



Local Government Act 1995 Review - WEROC Response

Overview of Document

Outlined below is the response that the WEROC Councils, being the Shires of Bruce Rock, Kellerberrin, Merredin, Westonia and Yilgarn has provided to individual questions on the Discussion Papers as released by the Department of Local Government, Sport and Cultural Industries. Further comment where it was considered appropriate to reinforce/explain the position adopted by WEROC has also been included.

The position for each question has been identified with an "X" and any comments have been highlighted.

You will note throughout the document that some questions have been responded as *WEROC Member Councils unable to reach consensus*. This means that no response has been provided to this question and any response has been left to the individual Council response.

For ease of review the question numbers have "run on" starting with "1".

Enquiries regarding this submission can be made by contacting WEROC's Executive Officer, Helen [REDACTED] or at [REDACTED]

Beneficial Enterprises

1. 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 B
- e. Very supportive

WEROC Member Councils unable to reach consensus

2. 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." WEROC Member Councils unable to reach consensus					
"Local governments should only be permitted to invest in a company up to a specific percentage of their annual expenditure."			X		
"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			

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"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 WEROC Member Councils unable to reach consensus		
Local governments should not be permitted to form a company WEROC Member Councils unable to reach consensus		
Statutory approvals for example building and planning WEROC Member Councils unable to reach consensus		
Leisure centres	X	
Human resources	X	
Information technology	X	
Airports	X	
Waste management	X	
Parking	X	
Road maintenance WEROC Member Councils unable to reach consensus		
Retail (shops and service stations)	X	
Age or child care facilities	X	
Land development	X	
Caravan parks	X	
Other (please specify)		

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." WEROC Member Councils unable to reach consensus					
"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." WEROC Member Councils unable to reach consensus					

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
"A local government beneficial enterprise should be required to hold public meetings."			X		

6. Do you have any comments or feedback on the ability of a local government to form a beneficial enterprise? Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au.

Financial Management

7. 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.” WEROC Member Councils unable to reach consensus					
“Different procurement rules should apply to different local governments.” WEROC Member Councils unable to reach consensus					
“Local governments with few staff or small operating budgets should have fewer procurement rules to comply with.”				X	

8. 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. Procurement rules should be consistent across local government
- 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): No criteria should be applied

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

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

WEROC Member Councils unable to reach consensus

10. 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

11. 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.” WEROC Member Councils unable to reach consensus					
“Certain types of investments should require independent approval.”				X	

12. 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

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

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

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

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

15. 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)

16. Do you have any additional comments on the topic of financial management? Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au.

Shire of Bruce Rock Comment:

Restrictions on purchasing (similar to State Government) in smaller local governments would create problems such as the ability to use trades and business which provides crucial support to the local community

Shires of Merredin and Yilgarn Comment:

Issue	Section of Act	Comments
Maximum time to present the Budget Review to Council	FM Regs 33A (2) – Review of Budget	The allowed time to present the proscribed budget review to Council should be increased from 30 days to 60 days. This will allow for rural Councils, most of whom do not hold a meeting in January due to harvest and/or availability of Councillors the time necessary to produce and present the review without the additional cost of special meetings.
Ratios	FM Regs 50 – Financial Ratios	<p>The “Own Source Revenue Coverage Ratio” and “Asset Renewal Funding Ratio” are both misleading and, to some extent, irrelevant for smaller regional and remote Councils.</p> <p>The Own Source Revenue Ratio includes depreciation in the Operating Expenses divisor which significantly inflates this value and means, for smaller Councils, that this ratio will never reflect a true position.</p> <p>The Asset Renewal Funding Ratio is based on 10 years of the Net Present Value of planned over required capital works. As previously mentioned, smaller regional & remote Councils are heavily, if not totally dependent on State and Federal funding for the upkeep of the majority of their assets. The need to plan 10 years in advance with very limited certainty as to funding makes this ratio both irrelevant and misleading.</p>

Rates, Fees and Charges

17. 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

18. 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	

19. Should the legislation set the rating categories that can be used by local governments?

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

20. 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			
WEROC Member Councils unable to reach consensus			

Other (please specify)

21. 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?
- Yes
 - No
 - Unsure

WEROC Member Councils unable to reach consensus

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

WEROC Comment:

All powers

23. 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."					
WEROC Member Councils unable to reach consensus					

24. 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)

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

	Very unsupportive	Unsupportive	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	

26. 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		

27. 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)

28. 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 WEROC Member Councils unable to reach consensus			
The land is owned or used by an entity that provides assistance or encouragement for arts or cultural development WEROC Member Councils unable to reach consensus			
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 WEROC Member Councils unable to reach consensus			
Land that is determined by the Minister to be subject to a concession			X

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

No Comment

30. 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)

31. 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.” WEROC Member Councils unable to reach consensus					
“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 charitable.”					X

32. To what extent do you support these 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.” WEROC Member Councils unable to reach consensus					

33. Do you have any additional comments on the topic of rates, fees and charges? Additional information can also be provided to the review team via email at actreview@dlgsc.wa.gov.au.

Shire of Merredin Comment:

Issue	Section of Act	Comments
Minimum Rates, number of assessments	LG Act s6.35 (4) & FM Reg 52 – Percentage on Minimum Payment	For smaller rural and remote Councils this section should be remove or at least relaxed. For smaller Councils this percentage could be changed from 50% to 75%

Shire of Yilgarn Comment:

Issue	Section of Act	Comments
Differential Rating	6.33(3)	The process for applying Differential rating should be reviewed. The need to seek Ministerial approval is questioned when "Objections and Reasons" documentation is demonstrated and state wide advertising is undertaken with ratepayers having the opportunity to provide submissions. Westonia Comment: This review process (by Department) is also lengthy and often disrupts the budget timeline.
Minimum Rates, number of assessments	LG Act s6.35 (4) & FM Reg 52 – Percentage on Minimum Payment	For smaller rural and remote Councils this section should be remove or at least relaxed. In the Shire of Yilgarn case, we have a rate category of "Single Persons Quarters" that has 7 assessment included currently 3 of these are on minimum. Larger Councils will have the rate base numbers to ensure compliance with this section. For smaller Councils this percentage could be changed from 50% to 75%

Administrative efficiencies

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>"All local governments regardless of their size should have the same level of powers and responsibilities."</p> <p>Shire of Bruce Rock Comment:</p> <p>Supports all local governments having the same level of power but does not support them having the same level of responsibility</p>			X		
<p>"The functions of the Grants Commission and the Advisory Board should be combined under one Board."</p>				X	
<p>"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."</p>				X	
<p>"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."</p>			X		
<p>"The Advisory Board should not assess a proposal for changes to boundaries that does not meet the minimum requirements."</p>			X		
<p>"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."</p>				X	
<p>"The affected local government(s) should be provided with a copy of the proposal prior to it being submitted to the Advisory Board."</p>				X	
<p>"The applicant should be able to withdraw a proposal at any time prior to a recommendation being made to the Minister, providing there are circumstances which, in the Advisory Board's view, warrant withdrawal of the proposal."</p>				X	

35. Currently a proposal to the Advisory Board from the community must be signed by 250 people or 10% of the community whichever is less. Should proposals from districts with a population over 5,000 be increased to 500 signatures?
- a. Yes
 - b. No
 - c. Unsure

36. 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.” WEROC Member Councils unable to reach consensus					

37. 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 WEROC Member Councils unable to reach consensus			
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		

Section		Yes	No	Unsure
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 WEROC Member Councils unable to reach consensus			
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 WEROC Member Councils unable to reach consensus			
LG (Financial Management) Reg 51	Provide a copy of the annual financial report	X		

38. 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	

Section		Yes	No	Unsure
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 WEROC Member Councils unable to reach consensus			
s 9.63	Direction to two or more local governments on how to resolve a dispute	X		

39. How should the following decisions be resolved by council?

Section		Simple Majority	Absolute Majority	Unsure
ss 3.12 & 3.16	Making local laws WEROC Member Councils unable to reach consensus			
s 3.59(5)	Undertaking major land transactions or major trading activities WEROC Member Councils unable to reach consensus			
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) WEROC Member Councils unable to reach consensus			
s 4.20	Appointing the Electoral Commissioner to conduct an election or appointing a returning officer WEROC Member Councils unable to reach consensus			
s 4.57	Appointing a person to be a Councillor if no nominations are received twice for a vacant position WEROC Member Councils unable to reach consensus			
s 4.61	Deciding if an election should be a postal election WEROC Member Councils unable to reach consensus			
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		

Section		Simple Majority	Absolute Majority	Unsure
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 WEROC Member Councils unable to reach consensus			
s 5.36	Decisions on CEO's employment contract WEROC Member Councils unable to reach consensus			
s 5.42 & 5.45	Deciding to delegate powers or duties to the CEO (and revoke this delegation) WEROC Member Councils unable to reach consensus			
s 5.54	Accepting the annual report for a financial year WEROC Member Councils unable to reach consensus			
s 5.98A	Deciding to pay the deputy mayor an additional allowance WEROC Member Councils unable to reach consensus			
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 WEROC Member Councils unable to reach consensus			
s 6.3	Imposing a supplementary general rate or specified area rate WEROC Member Councils unable to reach consensus			
s 6.8	Spending money from the municipal fund that was not in the annual budget WEROC Member Councils unable to reach consensus			
s 6.11	Changing the purpose of a reserve account			

Section		Simple Majority	Absolute Majority	Unsure
	WEROC Member Councils unable to reach consensus			
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 WEROC Member Councils unable to reach consensus			
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 WEROC Member Councils unable to reach consensus			
s 6.32	Imposing a general rate on rateable land or a supplementary general rate in an emergency WEROC Member Councils unable to reach consensus			
s 6.46	Granting a discount or other incentive for the early payment of any rate or service charge WEROC Member Councils unable to reach consensus			
s 6.47	Deciding to waive a rate or service charge WEROC Member Councils unable to reach consensus			
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 WEROC Member Councils unable to reach consensus			
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 WEROC Member Councils unable to reach consensus			
Sch 2.2 clause 5	Making a proposal to the Minister or the Advisory Board to change the name of a district or ward			

Section		Simple Majority	Absolute Majority	Unsure
	WEROC Member Councils unable to reach consensus			
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 WEROC Member Councils unable to reach consensus			
LG (Admin) Reg 10(2)	Deciding to revoke or change a decision made by absolute majority WEROC Member Councils unable to reach consensus			
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 WEROC Member Councils unable to reach consensus			
LG (Financial Management) Reg 33A	Determining whether to adopt a review of the budget or recommendations in the budget review WEROC Member Councils unable to reach consensus			

40. 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.

Shire of Kellerberrin Comment:
Local laws

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

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

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

Shires of Merredin and Yilgarn Comment:

Issue	Section of Act	Comments
Exemption from AASB124 – Related Party Disclosures for certain Councils	AASB 125 – Related Party Disclosures	The very size of many regional and remote communities means that Councillors and designated staff are much more intimately involved in community groups, businesses and family involvement with Councils

		activities than Councillors located in larger regional centres or the Perth CBD.
Include local community news publications and Council website as a "newspaper circulating generally throughout the district".	LG Act s1.7 (1)(a) – Local Public Notice	These days most subscribers to these local news publications receive them via email and need not be located within the district and get a hard copy. Additionally, inclusion of any notices requiring local notice that are placed on Councils website will have global availability.

Local Laws

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

All questions below that have not been answered WEROC Member Councils were unable to reach consensus

	Yes	No	Unsure
Activities on thoroughfares and trading			
Beekeeping			
Cemeteries			
Dogs			
Cats			
Extractive industries	X		
Fencing			
Bush fire brigades			
Meeting procedures (standing orders)			
Pest plants			
Public places and Local Government property			
Parking			
Waste			
Urban environment and nuisance	X		
Other (please specify)			

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

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

43. Should local governments be permitted to adapt the contents of model local laws?

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

44. 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 – B no less than 21 days M

WEROC Member Councils unable to reach consensus

45. 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 K W Y
 - 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 B no less than 21 days M

WEROC Member Councils unable to reach consensus

46. 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			

47. Should local governments be required to periodically review their local laws?
- a. No M Y
 - b. Yes, every 6 years or less
 - c. Yes, every 8 years
 - d. Yes, between 8 and 10 years K B W

WEROC Member Councils unable to reach consensus

48. Do you have any additional comments on the topic of local laws?

Shire of Kellerberrin Comment:

Local laws should receive comment from the Joint Standing Committee prior to Gazettal and finalising to reduce the risk of the local law not being supported after spending considerable funds. However, should the local law be modified not in line with the Joint Standing Committee Recommendations it should not be approved

Shire of Merredin Comment:

In addition to the answers provided at Question 1 above, all Councils should be consulted and their input utilised (where appropriate) when developing templates for state-wide regulations to replace local laws

Council Meetings

49. 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			

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

- a. Yes
 - b. No
 - c. Unsure
- If yes, how?

Video/telephone conferencing

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

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

52. Should Council Meetings be live streamed?

WEROC Comment:
Only if a Council chooses to do so

53. 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	

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“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	

54. 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	
“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

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

Interventions

56. 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

57. 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

WEROC Member Councils unable to reach consensus

58. 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.” WEROC Member Councils unable to reach consensus					
“The external person should be appointed by the Minister.” WEROC Member Councils unable to reach consensus					
“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.” WEROC Member Councils unable to reach consensus					

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
“The Act should enable an external person to be appointed to work with council members to improve governance and resolve problems.”				X	
“An external person appointed to work with council members should have the power to direct the council.” WEROC Member Councils unable to reach consensus					
“An external person appointed to work with council members to improve governance and resolve problems should have the powers to override council decisions.” WEROC Member Councils unable to reach consensus					
“An external person should be appointed by the Minister.”				X	
“The costs of appointing an external person to work with council members to improve governance and resolve problems in a local government should be met by the local government.” WEROC Member Councils unable to reach consensus					
“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.” WEROC Member Councils unable to reach consensus					

60. 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	

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

61. 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

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

Community Engagement

63. 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)

64. 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.)?

65. 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	

66. 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	

67. 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)
68. Would you like to make any further comments regarding community engagement?

Integrated Planning and Reporting

69. 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.” WEROC Member Councils unable to reach consensus					
“There should be consequences for not complying with Integrated Planning and Reporting requirements.”			X		

70. Should Integrated Planning and Reporting requirements differ based on any of the following criteria?

	Yes	No	Unsure
Population size WEROC Member Councils unable to reach consensus			
Geographical size WEROC Member Councils unable to reach consensus			
Location		X	

	Yes	No	Unsure
Salaries and Allowances Tribunal banding		X	
Other, please specify			

71. 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.” WEROC Member Councils unable to reach consensus					
“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	

72. 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		
WEROC Member Councils unable to reach consensus					

73. 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) Bruce Rock Comment: Only website not advertise in papers	X		
To assess the local government's success in achieving the priorities identified in the Strategic Community Plan WEROC Member Councils unable to reach consensus			

74. 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 WEROC Member Councils unable to reach consensus			
Ensure that community engagement is representative of the community's diverse population WEROC Member Councils unable to reach consensus			
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)			

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

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

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

Shires of Merredin and Yilgarn Comment:

Issue	Section of Act	Comments
Annual Electors Meetings	Section 5.27	Remove requirement for the conduct of Annual Electors Meetings. The provision of Public Question Time at monthly meetings enables concerns of residents to be raised in a more timely manner. Annual Electors Meetings in rural areas are not well attended.
Community Strategic Planning	Section 5.56	Rural Local Governments endeavour to engage with the community but it is not being reciprocated. It is considered that written submissions on Planning initiatives would be just as effective as public workshops.
Plans for the Future	Section 5.56	<p>The requirement to prepare the plethora of Plans adds significant costs to the local government with many rural local governments engaging Consultants to undertake this task due to human resource issues.</p> <p>It is considered that the Community Strategic Plan is the most relevant of Plans for smaller communities. Corporate Plans, Asset Management, Long Term Financial Plans, Workforce Plans in their own right are not necessary and relevant information on a smaller scale could be incorporated into the Strategic Community Plan.</p> <p>There should be some level of scalability in respect to rural local governments by not having to meet the same requirements as that of our larger regional and city counterparts. Could consider the Salaries and Allowances (SAT) Bands as the scale Levels e.g., Bands 1 and 2 having higher requirements than that of Bands 3 and 4.</p>

Complaints Management

77. 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)

78. To what extent do you support this statement?

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
<p>"A customer service charter should set the framework for local government complaints management."</p> <p>WEROC Member Councils unable to reach consensus</p>					

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

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

80. 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)

Comment:

In response WEROC Member Councils thought that either the or State Administrative Tribunal could review unresolved complaints

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

Elections

82. 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	

83. Which local governments should be required to offer postal voting?
- Postal voting should not be required to be offered
 - All local governments
 - Local governments with a population greater than 1,000 people
 - Unsure

WEROC Member Councils unable to reach consensus

84. Which local governments should be required to use the WA Electoral Commission?
- No local governments should be required to use the WA Electoral Commission K B W Y
 - All local governments M
 - Local governments with a population greater than 1,000 people
 - Unsure

WEROC Member Councils unable to reach consensus

85. Should the WA Electoral Commission be the only organisation authorised to conduct local government postal voting?
- Yes
 - No
 - Unsure
86. What method should be used to resolve ties in council elections?
- Drawing of lots (random selection)
 - Unsure
 - Other (please specify)

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

	Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive
<p>“A count-back from the previous election result should be used if available to fill vacancies between elections.”</p> <p>WEROC Member Councils unable to reach consensus</p>					
<p>“Local governments should be required to adopt a caretaker period that restricts council from making major decisions during a local government election period.”</p>		X			
<p>“Caretaker periods are only required in large local governments.”</p>			X		
<p>“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.”</p> <p>WEROC Member Councils unable to reach consensus</p>					

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

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
<p>“People who have been convicted under planning or building legislation offences in the past should be disqualified from serving as a council member.”</p>			X		
<p>“Council elections should be held every four years rather than every two years with all council members being elected at the same time.”</p>	X				
<p>“A cap should be set on the maximum amount that a candidate may spend on their campaign.”</p>				X	
<p>“Prospective candidates should be required to declare their profession or primary source of income on the nomination form.”</p>				X	

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
“Local governments should be required to publish candidate profiles on the website.” Shire of Bruce Rock Comment: Only for online voting			X		
“Information collected on the nomination form should include demographic information such as gender and ethnicity.”		X			

89. 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	

90. 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)

WEROC Member Councils unable to reach consensus

91. 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	

92. 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)

93. 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." WEROC Member Councils unable to reach consensus					

	Very unsupportive	Unsupportive	Neutral	Supportive	Very Supportive
<p>“The number of members that a council has should be linked to the local government’s population.”</p> <p>WEROC Member Councils unable to reach consensus</p>					

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

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

Shires of Merredin and Yilgarn Comment:

Issue	Section of Act	Comments
Extra-Ordinary Elections	Sections 4.16(4) & 4.17	Extend timeframe for the conduct of Extra-Ordinary Elections. If an Elected Member resigns 12 months from the term expiring then there should not be the requirement to fill that position until the next Ordinary Election date. Being one Councillor down does not affect the running of the Local Government.
Extra-Ordinary Election Requirement Following No Nominations being Received	Section 4.57(2)	If at the Ordinary Election no nominations are received allow appointment to be made by the Council rather than having to go through with an Extra-Ordinary Election. This process just adds cost for the Local Government and with training to become mandatory, it is highly likely less people will be willing to commit to becoming a Councillor adding to Extra-Ordinary Elections becoming the norm.
Conduct of Postal Voting	Section 4.61	Allow local governments to conduct their own Postal Voting rather than having to engage the Electoral Commissioner. The current provisions are expensive for smaller local governments who would be quite capable of distributing their own Postal Voting Packs.
Polling Places	Section 4.62	Remove the requirement to have Polling Booths on Election Day. The provision of Early Voting and Postal Votes should be sufficient for residents in rural areas to submit their votes.