

Shire of Brookton

Submission on Local Government Act Review – Phase 2

Note: These Key Responses relate to the commentary provided in Summary Discussion Papers prepared by the Department of Local Sport and Cultural Industries.

Council Meetings

Public question time	
-	Agree/Disagree
Comment: Council promotes public question time revert to public questions and statements, with: <ul style="list-style-type: none">• All questions and statements to be submitted in writing prior to commencement of the meeting for ease of recording in the minutes.• A time limit applied to each person (ie 5 minutes) asking a question, making a statement, or both.	
Managing interests	
-	Agree/Disagree
Comment: Council considers: <ul style="list-style-type: none">• There should only be two forms of interest: Direct and Indirect with clear definition of what both means.• There should be clearer definition of 'interest in common' what it applies too (i.e. CBH interests).• Elected members should be empowered under legislation with a process/procedure to report inaccurate/misleading/lack of declarations of interest by other elected members and staff.	
Remote attendance	
-	Agree/Disagree
Comment: It is the Council view that remotes attendance be framed around the following parameters: <ul style="list-style-type: none">• Within 150kms mandatory attendance.• Outside 150kms attendance by instant communication anywhere in the world, given the technology that is readily available.• Cannot chair via remote attendance.	
General Elector meetings	
-	Agree/Disagree
Comment: Council purports that:	

- Annual elector meetings are ineffective and waste of time and resources.
- Members of the community should be encouraged to attend regulator ordinary council meetings to air their concerns or grievances through public questions and statements, and become involved in other ways such as through the Integrated Planning Process.
- The Annual Report and financials should only need endorsement by the Office of Auditor General and adoption by Council, with a copy made available to members of the public in hard copy or digital form from the Local Government website.

Special elector meetings access to information for Council members

- Agree / Disagree

Comment:

Council holds the view:

- Avenues and mechanisms already exist for members of the public to address Council at Ordinary Council Meetings, with these meetings generally occurring at least once a month for most Local Governments.
- Predominantly, if the IPR framework functions correctly there should not be a need to multiple electors meetings in a 12 month period.
- Should Special Elector Meetings be retained then suggestion that only one meeting on a particular issue can be entertained within a 12 month period is supported.

Meeting procedures

- Agree / Disagree

Comment:

Council supports:

- Regulations that consists of a fundamental set of protocols that provides consistency and transparency across all Local Governments in regard to conduct at meetings. These protocols should address the minimum standard of conduct by elected members, staff and members of the public. Additionally a standard methodology for meeting procedures should be included in legislation on uniform basis (i.e. to avoid manipulation of outcomes).
- A local law or policy can also be introduced to value add through introduction of additional procedures specific to each Local Government.
- The revocation procedures should be simplified to allow an Absolute Majority vote to revoke a council decision.
- There should be an embargo period upon which confidential items/reports are held in confidence prior to assessment for release to the public i.e. Australia Day Awards recipients or tender processes (to avoid manipulation of outcomes).
- The keeping of the minutes should fall under the responsibility of the CEO is an administrative function.
- Public notification of meeting times should be reduced to a minimum of 24 hours given the effectiveness of instant communication, with a compulsion for more than one medium to be used.

Local Government Act Review – Phase 2
Key Responses

Elections

How elections are conducted	
Compulsory voting	Agree/Disagree
<p>Comment:</p> <p>Council is of the view that:</p> <ul style="list-style-type: none"> • Voting should be at the discretion of the individual, with more investment by the industry in promoting the importance of local government and the role it plays service delivery for local communities. 	
First past the post	Agree/Disagree
<p>Comment:</p> <p>Shire supports:</p> <ul style="list-style-type: none"> • First past the post as the most transparent and equitable approach as opposed to the preference method that can be used to manipulate votes and encourage party politics. 	
In-person/postal/electronic voting	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> • Local Government elections conducted by the WA Electoral Commission to ensure a level of independence, transparency, impartiality and professionalism. • Postal and/or electronic voting to achieve a greater level of participation and acceptance of elections on a more contemporary approach. 	
Property franchise	Agree/Disagree
<p>Comment:</p> <p>Council considers:</p> <ul style="list-style-type: none"> • Clarity is required for clearer definition under the Act as to who can and cannot vote and how they register (i.e. an absentee land owner). • The process of registration to vote should be performed through the WAEC and not Local government. 	
Corporate franchise	Agree/Disagree
<p>Comment:</p> <p>As above.</p>	
Occupiers franchise	Agree/Disagree
<p>Comment:</p>	

<p>Council supports:</p> <ul style="list-style-type: none"> The occupiers franchise. If this option is removed it may limit or constrain the opportunities for members of the local community to participate in a democratic process. 	
Changing the election cycle	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> The current election cycle as it provides adequate time for elected members during a single term to make an effective contribution. The current cycle allows for continuity of knowledge with 50% of elected member positions potentially changing every two years. 	
Representation	
Number of Council Members	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> A minimum number of members (ie five) and a formula / ratio of elected member positions to constituents. The ratio should vary based on the allocated band of the local government. 	
Election of Mayors and Presidents	Agree/Disagree
<p>Comment:</p> <p>Council holds the view:</p> <ul style="list-style-type: none"> Mayors and Presidents should be elected from within the Council to ensure the balance of elected members have confidence in person fulfilling leadership position. A person elected to Mayor or President by popular vote through the general election process may not necessarily be the best person to lead the organisation and community. 	
Wards	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> The retention of Wards At the discretion of each Council to determine. The opportunity for Wards to be used as part of reform to quell parochialism. 	
Set minimum population for wards	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p>	

<ul style="list-style-type: none"> • A minimum number of electors to established a Ward. This needs to align with ratios for elected member representation. 	
Set mandatory population/requirement threshold for wards	Agree/Disagree
<p>Comment:</p> <p>Council agrees that:</p> <ul style="list-style-type: none"> • Minimum / mandatory population thresholds for each Ward based on the allocated band for each Local Government Authority. 	
Electoral distribution Commissioners to oversee ward structure	Agree/Disagree
<p>Comment:</p> <p>Nil.</p>	
Resolving ties	Agree/Disagree
<p>Comment:</p> <p>Nil.</p>	
Candidates	
Who can run for Council	Agree/Disagree
<p>Comment:</p> <p>This Council supports:</p> <ul style="list-style-type: none"> • The status quo – no change to the legislation. 	
Candidate nomination	Agree/Disagree
<p>Comment:</p> <p>This Council holds the view:</p> <ul style="list-style-type: none"> • A candidate nomination should consist of more than 150 words with a maximum of 500 words. 	
Social media use	Agree/Disagree
<p>Comment:</p> <p>Council opposes the use of social media, as:</p> <ul style="list-style-type: none"> • All candidates should comply with the code of conduct across all mediums and means of promotion. • Denying use of social media will avoid manipulation and misrepresentation by a candidate. 	
Campaigns	
Campaign spending limit	Agree/Disagree
<p>Comment:</p> <p>Council believes:</p>	

- A campaign fund should be based on 50% of the population (e.g. 1000 = \$500.00) and to a maximum dollar threshold (\$10,000). This includes gifts and donations in relation to campaign material.

Donations/Gifts

Donation/Gift reform

Agree/Disagree

Comment:

Council agrees:

- There should be an alignment of donations and gifts to that applied to elected members and employees for consistency and ease of understanding.
- A donation should not exceed more than \$1000 from any one donor or an accumulative total of the campaign spend limit.

Prohibited election gifts

Agree/Disagree

Comment:

Council agrees that:

- The provision of election gifts should be consistent with the State and Federal standards.

Donor declarations

Agree/Disagree

Comment:

Council is of the view:

- Mandatory requirements should apply in all circumstances to donor declaration to ensure transparency and accountability.

Local Government Act Review – Phase 2
Key Responses

Community Engagement and Integrated Planning

Community engagement charter and policies	
Social media	Agree/Disagree
<p>Comment:</p> <p>Council agrees with the summary paper that the legislation should mandate:</p> <ul style="list-style-type: none"> • The requirement for a Social Media policy that addresses its use by Local Government representatives and members of the community. • Maximum financial penalties for significant misuse and abuse of social media platforms, with the ability for a Local Government to instigate legal proceedings should the severity warrant such action. 	
Integrated Planning and Reporting	
Planning	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> • The Strategic Community Plan (SCP) as an integral part of the Local Government, but this should not include core business (that is “business as usual” functions). • The Corporate Business Plan (CBP) should entertain strategic initiatives identified/captured through the Community engagement and detailed in the SCP, as well as provide a separate or distinct listing of “business as usual” functions with measurable outcomes. 	
Reporting	Agree/Disagree
<p>Comment:</p> <p>Council believes:</p> <ul style="list-style-type: none"> • Progress of the Strategic Community Plan should <u>not</u> be reported to the Department of Local Government because it is the Community’s aspirational document – not Council’s. These aspirations may or may not be acted upon for a range of reasons. • The Corporate Business Plan should be reported to both the Community and the Department of Local Government on a performance basis. This is the Council’s plan that consists of core business and other functions/projects that can be delivered by the Local Government within its capacity to do so. • The method of reporting to the community should be undertaken at the Council’s discretion • The method of reporting to the Department of Local Government could form part of the Annual Compliance Audit Return (CAR). 	
Integration and alignment	Agree/Disagree
<p>Comment:</p> <p>Council believes:</p>	

- There should be a pathway that links the SCP and CBP that engages and provides opportunity for the community to participate in the planning process on a continual basis – refer to Shire of Brookton (SoB) Innovation Pathway detailed within SCP.
- A pathway should be instilled that links the SCP with CBP – refer to the Shire’s Innovations Pathway in its SCP that involves the use of advisory groups with broad representation from the community.
- There is a need for a base template that frames the integrated framework to be embedded in the legislation, with the ability to flex and adjust to suit each local government – not dissimilar to the Planning Model Scheme Text – provides a base level of uniformity and understanding.
- Most of the Local Government IPR documents are poorly aligned and unrealistic against capacity to deliver.
- The IPR framework can achieve many outcomes if framed and implemented correctly, including being a communications plan, economic development plan, and community development plan. It’s not just to integrate plans, but also can align Council with the local community and facilitate education of local government as to its purpose and effectiveness.

Flexibility

Agree/Disagree

Comment:

Council supports:

- An IPR framework that is uniform in its presentation, but can also be modified to suit individual local governments.
- Base regulations should be created that provides a fundamental template with the ability to value add and modify is specific areas, however the principal framework and objectives are retained.
- Further discussion on this matter should the Department see this as warranted.

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Key Responses

Complaints Management

Compliant management policies and procedures	Agree/Disagree
Comment:	
Council supports:	
<ul style="list-style-type: none">• A uniform approach to dealing with complaints across all local governments (ie regulation for a policy/procedure not dissimilar to a Code of Conduct).	
Customer Service Charter	Agree/Disagree
Comment:	
Council supports:	
<ul style="list-style-type: none">• A template detailing <u>minimum</u> criteria embedded within the Customer Service Charter which can be added to by respective Local Governments.	
Independent review process for unresolved complaints	Agree/Disagree
Comment:	
Council has formed the view that the legislation should:	
<ul style="list-style-type: none">• Encompass a process upon which unresolved complaints can be reviewed/addressed.• Define and provide an avenue to also address vexatious complainants, with penalties to apply under the legislation should the conduct be deemed harassment by a higher authority following an impartial review/investigation of the matter.	

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Key Responses

Interventions, oversight and enforcement

Investigations and inquiries	
Complaints process	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> A defined process of referral to the Director General of the Department in all instances where an alleged minor or serious breach by an elected member or employee of a local government has occurred for determination of the action that should be taken. 	
State Government’s ability to assist	
Remedial action process	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> The appointment of an independent person to assist a local government in addressing administrative deficiencies, and guiding the organisation to achieve required compliance before more enforceable action is taken. 	
Ensuring compliance with the Local Government Act	
New offence – improper use of position	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> Additional measures being introduced to address “improper use of position” with these measures to apply to all current and former members of a local government, inclusive of elected members and employees. 	
New offence – knowingly providing false or misleading information to Council	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> Additional measures being introduced to address the provision of false or misleading information by a current and former members of a local government where it has ‘knowingly’ been performed. 	
New offence tendering requirements	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p>	

<ul style="list-style-type: none"> Provision in the legislation detailing a failure to comply with the tender regulations is a breach with an infringement applied for a minor breach and serve penalties for a serious breach. 	
Enforcement of the Local Government Act	
Infringements	Agree/Disagree
<p>Comment:</p> <p>Council agrees that:</p> <ul style="list-style-type: none"> An infringement Scheme is appropriate in in some circumstances is preferred penalty to prosecution to address minor breaches of non-compliance where deemed necessary. 	
Harmonisation	Agree/Disagree
<p>Comment:</p> <p>Council agrees that:</p> <ul style="list-style-type: none"> Harmonisation of the powers and procedures for municipal enforcement officers to support 'best practice' and align with other legislation for consistency and practicality. 	
Default penalties for local laws	Agree/Disagree
<p>Comment:</p> <p>Similarly, Council supports:</p> <ul style="list-style-type: none"> Legislation that provides for default penalties to be applied to a local law for offence where such penalties are presently not prescribed. 	
Powers under the Local Government Act	
Notice issued by a local government to require a person to undertake an action	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> Provision for a local government to issue formal notices for certain actions to be taken on private and publicly owned Land, with the ability to take further enforcement action or instigate other measures (ie legal proceedings) for failure to comply. 	
Notice to secure a building	Agree/Disagree
<p>Comment:</p> <p>Council agrees:</p> <ul style="list-style-type: none"> With a new provision in the legislation providing ability for a Local Government to serve notice requiring a building to be secured in the interest of public safety. 	
Expanding the list of disused materials	Agree/Disagree
<p>Comment:</p>	

Council supports:

- Amendment to the definition of “dis-used materials” to include a broad range of materials that when hoarded can result in public amenity and health issues or injuriously affect neighbouring land values.

Framework for disposing of property

Agree/Disagree

Comment:

Council is in favour of:

- An improved framework for the disposal property, including type, when and how the property is disposed.
- The opportunity to ‘freely’ dispose of items under the capitalisation/asset threshold (ie \$5,000 value) on the open market through a simple listed purchase price or EOI process where the item is deemed redundant to the organisations needs.

Local Government Act Review – Phase 2
Key Responses

Beneficial Enterprises

Regional Councils	
	Agree/Disagree
<p>Comment:</p> <p>Council is of the view that Regional Councils should:</p> <ul style="list-style-type: none"> • Be supported in the legislation and promoted as an avenue of resource sharing. • Function on a commercial basis with a focus on efficiency, accountability and profitability where possible as a business unit for the participating Local Governments, without being <u>over</u> burdened by the local government framework of governance and compliance. 	
Regional subsidiaries	
	Agree/Disagree
<p>Comment:</p> <p>As per comment above.</p>	
Major trading undertaking and major land transactions	
	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> • The current legislation applicable to a major trading undertaking and/or major land transaction. 	
Council Controlled Organisations	
Competition with Private Sector	
	Agree/Disagree
<p>Comment:</p> <p>Council believes the concept of CCOs:</p> <ul style="list-style-type: none"> • Based on the WALGA and New Zealand models, has considerable merit. • Must be qualified against a robust business case and framework, and have community support as outlined. • Should not have a prescribed limit on financial investment by a local government based on the LG banding or categorisation, but rather follow the existing framework for major trading undertaking. • Should be encouraged in consideration of equity partnerships with other entities (ie local governments, State Government, NFPs or the private sector). 	

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Key Responses

Financial Management

Investments	
Opportunities	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> The requirements for an investment policy under the legislation that incorporates a tied approach to investment of funds based on level of risk. The policy before enacted would require the endorsement of the OAG. 	
Debt	
Security over borrowing	Agree/Disagree
<p>Comment:</p> <p>Council believes:</p> <ul style="list-style-type: none"> The Legislation should require demonstration of capacity to pay and the amount of debt as a percentage of overall revenue and saleable assets. 	
Public notice of borrowing	Agree/Disagree
<p>Comment:</p> <p>Council is of the view that:</p> <ul style="list-style-type: none"> A public notice inhibits the Local Government to be responsive to general market conditions. This is contrary to being agile and smart, but is seen as inclusive. Except for an emergency/urgent works, all borrowings should align to the IPR process and CBP as a listed project or core business, or be listed in the annual budget, or be outlined in a specific business plan. All these measures involve public notification. 	
Procurement	
Align local government procurement rules with State Government	Agree/Disagree
<p>Comment:</p> <ul style="list-style-type: none"> Council completely agrees with alignment to the State Government tender regulations and standards (including threshold): As this will ensure consistency in procurement of goods and services across both tiers of government. Also provide consistency for suppliers when bidding for local government business. Simplify the auditing with the AOG accustomed to one set of rules. 	
Application of tender threshold	Agree/Disagree
<p>Comment:</p> <p>As per comment above.</p>	
Timely payment of suppliers	Agree/Disagree
<p>Comment:</p>	

Council supports:	
<ul style="list-style-type: none"> • Timely payments aligned to Australian Accounting standards. 	
Regional price preference	Agree/ Disagree
<p>Comment:</p> <p>Council position is that:</p> <ul style="list-style-type: none"> • The framework for Regional price preference should be structure on value for money, not just price. • While 'buy local' is supported, it should not solely based on a price discount, as: • Some local suppliers are not preferred due to poor performance and service delivery, mostly in relation to services, not goods. • Small local governments cannot afford to accommodate a generous discount structure. • Some local suppliers become heavily reliant and form a sense of entitlement on receiving local government business. 	
Annual Reporting	
Amend the financial ratios	Agree/ Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> • Amendment or removal of the current ratios that don't add awareness or value to the correct financial position of local governments. Many of the ratios are distorted due to varying factors, with the current ratio framework somewhat misleading. 	
Building Upgrade Finance	
Support for this form of finance	Agree/ Disagree
<p>Comment:</p> <p>Council is not fully understanding of the financing arrangement and does not believe the smaller local governments should be involved in a loan scheme of this nature.</p>	

Local Government Act Review – Phase 2
Key Responses

Rates, Fees and Charges

Rating	
Local Government rates and revenue strategy	Agree/Disagree
<p>Comment:</p> <p>Council believes:</p> <ul style="list-style-type: none"> • The introduction of a Rating Strategy that provides increased clarity, understanding and maps out the rating process is a positive outcome. • The Rating Strategy should be modelled on a template that provides consistent language and definition rating terms and methodology applied across all local governments. • The Rating strategy should be aligned to the Long term Financial Plan and from part of the IPR process. 	
Public notice being given	Agree/Disagree
<p>Comment:</p> <p>Council holds the view that:</p> <ul style="list-style-type: none"> • A public notice should not be required if the rates review, revenue strategy and long term financial plan are reviewed every year as they should be. • The information that is currently required to be published is generic, provides an average increase, is often confused by property revaluations and regularly challenged against individual rate notices and circumstances. 	
Differential Rates	Agree/Disagree
<p>Comment:</p> <p>Council does not apply differential rates and therefore has no comment.</p>	
Ministerial approval	Agree/Disagree
<p>Comment:</p> <p>As per comment above.</p>	
Rating of mining licences	Agree/Disagree
<p>Comment:</p> <p>Council does not apply rates to mining licences and therefore has no comment.</p>	
Rate exemptions	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> • The only rate exemptions should be Crown Land which is undeveloped or Crown Land which has been vested in the Government – this should exclude residential and commercial development. 	

Exemptions for charitable organisations	Agree/Disagree
<p>Comment:</p> <p>Council is of the view:</p> <p>Exemptions should only apply to those charitable organisations who do not receive an income from commercial activities.</p>	
Fees and charges	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> • The setting of fees and charges via either option as detailed in the summary paper being Annual Rate Charges or cost recovery method. • A Local Government being afforded the option to choose either method. 	

Local Government Act Review – Phase 2
Key Responses
Administrative Efficiencies

Potential Administrative Efficiencies	
One size fits all approach to Local Governments in WA	Agree/Disagree
<p>Comment:</p> <p>Council believes:</p> <ul style="list-style-type: none"> Given the diversity across Western Australia, Local Governments should be categorised (banded) taking into account the characteristics of population, geographic location and size, and financial/resource capacity. Recognition needs to be given to those local governments that are affected by external factors, such as seasonal demands from tourism, seasonal workforce, and FIFO arrangements. The requirements of the legislation (ie governance) should vary to align with the capacity and banding of a local government. 	
Local Laws	
Consistency of Local Laws	Agree/Disagree
<p>Comment:</p> <p>Council is supportive of:</p> <ul style="list-style-type: none"> State wide regulations replacing Local Laws with a policy framework that has legal stature. Standing Orders being a uniform regulation applied to all local governments. 	
Drafting of Local Laws	Agree/Disagree
<p>Comment:</p> <p>Council supports:</p> <ul style="list-style-type: none"> Model Local Laws prepared by the State Government in the event that uniform regulations (as opposed to local laws) isn't accepted, with flexibility for Local Governments to amend certain provisions under any way of a Policy or similar under the local law provisions. A model law not having to be publically advertised, only a Policy or similar that introduces additional provisions. 	
Review of Local Laws	Agree/Disagree
<p>Comment:</p> <p>Council holds the view:</p> <ul style="list-style-type: none"> Local laws should be reviewed every five years by the Local Government to ensure they are contemporary and relevant. 	
Local Government Act Advisory Board	
Combining the grants commission with the advisory board	Agree/Disagree
<p>Comment:</p>	

<p>Council supports:</p> <ul style="list-style-type: none"> The initiative to combine the Grants Commission and the Advisory Board with broad representation and an independent chair. 	
Board requirement to determine question and summary – elector poll	Agree/Disagree
<p>Comment:</p> <p>Council is of the opinion:</p> <ul style="list-style-type: none"> The Local Government should be responsible for preparing and the question and summary to change the method of election the Mayor or Shire President to be sanctioned by the Advisory Board. 	
Boundary changes, abolishing districts, names and ward representations	Agree/Disagree
<p>Comment:</p> <p>Council is of the view:</p> <ul style="list-style-type: none"> The number of electors required to initiate boundary change and the like should align to Local Government categorisation (banding) with the ration of electors required to accord with whichever is the greater, a minimum specified number (ie 200) or a percentage of the electors (ie 10%). 	
Local Government (Miscellaneous Provisions) Act 1960	
New street alignments, prescribing and effect of etc.	Agree/Disagree
<p>Comment:</p> <p>Council's view:</p> <ul style="list-style-type: none"> This provision is redundant. 	
Cattle trespass, pounds, pound keepers and rangers	Agree/Disagree
<p>Comment:</p> <p>Council position:</p> <ul style="list-style-type: none"> The provision should be amended to establish Local Government is the only entity responsible for impound of livestock, although Local Government may engage with a private citizen/ landowner to obtain their assistance. 	
Offences (specific to impounding livestock)	Agree/Disagree
<p>Comment:</p> <p>Council's view:</p> <ul style="list-style-type: none"> The current provision is redundant. 	
Information provided to and decisions made by the Department and the Minister	
-	Agree/Disagree
<p>Comment:</p>	

Council is of the view:

- As a general comment, the reporting should be streamlined where possible to reduce administration burden and duplication.
- Mandatory reports/documents should be prepared and be made readily available to the Department or Minister, with completion of such reports confirmed in Compliance Audit Return and verified by the OAG.

Absolute majority decisions

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Agree/Disagree

Comment:

Council supports:

- Anything of a significant financial nature or delegation of responsibility should require an Absolute Majority vote, otherwise a Simple Majority vote should suffice.

Other matters:

- **CEO employment** – This Council maintains that the CEO should be employed by the State Government (ie Public Sector Commission) and not the Local Government. It is promoted that the State Government maintain a CEO pool and Local Governments enter a contract arrangement for a CEO of up to 5 years. This creates a separation when issues arise or relationships fracture between the CEO and elected members and allows for both/either to request assistance or redeployment in circumstances become untenable. It also provides improve/impartial recruitment, better management of conduct, and standardisation of remuneration across the CEO position.
- **Other legislation** – Local Government Act needs to recognise and harmonise with other legislation imposed on Local Governments, and where possible, needs to be written taking into account other legislative requirements. Also, a defined list of prominent legislation and which piece of legislation prevails would be beneficial for Local Government (ie Mining Act prevails over the Local Government Act).
- **Tourism accommodation** – The legislation needs to recognise the impact of tourism on local services and infrastructure with provision for a 'bed tax' to be applied to tourist accommodation to financially assist with the provision and maintenance of infrastructure.
- **Section 3.53 of Local Government Act, 1995** – Council supports the removal of this provision as unvested/unallocated Crown Land (and facilities there on) is the responsibility of the State Government, not Local Government.
- **Parish Councils** (or similar) – Council supports the notion of Parish Council being introduced in the legislation as an option that may assist in leading to greater reform and resource sharing. This is particularly relevant to the Regional areas where small Local Governments struggle maintain sustainability.