



TOWN OF
VICTORIA PARK

Town of Victoria Park

Local Government Act Review

Phase Two Submission

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Beneficial Enterprises

Response to survey questions

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

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

- a. Very unsupportive
- b. Unsupportive
- c. Neutral
- d. Supportive
- e. Very supportive

e. Very supportive.

- To what extent do you support the following statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"There should be no limitations on a Local Government to create a beneficial enterprise."		X			
"Only local governments deemed to be a low risk should be allowed to create a beneficial enterprise."		X			
"Only local governments that meet a threshold for financial health should be allowed to be create a beneficial enterprise."				X	

"Local governments should only be permitted to invest in a company up to a specific percentage of their annual expenditure."				X	
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"Only local governments that are in band 1 & 2 of the Salaries and Allowance Tribunal banding should be allowed to create a beneficial enterprise."		X			
"Local government beneficial enterprises should be able to compete with private businesses."				X	
"Beneficial enterprises should have to employ staff under the same pay rates and conditions as employees of local governments."			X		
"Local governments should have to tell their community how much they are investing in a beneficial enterprise."					X
"Communities should be able to decide if their local governments can establish a beneficial enterprise."					X

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

	Agree	Disagree
There should be no restrictions	X	
Local governments should not be permitted to form a company	X	
Statutory approvals for example building and planning	X	
Leisure centres	X	
Human resources	X	
Information technology	X	
Airports	X	
Waste management	X	
Parking	X	
Road maintenance	X	
Retail (shops and service stations)	X	

	Agree	Disagree
Age or child care facilities	X	
Land development	X	
Caravan parks	X	
Other (please specify) – Social Housing, Shopping Complexes, Student Accommodation and Public Transport.		

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The local government should be required to guarantee any debt of a local government beneficial enterprise."	X				
"The local government should be able to lend money to a local government beneficial enterprise."				X	
"The Western Australian Treasury Corporation should be able to lend money to a local government beneficial enterprise"				X	
"Commercial lenders should be able to lend money to a local government beneficial enterprise"					X

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The local government <u>must</u> receive approval from the Minister prior to creating a local government beneficial enterprise."		X			
"The local government <u>must</u> receive approval from the Treasurer prior to creating a local government beneficial enterprise."		X			
"The Office of the Auditor General should be responsible for auditing local government beneficial enterprises."					X
"A local government beneficial enterprise should be required to hold public meetings."					X

Further comment

The Town of Victoria Park is very supportive of the proposal to enable local governments to establish beneficial enterprises and provides the following additional comments.

In relation to question one

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

The Town highlights the need for clear governance processes for beneficial enterprises. The intent is to prevent local government from making decisions that favour their own beneficial enterprise over the open market. There should be clear rules around competition with private enterprises to ensure that any beneficial enterprise created by a local government does not undermine the local economy. The Town also would seek to understand if a beneficial enterprise can be disposed of, and if so, would that be the same process as it required for the disposal of other property.

In relation to question two

"There should be no limitations on a Local Government to create a beneficial enterprise."

The Town believes there should be as much agility and flexibility as possible for local governments to use beneficial enterprises to further their strategic goals. The Town does however recognise the need for local governments to ensure that they are not setting themselves, or the beneficial enterprise, up to fail.

"Only local governments deemed to be a low risk should be allowed to create a beneficial enterprise."

The Town highlights some concern regarding the use of risk as a determinant of a local government's ability to establish a beneficial enterprise. As risk ratings are not static – in that it can be low risk one year but high the next depending on both internal and external factors – it would be difficult to apply this criteria consistently.

Further to this, more concerns were raised regarding the factors used in determining risk. For instance, a local government may be disadvantaged if diversity of revenue is used as a measurement as a local government may be setting up a beneficial enterprise for the purpose of diversifying its revenue.

"Only local governments that are in band 1 & 2 of the Salaries and Allowance Tribunal banding should be allowed to create a beneficial enterprise."

The Town believes that the use of Salaries and Allowances Tribunal bands may be unsuitable, as it will often be the case that regional local governments (many of which are classified as a Band 3 and Band 4) may need to create a beneficial enterprise so that it may provide services for its community, where private businesses choose not to operate.

"Local government beneficial enterprises should be able to compete with private businesses."

In determining whether to establish a beneficial enterprise, any business case submitted should clarify how the enterprise is intending to fairly compete with the market.

"Beneficial enterprises should have to employ staff under the same pay rates and conditions as employees of local governments."

The Town believes this should be based upon the particular purpose of the beneficial enterprise to ensure that beneficial enterprises remain competitive. If a beneficial enterprise is undertaking a normal local government function (e.g. waste, libraries or parks), it should be consistent with the conditions of a local government. However, if a beneficial enterprise is undertaking functions that are not associated with local government, such as retail or hospitality, those industries' conditions should apply.

In relation to question three

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

The Town does not think that specific activities should be prohibited, but rather, there should be a focus on the management of the risks that could arise from those activities.

Additional suggestions for what could be undertaken as a beneficial enterprise includes

social housing, shopping centres, student accommodation and public transport.

In relation to question four

"The Western Australian Treasury Corporation should be able to lend money to a local government beneficial enterprise."

The Town notes that the provision of loans to local governments from the Western Australian Treasury Corporation could result in an advantage over private businesses. That being said, it is believed that this facility can be important particularly in cases where a local government may want to create a beneficial enterprise in areas of benefit to the community, that either have a longer return on investment period or a marginal return on investment, which private businesses are unwilling to pursue.

Financial Management

Response to survey questions

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Local government purchasing rules should be consistent with the State Government."					X
"Different procurement rules should apply to different local governments."	X				
"Local governments with few staff or small operating budgets should have fewer procurement rules to comply with."	X				

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

- a. None. Procurement rules should be consistent across local governmental
- b. A percentage of a local government's average operating expenditure
- c. Salaries and Allowances Tribunal bands
- d. An independent risk assessment
- e. Other (please specify)

a. None. Procurement rules should be consistent across local government.

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

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

a. Yes.

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

- a. Yes

- b. No
- c. Unsure

a. Yes.

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Local governments should be permitted to invest surplus revenue."					X
"Local government should have fewer restrictions on their ability to invest surplus revenue."					X
"Different local governments should have different investment powers and rules."	X				
"Certain types of investments should require independent approval."					X

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

- a. Where a local government wishes to borrow money outside amounts listed in the annual budget
- b. Where a local government has exercised its power to borrow for a purpose but no longer wishes to use the funds for that purpose
- c. Where a local government has exercised its power to borrow for a purpose and has funding left over
- d. Public notice is not required in any of these situations
- e. Unsure

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

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

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

c. Unsure

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

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

a. Yes.

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

- a. Environmental upgrades
- b. Commercial upgrades
- c. Both environmental and commercial
- d. Neither
- e. Other (please specify)

c. Both environmental and commercial.

Further comment

The Town is generally supportive of the proposals presented and makes the following additional comments.

In relation to question two

What criteria should be used to set the threshold for when a local government must publicly advertise a tender?

The Town supports an increase in the standard threshold for calling public tenders to the same as that which applies to the State Government.

The Town believes a fixed standard amount should be set; however, for the sake of flexibility, the Minister should be able to approve a higher threshold for larger local governments, as it would be those local governments with significant budgets that may find it inefficient to call for tenders for a marginal amount of their revenue.

In relation to question five

“Local governments should be permitted to invest surplus revenue.”

The Town is concerned that there is a wide range of interpretation on how local governments can invest. The Town believes there should be a complete revision of the rules to clarify what local governments can do with their surplus revenue.

In relation to question seven

“Should local governments be permitted to secure loans using assets that they own

freehold?"

Strong arguments for and against this proposal were considered by the Town recognising the risk created by seeking financial security against Town property, while also recognising the value that could be obtained in a commercial loan.

In relation to question eight

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

If this option is made available, greater clarification must be provided around the role of the local government in this process.

Rates, Fees and Charges

Response to survey questions

1. To what degree are you concerned about rates?
 - a. Not at all
 - b. A little
 - c. A moderate amount
 - d. A lot
 - e. A great deal

c. A moderate amount

2. Do you support the following statements?

	Yes	No	Unsure
"Local governments should be required to prepare a Rates and Revenue Strategy each financial year."	X		
"The value of the property should continue to be used to partially determine the value of the rates payable."	X		
"Local governments should be required to advertise all of their proposed rates and consider any submissions made, prior to adopting their budget."	X		
"Under the <i>Local Government Act 1995</i> , local governments may not advertise their rates prior to 1 May. Local governments should be permitted to advertise their rates at any time leading up to the adoption of their budget."	X		
"All types of rateable property should pay the same rate in the dollar, regardless of how the land is used."		X	

3. Should the legislation set the rating categories that can be used by local governments?
 - a. Yes
 - b. No
 - c. Unsure

a. Yes.

4. If rating categories are set in legislation, what would be appropriate categories?

	Yes	No	Unsure
Residential	X		
Rural residential	X		
Commercial	X		
Industrial	X		
Vacant	X		
Mining			X
Mining - exploration and prospecting (separate from general mining)			X
Farming			X
Not-for-profit organisation or charity	X		
Other (please specify)			

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

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

a. Yes.

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

Not applicable to the Town.

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Local governments should be permitted to rate properties differently based on their location."				X	
"Local governments should be permitted to rate long term vacant properties differently to land that is being used."				X	
"Local governments should be permitted to rate holiday houses, timeshare properties or AirBNB properties differently."				X	
"A lower rate in the dollar should apply to land used for exploration and prospecting compared to land used for mining."			X		

8. Currently, local governments are required to seek Ministerial approval when seeking to impose a rate in the dollar that is more than twice the lowest of its other rating categories.

What is your preferred approach to differential rates?

- a. Ministerial approval for rates twice the lowest category
- b. Ministerial approval for rates three times the lowest category
- c. Ministerial approval for rates four times the lowest category
- d. No Ministerial approval required for any differential rates
- e. Differential rates to a maximum of four times may be set with no option for Ministerial approval
- f. Other (please specify)

a. Ministerial approval for rates twice the lowest category.
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9. To what extent do you support the following statements?

	Very unresponsive	Unresponsive	Neutral	Supportive	Very supportive
"All land should be subject to rates."				X	
"The types of land subject to rates should be consistent between local governments."				X	

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

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

Sporting clubs and Surf Lifesaving clubs	X		
Land used for the pursuit of the Arts	X		

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

- a. Waste charges
- b. A service charge to cover basic services and maintenance
- c. Both
- d. Neither
- e. Other (please specify)

c. Both.

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

	Yes	No	Unsure
The land is owned by a person who currently receives a pensioner or health related concession	X		
The land is owned or used by a not-for-profit organisation	X		
The land is owned or used by an entity that provides assistance or encouragement for arts or cultural development	X		
The land is owned or used by a sporting or recreation body and is available for use by the general community without charge or below cost	X		
Community service organisations that are not-for-profit, for the benefit of the general public and provide community services without charge or below cost	X		
The payment of rates or charges will cause hardship to the land owner	X		
The concession will encourage the economic development of all or part of the local government district	X		

The concession will encourage land that is of cultural, environmental, historic, heritage or scientific significance to the local government area to be preserved, restored or maintained	X		
Land that is subject to a mining tenement			X
Land that is determined by the Minister to be subject to a concession	X		

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

No.

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

- a. Waste charges
- b. A service charge to cover basic services and maintenance
- c. Both
- d. Neither
- e. Other (please specify)

d. Neither.

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"Rate exemptions for the commercial (non-charitable) business activities of charitable organisations should be removed."				X	
"Certain categories of ratepayers, for example Independent Living Units, should only be exempt from rates where they qualify under the Commonwealth <i>Aged Care Act 1997</i> ."			X		
"Land used as a residence should not be regarded as		X			

charitable.”					
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16. To what extent do you support this statements?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“Local governments should be able to impose fixed charges or levies for particular services, facilities or activities.”				X	
“Local governments should be able to vary fees and charges at any time without advertising the change.”		X			
“Local governments should have the autonomy to set fees and charges for all services they provide.”				X	
“Services that are consistent across local governments should have the same fees or charges.”		X			
“Local governments should not set a fee or charge higher than the cost of delivering that service.”		X			
“A fee or charge should not be set lower than the cost of delivering that service.”		X			
“Fees and charges imposed by local government and fixed under legislation should increase by CPI annually.”				X	

Further comment

In relation to question two

“Local governments should be required to prepare a Rates and Revenue Strategy each financial year.”

While supportive, the Town would like further information on the proposed ‘annual rates and revenue strategy’.

In relation to questions three and five

“Should the legislation set the rating categories that can be used by local governments?”

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

The Town only supports the introduction of prescribed rating categories if it retains the ability to set differential rating through sub-categories.

The Town currently provides rating reductions for not-for-profit organisations through ‘exemptions’ that are provided upon approval of an application, rather than differential rating. The Town believes this systems works effectively.

In relation to question seven

“Local governments should be permitted to rate long term vacant properties differently to land that is being used.”

“Local governments should be permitted to rate holiday houses, timeshare properties or AirBNB properties differently.”

The Town supports having these options available; however, it does not believe that the options should be mandatory.

In relation to vacant properties, the Town would like to be able to differentially rate vacant land based upon that land’s current rating category. This would mean having a vacant land rating for vacant commercial properties, vacant residential properties and vacant undeveloped land. The Town would also appreciate a clear process to be established on how a determination is made on whether a property is ‘long term vacant’.

In relation to short stay accommodation, such as AirBNBs, similar to that of vacant properties, the Town believes that there needs to be a clear set of processes to establish if a property is being used as short stay accommodation and how that determination is made and revoked.

In relation to question twelve

“Should a concession on rates be granted in any of the following scenarios?”

The Town has two specific comments in relation to this question. Firstly, while the Town supports concessions for pensioners, it does not support that it should be generally provided of ‘health’. Secondly, it is believed that church property that is not being used for a religious purpose, namely that it is being privately leased, should be rated.

Further to those comments, the Town is also more supportive of a rates exemption system where not-for-profits, and other groups as listed in the question, may apply for such an exemption (as is equivalent to a concession) to be determined by the local government.

Administrative Efficiencies

Response to survey questions

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,				X	

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
providing there are circumstances which, 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?
- Yes
 - No
 - Unsure

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
s 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	

Section		Simple majority	Absolute majority	Unsure
s 5.54	Accepting the annual report for a financial year		X	
s 5.98A	Deciding to pay the deputy mayor an additional allowance		X	
s 5.99	Deciding to pay council members the prescribed minimum fee or a fee within the prescribed range		X	
s 5.99A	Deciding to pay council members an annual allowance or an allowance that has been set for expenses		X	
s 6.2	Preparing and adopting a budget for the financial year		X	
s 6.3	Imposing a supplementary general rate or specified area rate		X	
s 6.8	Spending money from the municipal fund that was not in the annual budget	X		
s 6.11	Changing the purpose of a reserve account		X	
s 6.12	Granting a discount for the early payment of money, waiving or granting concessions, or writing off any amount owed to the local government	X		
s 6.13	Deciding to require a person to pay interest on an amount owed to a local government	X		
s 6.16	Imposing (or amending) a fee for goods or services	X		
s 6.20	Deciding to borrow and spend borrowed money		X	

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

Section		Simple majority	Absolute majority	Unsure
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.

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

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

Annual returns
The Town believes that the current requirement to submit annual returns, and acknowledgement thereof, can be made more efficient by amending the legislation so that any changes to a primary return are to be declared to the Chief Executive Officer within 10 days.

Signatures on prescribed forms
As technology evolves to create more efficient and easier processes, the need for signatures on a number of prescribed forms creates a barrier to the implementation of completely paperless processes. The Town encourages a review of all prescribed forms to remove, where possible, the need for a signature so that digital forms can be used.

Private thoroughfares
The Town has been advised that under the *Prescription Act 1832 (Imperial)* it is required to annually close some thoroughfares in the Town to maintain the Town's private control over those thoroughfares. The Town believes this represents an outdated process and should be revised in the new Act to no longer be required.

Parking
The Town proposes the following to modernise the Act in relation to parking:

- Local governments should have the power to enforce fines on interstate vehicle plates.
- Consideration should be given to whether or not ride sharing apps should be permitted to use taxi zones; likewise, whether delivery drivers should be permitted to use loading zones.
- With self-driving vehicles being introduced in different jurisdictions, the review may consider providing local governments with authority to enforce issues in this area.

Further comment

In relation to question one

"The functions of the Grants Commission and the Advisory Board should be combined

under one Board.”

“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.”

The Town questions whether a combination of both bodies would produce the best outcome for local governments. It is encouraged that the Department conducts a complete review the role of the Advisory Board to determine if it can be better defined and utilised. There is opportunity for such a board to provide an advisory role to the Department to highlight and drive areas of reform.

In relation to question two

“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?”

The Town believes that an increase in the threshold alone does not create an approach that is equitable to either local governments or community members involved. Instead, there should be a tailored approach which take into account the nature of the change proposed, and its direct/indirect impact on the community and the local governments affected.

In relation to question four

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

Where the Town has indicated that a document does not need to be sent to the Department, it is under the premise that such documents are already made publically available. Removing the requirement to send a copy to the Department can result in more administrative efficiencies. That said, to ensure that the provision of information is consistent across the sector, the review may opt to prescribe that such documents are to be placed on each local government’s website.

However, in the absence of changes to Departmental document submission requirements, the Town encourages the utilisation of Smart Hub to provide documents to the Department rather than via email or post.

In relation to question six

“How should the following decisions be resolved by council?”

The Town believes that the current allocation of absolute majority requirements does not have a clearly understood criteria as to why certain decisions require an absolute majority, rather than a simple majority. It is suggested that the review considers setting out the criteria, and that that criteria be applied to set those decisions.

Local Laws

Response to survey questions

1. 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) – Drones and similar objects,			

2. Should model local laws be prepared by State Government for local governments to use?
- a. Yes
 - b. No
 - c. Unsure

a. Yes.

3. Should local governments be permitted to adapt the contents of model local laws?
- a. Yes
 - b. No
 - c. Unsure

a. Yes.

4. 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

c. 6 weeks as it is currently.

5. 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

c. 6 weeks as it is currently.

6. 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

7. Should local governments be required to periodically review their local laws?

- a. No
- b. Yes, every 6 years or less
- c. Yes, every 8 years
- d. Yes, between 8 and 10 years

c. Yes, every 8 years.

Further comment

The Town supports reform in local laws that will create consistency across different local government districts. However, it is believed that certain local laws should remain modifiable to allow local governments' autonomy in tailoring local laws to suit a local government's vision, strategic objectives and attributes unique to its district.

The Town believes that the best solution is to employ state-issued model local laws that are automatically adopted/ applied if a local government does not make a local law on a matter. Concerns have been raised regarding the maximum penalty for infringements of the Act and local laws, notably around the recovery of costs to correct damages. It is proposed that the \$5,000 maximum court enforceable penalty either be increased, or a provision be made, to allow flexibility in circumstances where the cost to correct damage far exceeds the maximum

penalty. For instance, the Town has had cases where the works required to rectify a breach has cost more than any penalty obtainable under the Act. The Town also supports the indexation of the penalty so that it does not diminish over time.

The Town would like to increase its ability to partner with the WA police in dealing with public nuisances. Namely the ability for local governments to appoint authorised officers to issue move on notices to persons.

Finally, the Town notes the increase in issues arising from the use of drones and other similar objects. The Town believes that local governments are best placed to monitor the use of these objects, particularly when they are used in a way that is not permissible. It is encouraged that local governments are given the capacity to appoint authorised officers to issue infringements for the unlawful use of these objects.

Council Meetings

Response to survey questions

1. 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	

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

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

If yes, how?

a. Yes however, Elected members should only be allowed to use instantaneous forms of communication when participating remotely. It is equally important that the prescribed method of communication is compliant with Disability Access and Inclusion Plans.

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

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

a. Yes.

4. Should Council Meetings be live streamed?

Yes, where possible.

5. 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

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"The requirement to hold an annual electors meeting should be removed."		X			
"The ability to call a special electors meeting should be removed."	X				

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"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	

Further comment

The Town is generally supportive of the ideas for change proposed to council meetings. That being said, it is the Town's view that the new legislation should be focused on the core principles of modernisation, consistency and equity in its approach to review.

In relation to question one

"The process for public question time should be consistent between councils."

The process for both public question and public statement time should be consistent across Councils where possible. While prescribing this process in legislation may not be wholly required, it would be ideal if guidelines and/or model procedures are provided to local governments.

In relation to question four

"Should Council Meetings be live streamed?"

In line with ideals of modernising government and promoting 'open government' principles, it is important that Council, and its meetings, are readily accessible to the community. Embracing technology by way of live streaming, while not recommended to be made a mandate, will help modernise the sector.

In relation to question six

"The requirement to hold an annual electors meeting should be removed."

"The ability to call a special electors meeting should be removed."

The Town strongly believes in community-driven initiatives and the devolution of decision-

making to the community. As both the annual electors and special electors meetings are prime examples of a participatory democratic process, the Town is against the removal of these meeting platforms. That being said, the Town believes that there is value in strengthening controls within these processes to ensure its integrity, and that they continue to be administratively viable.

As a Town, we would also support the ability for the local government to allow for a greater number of elector polls on issues within the Town, initiated by the electors themselves. This would be similar to systems provided in New Zealand, New South Wales, Tasmania and Victoria. Should electors meetings be removed, elector-initiated polls may provide an alternate platform for engagement of the community on an issue.

Interventions

Response to survey questions

1. Depending on the nature of the allegation, different parties are responsible for receiving allegations of breaches of the Act. Should the Department responsible for local government be responsible for receiving all allegations of breaches of the Act?

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

a. Yes.

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

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

c. A moderate amount.

3. 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				X	

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
Minister."					
"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		

4. To what extent to 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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"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		

5. 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				X	

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
notice should be issued as is the case for traffic offences."					

6. 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	

Further comment

The Town is generally supportive of the ideas for change proposed to interventions and believes that this additional method of oversight will help ensure integrity and anti-corruptibility in the sector.

In relation to question two

“To what extent are you concerned about behaviour and good governance in local government?”
The answer provided of ‘a moderate amount’ is given from a ‘whole of local government’ perspective; outside the confines of the Town’s borders. With there being numerous CCC investigation in the last few years relating to ‘matter of governance’ and ‘misconduct’ in the sector, the Town has a moderate level of concern in this regard.

In relation to question three

“The Act should enable an external person to be appointed to work with a local government’s administration to improve governance and resolve problems.”

While the appointment of an external person to work with local governments to improve its governance processes and resolve problems is supported, the Town believes that this process will require a high degree of rigor to ensure that on one hand the autonomy of local governments are not diminished, whilst on the other hand, achieving the intended outcome of improving local government governance as a whole. For impartiality purposes, it is important that the function of appointing an external person is reserved for the Minister. That being said, to ensure equity in the ability to absorb such costs (particularly for smaller local governments), there needs to be a joint arrangement between both parties on how this cost will be shared.

In relation to question five

“When a breach of the Act is identified an infringement notice should be issued as is the case for traffic offences.”

The Town only supports this in the case of offenses relating to ‘ranger’ and ‘operational’ issues. The Town does not support infringement notices being given for governance issues as those matters should be dealt with through the court system and standards panel.

Community Engagement

Response to survey questions

1. 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)

f. Other. Whatever the person being engaged with chooses. Local governments need to offer multiple methods to reach as much of the community as possible. Given the variables, approaches should be tailored based upon the particular group or part of the community sought for engagement.

2. 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.)?

Local governments should be seeking to engage these groups based upon how they prefer to be engaged and their cultural traditions. This is in contrast to imposing our preferred methods of consultation which may not be an effective means of engagement.

3. 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			
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4. 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

5. 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)

g. All situations specified apart from some planning matters based upon the relevant requirements of planning legislation. Engagement should be tailored to the scale of the proposed change and the level of which there is an opportunity for a decision to be influenced.

Further comment

The Town is very supportive of reform in the community engagement given that technology has changed over time, and the current expectations of the Act do not align with the best methods of engagement. The Town provides the following further comments.

In response to question three:

"The Act needs to set rules for community engagement by defining what community

engagement is and how it should be done.”

The Town views that any rules set in the Act should be the minimum standard expected of local governments to help promote consistency across the sector, whilst still allowing local governments to tailor their approach based upon a particular issue and their communities' expectation. Likewise, these expectations need to be set to ensure that the community does not become fatigued from over engagement and consultation.

“All local governments should operate under a universal community engagement charter or policy.”

The Town does not believe that a universal charter would suit the needs of the entire State in community engagement, given the differences in size and composition of communities. A template should be provided which can then be tailored to suit the needs of each local government.

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

The Town supports requiring every local government to have a community engagement charter or policy. However, the Town believes it is important for the autonomy of a community to allow local governments to set their own policy or charter in relation to community engagement, subject to any minimum expectations.

Integrated Planning and Reporting

Response to survey questions

1. 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	

2. 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		X	

3. 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		

4. 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		

5. 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		

6. 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)			

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

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

Other. Whatever the person being engaged with chooses. Local governments need to offer multiple methods to reach as much of the community as possible. Given the variables approaches should be tailored based upon the particular group or part of the community you are seeking to engage.

Further comment

The Town is very supportive of reform in the integrated planning and reporting, as it is relatively new and still evolving.

In response to question one:

"A local government should be free to conduct its long-term and operational planning in whatever manner it wishes."

The Town expects that local governments should have minimum standards for how they conduct their planning. Local governments are then able to go 'above and beyond', based on their capacity, and the desires of their community.

“Integrated Planning and Reporting documents need to be reviewed too frequently.”
The Town does not believe that the IPR documents need to be reviewed too frequently. The minimum expectation set of two-years, and four-years, is a reasonable request given that community needs, along with advances in technology, are constantly changing, and local governments should be agile in response to such changes.

In response to question three:

“Local governments should be required to publish measures of success against uniform key performance indicators.”

The Town, while seeing some value in comparable indicators between local governments, remains sceptical of this proposal. In particular, depending on community priorities these indicators may not be representative of the needs of each individual local government.

In response to question four:

“Local government Integrated Planning and Reporting needs to be conducted at a regional level to influence State Government policy and service delivery.”

The Town, while supporting cooperation between districts and between state and local governments, it is hesitant in supporting any form of amalgamated local government plan. It is recognised that due to differences between physical locations, and the composition of communities that comprise each district, this may be difficult to achieve.

Complaints Management

Response to survey questions

1. 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)

a – g.

2. 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	

3. Should a local government customer service charter be a legislative requirement?
 - a. Yes
 - b. No
 - c. Unsure

a. Yes.

4. 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)

- | |
|--|
| <ul style="list-style-type: none">a. Different staff member in the local government.b. A qualified complaints management officerc. A committee created by the local government |
|--|

Further comment

In relation to question two

"A customer service charter should set the framework for local government complaints management."

The Town believes the overall detailed complaints processes should remain in separate policies and procedures.

In relation to question four

"Who should review unresolved complaints?"

The Town's current processes provide for complaints to be elevated through the chain of management. However, it is acknowledged that value may be drawn from a consistent complaints manager, such as a single complaints staff member or a committee.

Elections

Response to survey questions

1. 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	

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

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

a. Postal voting should not be required to be offered.
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3. Which local governments should be required to use the WA Electoral Commission?
- a. No local governments should be required to use the WA Electoral Commission
 - b. All local governments
 - c. Local governments with a population greater than 1,000 people
 - d. Unsure

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

4. Should the WA Electoral Commission be the only organisation authorised to conduct local government postal voting?
- a. Yes
 - b. No
 - c. Unsure

b. No.

5. What method should be used to resolve ties in council elections?
- a. Drawing of lots (random selection)
 - b. Unsure
 - c. Other (please specify)

c. Other. Preferential voting rules for ties, followed by second vote (if it is for an election within the Council), followed by lots.

6. 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				

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"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	

7. 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		

8. 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		

9. 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)

c. A method determined by Council.

10. 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

11. 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)

a. Real estate agents. b. Property developers. c. Political parties. d. Liquor or gambling business entities. e. Tobacco industry business entities.
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12. 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			

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

There should be greater education, and public messaging, regarding the value of local government. With a view to adopting best practice models across different jurisdictions, consideration may also be given to 'affirmative action models' (e.g. Aboriginal and Torres Strait Islander wards) practiced in New Zealand (e.g. Maori wards).

Further comment

The Town mostly supports reform agenda proposed to local government elections. A number of additional comments are provided below.

In relation to question one

"Voting should be conducted via a preferential voting system."

The Town has views both in favour and against the adoption of preferential and non-preferential voting. It is suggested that the middle ground of 'optional' preferential voting should be considered.

In relation to question three

“Which local governments should be required to use the WA Electoral Commission?”

The Town supports the ability to independently seek an elections provider, other than WAEC.

In relation to question six

“A count-back from the previous election result should be used if available to fill vacancies between elections.”

The Town is supportive of using the countback method as it is believed that this will result in further efficiencies to the election process. Should this method be available, it can result in an administrative efficiency by removing the need to hold an extraordinary election where a sitting Councillor has been elected to the role of mayor, and thus has to vacate their current seat.

In relation to question seven

“Council elections should be held every four years rather than every two years with all council members being elected at the same time.”

The Town sees both advantages and disadvantages to the proposal. The arguments presented are that:

- Value is seen in ensuring the continuity of the Council; it has been counter-argued that there is continuity through staff
- A half election cycle prevents the community from being able to elect a full new Council; it has been counter-argued that only having half of Council up for election ensure stability
- Elections every two years are disruptive and costly, and a total election every four years would resolve this

“A cap should be set on the maximum amount that a candidate may spend on their campaign.”

The Town supports the suggestion of a cap on candidate spending and believes a reasonable cap of \$20,000 for a mayoral campaign and \$10,000 for a Councillor campaign would be sufficient, provided elections remain postal.

This answer was provided in line with the Department’s discussion paper on elections where the Department has referred to the fact that the average cost of local government campaigns has been increasing in recent years. While it is not to say that a ‘well-financed campaign is inherently improper’, the escalating cost of campaigns can lead to a bit of an ‘arms-race’ which is problematic for good local democracy. After all, it is all about ensuring that participation of both voters AND potential candidates are maximised. Increasingly high campaign costs can not only be a deterrent for some candidates, can also result in problematic political donations at the local level as was recently highlighted in a Queensland

Crime and Corruption Commission report. At current, the states of Tasmania and NSW put a cap on LG campaign spending, with QLD proposing this option.

In relation to question eight

"Only people over the age of 18 who live in a district should be eligible to vote."

Arguments for and against extending the right to vote to 16 year olds have been debated in the Town.

In relation to question nine

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

While the Town has no intention of changing its method of mayoral election and views the direct election of the Mayor favourably, the Town would also like to suggest that Councils should have the option of providing for a directly elected Deputy Mayor as is provided in Tasmania.

This answer was provided specifically to reflect the Town's strategic outcome 9 under civic leadership which states that 'Appropriate devolution of decision making and service provision to an empowered community.' With other jurisdictions like Tasmania and City of Melbourne currently using this method, the Town believes it is a good recommendation to ensure that the LG Act review gives consideration to devolving more decision making to the community, where possible.

In relation to question 11

"Should gifts or donations from any of the following be prohibited?"

While the Town's answer identified donors that should be prohibited, other arguments were presented that all donations should be prohibited.

In relation to question 12

"A local government should be required to have a ward structure if it reaches a certain population threshold."

In relation to the requirement to have a ward structure, the Town is very conditional on this requirement as a number of other proposals may affect the need for such a provision.

"The number of members that a council has should be linked to the local government's population."

Where it is proposed to tie the number of Councillors to the population of an area, the Town is hesitant to support such a proposal given the massive diversity between populations in local government. Even within the Perth metropolitan area alone, the 2015 population statistics puts the City of Stirling with 227,566 residents and the Shire of Peppermint Grove with 1,646. This diversity of population would make it difficult to implement a ratio would work for all local governments in the State.