

KAGRA

Email: [REDACTED]
President : Sonia Makoare
Secretary : Dave Blackburn

25 March 2019

Hon David A TEMPLEMAN Dip Tchg BEd MLA
Minister for Local Government; Heritage; Culture and The Arts

Dear Minister,

SUBMISSION TO LOCAL GOVERNMENT ACT 1995 REVIEW

At our meetings in February and March 2019 two issues were raised by members to be considered by the Local Government Act 1995 Review.

Councillor – City Administration Interaction

We have observed that the balance of power is firmly in favour of the City Administration. The Administration should be an agent or servant of the elected Council yet it exercises a high degree of self interest.

The Local Government (Rules of Conduct) Regulations 2007 Para 9. “Prohibition against involvement in administration” seems to have emboldened administrations to rebuff any Councillor intervention.

Councillors are sometimes thwarted in their efforts to help resolve resident's problems by the City Administration bluntly citing the Local Government Act and the Code of Conduct. Councillors should be allowed to relate to City operational staff to expedite resolution.

There have been instances when Councillors, alerted by concerned residents, have observed operational staff doing something that is irreversible and that they consider inappropriate or unnecessary. When reporting such behaviour to Management they have been told to stay out of operational business and the behaviour then continued to the detriment of residents' amenity. An alternative process could have been followed. There should be more flexibility in the Act to allow councillors to represent their electors in such instances.

Elected members need to be able to exercise proper oversight like a Board of Directors which may include interacting with City staff.

Honesty in Councillor or Mayor Candidate's Profiles

The Local Government Act 1995 Section 4.49 states “(b)a profile of the candidate, prepared in accordance with regulations, accompanies the nomination paper;”

At previous elections some candidates have made claims that were untrue. There should be a way that such claims can be challenged and the candidate held accountable. A Statutory Declaration accompanying the candidate's profile statement should be mandatory.

The Nomination Form (LG08) provides information such as Name, Address, Date of Birth, Contact details etc and a “Declaration before a Witness” that, in reference to the details provided, certifies that “all of the details set out above are true and correct”.

There is no corresponding Declaration required for the "Candidate's Profile". The Profile seems to be free-format with some candidates providing information similar to what was on the LG08 and others very scant details.

The Elector receives the "Candidate's Profile" for the Candidates and Ballot Paper in the one Postal mail-out. As Candidates do not have to go through any form of pre-selection process the Elector is effectively seeing the Candidates for the first time when considering their postal vote. They therefore rely heavily on the information provided and the veracity of statements made.

The Local Government (Elections) Regulations 1997 Part 5 Nominations : Para 24 S.4.49(b) states: "(b) is to be confined to biographical information about the proposed candidate and statements of the candidate's policies or beliefs and is not to contain information that the RO considers to be false, misleading or defamatory; and"

The Returning Officer must have difficulty reliably fulfilling the intent of the above, with the work required in the consideration of whether the information is "...false, misleading or defamatory". If a Candidate claimed Qualifications or to have worked in a senior position for a high profile organisation how would an Elector know if these were True, without exhaustive investigation? A Declaration before a Witness would at least provide the same level of certification that is required for Form LG08. This would discourage " false, misleading or defamatory" information in the first instance.

We request that consideration be given to modifying the process such that the "Candidate's Profile" should :

1. Provide at least the significant "Nominee" information provided on the Form LG08.
2. Be strictly confined to information about the Candidate and not refer to other individuals.
3. Be subject to a "Declaration before a Witness" as per the process for Form LG08.

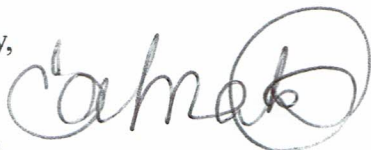
We would like to see a more consistent Candidate Profile format with Biographical information and Claims that are made certified as "True" in an appropriate way. This would provide more credibility to the "Candidate's Profile" and give more assurance to Electors.

Endorsement of MARMION SORRENTO DUNCRAIG Progress and Ratepayers Association(MSDPRA) Incorporated Submission dated 20/3/19

The MSDPRA has provided us with a copy of their submission which is formatted as a response to the City of Joondalup's proposed submission to the Review. Like our fellow Association ,the MSDPRA, our Committee was surprised by the content of the City of Joondalup's submission. In particular the support of items that seemed to be restricting democracy and open access to information. We have reviewed the MSDPRA submission and the KAGRA committee endorses it. A copy of the MSDPRA submission is attached to be incorporated as part of our submission.

In addition we Support section 5.92 of the Act being amended to include a review mechanism of a decision to deny access to information requested by an elected member. Our elected members have reported that on more than a few occasions requests for information have been refused. We question how our elected members can do their job when the Administration restricts access to information.

Yours faithfully,



Sonia Makoare
President
Kingsley & Greenwood Residents Association(KAGRA) Inc

Attachment

MARMION SORRENTO DUNCRAIG Progress and Ratepayers Association(MSDPRA) Incorporated Submission dated 20/3/19

MARMION SORRENTO DUNCRAIG
Progress and Ratepayers Association Incorporated
Serving the coastal community since 1958

President: Mr M Dowey

20th March 2019

Secretary: Mr P Forrestal

RE: Local Government Act 1995 Review

The following is a submission from the Marmion Sorrento Duncraig and Ratepayers Association (Inc.)

Recommendation.

- 1) **That the review and reform of the Local Government Act 1995 be referred to a Parliamentary Committee**
- 2) **That the roles of WALGA and the Local Government Professional Officers be included in the terms of reference of that Committee.**

The following recommendations were prepared in response to the City of Joondalup's proposed submission to the Review as "debated" at the Council meeting held on 19th March 2019.

The Association would like to draw to the Review Team's attention that the City's submission was never put out, to its stakeholders, for public consultation and feedback prior to it being first released. The first opportunity that any of the stakeholders had of its contents and the **107** recommendations was when it was part of the Briefing Agenda released 5pm 8th March 2019. Only 11 days prior to the Council's deliberations. As such the Association is of the judgement that the City's submission is unrepresentative of the views of its stakeholders and should be assess accordingly.

The MSDPRA positions compared with the CoJ's Agenda positions are in the following tables covering the following areas.

Areas Covered

PART 1 – AGILE .

1.1 Beneficial enterprises

1.2 Financial management .

1.3 Rates, fees and charges .

PART 2 - SMART

2.1 Administrative Efficiencies / Local Laws

2.2 Council Meetings

2.3 Interventions (Council conduct and governance)

PART 3 - INCLUSIVE

3.1 Community engagement

3.2 Integrated planning and reporting

3.3 Complaints management

3.4 Local Government Elections

1.1 Beneficial enterprises

The City of Joondalup:	MSDPRA
<ul style="list-style-type: none"> • SUPPORTS modernising the legislation to provide local governments with the option to form beneficial enterprises 	<p>DOES NOT SUPPORT the formation of beneficial enterprises. “Beneficial enterprises are complex and present risks to the council and ratepayers. With the need to obtain legal and financial advice there are significant costs to establish such an organisation. There is also the question of what funding will be provided to the enterprise to enable it to operate.”</p> <p>The Association does not support CoJ local government under taking so called “beneficial enterprises” on the basis that Local Government is ill equipped to initiate and manage such enterprises. It may well create a conflict of interest between the operations of the BI and the Council even that the Council may have a majority interest. If COJ employees are working for the BI where does their loyalty belong?</p> <p>This concept is a re-run of WA Inc., on a smaller scale, with all the political and fiscal implications. As such Local Government should not be given a licence to repeat that history.</p>
<ul style="list-style-type: none"> • SUPPORTS specifying the type of functions and activities local government beneficial enterprises cannot undertake as opposed to those activities that can be performed 	<p>DOES NOT SUPPORT the beneficial enterprises premise and particularly do not feel comfortable providing an open ended scope of possibilities of activities that may be undertaken that fall outside of the City’s core competencies.</p>
<ul style="list-style-type: none"> • SUPPORTS having appropriate and meaningful eligibility criteria that a local government must meet before it can establish a beneficial enterprise 	
<ul style="list-style-type: none"> • SUPPORTS local governments being required to develop a business case/plan and model and undertake a public consultation process around the proposed establishment of beneficial enterprises 	
<ul style="list-style-type: none"> • SUPPORTS establishing control and accountability mechanisms for local government beneficial enterprises. 	

1.2 Financial management

The City of Joondalup:	MSDPRA
• SUPPORTS modernising rules for local government investments including the mandatory development of an investment policy	
• DOES NOT SUPPORT the introduction of tiered investment strategies until such time that the regime is understood and determined	
• SUPPORTS modernising rules for borrowing including:	
o removing the requirement to public advertise borrowing activities	DOES NOT SUPPORT the removal of the requirement to publicly advertise borrowings. This current provisions is but one way of ensuring the residents, as a whole, are aware of what their Local Government is considering. The general public apathy and ignorance requires that proposed borrowings are in fact advertised.
o permitting borrowing against assets other than income	DOES NOT SUPPORT permitting borrowings against assets. For Local government it is prudent to restrict borrowings to income. Public assets should not be put at risk because of foreclosure on a loan supposedly secured against those assets. Also this is a backdoor attempt by the State Government to distance itself from supporting LG with grants. The Government can direct LG to borrow more so reducing Grants
• SUPPORTS amending procurement rules such as:	
o changing the threshold for advertising public tenders	DOES NOT SUPPORT We believe that Openness and Transparency are paramount principles and as such believe that open tendering ought to be maintained for all public tenders and the lifting of thresholds should be critically considered before endorsed.
o a tiered approach to procurement rules applying to different local governments based on financial size	
DOES NOT SUPPORT amending procurement rules such as: o aligning purchasing rules with the State Government and polices set by State Supply Commission o providing greater and uniform clarity around assessing tenders o implementing regulatory framework for non-compliance with	

The City of Joondalup:	MSDPRA
procurement requirements o instituting prescribed payment requirements	
• DOES NOT SUPPORT establishing a threshold where Council approval is required to make payments	
• SUPPORTS the removal of the requirement to report a local government's monthly list of payments to a council, however should it be retained	DOES NOT SUPPORT the removal of the monthly reporting of payments. It makes public where payments have been made and though this may pose a security risk it is not an unsurmountable one and doesn't justify the non-public declarations
SUPPORTS the requirements of regulation 13 of <i>the Local Government (Financial Management) Regulations 1996</i> becoming a matter prescribed under regulation 4A of the <i>Local Government (Administration) Regulations 1996</i>	
• SUPPORTS altering the method of calculation of the financial ratios to uniformly report ratios across Australian local governments	
• SUPPORTS the provision of more context and genuinely comparative benchmarks with the publication of financial ratios	
• DOES NOT OPPOSE establishing the ability to institute building upgrade finance schemes.	

1.3 Rates, fees and charges

The City of Joondalup:	
<ul style="list-style-type: none"> • SUPPORTS introducing a requirement to develop and consult on a Rates and Revenue Strategy in lieu of mandatory public notices for rate setting 	<p>DOES NOT SUPPORT Mandatory reporting ought to be retained with regards to Rates. It's an important matter of direct fiscal concern to all the ratepayers.</p>
<ul style="list-style-type: none"> • DOES NOT SUPPORT implementing mandatory public notices for rate setting, not just for differential rates, subject to a Rates and Revenue Strategy requirement being introduced 	<p>SUPPORTS See above</p>
<ul style="list-style-type: none"> • SUPPORTS revising the framework around the setting of differential rate categories including the thresholds needed for Ministerial approval 	
<ul style="list-style-type: none"> • SUPPORTS removing or at the very least amending exemptions from rates including removing the exemption for lease for life tenancies 	<p>SUPPORTS a complete review of exemptions eligibility and application.</p> <p>The recommendation is for the removal of all exemptions is untenable. Such a position would not be in the best interests of the community. If Churches were to be rated then why not all the sporting clubs because they are all similar in essence they are gathering places of residents who have already paid their rates. Because a Club is on LG land shouldn't grant it exemption and a church on private land isn't.</p> <p>By all means conduct a review if there are ro rts due to the application of "Charity" provisions.</p> <p>Other than land used or held by the Crown (State Government) for a public purpose, a local government or a regional local government, exemptions from rates apply to:</p> <ul style="list-style-type: none"> • Land used or held exclusively for churches (religious bodies); • Land used or held exclusively for schools; • Land used exclusively for charitable purposes; • Land vested in trustees for agriculture or horticultural show purposes; • Land owned by Co-operative Bulk Handling Limited (CBH); and • Land exempted by the Minister for Local Government <p>https://www.joondalup.wa.gov.au/files/councilmeetings/2019/Attach3brf190312.pdf</p>
<ul style="list-style-type: none"> • SUPPORTS including a definition of charitable purpose in the Act 	
<ul style="list-style-type: none"> • DOES NOT SUPPORT standardising rating categories between local governments 	

The City of Joondalup:	
• SUPPORTS removing the requirement for Ministerial approval of large disparities in rates	DOES NOT SUPPORT as removal of this approval reduces oversight.
• DOES NOT SUPPORT imposing fees and charges at cost recovery and including these fees and charges in a new Rates and Revenue Strategy as opposed to the annual budget process	
• SUPPORTS being able to impose a levy on all ratepayers to fund a particular service, facility or activity that benefits the entire community	Supports , provided such proposed levies are properly advertised for Public comment.
• SUPPORTS having greater flexibility in setting and changing fees and charges under delegated authority within a range determined by Council.	DOES NOT SUPPORT This is not supported on the basis that changes should be very much in the public domain and Councillors need to be aware of any proposed changes and be required to “sign off” rather than hand over this responsibility to a delegated authority.

2.1 Administrative Efficiencies / Local Laws

The City of Joondalup:	MSDPRA
	SUPPORTS the establishment by the State Government of an Office of Local Government Ombudsman. Nowhere in all of these 106 various recommendations is such a matter raised. There ought to be an independent arbiter for LG matters.
<ul style="list-style-type: none"> • DOES NOT SUPPORT certain matters being incorporated into Acts or Regulations as such action removes and limits the flexibility for local governments to develop local laws that cater for the expectations and desires of their localised communities 	
<ul style="list-style-type: none"> • SUPPORTS the Department of Local Government, Sport and Cultural Industries playing a more active role in developing 'model local laws', in consultation with WALGA, Local Government Professionals (WA branch), the State Solicitor's Office and the Joint Standing Committee on Delegated Legislation 	SUPPORTS the Department of Local Government, Sport and Cultural Industries playing a more active role in developing 'model local laws', in consultation with WALGA , Local Government Professionals (WA branch), the State Solicitor's Office and the Joint Standing Committee on Delegated Legislation.
<ul style="list-style-type: none"> • DOES NOT SUPPORT a mandated requirement for local laws to be certified by a legal practitioner due to the additional costs for local governments and considering such certification may not minimise disallowance or amendment by the Joint Standing Committee on Delegated Legislation 	
<ul style="list-style-type: none"> • SUPPORTS a review of the terms of reference of the Joint Standing Committee on Delegated Legislation to enable greater advice to local governments in drafting and advising local governments on their local laws prior to them being published in the <i>Government Gazette</i> 	
<ul style="list-style-type: none"> • SUPPORTS the removal of the provision relating to the mandatory eight-year review of local laws as local governments are well placed to determine the relevance and needs of their local law framework. 	DOES NOT SUPPORT Some mechanism needs to be put in place to trigger review. As it is, the City falls short of meeting the current policy review requirements. Rather, a more robust measures should be put in place to ensure a regular review of policies to keep up with changing needs
<ul style="list-style-type: none"> • SUPPORTS the removal of the provision relating to the state-wide advertising of a proposed local law as local public notice would suffice 	
<ul style="list-style-type: none"> • REITERATES its support for the Department of Local 	

The City of Joondalup:	MSDPRA
Government, Sport and Cultural Industries examining as part of the review of the Act to differentiate between local governments, to apply regulation, compliance and administration requirements that are reflective of the capacity and needs of local governments	
• SUGGESTS the recommendations of the Metropolitan Local Government Review Panel’s Final Report (July 2012) be revisited in terms of establishing a Local Government Commission that would take over the roles of the Local Government Advisory Board as well as performing other functions and activities	
• SUPPORTS changes to section 2.12A of the Act to allow local governments to determine the question at a poll, and the development of a summary case, in terms of changing the method of voting for a mayor / president from an ‘elector method’ to a ‘council method’	SUPPORTS changes to section 2.12A of the Act to allow local governments to determine the question at a poll, and the development of a summary case FOR AND AGAINST , in terms of changing the method of voting for a mayor / president from an ‘elector method’ to a ‘council method’Ensures that both sides of the argument are prosecuted.
• SUPPORTS changes to schedules 2.1 and 2.2 of the Act to improve the processes around ward reviews, boundary changes and ward representation levels	
• SUPPORTS the <i>Local Government (Miscellaneous) Provisions Act 1960</i> being repealed as other mechanisms are in place to cater for the various provisions currently in place in that Act	
• SUPPORTS an examination of changes to section 3.25 of the Act to give additional powers to local governments to enter property in an emergency, including the impounding of stray animals (or other materials) where the property owner gives consent	
• SUPPORTS the Act being reviewed to determine which information is necessary to be supplied to the Minister and/or the Department to enable oversight of good governance and effective local government	
• SUPPORTS the current matters requiring Ministerial approval being retained other than those matters relating to Council meetings and meeting processes	
• SUPPORTS the current matters requiring an absolute majority decision being retained.	

2.2 Council Meetings

<p>The City of Joondalup:</p>	<p>MSDPRA</p>
<ul style="list-style-type: none"> • DOES NOT SUPPORT changing the current minimum public question time provisions within the Act, noting it should be left to individual local governments to determine how public question time is to be conducted including the approved communication channels that public questions can be lodged. 	<p>SUPPORTS</p> <p>The provision of Question Times and Public Statement Times at both Briefing sessions and Council meetings are necessary to ensure that transparency is seen to be done as well as it actually is done. Currently the Act doesn't prescribe Public Statement times and that ought to be done.</p> <p>A standardised minimum of at least 20 minutes for questions and 20 minutes for statements should be applied for all Local Governments, with an emphasis on extending the opportunity for public debate.</p>
<ul style="list-style-type: none"> • DOES NOT SUPPORT prescribing additional public question time Statement Time provisions within the Act, noting the City of Joondalup currently allows public statement time at Council meetings and Briefing Sessions, and it should be left to individual local governments to determine if public statement time is a meeting process to be implemented. 	<p>SUPPORTS</p> <p>Joondalup is to be praised for their affording public statement time, though there should be mechanisms to allowed this time to be extended, in line with the approach to questions. This approach should be adopted by all local governments, in the interests of community engagement.</p>
<ul style="list-style-type: none"> • DOES NOT SUPPORT legislating the requirement to audio and visual stream proceedings of meetings as this should be left to the discretion of individual local governments in view or the benefits and risks involved, and their individual capacity to do so. 	<p>SUPPORTS</p> <p>Once again, Joondalup is leading by example and their approach should be standardised. It is notable that in all the time Council Meetings have been broadcast, there have been no defamation cases brought. The practice should be extended to briefing sessions also. The technology is available, it aids in transparency. It should be standard practice.</p>
<ul style="list-style-type: none"> • DOES NOT SUPPORT rules on how public question time is to be handled at meetings as this level of prescription impedes a local government's flexibility to manage this appropriately and a "one size fits all" approach would not be in the best interests of local governments. 	<p>SUPPORTS</p> <p>A one-size-fits-all approach is entirely appropriate, if we are to achieve the optimal level of transparency and engagement.</p>
<ul style="list-style-type: none"> • SUPPORTS a comprehensive review of the interest provisions within the Act, the <i>Local Government (Rules of Conduct) Regulations 2007</i> and the <i>Local Government (Administration) Regulations 1996</i> to provide better clarity and a balance between a 	

The City of Joondalup:	MSDPRA
person's personal interests and public duties	
• SUPPORTS the Department of Local Government, Sport and Cultural Industries undertaking a review of its operational guidelines around conflicts of interests at meetings	
• SUPPORTS changes to the remote attendance provisions to remove the 150km restriction currently in place	
• SUPPORTS the Chief Executive Officer being responsible for the keeping of minutes as opposed to the Presiding Member	
• SUPPORTS the removal of the section in the Act requiring the Presiding Member to sign the minutes to certify confirmation as this is a formal resolution of Council / Committee when confirming the minutes	DOES NOT SUPPORT There ought to be physically signed document of the approved minutes.
• SUPPORTS amendments to the <i>Local Government (Administration) Regulations 1996</i> to better clarify the required content of minutes of council and committee Meetings	
• SUPPORTS the removal of regulations 10(1)(a) and (1a) of the <i>Local Government (Administration) Regulations 1996</i> for the need to give support before a motion to revoke or change a decision is considered	
• SUPPORTS section 5.27 of the Act being amended so that Annual General Electors' Meetings are not compulsory	DOES NOT SUPPORT There are many flaws that can be identified with the AGM. However, its abolition is not the solution. Rather, further measures are sought to encourage community engagement and a more robust review of the matters raised at the meeting, to make the AGM a more meaningful part of the democratic process.
SUPPORTS section 5.28(1)(a) of the Act being amended:	
o so that the prescribed number of electors required to request a meeting increase, to 500	DOES NOT SUPPORT There is no justification for this increase from 100 to 500. Special Elector meetings are a vital conduit for "local residents" to bring directly to the Council their concerns. They provide an important barometer to the Council and as such ought not be made more difficult to achieve.
o to preclude the calling of Electors' Special Meeting on the same	DOES NOT SUPPORT

The City of Joondalup:	MSDPRA
issue within a 12-month period, unless Council determines otherwise.	This is an unnecessary measure that would curtail rate payers being able to further raise their voice on a contentious matter. There is no evidence from history that justifies such is required.
• SUPPORTS electors' meetings complying with the procedures of a local governments meeting procedures / standing orders local law	
• DOES NOT SUPPORT section 5.92 of the Act being amended to include a review mechanism of a decision to deny access to information requested by an elected member.	

2.3 Interventions (Council conduct and governance)

The City of Joondalup:	MSDPRA
• SUPPORTS amendments to the Act so that all minor breach and serious breach complaints about elected members are lodged with the Director General of the Department of Local Government, Sport and Cultural Industries, with information being provided to the relevant local government	
• DOES NOT SUPPORT an appointed person, engaged for a local government remedial process, from directing administrative functions; being imbedded into a council; or taking over the roles and responsibilities of the Mayor / President	
• SUPPORTS the proposed role of the appointed person being restricted to advice and support only including: o making recommendations to the Council, Chief Executive Officer and the Department o mediating between parties o arranging for training o reviewing, and making recommendations on, practices and procedures	
• SUPPORTS IN PRINCIPLE amendments to section 5.93 of the Act to apply to former elected members, committee members and employees, noting the difficulties in managing any such change	
• DOES NOT SUPPORT a new offence being included in the Act relating to improper use of position offence that would apply to elected members, chief executive officers and employees of a	

The City of Joondalup:	MSDPRA
<p>local government, and former elected members, chief executive officers and employees, as:</p> <ul style="list-style-type: none"> o the provision of the <i>Corruption, Crime and Misconduct Act 2003</i> and a local governments code of conduct should cover such matters o administrative and investigatory difficulty would exist in pursuing former elected members or employees 	
<ul style="list-style-type: none"> • DOES NOT SUPPORT a new offence being included in the Act for a chief executive officer or employee providing false or misleading information to council 	<p>SUPPORTS – on occasions where it can be proved, beyond reasonable doubt, that such has deliberately or negligently occurred.</p> <p>The Act could be amended to provide that the Chief Executive Officer or an employee of a local government must not deliberately or negligently provide false or misleading information to council. It is purported this would ensure that a council, as the decision-making body of a local government is provided with accurate information from its Chief Executive Officer and employees.</p>
<ul style="list-style-type: none"> • DOES NOT SUPPORT a new offence being included in the Act for contravention of the tendering requirements under the Act and the <i>Local Government (Financial Management) Regulations 1996</i> 	<p>SUPPORTS</p> <p>Currently, the Act does not provide that a breach of the tendering provisions under the Act and regulations is an offence. Therefore, a person who does not comply with the tendering requirements cannot be prosecuted unless their conduct constitutes an offence under another provision.</p>
<ul style="list-style-type: none"> • DOES NOT SUPPORT the introduction of infringement provisions and modified penalties on any matters or offences under the Act 	<p>SUPPORTS</p> <p>Having predetermined and specified Infringements communicates clearly breaches of non-compliance identified by the Infringement list, It also makes it easier to process and communicates clearly the consequence of non-compliance</p>
<ul style="list-style-type: none"> • SUPPORTS the harmonisation of authorised persons provisions within the Act, including the need for the provisions of the Act to prevail over other legislation that requires similar appointments to be made, or alternatively changing the Act to state an employee of a local government is considered an authorised person if it falls within their role and responsibilities 	
<ul style="list-style-type: none"> • SUPPORTS a default modified penalty provision being inserted in the Act where a local government fails to identify an offence within its operational local laws 	

The City of Joondalup:	MSDPRA
<ul style="list-style-type: none"> • SUPPORTS changes to the Act: <ul style="list-style-type: none"> ○ to include an ability for a local government to provide a notice which requires the owner to secure a building (where a vacant building is vandalised and / or used inappropriately by squatters) ○ expanding the list and type of disused materials to enable a local government to direct a person to remove items other than vehicles and machinery from land that it considers to be untidy or causing a hazard ○ to provide a clearer framework for local governments to dispose of property including the type of property that may be disposed; when property is to be disposed; and how property is to be disposed 	
<ul style="list-style-type: none"> • SUPPORTS engagement with the local government sector on a comprehensive review of Subdivisions 2 and 3, of Division 3, of Part 3 of the Act, relating to certain provisions about land, and the powers of entry onto land to perform particular functions. 	

3.1 Community engagement

The City of Joondalup:	MSDPRA
<ul style="list-style-type: none"> • DOES NOT SUPPORT legislative change requiring local governments to develop community engagement charter or a principle-based framework for community engagement as local governments are best placed to determine their specific consultation framework in view of their communities' desires and wishes. 	<p>SUPPORTS The City of Joondalup has had criticism levelled at it for its poor community engagement. The Reports assessment of its success in communication versus rate payer experience underline the need for a charter. The lack of consultation surrounding the drawing up of the LGA Review is a case in point.</p> <p>A charter would at least set a minimum framework on which a LG could build its Community Engagement Policy and Practices as proposed by Recommendation</p>
<ul style="list-style-type: none"> • SUPPORTS capacity building through the development of a model community engagement charter or a principle-based framework to guide best practice community engagement that local governments may adopt/amend depending on their individual circumstances (This support contradicts the lack of support for the above measure) 	
<ul style="list-style-type: none"> • DOES NOT SUPPORT legislative change requiring local governments to develop a social media policy as this should rest 	<p>SUPPORTS The growing necessity to develop a social media policy indicates</p>

<p>The City of Joondalup:</p>	<p>MSDPRA</p>
<p>with a local government to determine based on its operational requirements</p>	<p>that making it a legislative requirement is a rational way forward to standardise best practice. A charter would at least set a minimum framework on which a LG could build its Community Engagement Policy and Practices as proposed by Recommendation</p>
	<p>SUPPORTS a trial introduction of “Town Hall Meetings” at least twice per ward per year in the ward where ward councillors are available for engagement with their local constituents. *** NEW</p> <p>This Recommendation is an attempt to improve the communications and representations of the ward councillors.</p>

3.2 Integrated planning and reporting

The City of Joondalup:	
<ul style="list-style-type: none"> • DOES NOT SUPPORT development of different IPR requirements based on a local government's population, geographical size, local or salary and allowances banding. 	
<ul style="list-style-type: none"> • SUPPORTS IPR being given more prominence in the Act and redrafting and/or incorporating other sections of the Act into the IPR framework and expanded guidelines. 	
<ul style="list-style-type: none"> • SUPPORTS a uniform core set of performance indicators for local governments, linked to IPR requirements, and recommends the State Government enter further discussions with the sector to determine a monitoring framework that is of benefit to local governments and the community, and how it can be resourced and implemented. 	
<ul style="list-style-type: none"> • SUPPORTS the proposal for the Department to work with State Government agencies to assist in improving the alignment of State Government statutory plans which local governments are required to develop and which local governments could integrate within their IPR. 	

3.3 Complaints management

<p>The City of Joondalup:</p>	<p>MSDPRA</p>
<p>• DOES NOT SUPPORT legislating the adopting of the Australian / New Zealand standard for complaints management as such administrative functions should be determined by a local government, noting the City’s complaints management processes are based on this standard</p>	<p>SUPPORTS At least this formally establishes a base from which each LG can improve the policies and practices in this area. The need for a standardised complaints management system, adopted and enacted consistently by all local governments must be recognised. If not the Australian/ New Zealand standard, then an alternative system should be sought.</p>
<p>• DOES NOT SUPPORT legislating the need for a customer service charter or the requirement to publish the charter on a local government’s website, noting the City has a charter which is available on its website and at other City facilities within the district</p>	<p>SUPPORTS An important element of this review is to standardise practice across all local governments. It makes sense that a customer service charter is legislated into the act so that it is given the weight and legitimacy it deserves.</p> <p>It at least this formally establishes a base from which each LG can improve the policies and practices in this area.</p>
<p>• DOES NOT SUPPORT legislating an internal independent review process for unresolved complaints, noting the City has an established Customer Relations advocate who provides an independent review of service complaints at the City.</p>	<p>SUPPORTS This has been a consistent request over some years and would give due regard to addressing independently the grievances individuals may have with their LG authority or the agencies they deal with e.g. Minister for Planning.</p>
	<p>SUPPORTS the creation of an Office of Ombudsman for LG to deal exclusively with LG, State department and local authorities and their policies and practices This has been a consistent request over some years and would give due regard to addressing independently the grievances individuals may have with their LG authority or the agencies they deal with e.g. Minister for Planning</p>

3.4 Local Government Elections

The City of Joondalup:	MSDPRA
<ul style="list-style-type: none"> • DOES NOT SUPPORT compulsory voting in local government elections which should remain voluntary 	<p>DOES NOT SUPPORT Much of the evidence cited in this report reflects a failure of Local Government to engage the general electorate. Whilst this option should not be adopted without further investigation, nor should it be dismissed out-of-hand.</p>
<ul style="list-style-type: none"> • SUPPORTS the retention of first-past-the-post voting method in local government elections 	<p>DOES NOT SUPPORT Recommends OPTIONAL PREFERENTIAL A principle of representative democracy is that the most preferred person is elected as representative. As such the Association supports an Optional preferential system of voting especially as voting is not compulsory.</p>
<ul style="list-style-type: none"> • DOES NOT SUPPORT introducing alternative voting methods for which local governments can choose from as this will create confusion throughout the local government sector 	
<ul style="list-style-type: none"> • SUPPORTS opportunities being examined that will increase voter turnout to local government elections and SUGGESTS further investigation and discussion with WALGA, the Western Australian Electoral Commission and the local government sector on the use of on-line voting systems 	
<ul style="list-style-type: none"> • DOES NOT SUPPORT the Act being amended to allow the Australian Electoral Commission (AEC) and/or local governments to conduct postal elections 	<p>DOES NOT SUPPORT the Act being amended to allow the Australian Electoral Commission (AEC) and/or local governments to conduct postal elections First let's examine if allowing the AEC to conduct elections introduced "competition" before allowing LG itself conduct and possibly "out source" to private providers to conduct elections.</p>
<ul style="list-style-type: none"> • SUPPORTS all local government elections being conducted by the Western Australian Electoral Commission 	
<ul style="list-style-type: none"> • DOES NOT SUPPORT changes to Schedule 4.1 Of the Act to remove the ability to resolve ties through the drawing of lots 	

The City of Joondalup:	MSDPRA
• SUPPORTS changes to Schedule 2.3 of the Act to reflect that a second election is to be held at the conclusion of the first election, as opposed to requiring the meeting to be adjourned before the second election is to be held	
• SUPPORTS changes to the provisions around filling extraordinary vacancies to permit all extraordinary elections, whenever the vacancy occurs, being held at the time of a local government’s next ordinary local government election	DOES NOT SUPPORT Casual vacancies ought to be filled as soon as is feasibly possible otherwise electors are underrepresented in Council.
• DOES NOT SUPPORT extraordinary vacancies being filled using the results of a last ordinary election	
• SUPPORTS local governments developing policy provisions around local government election caretaker periods as opposed to legislative amendments	
• SUPPORTS a definition of “election period” being inserted into the Act to assist with caretaker period provisions and to clarify when certain electoral offences are in effect	
• DEFERS consideration of endorsing a position to amend the Act to require an elected member to stand down when contesting a State of Federal election, until further information on the proposal is received	
• SUPPORTS retaining the option for local governments on which method they may wish to use in electing their mayors or shire presidents, noting the City of Joondalup’s method of filling the Office of Mayor is by direct election by electors of the district	
• SUPPORTS IN PRINCIPLE a full review of the current legislation being conducted to address the issue of property franchise in local government elections	
• SUPPORTS IN PRINCIPLE a full review of non-resident owner and occupier voting eligibility, including whether voting entitlement applies for corporations, occupiers and other people, and this be facilitated through a more in-depth discussion with the Western Australian community.	
• SUPPORTS amendments to the Act that a person who has been convicted under planning and building legislation in the previous five years or a similar offence be disqualified from becoming an elected member, subject to a clear	

The City of Joondalup:	MSDPRA
definition being inserted as to what constitutes an offence under both planning and building legislation	
• DOES NOT SUPPORT local government elections being held every four years	
• DOES NOT SUPPORT limits on local government election campaigns being inserted into the Act	SUPPORTS the principle of there being a limit on LG election campaigns in an effort to avoid “money” being a deciding factor in electoral success.
• REITERATES the need to streamline the gift disclosure requirements under legislation with a preference of one section around the declaration of gifts which could include the deletion of ‘gift’ and ‘travel contribution’ requirements under the Act and revised provisions being included in the <i>Local Government (Rules of Conduct) Regulations 2007</i> , the <i>Local Government (Administration) Regulations 1996</i> and the <i>Local Government (Elections) Regulations 1997</i>	
• DOES NOT SUPPORT restrictions being placed on particular donors of electoral gifts and suggests improved clarity in terms of the rules around declarations and the continuation of the financial interest provisions under the Act, in relation to donor of an electoral gift being classed as a “closely associated person”	SUPPORTS the position that “developers and real estate” ought not be allowed to make donations towards election campaigns. Eastern States have banned such donations because of the adverse impacts such donations have on the democratic process especially with regards to planning matters.
• SUPPORTS the removal of gift declaration requirements for donors of electoral gifts as it is considered a duplication of effort	
• DOES NOT SUPPORT the electoral commission, or other third party, maintaining the electoral gift register as this responsibility should continue to rest with a local government’s chief executive officer	
• DOES NOT SUPPORT amendments that require a candidate’s profile to include their profession / primary source of income, or membership to political parties, as voter decisions should be based on the biographical information supplied, as well as any stated or know policies or beliefs	
• SUPPORTS candidate profiles being published on a local government’s website, noting this practice currently occurs at the City of Joondalup	
• SUPPORTS Schedule 2.2 of the Act being amended so that the	DOES NOT SUPPORT changing from 250 to 500 . There is no

The City of Joondalup:	MSDPRA
prescribed number of electors required to put forward a proposal for a change, increase from 250 (or 10% of electors) to 500 (or 5%of electors) whichever is the fewer	justification for this increase. It just makes it harder for participative democracy. 250 is a sufficient number to demonstrate a need to consider a proposal.
• SUPPORTS the creation or abolition of a local government wards should be a decision of the local government, in consultation with its electors and stakeholders, consistent with the current provisions of the Act	
• SUPPORTS all proposals for establishment and/or review of local government external and internal boundaries being by open and transparent means ensuring the local government and electors are granted the opportunity to be actively involved	
• SUPPORTS local governments determining their councillor numbers and representation levels, in consultation with its electors and stakeholders, consistent with the current provisions of the Act.	

Yours sincerely,

Mr P Forrestal

