

## GENERAL LOCAL GOVERNMENT POSITIONS:

These are positions of intent that should be captured somewhere in the legislation and may be across multiple parts or schedules.

<b>Position I.</b>	Oppose rate capping
<b>Rationale for Position:</b>	Councils should be entitled to adjust their rate income to match demands from and requirements for the community interest. Capping of rates will limit flexibility, options, and make the council less able to rapidly adapt to changing market conditions from where services may be sourced. Further, long term financial plans have a component related to rate setting to meet long term commitments, works and service provision which in itself makes rate setting more transparent and justified without arbitrarily limiting this to a figure.
<b>Position II.</b>	Support safety protection principles for staff and councillors
<b>Rationale for Position:</b>	The Town of Mosman Park supports any position that strengthens the physical and mental safety of staff and elected members that includes powers that allow for a safe workplace from potentially disgruntled stakeholders that is swift but justified and without the need to refer possible measures to third parties for approval. This includes limiting access to Town staff and councillors at events or formal meetings. An example may be that Council or the CEO is able to ban a member of the public who has shown to display abusive or threatening behaviour toward councillors and staff at official functions.
<b>Position III.</b>	Uniform KPI and benchmarking throughout industry – but considerate of situational context
<b>Rationale for Position:</b>	<p>Any KPIs or benchmarking used to demonstrate the performance of local governments should be uniform and relative to the particular service area and considerate of contextual differences to which it relates. For example, the Town of Bassendean has 1 staff member for every 86 residents, but the Town of Mosman Park has 1 for every 200; however, Bassendean has a recreation centre, whereas Mosman Park does not.</p> <p>The KPIs will need to be practical in approach and be based on freely available metrics – i.e. SAT banding, demographic information, district area.</p> <p>KPIs should be measures of performance for comparison between councils and not targets to meet.</p>
<b>Position IV.</b>	Support the principle of user pays and rights for LGAs to impose fees even if property is unrateable and with this, a review of all rating exemptions under Section 6.26.

<b>Rationale for Position:</b>	<p>The local government should be entitled to place the burden of cost to the users that benefit the most directly. This principle should be echoed in numerous sections of the Act and subsidiary legislation.</p> <p>The Town requests that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act, with a view to charging rates for all properties that in anyway receive benefit.</p>
<b>Position V.</b>	Support for local government to be written into the federal constitution
<b>Rationale for Position:</b>	The Town of Mosman Park believes that local governance is a critical service in the make of up Australian society and should be recognised in the constitution in its own right.
<b>Position VI.</b>	Support to incentivize and fund regional cooperation and collaboration activities
<b>Rationale for Position:</b>	Local governments should be encouraged and rewarded for exploring collaborative service delivery with neighbouring authorities and not-for-profit entities. To encourage this, the Town of Mosman Park believes that fees and charges imposed by state government through such activities of leasing of land to other Local Government Authorities – i.e. rent or contribution for land transactions of crown land, and so forth, should be waived. Further, grants from across state and federal government should consider regional collaboration in service delivery as a factor for award of funds.
<b>Position VII.</b>	Oppose passing on service delivery from state to local government without also passing on resourcing or resourcing mechanisms to local government also, and permit them to keep any profit
<b>Rationale for Position:</b>	Local Governments should not bear the burden of passing along requirements previously undertaken by the state, or as the outcome of a state determination without also adequately resourcing this service delivery or requirement. This may include adequate provisions for the LG to recover costs, and permitting them to retain any profit from undertaking the service to ease ratepayer burden in other areas.
<b>Position VIII.</b>	Oppose using local governments as collection agents or regulators for state services, such as the emergency services levy.
<b>Rationale for Position:</b>	Local Governments are blamed constantly for rates, however, the bottom line value of rate notices are often impacted by costs well outside of anything the local government has determined. Relevant state agencies should collect their own revenue to minimise confusion about what ratepayers funds are used for, leading them to ‘shoot the messenger’.

	Should the local government be required to undertake a service which was previously done by the state it should be able to be adequately compensated for the entire cost of doing so, plus retain any profit.
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<b>Position IX.</b>	Support caretaker provisions – election years & state or federal nominations
<b>Rationale for Position:</b>	<p>The act should give consideration for caretaker provisions in the lead up to elections. This may include limiting councillor participation in committees or making decisions that may be questioned in the long term. Examples might include approval of larger developments, adoption of long-term plans.</p> <p>Further, there should be an amendment to the act to require an elected member to take leave of absence when contesting a state or federal election, applying from the issue of writs to when the outcome of the election has been decided.</p> <p>The options to consider include:</p> <p>(i) that an elected member remove themselves from any decision making role and not attend council and committee meetings; or</p> <p>(ii) that an elected member take leave of absence from all aspects of their role as a councillor and not be able to perform the role as specified in section 2.10 of the local government act.</p>

**LG ACT POSITIONS:**

These positions relate typically to specific portions of the LG Act itself and propose changes.

<b>Position 1.</b>	Differentiate between local governments - not a 'one size fits all'
<b>Section of Legislation:</b>	2.4
<b>Proposed Change:</b>	<p>Insert a new provision to differentiate between local governments based on capacity. The State Administrative Tribunal Banding model is an illustration of potential grouping for local governments. This should be mirrored in subsidiary legislation and apply to tender requirements, voting requirements or anything else scalable.</p>
<b>Rationale for Change:</b>	<p>This will reduce the compliance burden on smaller local governments with limited capacity or with limited growth and provide additional opportunities for local governments with capacity. What is presented in the Act is based on the terminology related to population only.</p>

<b>Implications for ToMP:</b>	The Town has the same compliance requirements under the Act as the City of Stirling, and the Shire of Peppermint Grove, the biggest and smallest Local Governments. Audit and reporting requirements could be done less often and to a lesser level proportional with exposure of that Council to risk. This position is supported by industry bodies.
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<b>Position 2.</b>	Method to elect mayor / president
<b>Section of Legislation:</b>	2.11 & 2.12
<b>Proposed Change:</b>	Delete the poll provisions in relation to changing the method of election of the Mayor/President. Local Governments should determine this outcome. Further, should an election of Mayor lead to a vacant councillor position, a countback of that election should determine the replacement of that vacated seat, not requiring an additional extraordinary election of a councillor.
<b>Rationale for Change:</b>	This will deliver consistency in the approach to change, and will be determined by each authority in response to their electors without the need for a trigger which will force the local government to consider it formally. Permitting a type of 'count back' for Mayoral elections that result in a vacant seat, but then do not require an extraordinary election would reduce cost and voter fatigue.
<b>Implications for ToMP:</b>	The current Mayoral selection is via electors, and there has been little demand for change at this time. Therefore, there are no immediate implications for the Town. This position is supported by industry bodies. If there was no requirement for an extraordinary election but a countback provision was an option, the recent mayoral election would have produced the same result at a much lower cost to the community, in that the candidate with the next highest votes would assume the vacated seat.

<b>Position 3.</b>	Disqualification because of convictions
<b>Section of Legislation:</b>	2.21
<b>Proposed Change:</b>	Add a section which disqualifies a person if they have been convicted of an offence against the Planning and Development Act, or the Building Act, in the preceding five years.
<b>Rationale for Change:</b>	A planning or building system conviction is potentially more serious than a Local Government Act conviction because of local government's prominent role in planning and building control and the significant personal benefits, which can be illegally gained through these systems. It may also be appropriate to include breaches of other legislation.

<b>Implications for ToMP:</b>	Given the Town is a relatively small and intimate local government, there is a possibility, however remote, that candidates may have past convictions and arguably should not be permitted to participate in the governance of the Town for a sufficient period.
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<b>Position 4.</b>	Procedure for making local laws
<b>Section of Legislation:</b>	3.12
<b>Proposed Change:</b>	Eliminate the requirement to consult on model Local Laws which themselves have already gone through an approved process.
<b>Rationale for Change:</b>	Model local laws should be approved for sector wide use; easing the approval process will add weight to the benefit in adopting model local laws with nil or minor variations, and improve consistency.
<b>Implications for ToMP:</b>	Opportunity will exist for WESROC councils to either outright adopt model local laws, or uniformly model a joint local law to be advertised if not suitable. Consistency for the public to avoid confusion between jurisdictions would likely be welcome.

<b>Position 5.</b>	Periodic review of local laws
<b>Section of Legislation:</b>	3.16
<b>Proposed Change:</b>	Eliminate the periodic review requirement for model Local Laws.
<b>Rationale for Change:</b>	Model local laws should be approved for sector wide use. The body making the model with advice regularly provided to and sought from all local governments or industry bodies should review them frequently. Again, this would make model local laws appealing.
<b>Implications for ToMP:</b>	This change would lessen a consistent compliance formality for the Town.

<b>Position 6.</b>	New provision - closure of bridge and roads for repairs
<b>Section of Legislation:</b>	3.50B
<b>Proposed Change:</b>	Allow a bridge and roads to be closed for urgent repairs and maintenance without notice, even if it will have significant adverse effects on users, and if it is fully closed – as opposed to partially closed which is permitted under 3.50A. It is difficult to partially close a bridge or culvert for urgent repairs.
<b>Rationale for Change:</b>	The closure of a bridge and road will often have significant adverse effects on users. However, bridges may need to be closed for urgent repairs if there is a sign of weakness and, currently, the Act does not provide capacity to take this action without giving local public notice if the closure will be greater than four weeks.

<b>Implications for ToMP:</b>	This will have little impact directly on the Town, but may affect other LGAs.
<b>Position 7.</b>	Notification of affected owners
<b>Section of Legislation:</b>	3.51
<b>Proposed Change:</b>	<p>Section 3.51 of the Local Government Act 1995 concerning “Affected owners to be notified of certain proposals” should be amended to achieve the following effects:</p> <ul style="list-style-type: none"> <li>- To set a minimum definition of “person having an interest” to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation); and</li> <li>- To specify that only significant, defined categories of proposed road works or closures require local public notice under Section 3.51 (3) (a).</li> </ul>
<b>Rationale for Change:</b>	To provide clarity and efficiency.
<b>Implications for ToMP:</b>	This may occur from time to time, particularly the prospect of lanes being closed and the need to consult. The minimum would remove a determination of ‘land likely to be affected’. For example a property backing on to a lane but taking no access could be deemed not ‘likely to be affected’ under current provisions. However, with the proposed change, these owners who current have no access would be notified.
<b>Position 8.</b>	Control of certain unvested facilities
<b>Section of Legislation:</b>	3.53
<b>Proposed Change:</b>	That Section 3.53 be repealed and that responsibility for facilities located on crown land return to the State as the appropriate land manager.
<b>Rationale for Change:</b>	<p>To reflect the State's ownership of this land, in many situations the state government does not actively manage the land, however somehow maintains an approval authority over it. This creates a ‘half – pregnant’ arrangement that while no assistance or responsibility is taken by the state government, a local government authority must get approval to maintain the area, even when no other authority will.</p> <p>Should a change not occur for remnant parcels of land, such as those that fall within the Department of Biodiversity, Conservation and Attraction’s development control area, no approval should be required for maintenance undertaken by the local government in lieu of the state government.</p>
<b>Implications for ToMP:</b>	This would assist in the issues raised about the embankment of Garungup Park and other foreshore areas, which are a grey area in terms of maintenance. This would encourage state government to not merely pass costs along.

<b>Position 9.</b>	Capacity to form body corporates
<b>Section of Legislation:</b>	3.60
<b>Proposed Change:</b>	Allow local governments with capacity to form bodies corporate (Beneficial Enterprises) for particular commercial activities.
<b>Rationale for Change:</b>	<p>A Beneficial Enterprises is a standalone arm's length business entity to carry out commercial enterprises and to deliver projects and services for the community. Local Governments would have the ability to create Beneficial Enterprises through the Local Government Act, however the stand alone business entity would be governed by the Corporations Act (ie normal company law).</p> <p>Beneficial Enterprises provide services and facilities that are not attractive to private investors or where there is market failure. A Beneficial Enterprise cannot carry out a regulatory function of a Local Government.</p> <p>This follows the New Zealand approach and enables local governments to undertake key place-making activities more efficiently and effectively.</p>
<b>Implications for ToMP:</b>	<p>It is to be noted that although the proposed changes are in relation to the Local Government Act, it is unknown at this time how these changes may be further complicated by virtue of changes to other legislation in the short to medium term. Consideration must be made for alterations in conjunction with other legislation currently under review, namely the Industrial Relations Act and the Workplace Health and Safety Act.</p> <p>An example of potential complications can be seen in the proposal for Local Governments to be able to establish a body corporate. This will be impacted should the Industrial Relations Act include a determination that Local Governments are not covered by the Federal legislation in this regard. How the body corporate may be treated then may be unclear. Further if it is determined that Local Governments are not considered as constitutional corporations are they able to establish a body corporate or does doing so define them as one?</p>

<b>Position 10.</b>	Regional local governments
<b>Section of Legislation:</b>	3.66
<b>Proposed Change:</b>	Reduce compliance burden on regional local governments in parallel with the proposal to differentiate between local governments.
<b>Rationale for Change:</b>	To improve the efficiency of regional local governments; in particular those undertaking limited or one service provision functions. This should be a sliding scale as service or functions expand. This position is supported by industry bodies.

<b>Implications for ToMP:</b>	This would have a direct implication and impact on the requirements for WMRC to operate, and substantially reduce costs for compliance activities, such as annual reporting and auditing.
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<b>Position 11.</b>	CEO to be the returning officer unless other arrangements are made
<b>Section of Legislation:</b>	4.20 (4) 4.61 (4)
<b>Proposed Change:</b>	Allow the Commonwealth Electoral Commission or any other body competent in conducting elections to be responsible for conducting an election and, in particular, a postal election.
<b>Rationale for Change:</b>	To enable competition and competitive efficiencies to be achieved through the free market.
<b>Implications for ToMP:</b>	This will permit open market efficiencies to be accessed as private providers compete for contracts.

<b>Position 12.</b>	Methods of conducting an election and voluntary voting.
<b>Section of Legislation:</b>	4.61 (1) & 4.65
<b>Proposed Change:</b>	Allow people to vote online if they so choose.
<b>Rationale for Change:</b>	To reflect the use of modern technology and to increase voter turnout. Online voting should only be introduced in a technological environment which ensures the confidentiality of the vote and which minimises the potential for fraudulent activity. Online voting should be offered as an additional method of voting; not as a complete replacement for postal voting. Voting should also remain voluntary. Industry bodies support this position.
<b>Implications for ToMP:</b>	The Town has no specific implications of note in this regards.

<b>Position 13.</b>	Electoral offence: misleading, false or defamatory statements
<b>Section of Legislation:</b>	4.88 (1)(b)
<b>Proposed Change:</b>	Explore the potential of making it an offence for a person to make or publish false or defamatory statements about official acts undertaken by an elected member seeking re-election during the conduct of an election campaign.
<b>Rationale for Change:</b>	It is already an offence to make or publish false or defamatory statements in relation to personal character or conduct. It is considered appropriate that this principle carries through to false or defamatory statements about official conduct.
<b>Implications for ToMP:</b>	The Town has no specific implications of note in this regards.

<b>Position 14.</b>	New provision – vexatious people and complaints
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<b>Section of Legislation:</b>	5.24B
<b>Proposed Change:</b>	<p>Insert a new provision to specifically allow a local government to declare a member of the public and their complaints vexatious. Such a declaration would prevent that person from speaking at either Council meetings or electors meetings, allow a local government to file, but not respond, to correspondence from the person, and refuse to answer phone calls for matters that the local government determines are suitably addressed.</p> <p>WALGA Specifically propose to:</p> <p><i>“Amend the Local Government Act 1995, to:</i></p> <ul style="list-style-type: none"> <li><i>-Enable Local Government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the Parliamentary Commissioner Act 1971.</i></li> <li><i>-Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government’s decision for third party review.</i></li> <li><i>-Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including:</i> <ul style="list-style-type: none"> <li><i>o Abuse of process;</i></li> <li><i>o Harassing or intimidating an individual or an employee of the Local Government in relation to the complaint;</i></li> <li><i>o Unreasonably interfering with the operations of the Local Government in relation to complaint.”</i></li> </ul> </li> </ul>
<b>Rationale for Change:</b>	<p>Local governments have no explicit statutory power to prevent a member of the public from bullying, abusing or harassment, particularly when speaking at meetings. The Ombudsman has produced guidelines for dealing with vexatious people and local governments should be specifically empowered by law to declare people vexatious (which would prevent them from speaking at meetings) if the principles within this guideline are followed. Here it is noted that the State Government recently gave the Standards Panel the power to decide that people were being vexatious – there may be a delay in this determination. Industry bodies support this position.</p>
<b>Implications for ToMP:</b>	<p>Local governments, including the Town of Mosman Park, always have the risk of being exposed to such circumstances and although not forefront at present, it should support this position.</p>

<b>Position 15.</b>	Electors' general meetings
<b>Section of Legislation:</b>	5.27
<b>Proposed Change:</b>	Remove the requirements to have Electors' General Meetings
<b>Rationale for Change:</b>	To improve local government efficiency. The public now has numerous ways in which to engage with Councils, including special electors' meetings, and the need for annual meetings, which are often attended by a small number of people, is redundant. Industry bodies support this position.

<b>Implications for ToMP:</b>	The Town's annual electors' general meeting is poorly attended, and yet administratively draining. Not undertaking this would free up time of limited staff for other services.
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<b>Position 16.</b>	Electors' special meetings - required numbers
<b>Section of Legislation:</b>	5.28 (1)
<b>Proposed Change:</b>	Increase the number of people required to convene a special electors' meeting.
<b>Rationale for Change:</b>	It is too easy to gain 100 signatures to convene special electors' meetings in large local governments. This also does not correspond with the scalability needed for local governments of different sizes. To achieve this policy change the number required to call a meeting could be increased from 100 to 500 or, 10% of total number of electors, whichever is less. Industry bodies support this position.
<b>Implications for ToMP:</b>	This simply reflects demographic and size changes and has no implications for the Town at present.

<b>Position 17.</b>	Electors' special meetings - recurring matters
<b>Section of Legislation:</b>	5.28 (2)
<b>Proposed Change:</b>	Limit the number of special electors' meetings that can be held on the same matter or matters that are materially the same. Once a matter has been discussed at a special electors' meeting, the same matter, or a very similar matter, should not be able to be discussed at another special electors' meeting for 12 months unless Council determines otherwise to permit it.
<b>Rationale for Change:</b>	This allows people to have their say but prohibits people unreasonably calling special electors' meetings on issues already determined.
<b>Implications for ToMP:</b>	There has been issues in other metropolitan councils where this has been used for the wrong reasons. While not impacting the Town the possibility exists that time might be wasted on revisiting items on a constant basis, which is impractical for the Town and will impact service delivery.

<b>Position 18.</b>	New provision - public sector commission / local government commissioner role
<b>Section of Legislation:</b>	5.36 A + B
<b>Proposed Change:</b>	Insert a new section that would require the Public Sector Commission to expand its role or an introduction of a Local Government Commissioner to take on a guidance and support role to independently assist local government with CEO recruitment and performance reviews, with Council still being primarily responsible.  That, in circumstances where the CEO reports an Elected Member to either the CCC, the Standards Panel or any other regulatory or investigative body, an independent commissioner become the final decision maker in terms of

	the CEO's performance review or contract renewal for a period of five years.
<b>Rationale for Change:</b>	<p>CEO recruitment and performance review would benefit from the guidance and support of an independent authority.</p> <p>When a CEO reports an Elected Member or Members, those reported will form an opinion about the CEO that will bias future decision making on the performance of the CEO. To eliminate this bias, an independent authority should become the final decision maker in terms of the CEO's performance and contract renewal.</p>
<b>Implications for ToMP:</b>	No impact at present on the Town, but may be a consideration with contract directions for a new CEO.

<b>Position 19.</b>	New provision - training budget and plan for officers
<b>Section of Legislation:</b>	5.90B - New Training Provision
<b>Proposed Change:</b>	Require each local government to have a training budget and plan for professional development for officers.
<b>Rationale for Change:</b>	This will facilitate capacity building within the sector.
<b>Implications for ToMP:</b>	The Town already allocates training funds for officers, however this is unstructured. An industry requirement would formalise this and have the added benefit later on when the Town likely acquires staff from other local governments which have also been better trained.

<b>Position 20.</b>	Imposition of Fees and Charges
<b>Section of Legislation:</b>	6.16 (2)(b) (e)
<b>Proposed Change:</b>	<p>Many local governments will supply small consumer items at a variety of facilities. These include selling theatre tickets, supplying food and drink at venues. Non-metropolitan local governments also set rents for staff housing, etc. It is impractical to require local governments to establish fees at the start of the year for these items that respond to consumer demand in a commercial environment.</p> <p>The legislation for fees and charges need to be agile and flexible for local government to make changes throughout the year. This could simply be through a council resolution.</p>
<b>Rationale for Change:</b>	Allow local governments to set and amend fees and charges for small-scale goods and services and the rental of staff housing outside of the current requirements of the Act.
<b>Implications for ToMP:</b>	The Town should be able to adjust its fees and charges as they arise, but in a transparent way. The Town currently advertises price on application to counter this, however this is time consuming as a separate price is generated for each occasion. Setting a fee that responds to market changes would be clearer.

<b>Position 21.</b>	Rateable land - government trading enterprises
<b>Section of Legislation:</b>	6.26 (2)
<b>Proposed Change:</b>	Introduce a requirement for State Government trading enterprises, including the Housing Authority, to pay rates on their commercial land rather than making rate equivalent payments to the State Government.
<b>Rationale for Change:</b>	It is inappropriate for State Government trading enterprises to pay rate equivalents to the State Government when it is local government which constructs the local roads and facilities used by these enterprises.
<b>Implications for ToMP:</b>	This will impact the Town's rate income from time to time, as trading enterprises come and go from the area.

<b>Position 22.</b>	Rateable land - independent living for charitable purposes
<b>Section of Legislation:</b>	6.26 (2) (g)
<b>Proposed Change:</b>	<p>Amend to exclude independent living units for seniors from being a charitable purpose for which a rate exemption can be claimed.</p> <p>There should be provision to raise rates to contribute to community infrastructure and wellbeing. For example, they should pay for community waste costs, which are distributed district wide and cover education, illegal dumping, littering, enforcement, but may not be subject to a service charge for kerb side collection if they facilitate their own collection.</p> <p>Should this not be rated, a fee or charge should be determined to achieve the same outcome and should apply to all exempt properties if exemptions remain. This would relate to sections 66 through 68 of the Waste avoidance and Resources Recovery Act 2007, which may also need alteration.</p>
<b>Rationale for Change:</b>	Independent living units are generally provided at market rates so there is no charity for the user. This outcome was acknowledged in a State Government report about a decade ago.
<b>Implications for ToMP:</b>	This will impact the Town's rate income immediately and spread the burden of maintaining the public realm amongst all users, and not just the residents who pay.

<b>Position 23.</b>	Rateable land - non-government schools
<b>Section of Legislation:</b>	6.26 (2) (e) (f)
<b>Proposed Change:</b>	Amend to exclude non-government schools from being subject to a rate exemption when tuition is provided for a fee.
<b>Rationale for Change:</b>	School traffic and use by students impacts significantly on the local area, and many attend schools within the authority from outside the district - particularly those schools in affluent areas or with boarding facilities. There should be provision to raise rates to contribute to community infrastructure and wellbeing. For example, they should pay for community waste costs, which are distributed district wide and cover education, illegal dumping, littering,

	enforcement, but may not be subject to a service charge for kerb side collection if they facilitate their own collection. Should this not be rated, a fee or charge should be determined to achieve the same outcome and should apply to all exempt properties if exemptions remain. This would relate to sections 66 through 68 of the Waste avoidance and Resources Recovery Act 2007, which may also need alteration.
<b>Implications for ToMP:</b>	There is a marked difference in the amenity of the Town during and outside of school time, and while it is an attractive draw-card for the Town, not all who attend are from within Mosman park - which means the ratepayers are subsidising for increased traffic, increased littering, parking issues, using public green open space and so forth. On a user pays basis, some rate exempt properties are deriving considerable benefit for no cost.

<b>Position 24.</b>	Basis for rates and differential general rates
<b>Section of Legislation:</b>	6.28 6.33(1)
<b>Proposed Change:</b>	Enabling differential rating based on the time land remains vacant is supported, as suggested in the WALGA Discussion Paper.
<b>Rationale for Change:</b>	While local governments can introduce a differential rate for vacant land, this rate applies to all vacant land. It is appropriate to differentiate between land held vacant for long periods for speculative or hoarding purposes and land which is vacant on a short term, interim basis. It would be up to a local government to determine the number of years which would divide one category from the other.
<b>Implications for ToMP:</b>	This would encourage development to occur, and add value and vibrancy to an area. For example, lots on Glyde Street have remained empty for years.

<b>Position 25.</b>	Service of rate notice
<b>Section of Legislation:</b>	6.41
<b>Proposed Change:</b>	Amend the provisions around the service of rate notices to allow for electronic delivery of notices where a ratepayer's electronic address is confirmed.
<b>Rationale for Change:</b>	The Act was developed in an era when the internet hardly existed. Electronic communications are now commonplace and used for significant financial transactions.
<b>Implications for ToMP:</b>	This would improve administrative efficiencies. Although it should be noted that follow up demands should be in multiple formats.

<b>Position 26.</b>	Options for payment of rates
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<b>Section of Legislation:</b>	6.41 6.45(1)
<b>Proposed Change:</b>	Amend to reduce prescription and increase flexibility in relation to rate payment options.
<b>Rationale for Change:</b>	This will improve efficiency and responsiveness to ratepayers.
<b>Implications for ToMP:</b>	Allows payment of rates to be operational decisions as opposed to specified.

<b>Position 27.</b>	Recovery of rates in court
<b>Section of Legislation:</b>	6.56
<b>Proposed Change:</b>	Amend to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to 'cost of proceedings'. This should include staff time and machine hours which is the opportunity cost to the community as a whole. This is supported by industry bodies.
<b>Rationale for Change:</b>	To improve operational effectiveness.
<b>Implications for ToMP:</b>	This would affect all local governments similarly as the issues arose.

<b>Position 28.</b>	Creating, changing and abolishing districts
<b>Section of Legislation:</b>	Schedule 2.1 2(1)(d)
<b>Proposed Change:</b>	Applying a scalability approach here again similar to SAT banding or some other metric such as relative density. Alternatively, Increase the number of electors required to put forward a proposal for boundary change from 250 to 500 in addition to the current percentages. The latter is supported by WALGA as a position. Further, should a group of residents wish to break away and join another council area, the number of signatures required should be the size required for the destination council. For example, a smaller proportion to move from a large to a small council area, and a larger proportion to move from a smaller council area, to a bigger.
<b>Rationale for Change:</b>	The current number is considered too small and does not take into account the varying different sizes of local governments. This also would recognise the impact such changes would make to a local government's operations should the change occur.
<b>Implications for ToMP:</b>	This would make proposals to the advisory board more difficult for isolated parts of the community within Mosman Park. However, this will also make neighbouring boundary proposals more difficult for larger councils. A proposal for numbers based on SAT banding or density for the area in question would be more acceptable.

<b>Position 29.</b>	Provisions about wards
<b>Section of Legislation:</b>	Schedule 2.2 2.3(1)(a)
<b>Proposed Change:</b>	Increase the number of electors required to put forward a proposal for boundary change from 250 to 500. Alternatively, applying a scalability approach here again similar to SAT banding or some other metric such as relative density.
<b>Rationale for Change:</b>	The current number is considered too small and does not take into account the varying different sizes of local governments.
<b>Implications for ToMP:</b>	This would affect all local governments similarly as the issues arose.

<b>Position 30.</b>	Major land transactions & trading undertakings – business plan
<b>Section of Legislation:</b>	3.59
<b>Proposed Change:</b>	Change term from ‘business plan’ to ‘impact statement’ or similar to better reflect the content expected within the document as outlined in 3.59 (3). A full business case should be considered by the Local Government when the transaction is ongoing and marketable and not a one off or long-term, static arrangement, but should be determined by the Council as part of its own due diligence and not described. This should also not be required where transactions are between local governments to improve collaboration.
<b>Rationale for Change:</b>	There is confusion from the public who expect to see a business plan, and instead see something different, which is compliant. There is also a question raised about one off land transactions between local governments which due to the requirements of the Act, would require both parties to undertake the required considerations.
<b>Implications for ToMP:</b>	This would have lessened the process for the Cottesloe depot discussions and negotiations and cut the timeline down, creating value for both local governments.

<b>Position 31.</b>	Retain and strengthen Dadour provisions
<b>Section of Legislation:</b>	Schedule 2.1
<b>Proposed Change:</b>	Part 1: add definitions to terms used to include “minor nature” and “significantly different” based on the requirements in part 5.(2). Part 3: Add provision to that the LGAB must consider ‘all valid’ proposals as opposed to ‘any’. Valid proposals could be determined by part 2. and aligns with the intent of part 3.(4). Part 4: Add provision that if additional proposals are received from different Local Governments which affect the same area within the inquiry period, both proposals are to be investigated as alternative options within the one inquiry. Part 6: Add provision to 6.(1)(b) to include the term ‘preferred proposal’, and add another recommendation option

	'an alternative proposal to be considered by the relevant local governments'.
<b>Rationale for Change:</b>	There may be proposals with competing priorities from neighbouring communities. It is important that assessments are made on merit and not be biased by who submitted first, and that they should be considered in their own right. Further, the words minor and significantly are open to interpretation and could be clarified with reference to various considerations given in the provisions.
<b>Implications for ToMP:</b>	The Town has previously had a proposal submitted by residents which was subject to a counter-proposal by the City of Fremantle. In the end only one proposal, the City of Fremantle's was considered, with no formal response being responded to the residents of the Town. This could have been handled differently given the merits expressed in the resident proposal were not fully considered by the LGAB.

#### ADMIN REG POSITIONS:

This would impact relevant regulations with regard to administration of the authority.

<b>Position A1.</b>	Revoking or changing decisions
<b>Section of Legislation:</b>	10
<b>Proposed Change:</b>	Amend Regulation 10 to assist clarifying the rights of a Councillor to seek a revocation or change. Particularly amend to reflect situations where part of a multiple part motion has not been completed and may or may not be able to be halted.
<b>Rationale for Change:</b>	Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented. This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist clarify the rights of a Councillor to seek a revocation or change.
<b>Implications for ToMP:</b>	This would affect all local governments similarly as the issues arose.

<b>Position A2.</b>	Payment to employee in addition to contract or award
<b>Section of Legislation:</b>	19B
<b>Proposed Change:</b>	Amend to state that the number of positions that received actual cash salary in the past financial year, in addition to employees entitled to a particular band by virtue of position.  In addition, increase the \$100,000 to an amount, which reflects inflation since the value, was initially legislated. Further, increase the amount in future years in line with salary increases determined by the Salaries and Allowances Tribunal. This is estimated to be approximately \$150,000 at 2% inflation.
<b>Rationale for Change:</b>	This reflects the fact that it is important to identify the positions paid over \$100,000 as well as the number of



	<p>employees who fill the positions and reflects true costs of operation.</p> <p>Further, inflation is devaluating the \$100,000 amount each year. This also does not consider relative responsibilities between councils as a comparison. For example, some managers in the metro area have a larger team and budget than some CEOs in a rural setting, and may be paid the equivalent.</p>
<b>Implications for ToMP:</b>	This would affect all local governments similarly as the issues arose.

<b>Position A3.</b>	Content of minutes to include information presented
<b>Section of Legislation:</b>	11
<b>Proposed Change:</b>	Amend regulation 11 to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.
<b>Rationale for Change:</b>	This is done at a somewhat ad-hoc basis between local governments depending on the information, and its opinion of relevance. Documenting this in minutes will leave a trail of evidence to what was presented which informed decisions.
<b>Implications for ToMP:</b>	This would require additional administrative burden, and a system will need to be adopted to properly track and register late information. Deputations and handouts will also need to be strictly policed.

<b>Position A4.</b>	Elected member attendance at council meetings by technology
<b>Section of Legislation:</b>	14A
<b>Proposed Change:</b>	Amend regulation 14A to include new technologies and a broader definition of 'suitable place' on an as and when required basis approved by the council similar to leave of absences.
<b>Rationale for Change:</b>	<p>The current Local Government (Administration) Regulations 1996 allow for attendance by telephone, however only if approved by Council and in a suitable place. A suitable place is then defined as in a townsite as defined in the Land Administration Act 1997. This restricts an Elected Member's ability to attend the meeting to a townsite in Western Australia.</p> <p>This requirement does not cater for remote locations or the ability to attend via teleconference whilst in another state or overseas. The regulations require amendment to consider allowing attendance at a meeting via technology from any location suitable to a Council.</p>
<b>Implications for ToMP:</b>	On occasion, a Councillor's other duties may require them to be away from the Town. Where possible, attendance at council meetings including committee meetings could be facilitated by new technology. That said, there could be an expectation from constituents that councillors be in attendance more often than not and this will need to be considered.

## FUNCTIONS & GENERAL REG POSITIONS:

This would impact relevant regulations with regard to the day to day operation of the authority.

<b>Position FG1.</b>	Regional Price Preference (RPP)
<b>Section of Legislation:</b>	4A
<b>Proposed Change:</b>	Add clarification that regional local government can apply their RPPs policy to all purchases, including those under the tender threshold.
<b>Rationale for Change:</b>	Clarity required and to provide consistency.
<b>Implications for ToMP:</b>	This would affect all local governments similarly as the issues arose.

<b>Position FG2.</b>	Tender Threshold
<b>Section of Legislation:</b>	11 (1)
<b>Proposed Change:</b>	Increase the minimum tender threshold to align with the State Government tender threshold (\$250,000). Further clarity is required on whether the threshold applies to total project cost as budgeted initially, and the implications on rolling contracts, where its annual cost is under the threshold. The minimum should apply to all councils, however should a scale be applied such as the SAT banding, Bands 3 & 4 Councils could be \$250k, but Bands 1 & 2 could be a higher figure to accommodate for longer ongoing contracts of a bigger nature.
<b>Rationale for Change:</b>	Increasing the tender threshold improves local government efficiency and aligns to State agency requirements. Clarity is needed on what requires or triggers the need for a tender. E.g. budget is set for \$200k, a quotation occurred and returned figures over \$250k which would have constituted a tender - is a tender required to be done or is one price considered an outlier?
<b>Implications for ToMP:</b>	This would affect all local governments similarly as the issues arose.

<b>Position FG3.</b>	Disposition of Property
<b>Section of Legislation:</b>	30 (3)
<b>Proposed Change:</b>	That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000 on a disposition) where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.
<b>Rationale for Change:</b>	To improve local government efficiency and operational effectiveness.
<b>Implications for ToMP:</b>	This would affect all local governments similarly as the issues arose.

**LONG SERVICE LEAVE REG POSITIONS:**

This only impacts the long service leave and leave cover of administration staff.

<b>Position L1.</b>	Taking Leave
<b>Section of Legislation:</b>	7 (1)(d)
<b>Proposed Change:</b>	Amends so that employees can take long service leave in more than three separate periods, in line with the employer's policies and practices.
<b>Rationale for Change:</b>	To reflect contemporary practice, allow employees to take their long service leave in more than three separate periods, subject to the agreement of the employer.
<b>Implications for ToMP:</b>	This would affect all local governments similarly as the issues arose.

**REGIONAL SUBSIDIARY REG POSITIONS:**

This will impact on the ability of local governments to create and operate a regional subsidiary.

<b>Position R1.</b>	No Capacity to Undertake Trading Undertaking or Land Transaction.
<b>Section of Legislation:</b>	8
<b>Proposed Change:</b>	Remove the restrictions on land transactions and commencing a trading undertaking.
<b>Rationale for Change:</b>	A regional subsidiary should be able to acquire land in its own rights (such as land for a waste transfer station) and conduct a commercial enterprise (such as the sale of goods received at the transfer station).
<b>Implications for ToMP:</b>	This would affect all local governments similarly as the issues arose.

<b>Position R2.</b>	Power to Borrow
<b>Section of Legislation:</b>	11
<b>Proposed Change:</b>	Remove the restriction on borrowing.
<b>Rationale for Change:</b>	A regional subsidiary should be able to borrow money in its own right
<b>Implications for ToMP:</b>	This would affect all local governments similarly as the issues arose.