</b> |
| e. Emergency and community infrastructure planning                                     |
| <b>f. Only when the local government determines that it is necessary</b>               |
| <b>g. Other (please specify)</b>   |

*Long Term Financial Plan which will include community infrastructure planning.*

17. Would you like to make any further comments regarding community engagement?

Additional information can also be provided to the review team via email at [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au).

## Survey - Complaints management

1. Have you read the discussion paper associated with this survey?  
 a. **Yes**  
 b. No
2. Who are you completing this submission on behalf of?  
 a. Yourself  
 b. **An organisation, including a local government, peak body or business**
3. What is the name of the organisation? **City of Kwinana**
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5. What best describes your relationship to local government?  
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 h. **Not applicable**
8. Which local government do you interact with most? **City of Kwinana**
9. Would you like to be updated on the progress of the *Local Government Act 1995* review and further opportunities to have your say?  
 a. **Yes**  
 b. No
10. Do you wish for your response to this survey to be confidential?  
 a. Yes  
 b. **No**
11. What is your email address? [REDACTED]
12. What matters need to be considered in complaints management policies and procedures (please select all that apply)  
 a. the application must be made  
 b. How a response to a complaint is to be made

- c. Opportunities for a review of a response
- d. The timeframes related to the process or review
- e. Notification requirements of the process
- f. Reporting of the complaints received
- g. Internal independent review of complaints
- h. None of these options

**i. Other (please specify)**

*It is recommended that the policy and procedures are a requirement however the contents of the policy and procedure should be determined by the local government.*

13. To what extent do you support this statement?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
<p>“A customer service charter should set the framework for local government complaints management.”</p> <p><i>It is recommended that a local government have a complaints policy and procedure and this should be separate to the local government customer service charter which should focus on the efficiency and effectiveness of service and related standard.</i></p>	X				

14. Should a local government customer service charter be a legislative requirement?

a. Yes

**b. No**

c. Unsure

15. Who should review unresolved complaints (please select all options that apply)?

a. Different staff member in the local government

b. A qualified complaints management officer

c. A committee created by the local government

d. A tabled decision for council to determine

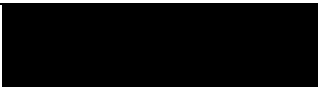
e. None of the people or groups listed above

**f. Other (please specify)**

*There are sufficient existing avenues for resolution of unresolved complaints, for example, the Ombudsman, Public Sector Commission, Standards Panel and the DLGSCI.*

16. Do you have any additional comments on the topic of complaints management? Additional information can also be provided to the review team via email at [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au).

## Survey - Council Meetings

1. Have you read the discussion paper associated with this survey?  
 a. **Yes**  
 b. No
2. Who are you completing this submission on behalf of?  
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 d. 46 – 55  
 e. 56 – 65  
 f. 66 – 75  
 g. 76+  
 h. **Not applicable**
8. Which local government do you interact with most?
9. Would you like to be updated on the progress of *the Local Government Act 1995* review and further opportunities to have your say?  
 a. **Yes**  
 b. No
10. Do you wish for your response to this survey to be confidential?  
 a. Yes  
 b. **No**
11. What is your email address? 



12. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
“The process for public question time should be consistent between councils.”	X				
“Public question time is an important feature of council meetings.”					X
“People unhappy with the quality of the answer given at public question time should be able to escalate the matter to an independent person.”	X				

*The public question time process should be outlined in a local government's Standing Orders.*

13. Should council members be able to participate in meetings remotely?

**a. Yes**

b. No

c. Unsure

If yes, how?

*If there are facilities available to allow the Elected Member to view the Chambers and for the Chambers to view the Elected Member. For example, using Skype.*

*There should be some parameters around when an Elected Member can participate remotely, such as, when ill, when attending a conference or training course or travelling and they are a certain distance away from the meeting location.*

14. Could General Electors Meetings be combined with or held consecutively with an Ordinary Council Meeting?

a. Yes

**b. No – the General Electors Meeting could be held consecutively with an Ordinary Council Meeting but not within.**

c. Unsure

15. Should Council Meetings be live streamed? **No**

16. To what extent do you support the following statements?


	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“Legislation should set rules for recording confidential items in minutes.”					X
“Local governments should be required to publish unconfirmed council meeting minutes prior to the local government’s next council or committee meeting.”					X
“The CEO rather than the Presiding Member should be responsible for the minutes of council and committee meetings.”	X				
<p>“The rule concerning council’s ability to revoke or change a decision should be amended to clarify that it only applies to decisions that are yet to be implemented.”</p> <p><i>A Council should be able to revoke or change a decision. The following is an example of the rules that should be included:</i></p> <p><i>The Council or a Committee shall not vote on a motion to revoke or change a decision of the Council or Committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given- (a) action has been taken to implement the decision without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change; or (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant’s agent by an employee of the council authorised to do so.</i></p>	X				

17. To what extent to do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“The requirement to hold an annual electors meeting should be removed.”	X				
“The ability to call a special electors meeting should be removed.”					X
“The number of times that a special electors meeting can be called on the same matter should be restricted.”					X
“The number of electors required to hold a special electors meeting should be increased.”					X
“The Local Government’s standing orders should apply to special electors meetings.”					X
“The way special electors meetings are conducted should be uniform between local governments.”					X

18. Do you have any additional comments on the topic of council meetings?  
 Additional information can also be provided to the review team via email at [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au).

## Survey - Elections

1. Have you read the discussion paper associated with this survey?  
 a. **Yes**  
 b. No
2. Who are you completing this submission on behalf of?  
 a. Yourself  
 b. **An organisation, including a local government, peak body or business**
3. What is the name of the organisation? **City of Kwinana**
4. What is your name?
5. What best describes your relationship to local government?  
 a. Resident / ratepayer  
 b. Staff member or CEO  
 c. **Council member, including Mayor or President**  
 d. Peak body  
 e. State Government agency  
 f. Supplier or commercial partner  
 g. Community organisation
6. What best describes your gender?  
 a. Male  
 b. Female  
 c. Other  
 d. **Not applicable / the submission is from an organisation**
7. What is your age?  
 a. 0 – 18  
 b. 19 – 35  
 c. 36 – 45  
 d. 46 – 55  
 e. 56 – 65  
 f. 66 – 75  
 g. 76+  
 h. **Not applicable**
8. Which local government do you interact with most? **City of Kwinana**
9. Would you like to be updated on the progress of the *Local Government Act 1995* review and further opportunities to have your say?  
 a. **Yes**  
 b. No
10. Do you wish for your response to this survey to be confidential?  
 a. Yes  
 b. **No**
11. What is your email address? 

12. To what extent do you support the following statements?

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
“Voting should be compulsory.”			X		
“Voting should be conducted via a preferential voting system.”	X				
“Electronic and online voting should be made available for local government elections.” <i>Local governments should make postal and in person voting available also.</i>					X
“The use of electronic or online voting would not change my confidence in the voting system.”					X
“Legislation should be introduced that would permit online voting to be trialled.”					X

13. Which local governments should be required to offer postal voting?

**a. Postal voting should not be required to be offered – if local governments hold their election in person, there should be requirements to ensure that it is held in an equitable manner and polling places within a reasonable distance from Electors.**

- b. All local governments
- c. Local governments with a population greater than 1,000 people
- d. Unsure

14. Which local governments should be required to use the WA Electoral Commission?

**a. No local governments should be required to use the WA Electoral Commission**

- b. All local governments
- c. Local governments with a population greater than 1,000 people
- d. Unsure

15. Should the WA Electoral Commission be the only organisation authorised to conduct local government postal voting?

a. Yes

**b. No**

c. Unsure

16. What method should be used to resolve ties in council elections?

a. Drawing of lots (random selection)

b. Unsure

**c. Other (please specify)**

*If there is preferential voting then it should be the candidate who received the greatest number of primary votes and if that is a tie then the candidate who has received the greatest number of preferential votes.*

*If there method is not preferential voting then a review should be undertaken by the DLGSC to explore other ways for resolving ties.*

17. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“A count-back from the previous election result should be used if available to fill vacancies between elections.”					X
<p>“Local governments should be required to adopt a caretaker period that restricts council from making major decisions during a local government election period.”</p> <p><i>WALGA released a Caretaker Policy Period Policy which the City provide a submission and objection to. Please find attached to this submission the reasons for the objections which the City of Kwinana would like to be considered as part of this statement.</i></p>	X				
“Caretaker periods are only required in large local governments.”	X				
<p>“Council members who contest a State or Federal election should be required to take a leave of absence on the day of their nomination for a State or Federal election campaign.”</p> <p><i>State and Federal campaigns are very different to local government matters. It should be up to the Council member to decide whether they can still carry on their role as a local government Council member while campaigning for a State or Federal election.</i></p>			X		

18. To what extent do you agree with the following statements?

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
“People who have been convicted under planning or building legislation offences in the past should be disqualified from serving as a council member.”					X

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
<p>“Council elections should be held every four years rather than every two years with all council members being elected at the same time.”</p> <p><i>The current system allows knowledge of current matters to be retained by half the number of Council members (as they are not up for election). If elections were to include all Council positions the transition of a new Council could cause delays on local government issues/matters being decided in a timely and prompt manner.</i></p>	X				
<p>“A cap should be set on the maximum amount that a candidate may spend on their campaign.”</p> <p><i>This should be at the discretion of the candidate.</i></p>			X		
<p>“Prospective candidates should be required to declare their profession or primary source of income on the nomination form.”</p>	X				
<p>“Local governments should be required to publish candidate profiles on the website.”</p>					X
<p>“Information collected on the nomination form should include demographic information such as gender and ethnicity.”</p> <p><i>This should be optional for candidates</i></p>			X		

19. To what extent do you agree with the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
<p>“People who own land but who do not live in a district should be eligible to vote.”</p>					X



	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
"People who lease rateable property in a district should be entitled to vote." <i>It is recommended that only ratepayers should be entitled to vote</i>	X				
"Corporations that own property in a district should be entitled to vote."					X
"Corporations that lease property should be entitled to vote." <i>It is recommended that only ratepayers should be entitled to vote</i>	X				
"Occupiers of land, for example, commercial lease holders, should be eligible to vote." <i>It is recommended that only ratepayers should be entitled to vote</i>	X				
"Only people over the age of 18 who live in a district should be eligible to vote." <i>As well as they must own property in the district</i>					X

20. How should the position of Mayor or Shire President be determined?

- a. Vote by electors
- b. Vote by council members
- c. A method determined by council**
- d. Unsure
- e. Other (please specify)

21. To what extent do you agree with the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“The rules regulating non-election gifts and elections should be aligned.”	X				
“Election gifts and donations should be declared regardless of when they are received.”					X
“A register of election gifts and donations should be available online.”					X
“Donors should also be required to declare election gifts and donations made.” <i>It should be up to the candidate to declare any gifts or donations, which is consistent with the gift provisions in the Local Government Act 1995 for notifiable gifts.</i>	X				

22. Should gifts or donations from any of the following be prohibited? (please select all options that apply)

- a. Real estate agents
- b. Property developers
- c. Political parties
- d. Liquor or gambling business entities
- e. Tobacco industry business entities

**f. No election gifts or donations should be prohibited**

- g. All election gifts or donations should be prohibited
- h. Other (please specify)

23. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
“A local government should be required to have a ward structure if it reaches a certain population threshold.” <i>This is a local government decision and should not be set by legislation</i>	X				

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
<p>“A local government with fewer than 800 people should not have wards.”</p> <p><i>This is a local government decision and should not be set by legislation</i></p>	X				
<p>“Ward boundaries should be set by the Electoral Commissioner.”</p> <p><i>This is a local government decision and should not be set by legislation</i></p>	X				
<p>“The number of members that a council has should be linked to the local government’s population.”</p> <p><i>This is a local government decision and should not be set by legislation. A guide could be included for local governments in relation to how many Council Members there should be compared to a local governments population.</i></p>			X		

24. How can participation be increased to ensure that Western Australia’s diverse population is represented in local government?

*Local governments should identify where and how each diverse group would like to be communicated and ensure the communication method in relation to elections are in these channels.*

25. Do you have any other comments or feedback on local government elections? Additional information can also be provided to the review team via email at [actreview@dlqsc.wa.gov.au](mailto:actreview@dlqsc.wa.gov.au).

The Officers of the City of Kwinana have provided the following comments in relation to the proposed WALGA Election Caretaker Period Policy (Policy):

1. Caretaker conventions should not be legislated in Western Australia and just like any policy that WALGA provides to local governments, it should only be used as a guide. In accordance with section 2.10 of the *Local Government Act 1995*, Elected Members:
  - (a) *represents the interests of electors, ratepayers and residents of the district; and*
  - (b) *provides leadership and guidance to the community in the district; and*
  - (c) *facilitates communication between the community and the council; and*
  - (d) *participates in the local government's decision-making processes at council and committee meetings; and*
  - (e) *performs such other functions as are given to a councillor by this Act or any other written law.*

The Policy will restrict an Elected Member in performing their role, which includes deciding on Major Policy Decisions, attending events and functions and discretionary community consultation.

2. Included in the Policy application it states that the Policy applies to "(c) Decisions made administratively". Council are not allowed to be involved in administration matters and should be removed from the Policy if it is endorsed by WALGA.
3. Definition of Extraordinary Circumstances

The introduction of this Policy would cause delays and negatively impact the level of customer service provided. Council can continue to make decisions as there is not a total spill at the Local Government Election as half of Council remain and are still in office. Decisions must be made promptly and the value of the extensive knowledge the current Council maintains on current matters is important in making an informed decision. If a matter was deferred until after the elections, then it would likely be a long lag time for the new Elected Members to be able to make an informed decision. There are decisions that are required to be made within statutory timeframes and within submission periods which the Council may not provide if the Policy is in place.

It is recommended that this Policy is not endorsed however if it is, making the Chief Executive Officer (CEO) the decision maker in determining whether the matter, if delayed, has reasonable potential to incur or increase legal, financial and/or reputational risk or cause detriment to the strategic objectives of the City, requires further discussion in relation to the practicalities of how this will occur. There needs to be definitions and a framework developed for decision making and included in the Policy. There is a risk that the decision could be questioned by an Elected Member, candidate, proponent or community member, who has a differing opinion in what matter could cause reasonable potential, and detriment and delays if the CEO decides it is an extraordinary circumstance. Protecting the CEO from preventing or allowing matters to be brought to Council during the Caretaker Period that could result in the CEO being accused of making the wrong decision by Council, Elected Member, proponent, candidate or member of the public, requires further Policy development.

#### 4. Significant Expenditure

If the Policy is endorsed, it is suggested that the following changes are made to the definition:

- a) Threshold from 0.1% to 1%
- b) The Policy states that the threshold relates to the annual budgeted revenue. The amount should be related to the annual budgeted operating revenue
- c) The Policy states that the revenue is inclusive of GST. The amount should be exclusive of GST as local governments do not include GST in budgets or financial statements.
- d) Include an exemption that tenders do not apply. This is because when a tender is closed the validity period is 60 days. Council has already approved the budget and the scope of the tender and if the acceptance of the tender is within the Caretaker Period, the CEO would not be able to accept under delegated authority. Additional staff time will be required to request to tender submissions that extensions to the validity of price be approved until after the Caretaker Period and if Tenderer does not agree may need to be retendered.

5. If the Policy is endorsed it is recommended that the removal of election campaign issues is removed from the Policy. Election campaign issues will be difficult for local government employees to identify as the use of social media is extensive and the number of candidates is increasing (e.g. there were 17 candidates in the 2017 Local Government Kwinana Election and in the 2015 Local Government Kwinana Election there were 11 candidates) which will require resources to monitor the campaign issues for each candidate and issues could change on a minute by minute basis.
  
6. In the scheduling Major Policy Decisions section, it states “that the CEO shall reasonably ensure that, unless Extraordinary Circumstances apply, delegated authority from the Council to the CEO is not exercised whether the exercise of that delegated authority relates to a Major Policy Decision or an election campaign issue”. Any reference to delegated authority should be removed from this Policy and delegations can continue even if it is a Major Policy decision or election issue. As previously mentioned knowing the campaign issues for candidates will require significant resources to manage and Council has agreed on the decisions that have been delegated to the CEO prior to the Caretaker Period and review this annually in accordance with the *Local Government Act 1995 the CEO then on delegates many of these powers to staff*. An election campaign issue may not occur until after an agenda has been released for an Ordinary Council Meeting, which will require a change to how the matter is dealt with. Most current matters of Council will be election issues.

One purpose of delegated authority is that the customer receives a response to their request promptly. This Policy will impact the customer and delay a decision being made in relation to their application or request. The City of Kwinana are developing strategies to improve the customer service experience, not hinder the quality of the experience.

7. Council Reports Policy Statement – Remove any reference to the CEO unless the Policy includes a framework around how to determine if it does or does not constitute a Major Policy Decision. It may be beneficial that the decision maker is Council who

determine if the matter constitutes a Major Policy Decision. The framework needs to be clear to protect the CEO from any objections to their decision.

In addition to the Policy Statement, Council Reports are required where a response from an external stakeholder is required, such as a JDAP, which requires comments, and recommendations that may be an election issue or considered a Major Policy Decision.

8. Council Forums, Workshops or Briefings – Remove any reference to Council Forums, Workshops or Briefings in this Policy. It may be a requirement that the Major Policy Decision matter requires a briefing due to timing or availability of external presenters or request for submissions and the due date is within the 37 days.
9. As a result of grant funding or completion of infrastructure projects, promotional activities are planned and are sometimes a requirement of the funding body. It is recommended that this requirement be removed from the Policy and that all of Council are allowed to participate in promotional activities organised by the local government.
10. Candidates during the Caretaker Period – Remove that each candidate is provided with a copy of the meeting agenda at the time it is distributed. This is available online on each local government website and would require additional staff time in the agenda process.

It is recommended that candidates are not required to be invited to every event as it may not be appropriate to attend due to conflicting beliefs that are known, such as a civic event celebrating the Muslim community and there is an anti-Muslim candidate running for election.

11. Elected Members nominating for re-election – These requirements could be considered in the Code of Conduct of each local government if the local government does not wish to adopt the Policy.

12. The City, during the Caretaker Period

- a) Remove from the Policy that the City will avoid scheduling Civic Events and Functions from the Policy. Local governments plan events on an annual basis and the timing of these are generally around the same time each year. Local Government elections are held in mid-October and this is generally when outdoor activities and events commence.
- b) Remove from the Policy the requirement to remove Elected Member profiles from the website. Elected Members are still performing their functions in accordance with the *Local Government Act 1995* and the profiles of each Elected Member help the community identify areas of interest and information that may assist them in any enquiry. This may also give an adverse perception of Elected Members as their profiles are different and it may be seen that they are not performing their duties at the same level of other Elected Members who are not a candidate in the upcoming election.
- c) Remove from the Policy to not conduct Community consultation – local governments are being asked by the community for more consultation and engagement. This consultation and engagement is for a range of issues that may take a considerable amount of time and commencing the engagement or the schedule may fall within the Caretaker Period. The Council has endorsed a Community Engagement Council Policy that requires consultation which would include matters that are election issues and Major Policy Decisions.



## Survey - Financial Management

1. Have you read the discussion paper associated with this survey?
  - a. Yes
  - b. No
2. Who are you completing this submission on behalf of?
  - a. Yourself
  - b. An organisation, including a local government, peak body or business
3. What is the name of that organisation? **City of Kwinana**
4. What is your name?
5. What best describes your relationship to local government?
  - a. Resident / ratepayer
  - b. Staff member or CEO
  - c. Council member, including Mayor or President
  - d. Peak body
  - e. State Government agency
  - f. Supplier or commercial partner
  - g. Community organisation
6. What best describes your gender?
  - a. Male
  - b. Female
  - c. Other
  - d. Not applicable / the submission is from an organisation
7. What is your age?
  - a. 0 – 18
  - b. 19 – 35
  - c. 36 – 45
  - d. 46 – 55
  - e. 56 – 65
  - f. 66 – 75
  - g. 76+
  - h. Not applicable
8. Which local government do you interact with most? **City of Kwinana**
9. Would you like to be updated on the progress of the *Local Government Act 1995* review and further opportunities to have your say?
  - a. Yes
  - b. No
10. Do you wish for your response to this survey to be confidential?
  - a. Yes
  - b. No
11. What is your email address? [REDACTED]

12. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“Local government purchasing rules should be consistent with the State Government.”			x		
“Different procurement rules should apply to different local governments.” <i>If the issues are around the tender threshold, then the threshold should increase.</i>		x			
“Local governments with few staff or small operating budgets should have fewer procurement rules to comply with.” <i>Local governments should have the same requirements to follow but some of the rules may not be able to be applied to regional local governments and where this is the case, other controls could be implemented to ensure prudent financial management such as additional reporting requirements to Council if there is no segregation of duties, etc</i>		x			

13. What criteria should be used to set the threshold for when a local government must publicly advertise a tender? (select all options that should apply)

- a. None. Procurement rules should be consistent across local government
- b. A percentage of a local government’s average operating expenditure
- c. Salaries and Allowances Tribunal bands
- d. An independent risk assessment

**e. Other (please specify)**

*It is recommended that the criteria should be \$250,000 or 1% of a local governments operating expenditure (excluding non cash items), whichever is the greater, and that the Office of the Auditor General verify the amount for the following financial year in their audit report of the financial statements. This will remove any uncertainty in the calculation of the threshold amount. For the City of Kwinana, if the threshold was set at 1% of the operating expenditure this would generate a tender threshold of \$557K.*

*It is recommended that the WALGA preferred supplier and State Government Common Use Agreements remain applicable for local governments.*

14. Should the regulations set a threshold that a CEO is permitted to spend without needing approval from council?

a. Yes

**b. No**

c. Unsure

15. Should the amount that a CEO is permitted to spend without needing additional approval from Council be scaled according to the local government's size or capacity?

**a. Yes**

b. No

c. Unsure

*It is recommended that any limitation placed on the delegated authority to the CEO to approve tenders should be set at the discretion of the local government and not prescribed in regulations.*

16. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“Local governments should be permitted to invest surplus revenue.”					x
<p>“Local government should have fewer restrictions on their ability to invest surplus revenue.”</p> <p><i>If local governments are considering alternative investment options that attract a higher risk for a higher return, then there should be an approval process that is undertaken or a review carried out by the Office of the Auditor General at the local governments expense and for the Audit Committee to consider the recommendation prior to investing.</i></p>			x		
<p>“Different local governments should have different investment powers and rules.”</p> <p><i>All local government’s should be required to follow the same rules when investing public funds.</i></p>	x				
<p>“Certain types of investments should require independent approval.”</p> <p><i>It is recommended that the Office of the Auditor General is the independent reviewer and the local government’s Audit Committee considers the recommendations of the review prior to the local government investing public funds.</i></p>				x	

17. Should local governments be required to give public notice in any of the following situations? (please select all options that should apply)

- a. Where a local government wishes to borrow money outside amounts listed in the annual budget
- b. Where a local government has exercised its power to borrow for a purpose but no longer wishes to use the funds for that purpose
- c. Where a local government has exercised its power to borrow for a purpose and has funding left over

**d. Public notice is not required in any of these situations**

e. Unsure

*Public notice should not be required however a decision of Council should be required which should be carried by an absolute majority as these situations will result in budget implications.*

18. Should local governments be permitted to secure loans using assets that they own freehold?

a. Yes

**b. No**

c. Unsure

*If a local government was to be refused a loan based on its revenue, then the assets that the local government owns freehold should be considered in any appeal to the WATC Board of that decision.*

19. Should local government be permitted to participate in Building Upgrade Finance programs?

a. Yes

**b. No**

c. Unsure

*The risk of administering loans that the local government is not party to carries significant risks. Officers, who generally would be rates officers will be responsible to ensure payments are made in accordance with loan agreements, carry out debt collection for late payments and the possibility of using local government funds to repay loan repayments whilst Officers are attempting to recover the amount owing.*

*Although the loan is applied to the property an additional administrative burden is placed on the local government to collect the loan repayments and ensuring payments are made in accordance with the loan agreement as well as reducing the amount owing. If an owner cannot source loan funding to improve their property in their own right because they fail to meet the loan requirements of a financial institution, then the local government should not entertain such proposals.*

20. What types of upgrades should be eligible for the program?

a. Environmental upgrades

b. Commercial upgrades

c. Both environmental and commercial

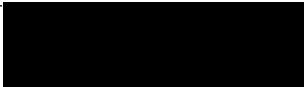
**d. Neither**

e. Other (please specify)

21. Do you have any additional comments on the topic of financial management?

Additional information can also be provided to the review team via email at [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au).

## Survey - Integrated Planning and Reporting

1. Have you read the discussion paper associated with this survey?  
 a. **Yes**  
 b. No
2. Who are you completing this submission on behalf of?  
 a. Yourself  
 b. **An organisation, including a local government, peak body or business**
3. What is the name of that organisation? **City of Kwinana**
4. What is your name?
5. What best describes your relationship to local government?  
 a. Resident / ratepayer  
 b. Staff member or CEO  
 c. **Council member, including Mayor or President**  
 d. Peak body  
 e. State Government agency  
 f. Supplier or commercial partner  
 g. Community organisation
6. What best describes your gender?  
 a. Male  
 b. Female  
 c. Other  
 d. **Not applicable / the submission is from an organisation**
7. What is your age?  
 a. 0 – 18  
 b. 19 – 35  
 c. 36 – 45  
 d. 46 – 55  
 e. 56 – 65  
 f. 66 – 75  
 g. 76+  
 h. **Not applicable**
8. Which Local Government do you interact with most? **City of Kwinana**
9. Would you like to be updated on the progress of the *Local Government Act 1995* review and further opportunities to have your say?  
 a. **Yes**  
 b. No
10. Do you wish for your response to this survey to be confidential?  
 a. Yes  
 b. **No**
11. What is your email address? 

12. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>“Long-term and operational planning is an area where reform is required.”</p>	X				
<p>“A local government should be free to conduct its long-term and operational planning in whatever manner it wishes.”</p> <p><i>The system and frequency currently in place provides sufficient flexibility and achieves a reasonable level of consistency across local governments.</i></p>			X		
<p>“Local governments should conduct their long-term and operational planning in the same way.”</p> <p><i>Local governments should be able to determine how they carry out their long-term and operational planning depending on the community engagement strategy that the local government has adopted.</i></p>	X				
<p>“Local governments with smaller populations and fewer staff should have fewer rules for how they conduct long-term and operational planning.”</p> <p><i>The system and frequency currently in place provides sufficient flexibility and achieves a reasonable level of consistency across local governments.</i></p>	X				
<p>Local Governments with larger populations and more staff should have fewer rules setting how they conduct long-term and operational planning.”</p> <p><i>The system and frequency currently in place provides sufficient flexibility and achieves a reasonable level of consistency across local governments.</i></p>	X				
<p>“Integrated Planning and Reporting documents need to be reviewed too frequently.”</p> <p><i>The system and frequency currently in place provides sufficient flexibility and achieves a reasonable level of consistency across local governments.</i></p>	X				

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>“The timelines for reviewing Integrated Planning and Reporting documents need to be synchronised with council election cycles.”</p> <p><i>The system and frequency currently in place provides sufficient flexibility and achieves a reasonable level of consistency across local governments.</i></p>	X				
<p>“There should be consequences for not complying with Integrated Planning and Reporting requirements.”</p> <p><i>There should be no financial consequences for not adhering to the requirements. There may be valid reasons why a local government hasn't complied with the requirements. It should be reported in the local government's compliance audit return whether they have complied with requirements without any consequences. The DLGSCI should adopt a capacity building approach with any local government that is struggling to meet their integrated planning requirements.</i></p>	X				

13. Should Integrated Planning and Reporting requirements differ based on any of the following criteria?

	Yes	No	Unsure
Population size		X	
Geographical size		X	
Location		X	
Salaries and Allowances Tribunal banding		X	
Other, please specify			



14. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“Local governments should be required to publish measures of success in implementing their long-term and operational plans.”					X
<p>“Local governments should be required to publish measures of success against uniform key performance indicators.”</p> <p><i>The City of Kwinana recognises that there should not be uniform KPIs across the local government sector. Each local government is unique and should develop their own KPIs to report against.</i></p>	X				
<p>“It is important that measures of success are comparable.”</p> <p><i>Local government carry out different services and perform their services differently. It is not recommended that the measures of success are compared to other local governments.</i></p>	X				
<p>“Local governments should determine if they publish measures of success and what these measures should be.”</p> <p><i>If a local government has determined their measures of success, then they should be reported on. The City of Kwinana supports that local governments should be able to determine their measures of success.</i></p>	X				

15. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>“The State Government should use local government Integrated Planning and Reporting documents to inform policy and service delivery.”</p> <p><i>Local government integrated planning and reporting documents have not been specifically drafted for this purpose and should not be used.</i></p>	X				
<p>“All local government plans, including Local Public Health Plans, Disability Access Plans and Town Planning Schemes, should be combined under Integrated Planning and Reporting.”</p> <p><i>They are part of the informing plans to the Strategic Community Plan.</i></p>	X				
<p>“Local government Integrated Planning and Reporting needs to be conducted at a regional level to influence State Government policy and service delivery.”</p>	X				

16. What should the role of the community be in Integrated Planning and Reporting?

	Yes	No	Unsure
To be actively involved in the development of the Strategic Community Plan	X		
<p>To provide feedback to the local government on Draft Strategic Community Plans and Corporate Business Plans</p> <p><i>Feedback should be provided to local governments for Strategic Community Plans however a Corporate Business Plan is operational and feedback should not be mandatory.</i></p>	X		
To be notified of a local government’s plans and reports (for example, publication of these documents on the local government’s website)	X		

	Yes	No	Unsure
To assess the local government's success in achieving the priorities identified in the Strategic Community Plan		X	
<i>The success will be determined by specific, measurable, attainable, relevant and timely (SMART) KPIs which will include data and evidence based information to determine if the local government has been successful in achieving its objectives.</i>			

17. Should all Local Governments have to meet the following community engagement requirements when developing their IPR documents?

	Yes	No	Unsure
A minimum number of people or percentage of people involved in the engagement process		X	
<i>Local governments should be required to carry out community engagement in accordance with their community engagement strategy and should not have to meet a certain number to meet the requirements of community engagement.</i>			
Ensure that community engagement is representative of the community's diverse population	X		
Demonstrate the community has been engaged in the development of plans	X		
Demonstrate the community has been consulted on the completion of draft plans	X		
Other (please specify)			

18. Should community engagement requirements be the same for all local governments?

a. Yes

**b. No**

c. Unsure

*All local governments should undertake community engagement, however local governments should not be required to undertake community engagement in the same way.*

19. Do you have any other comments on the topic of Integrated Planning and Reporting? Additional information can also be provided to the review team via email at [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au).

## Survey - Interventions

1. Have you read the discussion paper associated with this survey?

**a. Yes**

b. No

2. Who are you completing this submission on behalf of?

a. Yourself

**b. An organisation, including a local government, peak body or business**

3. What is the name of that organisation? **City of Kwinana**

4. What is your name? **Not Applicable**

5. What best describes your relationship to local government?

a. Resident / ratepayer

b. Staff member or CEO

**c. Council member, including Mayor or President**

d. Peak body

e. State Government agency

f. Supplier or commercial partner

g. Community organisation

6. What best describes your gender?

a. Male

b. Female

c. Other

**d. Not applicable / the submission is from an organisation**

7. What is your age?

a. 0 – 18

b. 19 – 35

c. 36 – 45

d. 46 – 55

e. 56 – 65

f. 66 – 75

g. 76+

**h. Not applicable**

8. Which Local Government do you interact with most? **Not Applicable**

9. Would you like to be updated on the progress of the *Local Government Act 1995* review and further opportunities to have your say?

**a. Yes**

b. No

10. Do you wish for your response to this survey to be confidential?

a. Yes

**b. No**

11. What is your email address? [REDACTED]

12. Depending on the nature of the allegation, different parties are responsible for receiving allegations of breaches of the Act. Should the Department

responsible for local government be responsible for receiving all allegations of breaches of the Act?

- a. Yes
- b. No

**c. Unsure** – *it would certainly make it easier to all stakeholders to know that any allegations will be referred to one body however this will add additional time to any investigation process.*

13. To what extent are you concerned about behaviour and good governance in local government?

- a. A great deal
- b. A lot
- c. A moderate amount
- d. A little
- e. Not at all

*The question is ambiguous and could be read as questioning a level of concern about current behaviour and governance in local government or whether we believe behaviour and good governance in local government is important to be concerned about. The City is not currently concerned about behaviour and good governance of its Council.*

14. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>“The Act should enable an external person to be appointed to work with a local government’s administration to improve governance and resolve problems.”</p> <p style="border: 1px solid red; padding: 2px;"><i>This should not be imposed upon a local government but is currently open to a local government to do this in any event.</i></p>	X				
<p>“An external person appointed to work with a local government’s administration to improve governance and resolve problems should have the powers to direct the administration and override decisions made by the administration.”</p>	X				
<p>“The external person should be appointed by the Minister.”</p>	X				

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<i>To address any deficiencies a capacity building approach should be undertaken unless there is evidence of inappropriate action. Local governments can already engage outside professions to assist with improving governance.</i>					
<p>“The costs of appointing an external person to work with an administration to improve governance and resolve problems in a local government should be met by the local government.”</p> <p><i>If the Minister forces an appointment then they should bear the cost of that appointment.</i></p>	X				
“The costs of appointing an external person to work with an administration to improve governance and resolve problems in a local government should be met by the State Government.”					X

15. To what extent to you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>“The Act should enable an external person to be appointed to work with council members to improve governance and resolve problems.”</p> <p><i>Local governments can already engage outside professions to assist with improving governance.</i></p>	X				
<p>“An external person appointed to work with council members should have the power to direct the council.”</p> <p><i>If the Minister forces the appointment of an external person then they should only be allowed to direct the Council with regard to any actions that are ultra vires.</i></p>	X				
<p>“An external person appointed to work with council members to improve governance and resolve problems should have the powers to override council decisions.”</p> <p><i>If the Minister forces the appointment of an external person then they should not be able to override Council decisions that are properly made.</i></p>	X				
<p>“An external person should be appointed by the Minister.”</p> <p><i>The City is not supportive of a forced appointment.</i></p>	X				
<p>“The costs of appointing an external person to work with council members to improve governance and resolve problems in a local government should be met by the local government.”</p> <p><i>Where forced by the State, then the State should pay for the costs.</i></p>	X				
<p>“The costs of appointing an external person to work with council members to improve governance and resolve problems in a local government should be met by the State Government.”</p>					X

16. To what extent do you support the following statements?



	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>“Former local government council members, committee members and employees should be prosecuted if they misuse information.”</p> <p><i>Only where it is an offence. Misuse will need to be very clearly defined.</i></p>			X		
<p>“Local government council members, committee members or employees should be prosecuted if they use their position to cause detriment to the local government or any person.”</p> <p><i>Only where it is an offence. Detriment will need to be very clearly defined.</i></p>			X		
<p>“People who knowingly provide false or misleading information to a council should be prosecuted.”</p> <p><i>This will be impossible to police or enforce as this could include information provided with every application that a local government receives, submissions made at Council meetings, correspondence provided to the local government...</i></p>			X		
<p>“Local government employees that breach procurement rules should be prosecuted.”</p> <p><i>Prosecutions should be limited to corruption.</i></p>			X		
<p>“When a breach of the Act is identified an infringement notice should be issued as is the case for traffic offences.”</p>	X				

17. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
“In cases where a local law does not define a penalty amount, the Act should set a default penalty amount.”					X
“Local governments need greater powers to direct property owners to tidy property for amenity, health and safety reasons.”					X
“Local governments need greater powers to direct property owners and occupiers to remove items like disused motor vehicles for amenity, health and safety reasons.”					X
“Local governments should be able to destroy property or items removed from a property within 28 days when there has been a breach of a local law or regulations. This might include rubbish, goods deemed to be of little value, or decaying items.”					X

18. Do you have any additional comments on this topic of interventions?

Additional information can also be provided to the review team via email at [actreview@dlqsc.wa.gov.au](mailto:actreview@dlqsc.wa.gov.au).

## Survey - Local Laws

1. Have you read the discussion paper associated with this survey?

**a. Yes**

b. No

2. Who are you completing this submission on behalf of?

a. Yourself

**b. An organisation, including a local government, peak body or business**

3. What is the name of that organisation? **City of Kwinana**

4. What is your name? **Not Applicable**

5. What best describes your relationship to local government?

a. Resident / ratepayer

b. Staff member or CEO

**c. Council member, including Mayor or President**

d. Peak body

e. State Government agency

f. Supplier or commercial partner

g. Community organisation

6. What best describes your gender?

a. Male

b. Female

c. Other

**d. Not applicable / the submission is from an organisation**

7. What is your age?

a. 0 – 18

b. 19 – 35

c. 36 – 45

d. 46 – 55

e. 56 – 65

f. 66 – 75

g. 76+

**h. Not applicable**

8. Which Local Government do you interact with most? **Not Applicable**

9. Would you like to be updated on the progress of the *Local Government Act 1995* review and further opportunities to have your say?


**a. Yes**

b. No

10. Do you wish for your response to this survey to be confidential?

a. Yes

**b. No**

11. What is your email address? 

12. Should any of the following topics covered by local laws be replaced by state-wide regulations?

	Yes	No	Unsure	Why
Activities on thoroughfares and trading		X		
Beekeeping		X		
Cemeteries	X			
Dogs	X			
Cats	X			
Extractive industries		X		
Fencing		X		
Bush fire brigades	X			<i>Could be controlled via Bush Fire Act and Regulations</i>
Meeting procedures (standing orders)		X		
Pest plants	X			
Public places and Local Government property		X		
Parking		X		
Waste		X		
Urban environment and nuisance		X		
Other (please specify)				

13. Should model local laws be prepared by State Government for local governments to use?

- a. Yes – so long as local governments are not required to adopt them**  
 b. No  
 c. Unsure

14. Should local governments be permitted to adapt the contents of model local laws?

- a. Yes**  
 b. No

c. Unsure

15. Currently a local government is required to consult for a period of six weeks. If a local government adopts a model local law without modification, how long should the mandatory consultation period be?

- a. Less than 6 weeks
- b. Greater than 6 weeks

**c. 6 weeks as it is currently**

- d. The requirement for public consultation should be removed entirely
- e. A duration determined by council

16. If a local government is seeking to adopt a model local law that it has modified, how long should the mandatory consultation period be?

- a. Less than 6 weeks
- b. Greater than 6 weeks

**c. 6 weeks as it is currently**

- d. The requirement for public consultation should be removed entirely
- e. A duration determined by council

17. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“The Department should continue to provide comment on proposed local laws prior to consideration by Parliament’s Joint Standing Committee on Delegated Legislation.”				X	
“Local governments should be required to modify proposed local laws according to the instructions of the Department.”		X			
“Local governments should be required to have a legal practitioner certify that a local law is within power and legally enforceable.”			X		
<i>If DLGSCI is reviewing the local laws then a local government should not be required to obtain this certification as this should form part of the DLGSCI’s review.</i>					

18. Should local governments be required to periodically review their local laws?
- a. No
  - b. Yes, every 6 years or less
  - c. Yes, every 8 years

**d. Yes, between 8 and 10 years**

*Local governments should periodically review their local laws and adapt them when circumstances warrant a change. However, there should remain a time trigger to ensure local governments do review their local laws.*

19. Do you have any additional comments on the topic of local laws? Additional information can also be provided to the review team via email at [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au)

*Development of model local laws to be done by a panel consisting of representatives of local governments, state departments, WALGA and other bodies but should not be required to be adopted like the model scheme text is in planning.*

## Survey - Rates, Fees and Charges

1. Have you read the discussion paper associated with this survey?  
 **a. Yes**  
 b. No
2. Who are you completing this submission on behalf of?  
 a. Yourself  
 **b. An organisation, including a local government, peak body or business**
3. What is the name of the organisation? **City of Kwinana**
4. What is your name?
5. What best describes your relationship to local government?  
 a. Resident / ratepayer  
 b. Staff member or CEO  
 **c. Council member, including Mayor or President**  
 d. Peak body  
 e. State Government agency  
 f. Supplier or commercial partner  
 g. Community organisation
6. What best describes your gender?  
 a. Male  
 b. Female  
 c. Other  
 **d. Not applicable / the submission is from an organisation**
7. What is your age?  
 a. 0 – 18  
 b. 19 – 35  
 c. 36 – 45  
 d. 46 – 55  
 e. 56 – 65  
 f. 66 – 75  
 g. 76+  
 **h. Not applicable**
8. Which local government do you interact with most? **City of Kwinana**
9. Would you like to be updated on the progress of the *Local Government Act 1995* review and further opportunities to have your say?  
 **a. Yes**  
 b. No
10. Do you wish for your response to this survey to be confidential?  
 a. Yes  
 **b. No**
11. What is your email address? [REDACTED]
12. To what degree are you concerned about rates?  
 a. Not at all  
 b. A little

- c. A moderate amount
- d. A lot

**e. A great deal**

13. Do you support the following statements?

	Yes	No	Unsure
<p>“Local governments should be required to prepare a Rates and Revenue Strategy each financial year.”</p> <p><i>This should be included as a requirement of the contents of a Long Term Financial Plan. The Long Term Financial Plan should be reviewed every two years at a minimum. Depending on the local government the rates and revenue strategy should be reviewed every two years at a minimum.</i></p>		X	
<p>“The value of the property should continue to be used to partially determine the value of the rates payable.”</p> <p><i>Proposing no change to how rates are calculated</i></p>	X		
<p>“Local governments should be required to advertise all of their proposed rates and consider any submissions made, prior to adopting their budget.”</p>	X		
<p>“Under the <i>Local Government Act 1995</i>, local governments may not advertise their rates prior to 1 May. Local governments should be permitted to advertise their rates at any time leading up to the adoption of their budget.”</p> <p><i>It is recommended that the advertising of rates is conducted no earlier than the 31 March and for a minimum time and excluding public holidays.</i></p>	X		
<p>“All types of rateable property should pay the same rate in the dollar, regardless of how the land is used.”</p> <p><i>Local governments should be able to apply differential rating. It should be at the determination of a local government. It is contrary to the fundamental principle of equity for those rateable properties that contribute to a higher financial burden on the local government to be subsidised by the rest of the rates base. The local government must substantiate the increased burden in their objects and reasons for differential rates and as such the City of Kwinana is able to articulate the greater burden that industry causes by nature of its activities as opposed to residential ratepayers. If the City of Kwinana were to apply the same rate in the dollar to all properties, there would be a significant financial impact to residential properties as their rates would increase by an average of around \$730 annually to get to</i></p>		X	



	Yes	No	Unsure
<i>the total rate revenue required to be raised for the 2018/19 budget.</i>			

14. Should the legislation set the rating categories that can be used by local governments?

a. Yes

**b. No**

c. Unsure

d. Unsure

15. If rating categories are set in legislation, what would be appropriate categories?	Yes	No	Unsure
Residential	X		
Rural residential <i>This is a contradiction because if a property is carrying on rural pursuits then it should be rated UV and if the property is predominantly used for residential purposes it should be rated GRV. This category should not be used in any recommendations.</i>		X	
Commercial	X		
Industrial	X		
Vacant	X		
Mining	X		
Mining - exploration and prospecting (separate from general mining) <i>This should be included in the category 'Mining' regardless of whether it is for exploration or prospecting purposes.</i>		X	
Farming <i>This should be a Rural rate category which includes farming.</i>		X	
Not-for-profit organisation or charity <i>There should not be a separate rate category. It is up to a local government whether they provide a discount/concession to these organisations in accordance with a set of criteria that Council set.</i>		X	

Other (please specify)

16. If rating categories were set in legislation, should local governments be permitted to introduce sub-categories within the set categories based on factors such as the type of mining being undertaken, the intensity of the land use or the type of commercial activity?

a. Yes

**b. No**

c. Unsure

*The City does not support rate categories being set in legislation. Setting of rates and rates categories should be determined by a local government. The objects and reasons for differential rating categories outline why a local government has chosen to apply different rating categories and should not be restricted to rating categories that are only applicable to the current uses of land. Uses may change in 50 years and if these are set in legislation it will restrict and constrain local governments.*

17. What powers should local governments have to recover payment of rates on exploration and prospecting leases?

*They should be rated the same as other Mining categories or the general UV rate of a local government, whichever applies.*

18. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>“Local governments should be permitted to rate properties differently based on their location.”</p> <p><i>There are different situations that may arise. For example, specified rates allow a particular location to be charged additional rates based on a higher level of service. So long as local governments clearly outline the objects and reasons for the different rating, then this should be at the discretion of the local government.</i></p> <p><i>The City is not supportive just being based on a suburb/locality basis without any rationale.</i></p>			X		
<p>“Local governments should be permitted to rate long term vacant properties differently to land that is used.”</p> <p><i>The City of Kwinana is one of the fastest growing local governments in Australia. The City of Kwinana has a</i></p>					X

<i>significant amount of land that is being held for development. The City of Kwinana are wanting developers to subdivide to a high standard and for ratepayers who buy the land to build and live in the City. To do this the City places a higher rate on vacant land to encourage ratepayers to build a house on their land.</i>					
<p>“Local governments should be permitted to rate holiday houses, timeshare properties or AirBNB properties differently.”</p> <p><i>The City understands that some local governments are supportive of this statement and believe consultation with these local governments should be undertaken to ensure their views are considered.</i></p>			X		
<p>“A lower rate in the dollar should apply to land used for exploration and prospecting compared to land used for mining.”</p> <p><i>They should be rated the same as other Mining categories or the general UV rate of a local government, whichever applies.</i></p>	X				

19. Currently, local governments are required to seek Ministerial approval when seeking to impose a rate in the dollar that is more than twice the lowest of its other rating categories. What is your preferred approach to differential rates?

- a. Ministerial approval for rates twice the lowest category
- b. Ministerial approval for rates three times the lowest category
- c. Ministerial approval for rates four times the lowest category
- d. No Ministerial approval required for any differential rates

**e. Differential rates to a maximum of four times may be set with no option for Ministerial approval**

f. Other (please specify)

*If a local government exceeds a differential rate that is more than four times the lowest rate, then the local government should be able to request Ministerial approval.*

20. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“All land should be subject to rates.”					X

<i>This is consistent with the Emergency Services Levy that the State Government charge. In this case all properties are rated and as local governments, the service and charge that is raised to rateable properties provides essential services to the community, just like the Emergency Services Levy does.</i>					
<p>“The types of land subject to rates should be consistent between local governments.”</p> <p><i>All land should be subject to rates and therefore all local governments would be rating every parcel of land in its district.</i></p>					X

21. Should the following types of land be subject to rates?

	Yes	No	Unsure
Land owned by the Crown that is used or held for a public purpose	X		
Land used or held exclusively for churches (religious bodies)	X		
Land used or held exclusively for schools	X		
Land used exclusively for charitable purposes	X		
Land vested in trustees for agriculture or horticultural show purposes	X		
Land owned by Co-operative Bulk Handling Limited (CBH)	X		
Land used primarily as a place of residence (no matter who owns the land)	X		
Land used for mining exploration or prospecting	X		
Aged care facilities	X		
Child care facilities	X		
Sporting clubs and Surf Lifesaving clubs	X		
Land used for the pursuit of the Arts	X		

*Local governments should be able to charge the local government rate and at their discretion provide concessions to particular uses within a rate category.*

22. Which of the following charges should be levied on properties exempt from rates?

- a. Waste charges
- b. A service charge to cover basic services and maintenance

**c. Both**

- d. Neither
- e. Other (please specify)

*As mentioned previously, the City supports that all properties should be rated and no exemptions apply. This is consistent with the State Government charging the ESL levy to all properties with no exemptions.*

23. Should a concession on rates be granted in any of the following scenarios?

	Yes	No	Unsure
<p>The land is owned by a person who currently receives a pensioner or health related concession</p> <p><i>The State Government currently provide a concession and this should continue. The local government does not have the financial capacity to provide an additional concession. The local government already provides benefits to pensioners which includes no interest on current rates and allowing pensioners to pay their current rates until the end of the financial year, being 30 June.</i></p> <p><i>If a local government was in a financial position that they would like to offer a concession to pensioners then this should be allowed, but should not be mandated.</i></p>	X		
<p>The land is owned or used by a not-for-profit organisation</p> <p><i>This can be at the discretion of local governments however local governments should not feel pressured by the State Government or Members of Parliament to do so based on what another local government or neighbouring local governments provide.</i></p> <p><i>If a local government was in a financial position that they would like to offer a concession to not-for-profit then this should be allowed, but should not be mandated.</i></p>	X		
<p>The land is owned or used by an entity that provides assistance or encouragement for arts or cultural development</p> <p><i>This can be at the discretion of local governments however local governments should not feel pressured by the State Government or Members of Parliament to do so based on</i></p>	X		

<p><i>what another local government or neighbouring local governments provide.</i></p> <p><i>If a local government was in a financial position that they would like to offer a concession to an entity that provides assistance or encouragement for arts or cultural development then this should be allowed, but should not be mandated.</i></p>			
<p>The land is owned or used by a sporting or recreation body and is available for use by the general community without charge or below cost</p> <p><i>This can be at the discretion of local governments however local governments should not feel pressured by the State Government or Members of Parliament to do so based on what another local government or neighbouring local governments provide.</i></p> <p><i>If a local government was in a financial position that they would like to offer a concession to a sporting or recreation body then this should be allowed, but should not be mandated.</i></p>	X		
<p>Community service organisations that are not-for-profit, for the benefit of the general public and provide community services without charge or below cost</p> <p><i>This can be at the discretion of local governments however local governments should not feel pressured by the State Government or Members of Parliament to do so based on what another local government or neighbouring local governments provide.</i></p> <p><i>If a local government was in a financial position that they would like to offer a concession to a community service organisation that are not-for-profit then this should be allowed, but should not be mandated.</i></p>	X		
<p>The payment of rates or charges will cause hardship to the land owner</p> <p><i>This would cause inequity amongst ratepayers. It is the responsibility of an owner of property to pay for their rates and they are aware of the financial obligations when they purchase a property. It is supported that payment arrangements are in place to ensure payment of outstanding rates are made, by agreement of the ratepayer and the local government.</i></p>		X	
<p>The concession will encourage the economic development of all or part of the local government district</p>	X		

<i>If a local government was in a financial position that they would like to offer a concession to an organisation that encourages economic development then this should be allowed, but should not be mandated.</i>			
The concession will encourage land that is of cultural, environmental, historic, heritage or scientific significance to the local government area to be preserved, restored or maintained <i>If a local government was in a financial position that they would like to offer a concession to land that is of cultural, environmental, historic, heritage or scientific significance to the local government area then this should be allowed, but should not be mandated.</i>	X		
Land that is subject to a mining tenement <i>Mining tenements should be rated in accordance with mining rate category (or similar) or the UV general rate and should not be eligible for concession</i>		X	
Land that is determined by the Minister to be subject to a concession <i>The Minister should not be able to determine a concession in relation to a local government. A local government sets the rates and any policy detailing concessions and the guidelines to follow.</i>		X	

24. Should any other scenarios be subject to rates concessions?

*Concessions should be at the discretion of the Council of the Local Government to be set at the time of Rate Setting.*

25. Which of the following charges should be levied on that part of the land that receives a rates concession?

**a. Waste charges**

- b. A service charge to cover basic services and maintenance
- c. Both
- d. Neither

**e. Other (please specify)**

*The charges should include the full waste charge and the rates levied to properties should be calculated as any other ratepayer in the category minus the concession set by Council.*

26. To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“Rate exemptions for the commercial (non-charitable) business activities of charitable organisations should be removed.”					X
“Certain categories of ratepayers, for example Independent Living Units, should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997.” <i>Properties that qualify under the Commonwealth Aged Care Act 1997 should be rateable.</i>	X				
“Land used as a residence should not be regarded as charitable.” <i>All land should be rateable, including for charitable purposes. The services that the charitable organisations have access to are the same as any other ratepayer and therefore should pay an equitable contribution to the local government.</i>					X

27. To what extent do you support this statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“Local governments should be able to impose fixed charges or levies for particular services, facilities or activities.” <i>It should be at the local government’s discretion what non legislative fee they impose taking into consideration the cost of the service, the market or policy position of Council that may influence the price.</i>					X
“Local governments should be able to vary fees and charges at any time without advertising the change.”					X



<p><i>It should be at the local government's discretion what non legislative fee they impose taking into consideration the cost of the service, the market or policy position of Council that may influence the price. It should be approved by Council (absolute majority).</i></p>					
<p>“Local governments should have the autonomy to set fees and charges for all services they provide.”</p> <p><i>It should be at the local government's discretion what non legislative fee they impose taking into consideration the cost of the service, the market or policy position of Council that may influence the price. Currently, local governments have to apply fees and charges that are set in other legislation that are not regularly reviewed and do not allow for full cost recovery, increasing the burden on ratepayers.</i></p>					X
<p>“Services that are consistent across local governments should have the same fees or charges.”</p> <p><i>It should be at the local government's discretion what non legislative fee they impose taking into consideration the cost of the service, the market or policy position of Council that may influence the price.</i></p>	X				
<p>“Local governments should not set a fee or charge higher than the cost of delivering that service.”</p> <p><i>It should be at the local government's discretion what non legislative fee they impose taking into consideration the cost of the service, the market or policy position of Council that may influence the price.</i></p>	X				
<p>“A fee or charge should not be set lower than the cost of delivering that service.”</p> <p><i>It should be at the local government's discretion what non legislative fee they impose taking into consideration the cost of the service, the market or policy position of Council that may influence the price.</i></p>	X				
<p>“Fees and charges imposed by local government and fixed under legislation should increase by CPI annually.”</p> <p><i>In the absence of removing all fees and charges in legislation and allowing local governments to set fees and charges at their discretion, a review of fees fixed under legislation should take place involving local governments, every three years, whereby local governments submit the cost of undertaking the service to ensure the fees are at least cost recoverable using the average cost.</i></p>			X		

<p><i>It is recommended that CPI is defined by using the Capital Cities, Perth, All Groups index to ensure there is no inconsistencies of which CPI index to use.</i></p> <p><i>It is recommended that CPI is applied in the years that a review is not undertaken.</i></p>					
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28. Do you have any additional comments on the topic of rates, fees and charges?

Additional information can also be provided to the review team via email at [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au).