



DELIVERING FOR THE COMMUNITY ▶▶

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What do you think?

The public submission period closes on 31 March 2019.

Unless marked as confidential, your submission (including survey responses) will be made public and published in full on the Department's website. Submissions that contain defamatory or offensive material will not be published.

SUBMISSION FROM THE SHIRE OF QUAIRADING

SUBMITTED BY THE CEO MR GRAEME FARDON

29TH MARCH 2019

Administrative efficiencies

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“All local governments regardless of their size should have the same level of powers and responsibilities.”				X	
“The functions of the Grants Commission and the Advisory Board should be combined under one Board.”				X	
“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.”					X
“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.”				X	
“The Advisory Board should not assess a proposal for changes to boundaries that does not meet the minimum requirements.”				X	
“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
“The affected local government(s) should be provided with a copy of the proposal prior to it being submitted to the Advisory Board.”					X
“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,					X

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
in the Advisory Board’s view, warrant withdrawal of the proposal.”					

2. 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

3. 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.”			X		

4. 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		

5. 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	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)		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		X	
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	X		

6. 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	
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	

Section		Simple Majority	Absolute Majority	Unsure
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	
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	

Section		Simple Majority	Absolute Majority	Unsure
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	

7. 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.

[Current Act very prescriptive on the location of an Elected Member wishing to participate in a meeting by telephone or video link.](#)

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

[Councillors at times not able to participate in Meetings](#)

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

[Reduce the conditions on Townsites and distance from the Council Meeting. Also](#)

Councillor may be overseas.

You can also email your suggestions to actreview@dlgsc.wa.gov.au.

Local Laws

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

	Yes	No	Unsure
Activities on thoroughfares and trading		X	
Beekeeping		X	
Cemeteries		X	
Dogs		X	
Cats		X	
Extractive industries		X	
Fencing		X	
Bush fire brigades		X	
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)			

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

a. Yes

b. No

c. Unsure

10. Should local governments be permitted to adapt the contents of model local laws?
 a. Yes
 b. No
 c. Unsure
11. 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
12. 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
13. 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		

14. Should local governments be required to periodically review their local laws?
 f. No
 g. Yes, every 6 years or less
 h. Yes, every 8 years

i. Yes, between 8 and 10 years

15. Do you have any additional comments on the topic of local laws?
Process to be made simpler and more timely

Council Meetings

16. 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				

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

a. Yes

b. No

c. Unsure

If yes, how?

But not for every meeting, Videoconference, Teleconference

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

a. Yes

b. No

c. Unsure

19. Should Council Meetings be live streamed?

This should be at the discretion of Council as it is likely that in some rural areas and remote localities the available internet speeds do not make live streaming practical.

Expense and Public Value need to be considered

20. 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
“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.”				X	

21. To what extent 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			

22. Do you have any additional comments on the topic of council meetings?

Interventions

23. 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?
- Yes
 - No
 - Unsure
24. To what extent are you concerned about behaviour and good governance in local government?
- A great deal
 - A lot
 - A moderate amount
 - A little
 - Not at all

Comment

Question not answered as it is considered this is more related to community opinion

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“The Act should enable an external person to be appointed to work with a local government’s administration to improve governance and resolve problems.”				X	
“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.”		X			
“The external person should be appointed by the Minister.”		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 local government.”		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	

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The Act should enable an external person to be appointed to work with council members to improve governance and resolve problems."				X	
"An external person appointed to work with council members should have the power to direct the council."		X			
"An external person appointed to work with council members to improve governance and resolve problems should have the powers to override council decisions."	X				
"An external person should be appointed by the Minister."		X			
"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."		X			
"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."				X	

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“Former local government council members, committee members and employees should be prosecuted if they misuse information.”				X	
“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.”				X	
“People who knowingly provide false or misleading information to a council should be prosecuted.”				X	
“Local government employees that breach procurement rules should be prosecuted.”				X	
“When a breach of the Act is identified an infringement notice should be issued as is the case for traffic offences.”				X	

28. 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	

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

Community Engagement

30. 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)

The method of engagement will depend on the type of issue being discussed with the community. Should be at the absolute discretion of the Council.

31. 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.)?

[See Response to Question 30](#)

32. 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			
“Local governments should determine if they require a community engagement charter or policy and the content of that charter or policy.”		X			

33. 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
Engagement is fit-for-purpose			X
Engagement is informed and transparent			X
Engagement processes must be reviewed and improved			X

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

- a. When preparing or reviewing their Strategic Community Plan
- b. When preparing their annual budget
- c. Making a local law
- d. Planning matters
- e. Emergency and community infrastructure planning
- f. Only when the local government determines that it is necessary
- g. Other (please specify)

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

Integrated Planning and Reporting

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“Long-term and operational planning is an area where reform is required.”			X		
“A local government should be free to conduct its long-term and operational planning in whatever manner it wishes.”		X			
“Local governments should conduct their long-term and operational planning in the same way.”		X			
“Local governments with smaller populations and fewer staff should have fewer rules for how they conduct long-term and operational planning.”				X	
Local Governments with larger populations and more staff should have fewer rules setting how they conduct long-term and operational planning.”			X		
“Integrated Planning and Reporting documents need to be reviewed too frequently.”		X			
“The timelines for reviewing Integrated Planning and Reporting documents need to be synchronised with council election cycles.”		X			
“There should be consequences for not complying with Integrated Planning and Reporting requirements.”				X	

37. 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			

38. 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	
“Local governments should be required to publish measures of success against uniform key performance indicators.”		X			
“It is important that measures of success are comparable.”		X			
“Local governments should determine if they publish measures of success and what these measures should be.”				X	

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“The State Government should use local government Integrated Planning and Reporting documents to inform policy and service delivery.”				X	
“All local government plans, including Local Public Health Plans, Disability Access Plans and Town Planning Schemes, should be combined under Integrated Planning and Reporting.”			X		
“Local government Integrated Planning and Reporting needs to be conducted at a regional level to influence State Government policy and service delivery.”				X	

40. 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		
To provide feedback to the local government on Draft Strategic Community Plans and Corporate Business Plans	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		
To assess the local government’s success in achieving the priorities identified in the Strategic Community Plan		X	

41. 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	
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)			

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

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

43. Do you have any other comments on the topic of Integrated Planning and Reporting?

The requirements of the IPR should be on a tiered basis utilising the salaries and Allowances Tribunal Bands.

Complaints Management

44. What matters need to be considered in complaints management policies and procedures (please select all that apply)

- a. How 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)

45. To what extent do you support this statement?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
"A customer service charter should set the framework for local government complaints management."				X	

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

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

47. 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)

48. Do you have any additional comments on the topic of complaints management?

Elections

49. 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.”			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	

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

- Postal voting should not be required to be offered
- All local governments
- Local governments with a population greater than 1,000 people
- Unsure

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

- No local governments should be required to use the WA Electoral Commission
- All local governments
- Local governments with a population greater than 1,000 people
- Unsure

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

- Yes
- No
- Unsure

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

- a. Drawing of lots (random selection)
- b. Unsure
- c. Other (please specify)

54. 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			
“Local governments should be required to adopt a caretaker period that restricts council from making major decisions during a local government election period.”		X			
“Caretaker periods are only required in large local governments.”			X		
“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.”				X	

55. 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	
“Council elections should be held every four years rather than every two years with all council members being elected at the same time.”		X			
“A cap should be set on the maximum amount that a candidate may spend on their campaign.”				X	
“Prospective candidates should be required to declare their profession or primary source of income on the nomination form.”		X			
“Local governments should be required to publish candidate profiles on the website.”				X	
“Information collected on the nomination form should include demographic information such as gender and ethnicity.”		X			

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
"People who own land but who do not live in a district should be eligible to vote."				X	
"People who lease rateable property in a district should be entitled to vote."				X	
"Corporations that own property in a district should be entitled to vote."				X	
"Corporations that lease property should be entitled to vote."				X	
"Occupiers of land, for example, commercial lease holders, should be eligible to vote."				X	
"Only people over the age of 18 who live in a district should be eligible to vote."		X			

57. 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)

58. 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.”		X			

59. 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)

60. 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.”		X			
“A local government with fewer than 800 people should not have wards.”		X			
“Ward boundaries should be set by the Electoral Commissioner.”		X			
“The number of members that a council has should be linked to the local government’s population.”		X			

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

No Comment

62. Do you have any other comments or feedback on local government elections?

Nil