

# SHIRE OF MENZIES AGENDA



25 October 2018

## ORDINARY COUNCIL MEETING

Agenda for the Ordinary Council Meeting to be held on Thursday  
25 October 2018 commencing at 1pm in the Council Chambers.

**SHIRE OF MENZIES  
NOTICE OF ORDINARY MEETING OF COUNCIL**

Dear Council Member,

The next Ordinary Meeting of the Shire of Menzies will be held on 25 October 2018 in the Shire of Menzies council chambers commencing at 1pm.

Rhonda Evans  
Chief Executive Officer

12 October 2018

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the shire of Menzies for any act or omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

**FINANCIAL INTEREST**

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

**Councillors should declare an interest:**

- a) In a written notice given to the Chief Executive Officer (CEO) before the meeting: or
- b) At the meeting, immediately before the matter is discussed.

A member who has declared an interest must not:

- Preside at the part of the meeting relating to the matter: or
- Participate in or be present during the discussion of decision making procedure relating to the matter unless the member is allowed to do so under Section 5.68 or 5.69 of the *Local Government Act 1995*.

**Councillor Attendance  
at Shire of Menzies Council Meetings 2017/2018**

Council Meeting Date	Leave of Absence	Apologies	Electronic Attendance	Absent
22 February 2018		Cr J Dwyer Cr J Lee	Cr D Hansen	
29 March 2018				
26 April 2018		Cr D Hansen	Cr I Baird	
31 May 2018		Cr D Hansen		
28 June 2018				
6 August 2018				
30 August 2018		Cr D Hansen	Cr I Baird	
27 September 2018		Cr D Hansen Cr I Baird Cr J Dwyer		
25 October 2018	Cr J Dwyer			
29 November 2018	Cr J Dwyer			
13 December 2018				
28 February 2019				
28 March 2019				
24 April 2019				
30 May 2019				
27 June 2019				

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**1 DECLARATION OF OPENING**

**2 ANNOUNCEMENT OF VISITORS**

**3 RECORD OF ATTENDANCE**

**4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**5 PUBLIC QUESTION TIME**

**6 APPLICATIONS BY MEMBERS**

**7 DECLARATIONS OF INTEREST**

**8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

Item 12.5.2 – Expressions of Interest Recruitment - Confidential

**9 CONFIRMATION / RECEIVAL OF MINUTES**

**9.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON MONDAY 27 SEPTEMBER 2018.**

**MOVED: Cr**

**SECONDED: Cr**

*That the minutes of the Ordinary Meeting of Council held on Thursday 27 September 2018 be confirmed as a true and correct record.*

***Carried /***

**10 PETITIONS / DEPUTATIONS / PRESENTATIONS**

**11 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**11.1 PRESIDENTS REPORT FOR MONTH OF OCTOBER 2018**

**MOVED: CR**

**SECONDED: CR**

*That the President's Report for the month of October be received.*

***Carried /***

## 12. RPORTS OF OFFICERS

### 12.1 HEALTH BUILDING AND TOWN PLANNING

#### 12.1.1 Health and Building Report for Month of September 2018

<b>LOCATION:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>DOCUMENT REF:</b>	GOV.957.1/NAM186
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	12 October 2018
<b>AUTHOR:</b>	Rhonda Evans, Chief Executive Officer
<b>ATTACHMENT:</b>	Nil

<b>COUNCIL RESOLUTION:</b>	<b>No.</b>
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**MOVED: Cr**

**SECONDED: Cr**

*Carried /*

#### OFFICER RECOMMENDATION

That Council receive the report of the Environmental Health Officer for the month of September 2018 for information.

#### VOTING REQUIREMENTS:

Simple Majority

#### IN BRIEF:

This report is for the information of Council. It identifies matters addressed by the Environmental Health Officer for the month of September 2018.

#### RELEVANT TO STRATEGIC PLAN:

##### *14.3 Active civic leadership achieved*

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.
- Regularly monitor and report on the Shire's activities, budgets, plans and performance.
- Maintain sustainability through our leadership, our regional and government partnerships and ensure we make informed resource decisions for our community good.



- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.
- Continue to participate in regional activities to the benefit of our community.

#### **STATUTORY AUTHORITY:**

*Building Act 2011*

*Public Health Act 2016*

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil

#### **RISK ASSESSMENTS:**

**OP97** – Council unable to fill the position of Authorised Officer under the Public Health Act 2016

#### **BACKGROUND:**

The Shire contracts the services of an Environmental Health Officer (EHO) for two days per month. The Officer is available for consultation at all times, and attend the administration offices once per month to meet with the Chief Executive Officer.

#### **COMMENT:**

The following is a report of the monthly activities extracted from the report to the Chief Executive Officer from David Hadden, Environmental Health Officer.

#### **Health**

- On Monday 17 September at the invitation from the Health Worker Program I visited Tjuntjuntjarra Community. Pindan are working on the existing homes with most being renovated at present. Most of these homes have yet to have the new septic systems installed by Pindan. Problem noted at the camping area with two of the four septic tanks requiring pump out however there is a problem as both Department of Communities and PTAC are denying responsibility. I am still investigating.
- Provided comments against the consultation paper on the Aquatic Facility Guidelines. The Health Department requested comments against three options ie
  - ❖ retain the status quo in the new Health Act,
  - ❖ Repeal without replacement,
  - ❖ Develop new aquatic facility regulations and amend existing aquatic facility guidelines for inclusion in the new health act. I provided comment supporting the status quo, that is existing regulations and guidelines to be included under the new Public Health Act as the guidelines have been working well. The department are proposing to pass responsibility for assessing and approving new aquatic facilities while also transferring the monitoring responsibility to local government through Option C which would be both costly and onerous.

Retaining the status quo is the EHO's preferred option.

## **12.2 FINANCE AND ADMINISTRATION**

### **12.2.1 Statement of Financial Activity for Month of September 2018**

<b>LOCATION:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>DOCUMENT REF:</b>	FIN.935.1/NAM187
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	12 October 2018
<b>AUTHOR:</b>	Rhonda Evans, Chief Executive Officer
<b>ATTACHMENT:</b>	Nil

The Statement of Financial activity for the month September 2018 will be presented to Council at the 29 November 2018 meeting of Council, as the Manager of Finance and Administration has been absent leaving insufficient time for the report to be completed.

### 12.2.2 Monthly Listing of Payments for the Month of September 2018

<b>LOCATION:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>DOCUMENT REF:</b>	FIN.935.1/NAM188
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	22 October 2018
<b>AUTHOR:</b>	Jeanette Taylor, Manager of Finance & Administration
<b>ATTACHMENT:</b>	12.2.2-1 Payment Listing for September 2018 12.2.2-2 Credit Card payments 29 June to 27 July 2018

<b>COUNCIL RESOLUTION:</b>	<b>No.</b>
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**MOVED: Cr**

**SECONDED: Cr**

*Carried /*

#### **OFFICER RECOMMENDATION:**

That Council receive the list of payments for the month of August 2018 totalling \$1,258,250.35 being:

- 1) One Cheque was drawn to the value of \$241.35.
- 2) Electronic Fund Transfer EFT3398 – EFT3491 payments in the Municipal Fund totalling \$1,199,502.98.
- 3) Direct Debit payments from the Municipal Fund totally \$58,506.02 including \$2697.86 for Credit Card payments for the period 29 July 2018 to 28 August 2018.
- 4) Also attached is Credit Card Payments totalling \$3,752.70 for the period 29 June 2018 to 27 July 2018 (not included in August 2018 agenda).

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **IN BRIEF:**

The list of payments made for the month of September 2018 to be received by Council.

#### **RELEVANT TO STRATEGIC PLAN:**

##### *14.3 Active civic leadership achieved*

- Regularly review plans with community consultation on significant decisions affecting the shire.

#### **STATUTORY AUTHORITY:**

*Local Government (Financial Management) Regulations 1996 Regulation 13*

**POLICY IMPLICATIONS:**

**Policy 4.7** – Creditors – Preparation for Payment

**FINANCIAL IMPLICATIONS:** Nil

**RISK ASSESSMENTS:**

**OP7** Accounts payable amounts and disbursements are either inaccurately recorded or not recorded at all.

**BACKGROUND:**

Payments have been made by electronic funds transfer (EFT), cheque and direct transfer from Council's Municipal bank account and duly authorised as required by Council Policy. These payments have been made under authority delegated to the Chief Executive Officer and are reported to Council.

**COMMENT:**

The EFT and Direct Debit payments that have been raised for the month of September 2018 are attached.

After payment, the balance of creditors will be \$29,556.91.

**Shire of Menzies**  
**Payments for the Month of September 2018**

<b>Chq/EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
10482	04/09/2018	Shire Of Menzies	Petty Cash Reimbursement	\$241.35

Cheques	\$241.35
EFT	\$1,199,502.98
Direct Debit	\$58,506.02

<b>Total Payments</b>	<b><u>\$1,258,250.35</u></b>
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Credit Card Payments (included in Direct Debit)	\$2,697.86
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**Shire of Menzies**  
**Payments for the Month of September 2018**

Chq/EFT	Date	Name	Description	Amount
EFT3398	07/09/2018	Carroll & Richardson Flagworld Pty Ltd	New banners for main street	\$1,160.50
EFT3399		AD Engineering International Pty Ltd	WAN Annual 3G service 2 x AD322 Radar Speed Display	\$1,056.00
EFT3400		Roadtech Construction	Claim 2 - Seal Menzies NW Road	\$551,237.17
EFT3401		Child Support	Payroll deductions	\$696.68
EFT3402		Price Consulting Group	CEO Review June 2018	\$4,857.41
EFT3403		Klondike Enterprise Pty Ltd	Gemstone Jewellery - For resale	\$1,265.00
EFT3404		Quadrio Earth Moving Pty Ltd	Re-sheeting Pinjin Road	\$59,268.00
EFT3405		Tradelink Pty Limited	Sports Oval. PVC pipe and items	\$145.73
EFT3406		3E Advantage	Copier lease 1/8/2018 to 31/8/2018 Colour	\$2,354.52
EFT3407		Yeti's Records Management Consultancy	Document Cataloguing	\$2,000.00
EFT3408		Market Creations	Redraw and digitise logo, tech support	\$987.25
EFT3409		Xstra Global IT and Communication Solutions	PABX hosting, line rental May 2018	\$331.99
EFT3410		Northern Goldfields Earthmoving Pty Ltd	Mulline-Davyhurst Road	\$30,222.50
EFT3411		Goldfields Conferences & Events (WA)	Rodeo administration and planning to 26 August 2018	\$4,719.00
EFT3412		Ninga Nunthalee	Reimburse money credited back to shire - wrong bank account	\$200.00
EFT3413		WA Local Govt Association	WALGA State Conference Registration	\$10,731.00
EFT3414		Air Liquide WA Pty Ltd	Oxygen and gas bottle hire - Depot	\$28.16
EFT3415		Cabcharge Australia Limited	Local Government Week Taxis	\$160.24
EFT3416		Toll Ipec Pty Ltd	Freight	\$40.76
EFT3417		Goldfields Locksmiths	Supply and fit locks	\$468.80
EFT3418		Menzies Hotel	Newspapers August 2018	\$94.40
EFT3419		Cr Ian Tucker	LG Conference Travel -	\$189.93
EFT3420		Shire of Menzies Social Club	Payroll deductions	\$160.00
EFT3421		Netlogic Information Technology	Technology Support	\$187.50
EFT3422		Pila Nguru Aboriginal Corporation	Recoup flights for Remains Group - mentor and support to Desert Stars	\$4,459.94
EFT3423		Shire Of Leonora	Sponsorship Golden Gift - Race Sponsor	\$6,507.50
EFT3424		TR Homes	Claim 7@Youth Centre	\$29,063.47
EFT3425		Moore Stephens	Statutory Compliance Services Quasrterly fee	\$18,246.25
EFT3426	13/09/2018	Coolgardie Day Celebrations Inc	Fee for Stall at Coolgardie Day 16 September 2018	\$300.00
EFT3427		Calypso Creative	Print flyers cards pull up banners	\$3,008.50
EFT3428		Deborah Whitehead	Reimbursement of power bill as per contract	\$472.91
EFT3429	21/09/2018	Diggawest & Earthparts WA	New side brushes	\$475.20
EFT3430		Leonora Pharmacy	Payment to 30 August 2018	\$619.89
EFT3431		Child Support	Payroll deductions	\$696.68
EFT3432		3E Advantage	Boardroom Sharp interactive smartboard rent	\$374.00
EFT3433		Cynthia Taylor	Airfare Allowance - 18 month service	\$552.00
EFT3434		Yeti's Records Management Consultancy	Document Cataloguing	\$1,160.00
EFT3435		Xstra Global IT and Communication Solutions	PABX hosting, line rental August 2018	\$329.40
EFT3436		Brikmakers	Limestones blocks for outside paving area	\$1,185.62
EFT3437		PWT Electrical	Instalation of Wi-Fi equipment to Youth Centre	\$4,334.00
EFT3438		Ninga Nunthalee	Repay money credited to shire account wrong account	\$200.00
EFT3439		Neometals Ltd	Rates refund - Dead Tenement	\$792.73
EFT3440		Snap Hook (WA) Pty Ltd	Rates refund - Dead Tenement	\$557.77
EFT3441		Alto Metals Limited	Rates refund - Dead Tenement	\$1,271.23
EFT3442		Australian Communications & Media Auth	Licence No. 1954424/1	\$176.00
EFT3443		Australias Golden Outback	Silver membership of Australia's Golden Outback -	\$145.00
EFT3444		Blackwoods	Welding tips, nozzles, diffusers, antitheft nut.	\$308.51
EFT3445		Coopers Fluid Systems	Oil pumps and regulators	\$3,052.35
EFT3446		Cooper Fluid Systems - DO NOT USE	Camlock fittings and hose	\$823.82
EFT3447		Department of Fire And Emergency Services	2018/19 ESL Quarter 1	\$15,104.40
EFT3448		Goldline Distributors	Catering and cleaningsupplies	\$737.53
EFT3449		Goldfields Locksmiths	Supply and install locks	\$3,174.02
EFT3450		Hesperian Press	History Books for resale	\$413.00
EFT3451		itvision	Rates billing for 2018/2019	\$2,750.00
EFT3452		JR & A Hersey	Ratchet straps, chains and zinc guard	\$327.80
EFT3453		Shire of Menzies Social Club	Payroll deductions	\$160.00
EFT3454		MLG OZ Pty Ltd	Crusher dust, road base	\$6,387.01
EFT3455		Netlogic Information Technology	Tech support, youth centre, office	\$1,165.00
EFT3456		Office National	Office furniture, stationery	\$1,898.07
EFT3457		Pila Nguru Aboriginal Corporation	Accomodation Ian Baird	\$561.00

**Shire of Menzies**  
**Payments for the Month of September 2018**

EFT3458	Paupiyala Tjarutja Aboriginal Corporation	July 2018 School Holiday Program - Tjuntjuntjara	\$3,228.56
EFT3459	Govt of WA State Library Of WA	Annual Fees for lost and damages books	\$220.00
EFT3460	Taps Industries	Plumbing, Town Hall, Caravan Park.	\$2,329.00
EFT3461	Truck Centre (WA) PTY.LTD	Radio and floor mats	\$205.50
EFT3462	The Work Wear Group	Staff Uniforms	\$134.32
EFT3463	WML Consultants	Consultant	\$36,321.18
EFT3464	28/09/2018 Moki International Pty Ltd	Charge cables for resale	\$174.65
EFT3465	Child Support	Payroll deductions	\$713.16
EFT3466	Quadrio Earth Moving Pty Ltd	Flood damage repair - Mt Celia	\$249,892.50
EFT3467	3E Advantage	Copier lease 01/09/2018 to 30/09/2018	\$3,592.77
EFT3468	Lone Star Surveys Pty Ltd	Survey of Mt Remarkable Road	\$3,261.50
EFT3469	Yeti's Records Management Consultancy	Document Cataloguing	\$1,200.00
EFT3470	Market Creations	Technology services 30 July 2018	\$1,641.30
EFT3471	Australian Bushmen's Campdraft and Rodeo	Insurance levies fee for rodeo	\$950.00
EFT3472	Aussie Sweet Treats	Emu Eggs sweets for resale	\$87.84
EFT3473	Ninga Nunthalee	Repay creditor to correct account	\$200.00
EFT3474	Kalgoorlie Paint Centre	Banner Paint	\$559.85
EFT3475	Xingpeng Chen	Rates refund - Dead Tenement	\$128.17
EFT3476	Eastern Goldfields Historical Society	History books for resale	\$180.00
EFT3477	Cr Ian Baird	Travel payment	\$1,544.57
EFT3478	Calypso Creative	Printing of posters - Rodeo	\$2,568.50
EFT3479	C Direct	Pre paid phone cards for resale	\$436.78
EFT3480	Gregory Dwyer	July, August and September Travel	\$3,959.39
EFT3481	Cr Jillian Dwyer	July travel, refund for Accom - Wiluna	\$739.83
EFT3482	Ecowater Services	Service and consumables - September 2018	\$928.00
EFT3483	Goldfields Records Storage	Member Contribution 18/19	\$17,617.73
EFT3484	Menzies Hotel	Catering - Scenic	\$901.00
EFT3485	JR & A Hersey	Ratchet straps	\$118.25
EFT3486	Landgate	Mining tenement schedule - M2018/8	\$46.80
EFT3487	Cr Justin Lee	Travel Menzies to Kalgoorlie - GTNA Meeting	\$267.33
EFT3488	Shire of Menzies Social Club	Payroll deductions	\$140.00
EFT3489	Netlogic Information Technology	Wi-Fi Equipment for Youth Centre telecommunications access.	\$1,594.00
EFT3490	Pila Nguru Aboriginal Corporation	Recoup Flight for Ian Baird, Debbie Hansen	\$722.90
EFT3491	Weatherworks Australia	1 new windsock	\$1,001.00
13/09/2018	Payroll		\$39,138.23
	Payroll		\$38,405.23
			<b><u>\$1,199,502.98</u></b>

Shire of Menzies  
Attachment 12.2.2 - Agenda 25 October 2018  
**Direct Debits for the month of September 2018**

Chq/EFT	Date	Name	Description	Amount
DD2170.1	03/09/2018	Water Corporation	Water usage 13 June 2018 to 16 August 2018	\$1,243.91
DD2170.2	03/09/2018	WESTNET	NBN Satellite 120 Boost service 1 September 18 to	\$54.99
DD2172.1	06/09/2018	Horizon Power	Power costs 22/6/18 to 20/8/18	\$7,919.43
DD2174.1	07/09/2018	Water Corporation	Water usage - 13 June 2018 to 16 August 2018	\$1,090.97
DD2174.2	07/09/2018	GoGo Media	On Hold messages for office phone system	\$75.90
DD2176.1	10/09/2018	Telstra - DIRECT DEBIT ONLY	Satellite phones, office phones and internet 20/8/2018	\$6,574.46
DD2179.1	11/09/2018	Telstra - DIRECT DEBIT ONLY	Office internet August 2018	\$695.44
DD2182.1	11/09/2018	WA Local Govt Superannuation Plan	Superannuation contributions	\$5,459.88
DD2182.2	11/09/2018	WA Local Govt Superannuation Plan	Payroll deductions	\$2,008.44
DD2182.3	11/09/2018	Catholic Super	Superannuation contributions	\$773.14
DD2182.4	11/09/2018	Australian Super	Superannuation contributions	\$462.59
DD2182.5	11/09/2018	Sunsuper	Superannuation contributions	\$817.31
DD2182.6	11/09/2018	Commonwealth Essential Super	Superannuation contributions	\$66.49
DD2182.7	11/09/2018	Kinetic Superannuation	Payroll deductions	\$240.38
DD2196.1	25/09/2018	WA Local Govt Superannuation Plan	Superannuation contributions	\$5,027.14
DD2196.2	25/09/2018	WA Local Govt Superannuation Plan	Payroll deductions	\$1,881.63
DD2196.3	25/09/2018	Catholic Super	Superannuation contributions	\$773.27
DD2196.4	25/09/2018	Australian Super	Superannuation contributions	\$373.18
DD2196.5	25/09/2018	Sunsuper	Superannuation contributions	\$817.31
DD2196.6	25/09/2018	Commonwealth Essential Super	Superannuation contributions	\$60.61
DD2196.7	25/09/2018	Kinetic Superannuation	Payroll deductions	\$240.38
DD2204.1	17/09/2018	Toyota Finance DIRECT DEBIT ONLY	Toyota fleet payment for Toyota Landcruiser Prado	\$1,099.07
DD2206.1	11/09/2018	Australian Super	Superannuation contributions	\$41.39
DD2206.2	25/09/2018	Australian Super	Payroll deductions	\$12.17
DD2232.1	13/09/2018	Horizon Power	Power various properties 29/06/2018 to 26/08/2018	\$6,662.40
DD2232.2	19/09/2018	Horizon Power	Street Lights 1/8/2018 to 31/8/2018	\$662.59
DD2235.1	13/09/2018	Horizon Power	Power 29.6.18 to 27.8.18	\$119.08
DD2242.1	03/09/2018	NAB	Credit Card for 28 July - 28 August 2018	\$2,697.86
DD2244.1	26/09/2018	Gregory Dwyer	President Allowance September 2018	\$3,364.49
DD2244.2	26/09/2018	Cr Debbie Hansen	Sitting Fees September 2018	\$875.83
DD2244.3	26/09/2018	Cr Ian Tucker	Sitting Fee September 2018	\$875.83
DD2244.4	26/09/2018	Cr Justin Lee	Sitting Fees September 2018	\$875.83
DD2244.5	26/09/2018	Cr Keith Mader	Sitting Fee September 2018	\$875.83
DD2244.6	26/09/2018	Cr Ian Baird	Sitting Fee September 2018	\$1,289.67
DD2244.7	26/09/2018	Cr Jillian Dwyer	Sitting Fee September 2018	\$875.83
DD2246.1	24/09/2018	Australia Post	Stamps & postage items for resale	\$1,081.37
	28/09/2018	NAB	Bank Fees	\$439.93
				<b><u>\$58,506.02</u></b>



**Shire of Menzies**  
**Payments for the Month of September 2018**  
**Credit Card**

<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
30/07/2018	Quality Inn	Accommodation Local Government Week	\$ 182.20
06/08/2018	Swan Taxi	CEO Perth to Airport	\$ 30.98
06/08/2018	Snap print	Agenda printing	\$ 585.20
07/08/2018	Woolworths	Goods for resale and cooking class	\$ 19.00
10/08/2018	Goldfields Engraving	Plaque - Alan Henderson	\$ 35.20
10/08/2018	Woolworths	Meeting Refreshments	\$ 28.00
13/08/2018	Goldfields Engraving	Plaque Allan Henderson	\$ 35.20
16/08/2018	Bunnings	Timer for toilet	\$ 11.30
22/08/2018	Woolworths	Goods for resale, consumables, ingredients for cooking class	\$ 57.90
22/08/2018	Atlas Linen Services	Launder Table Cloths	\$ 40.90
28/08/2018	NAB	international fee	\$ 7.20
28/08/2018	NAB	Credit Card Fee	\$ 9.00
30/07/2018	Woolworths	Fuel	\$ 80.34
02/08/2018	Eagle Petroleum	Fuel	\$ 56.94
08/08/2018	Squarespace Inc	TBA	\$ 240.00
13/08/2018	Hung Vuong Holdings	TBA	\$ 20.00
14/08/2018	Jason Windows	Window locks	\$ 170.50
20/08/2018	JGN Hotel Front Office	Staff accommodation for training	\$ 1,079.00
28/09/2018	NAB	Card fee	\$ 9.00
		Direct Debit	<b>\$ 2,697.86</b>

**Shire of Menzies**  
**Credit Card Payments for the Month of August 2018**

<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
2/07/2018	Woolworths	Woolworths - Tourism Public Consultation	\$1.98
		Woolworths - Tourism Public Consultation	\$84.88
2/07/2018	Toyworld	Toyworld Leggo for Activities	\$611.80
2/07/2018	Woolworths	BWS - Drinks for civic function	\$149.88
3/07/2018	Woolworths	Woolworths - catering Tourism Consultation	\$9.00
		Woolworths - catering Tourism Consultation	\$21.50
5/07/2018	McKenna Pty Ltd	Menzies Hotel - Drinks for Civic Function	\$52.50
9/07/2018	Bunnings	Bunnings - Containers for Lego	\$35.20
9/07/2018	Kitchen Emporium	Kitchen Emporium - Glasses for Kitchen	\$92.79
9/07/2018	Toyworld	Toyworld - Connect 4	\$59.98
9/07/2018	IBIS Styles Kalgoorlie	Ibis - Accomodation Staff	\$207.66
9/07/2018	Kalgoorlie Retravisio	Kalgoorlie Retravisio - Grill Press	\$109.00
9/07/2018	Kalgoorlie Boulder Tourism	Kalgoorlie-Boulder Visitor Centre DVD	\$106.75
10/07/2018	Woolworths	Woolworths - Cooking Activities	\$28.45
		Woolworths - Council Meal	\$45.68
		Woolworths - Council Meal	\$28.27
16/07/2018	Holiday Inn Perth	Holiday Inn Local Government Week	\$1,249.67
20/07/2018	Woolworths	Woolworths - Good for Resale	\$45.80
23/07/2018	Nespresso Australia	Nespresso - Coffee Pods	\$144.00
24/07/2018	Woolworths	Woolworths - drinks for Council Fridge	\$22.00
25/07/2018	Local Government Lunch	WALGA lunch - Local Government Week	\$231.00
25/07/2018	Holiday Inn Perth	Holiday Inn Local Government Week	\$156.21
26/07/2018	Bunning	Bunnings - Key Safe	\$22.00
27/07/2018	NAB	Credit Card Fee CEO	\$9.00
04/07/2018	Department of Transport	Camper Trailer Fee	\$23.70
05/07/2018	DPIRD	Subscription Rodeo expense	\$75.00
26/07/2018	DMIRS	Caveat over property	\$120.00
27/07/2018	NAB	Card Fee MFA	\$9.00
		<b>Direct Debit 2 August 2018</b>	<b>\$3,752.70</b>

### 12.2.3 Rating Concession for Mining Lease - Pendragon WA Pty Ltd

<b>LOCATION:</b>	N/A
<b>APPLICANT:</b>	Roy Arthur, Pendragon WA Pty Ltd
<b>DOCUMENT REF:</b>	RAT.936.1/NAM185
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	2 October 2018
<b>AUTHOR:</b>	Carol McAllan, Finance Officer
<b>ATTACHMENT:</b>	12.2.3-1 Concession Application 12.2.3-2 Rates Notice – A5489 12.2.3-3 Map Showing size of Tenement

<b>COUNCIL RESOLUTION:</b>	<b>No.</b>
----------------------------	------------

**MOVED: Cr**

**SECONDED: Cr**

*Carried by Absolute Majority /*

#### **OFFICER RECOMMENDATION:**

That Council

1. Grant a rating concession of 100% against assessment 5489, for a portion of mining lease P28/01301 for the year ended 30 June 2019
2. Advise the ratepayer of assessment 5489 that the concession is for the year ending 30 June 2019, and a concession must be applied for each financial year.

#### **VOTING REQUIREMENTS:**

Absolute Majority

#### **IN BRIEF:**

Pendragon WA Pty Ltd has a rateable mining tenement located on the southern boundary of the Shire of Menzies, bordering with the City of Kalgoorlie-Boulder. The valuation for the tenement is ten dollars as it is an extremely small parcel of land. Rates for the major portion of the tenement are being paid to the City of Kalgoorlie-Boulder.

#### **RELEVANT TO STRATEGIC PLAN:**

##### *14.1 Sustainable local economy encouraged*

- A local economy that has close working partnerships with mining companies and other industries.
- A local economy accessing the commercial options and services in place, for timely development.

#### *14.2 Strong sense of community maintained*

- Our community will be cohesive, inclusive and interactive, where people feel safe, are welcomed and can live comfortably.
- Our community will value each other, building relationships and networks to interact, socialise and for recreation.

#### *14.3 Active civic leadership achieved*

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.

#### *14.4 Heritage & Natural assets conserved*

- A strengthening of our cultural and heritage awareness and values.

### **STATUTORY AUTHORITY:**

*Local Government Act 1995 Section 6.47 - Concessions*

### **POLICY IMPLICATIONS:**

Council has no policy relating to this matter.

### **FINANCIAL IMPLICATIONS:**

The financial loss to the Shire from this action will be \$248.00.

### **RISK ASSESSMENTS:**

There is no risk assessment relating to this matter.

### **BACKGROUND:**

Mining tenements often lay across local authority boundaries. When this occurs, the Valuer General provides separate values for the area of the lease for each. This process is a fair way of managing the situation, and each Shire rates according to the value of the property falling within their boundary.

### **COMMENT:**

Mining tenement P28/01301 has an extremely small portion of the lease within the Menzies Shire (as shown on the attachment). The valuation provided for this is ten dollars.

The applicant was granted this concession for the year ended 30 June 2018. This concession must be applied for annually.

## Carol McAllan

---

**From:** Roy Arthur <roy.arthur@bigpond.com>  
**Sent:** Monday, 1 October 2018 2:50 PM  
**To:** Carol McAllan  
**Subject:** IE7010 - 100% rating concession for assessment A5489

Dear Carol,

I would like to apply for a 100% rating concession on assessment number A5489 (P28/1301) for the year of 2018-19. The reason for the concession request is as a result of Council Resolution No: 1317 of 22 November 2017; be it that the policy has yet to be put in place so that the concession would automatically take effect.

Kind regards

**ROY ARTHUR - Director**



PH 0427 773 151



# SHIRE OF MENZIES

124 Shenton Street, Menzies WA 6436  
 Telephone: (08) 9024 2041  
 PO Box 4, Menzies WA 6436  
 admin@menzies.wa.gov.au  
 www.menzies.wa.gov.au  
 ABN: 70 799 264 783

Office Hours Mon—Fri: 8.30am to 4.30pm

## RATE NOTICE / TAX INVOICE

NOTICE OF RATE AND VALUATION  
 Notice is hereby given that the undermentioned land has been rated by the Council of the above mentioned municipality as shown hereon in accordance with the Local Government Act 1995. Appeal provisions are outlined on reverse side.

Please Advise Council in writing of any amendments

Pendragon (WA) Pty Ltd  
 Andrew Ian Pumphrey  
 116 BURKE DRIVE  
 ATTADALE WA 6156

### Rates Notice

1 JULY 2018 TO 30 JUNE 2019

CHIEF EXECUTIVE OFFICER R. Evans

ASSESSMENT NUMBER **A5489**

DUE DATE **04.10.2018**

FOR YEAR ENDED 30 June 2019  
 DATE ISSUED 28.08.2018  
 VALUATION **\$10.00** - UV  
 ZONING  
 MINIMUM RATE \$248.00  
 LATE PAYMENT INTEREST 11.0000

PLEASE SEE OVER/ATTACHED FOR ADDITIONAL INFORMATION AND DEFAULT CONSEQUENCES

PROPERTY ADDRESS **P28/01301 MINING TENEMENT**  
 LOTS/LOCATIONS OR OTHER INFORMATION

DETAILS	RATE IN \$ OR CHARGE/SERVICE	CURRENT	GST	ARREARS	TOTAL
UV MINING PROSPECTING	14.5100	\$248.00			\$248.00
GST IS NIL					
TOTAL AMOUNT					<b>\$248.00</b>

PAYMENT OPTIONS	INSTALMENT AMOUNT	DUE DATE	AMOUNT DUE
OPTION 1 - PAY IN FULL	\$248.00	04.10.2018	\$248.00
OPTION 2 - PAY BY 4 INSTALMENTS	1ST INST \$73.48	04.10.2018	\$73.48
OPTION COST \$45.53	2ND INST \$73.35	06.12.2018	
	3RD INST \$73.35	07.02.2019	
	4TH INST \$73.35	11.04.2019	
	TOTAL \$293.53		

PROPERTY OWNERS: Pendragon (WA) Pty Ltd Andrew Ian Pumphrey



Bill Code: 201400  
 Ref: 1000054898

### Telephone & Internet Banking - BPAY®

Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More info: www.bpay.com.au

ASSESSMENT NUMBER:

A5489

OWNER NAME:

Pendragon (WA) Pty Ltd

PROPERTY DETAILS:

P28/01301 MINING TENEMENT

☐ OPTION 1 DUE: 04.10.2018 \$248.00  
☐ OPTION 2 DUE: 04.10.2018 \$73.48

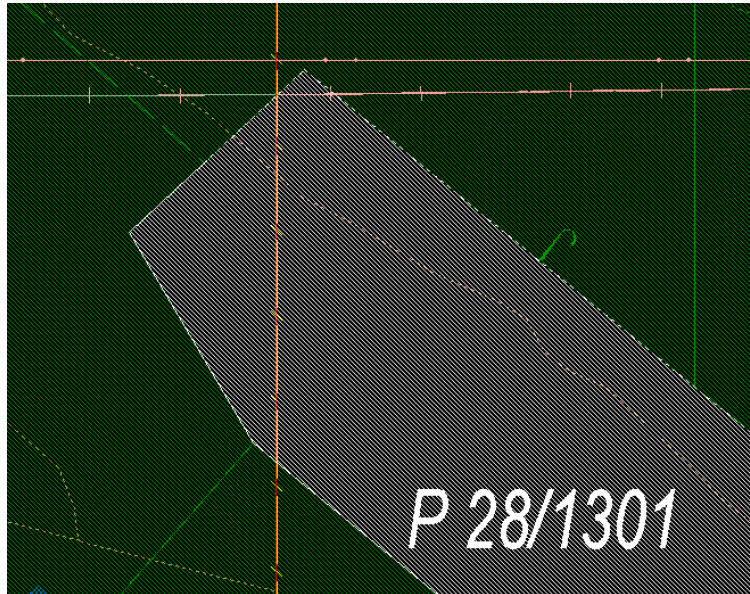
### Payment by Mail

Make cheques payable to SHIRE OF MENZIES, and crossed "NOT NEGOTIABLE". Complete and mail the cheque and this payment slip to mailing address. The top portion of the notice must be retained for your record. No receipt will be issued unless entire notice is sent with

### Pay in Person

Present this notice INTACT to the cashier at the Shire of Menzies. Your payment must be received IN OUR OFFICE by 4pm on the due date to be

considered on time. Ordinary Meeting of Council to be held on Thursday 25 October at 1pm



## 12.3 WORKS AND SERVICES

### 12.3.1 Works Report for the Month of September 2018

<b>LOCATION:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>DOCUMENT REF:</b>	ROA.860.1/NAM189
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	12 October 2018
<b>AUTHOR:</b>	Rhonda Evans, Chief Executive Officer
<b>ATTACHMENT:</b>	12.3.1-1 Road Report Financial Accounts

<b>COUNCIL RESOLUTION:</b>	<b>No.</b>
----------------------------	------------

**MOVED:** Cr

**SECONDED:** Cr

*Carried /*

#### **OFFICER RECOMMENDATION:**

That Council receive the Works Report for September 2018.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **IN BRIEF:**

Councils annual works program is now underway

#### **RELEVANT TO STRATEGIC PLAN:**

##### *14.1 Sustainable local economy encouraged*

- The prevention of fire risk throughout the community.
- The significant natural features of the shire for tourism.
- The acquisition of appropriate resources to assist with economic and tourism planning and development.

##### *14.2 Strong sense of community maintained*

- The Shire to acquire appropriate resources to assist with developing the services and facilities required by the community.

##### *14.3 Active civic leadership achieved*

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.



- Regularly monitor and report on the Shire's activities, budgets, plans and performance.

#### *14.4 Heritage & Natural assets conserved*

- Our natural environment will be protected and preserved for future generations.
- Our built environment will be managed to sustain our growing needs, while protecting and restoring buildings of historical value.
- Heritage and cultural places and items will be protected.

**STATUTORY AUTHORITY:** Nil

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil

#### **RISK ASSESSMENTS:**

No Risk Assessment has been undertaken relating to this item.

#### **BACKGROUND:**

The Shire manages the Works section with a permanent staff of a Works Supervisor, and 4.5 full time equivalent workers. Additional resources are contracted as required.

#### **COMMENT:**

The following is a brief report of the monthly activities extracted from the report to the Chief Executive Officer from Paul Warner, Works Supervisor.

#### **September 2018**

- Flood Restoration Works – Mt Celia Road
- Maintenance Grading – Kookynie to Malcolm Road
- Maintenance grading – Bullfinch to Evanston Road
- Kookynie Tip clean up
- Pot hole maintenance to Niagara Road
- Youth Centre drainage and paving

**Shire of Menzies  
2018 2019**

**Operating Jobs - linked to General Ledger Accounts as at 30 September 2018**

**Transport**

**Works Supervisor**

**Streets, Roads, & Bridges Maintenance -**

Budget Revenue	Actual Revenue	Job #	Job Description	Budget Expense	Total Actual Expense	Actual Expense	O/Stand Orders	Budget Net	Actual Net
-	-	R0000	Shenton St	-	(545)	(545)	-	-	(545)
-	-	R0003	Kookynie Mt Remarkable Rd	-	(2,965)	(2,965)	-	-	(2,965)
-	-	R0004	Cranky Jack Rd	-	(6,825)	(6,825)	-	-	(6,825)
-	-	R0007	Menzies North West Rd	-	(66,042)	(66,042)	-	-	(66,042)
-	-	R0008	Evanston Menzies Rd	-	(30,719)	(17,244)	(13,475)	-	(17,244)
-	-	R0012	Davyhurst Mulline Rd	-	(14,000)	(14,000)	-	-	(14,000)
-	-	R0015	Leonora Mt Ida Rd	-	(2,093)	(2,093)	-	-	(2,093)
-	-	R0017	Lawless Mt Ida Road	-	(12,664)	(12,664)	-	-	(12,664)
-	-	R0026	Mount Ida Rd	-	(7,480)	(7,480)	-	-	(7,480)
-	-	R0031	Wilson St	-	(688)	(688)	-	-	(688)
-	-	R0032	Walsh St	-	(209)	(209)	-	-	(209)
-	-	R0036	Pianto Rd	-	(12,425)	(12,425)	-	-	(12,425)
-	-	R0038	Kookynie Malcom Rd	-	(1,422)	(1,422)	-	-	(1,422)
-	-	R0039	Yarri Rd	-	(10,093)	(10,093)	-	-	(10,093)

**Shire of Menzies  
2018 2019**

**Operating Jobs - linked to General Ledger Accounts as at 30 September 2018**

**Transport**

**Works Supervisor**

**Streets, Roads, & Bridges Maintenance -**

Budget Revenue	Actual Revenue	Job #	Job Description	Budget Expense	Total Actual Expense	Actual Expense	O/Stand Orders	Budget Net	Actual Net
-	-	R0040	Kurnalpi Pinjin Rd	-	(4,790)	(245)	(4,545)	-	(245)
-	-	R0041	Gregory St	-	(683)	(683)	-	-	(683)
-	-	R0045	Webb St	-	(1,665)	(1,665)	-	-	(1,665)
-	-	R0047	Onslow St	-	(598)	(598)	-	-	(598)
120,000	30,303	R0049	Tjuntjuntjarra Access Rd	(125,000)	(1,770)	-	(1,770)	(5,000)	30,303
-	-	R0071	Kensington St	-	(262)	(262)	-	-	(262)
-	-	R0075	Lake Ballard Access Rd	-	(441)	(441)	-	-	(441)
-	-	R0076	Snake Hill Lookout Access Rd	-	(1,649)	(1,649)	-	-	(1,649)
607,250	84,487	R9999	Sundry Roads	(835,000)	(1,073)	(1,073)	-	(227,750)	83,414
727,250	114,790	<b>Sub Total - 12200</b>		<b>(960,000)</b>	<b>(181,101)</b>	<b>(161,310)</b>	<b>(19,790)</b>	<b>(232,750)</b>	<b>(46,520)</b>



**Shire of Menzies  
2017-2018  
Capital Jobs - linked to General Ledger Accounts  
as at 30 September 2018**

*printed 22/10/2018*

**Shire of Menzies  
2017 2018**

**Capital Jobs - linked to General Ledger Accounts as at 30 September 2018  
By Category**

**Buildings -**

	<b>Job #</b>	<b>Job Description</b>	<b>Budget Expense</b>	<b>Total Actual Expense</b>	<b>Actual Expense</b>	<b>% YTD</b>
	C12101	Depot Extension	(30,000)	(12,686)	(9,347)	42.29%
	<b>Sub Total - 12120</b>		<b>(30,000)</b>	<b>(12,686)</b>	<b>(9,347)</b>	<b>42.29%</b>
	<b>Buildings</b>		<b>(30,000)</b>	<b>(12,686)</b>	<b>(9,347)</b>	<b>42.29%</b>

# Shire of Menzies 2017 2018

## Capital Jobs - linked to General Ledger Accounts as at 30 September 2018

### Plant & Equipment -

### By Category

	Job #	Job Description	Budget Expense	Total Actual Expense	Actual Expense	% YTD
	C12102	Minor Plant & Equipment (Not Capitalised)	(12,000)	(1,760)	(1,760)	14.66%
	<b>Sub Total - 12325</b>		<b>(12,000)</b>	<b>(1,760)</b>	<b>(1,760)</b>	<b>14.66%</b>
	CP002	Vehicle Replacement Works Supervisor	(70,000)	-	-	0.00%
	CP004	Garden Trailer With Ramps	(6,000)	-	-	0.00%
	CP005	Skid Steer Loader	(56,000)	-	-	0.00%
	CP006	Water Truck And Tank	(100,000)	-	-	0.00%
	<b>Sub Total - 12345</b>		<b>(232,000)</b>	<b>-</b>	<b>-</b>	<b>0.00%</b>
	CP009	Triaxle Drop Deck Trailer Replacement	-	(137,300)	-	100.00%
	CP010	Truck Replacement	-	(272,225)	-	100.00%
	<b>Sub Total - 12346</b>		<b>-</b>	<b>(409,525)</b>	<b>-</b>	<b>100.00%</b>
	C12300	Electronic Signage	(15,000)	-	-	0.00%
	C12301	Banners And Signage	(15,000)	(1,801)	(1,801)	12.01%
	C12302	Street Lighting - Village	(15,000)	(3,307)	(3,307)	22.05%
	<b>Sub Total - 12347</b>		<b>(45,000)</b>	<b>(5,108)</b>	<b>(5,108)</b>	<b>11.35%</b>

# Shire of Menzies

## 2017 2018

### Capital Jobs - linked to General Ledger Accounts as at 30 September 2018

#### By Category

#### Roads -

	Job #	Job Description	Budget Expense	Total Actual Expense	Actual Expense % YTD
	CR0002	Evanston- Menzies Road Crsf	(292,800)	-	- 0.00%
	<b>Sub Total - 12101</b>		<b>(292,800)</b>	<b>-</b>	<b>- 0.00%</b>
	CR0001	Menzies Northwest Road R2R	(778,000)	(18,182)	- 2.34%
	CR0012	Connie Sue R2R Remote Aboriginal Access Roads	(200,000)	-	- 0.00%
	<b>Sub Total - 12104</b>		<b>(978,000)</b>	<b>(18,182)</b>	<b>- 1.86%</b>
	CR0014	Menzies Nw Rd	-	(916,671)	(916,671) 100.00%
	<b>Sub Total - 12105</b>		<b>-</b>	<b>(916,671)</b>	<b>(916,671) 100.00%</b>
	CR0009	Tjunjuntjarra Access Road	(219,335)	-	- 0.00%
	CR0032	Program Reseal	(200,000)	-	- 0.00%
	<b>Sub Total - 12106</b>		<b>(419,335)</b>	<b>-</b>	<b>- 0.00%</b>
	CR0004	Evanston Menzies Road Rrg	(280,000)	-	- 0.00%
	CR0005	Yarri Road Rrg	(265,167)	-	- 0.00%
	CR0013	Menzies Northwest Rd Rrg	(382,985)	(8,958)	(8,958) 2.34%
	CR0040	Pinjin Road Rrg	(330,000)	(368,378)	(314,498) 111.63%

**Shire of Menzies****2017 2018****Capital Jobs - linked to General Ledger Accounts as at 30 September 2018****Roads -****By Category**

	<b>Job #</b>	<b>Job Description</b>	<b>Budget Expense</b>	<b>Total Actual Expense</b>	<b>Actual Expense</b>	<b>% YTD</b>
	<b>Sub Total - 12109</b>		<b>(1,258,152)</b>	<b>(377,335)</b>	<b>(323,455)</b>	<b>29.99%</b>
	WR0000	Wandrra Funding - Including Associated Costs (Wml)	(1,300,000)	(10,281)	(10,281)	0.79%
	<b>Sub Total - 12145</b>		<b>(1,300,000)</b>	<b>(10,281)</b>	<b>(10,281)</b>	<b>0.79%</b>
	<b>Roads</b>		<b>(4,248,287)</b>	<b>(1,322,469)</b>	<b>(1,250,407)</b>	<b>31.13%</b>



**Shire of Menzies****2017 2018****Capital Jobs - linked to General Ledger Accounts as at 30 September 2018****Footpaths -****By Category**

	<b>Job #</b>	<b>Job Description</b>	<b>Budget Expense</b>	<b>Total Actual Expense</b>	<b>Actual Expense</b>	<b>% YTD</b>
	C12100	Bicycle Path Construction	(50,000)	-	-	0.00%
	<b>Sub Total - 12112</b>		<b>(50,000)</b>	-	-	<b>0.00%</b>
	<b>Footpaths</b>		<b>(50,000)</b>	-	-	<b>0.00%</b>

**Shire of Menzies  
2017 2018**

**Capital Jobs - linked to General Ledger Accounts as at 30 September 2018**

**Other Infrastructure -**

**By Category**

	<b>Job #</b>	<b>Job Description</b>	<b>Budget Expense</b>	<b>Total Actual Expense</b>	<b>Actual Expense</b>	<b>% YTD</b>
	CR0006	Shire House Crossovers	(30,000)	-	-	0.00%
	<b>Sub Total - 12110</b>		<b>(30,000)</b>	-	-	<b>0.00%</b>
	C12103	Bores To Support Road Works	(30,000)	-	-	0.00%
	C12104	Grid Replacement Program	(32,000)	(41,128)	(5,503)	128.53%
	<b>Sub Total - 12140</b>		<b>(62,000)</b>	<b>(41,128)</b>	<b>(5,503)</b>	<b>66.34%</b>
	<b>Other Infrastructure</b>		<b>(92,000)</b>	<b>(41,128)</b>	<b>(5,503)</b>	<b>44.70%</b>

Total Reported Items - balance to Note 4

**(4,709,287)**

**(1,272,126)**

## 12.4 COMMUNITY DEVELOPMENT

### 12.4.1 Community Development Report for the Month of September 2018

<b>LOCATION:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>DOCUMENT REF:</b>	CS.860.1/NAM190
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	12 October 2018
<b>AUTHOR:</b>	Rhonda Evans, Chief Executive Officer
<b>ATTACHMENT:</b>	12.4.1-1 Jobs as at 30 September 2018

<b>COUNCIL RESOLUTION:</b>	<b>No.</b>
----------------------------	------------

**MOVED:** Cr

**SECONDED:** Cr

*Carried /*

#### **OFFICER RECOMMENDATION:**

That Council receive the report of the activities for Community Development for September 2018.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **IN BRIEF:**

The Menzies Community Resource Centre, Visitor Centre. Community Postal Agency and Caravan Park operate from the Lady Shenton Building on the corner of Brown and Shenton Streets.

This report also addresses other areas of Tourism and area promotion such as the operating of is camping facilities at Lake Ballard and Niagara Dam, and contribution to Community Groups for activities.

Progress status report of the Menzies Youth Centre is included for information.

#### **RELEVANT TO STRATEGIC PLAN:**

##### *14.1 Sustainable local economy encouraged*

- A local economy accessing the commercial options and services in place, for timely development.
- The acquisition of appropriate resources to assist with economic and tourism planning and development.

#### *14.2 Strong sense of community maintained*

- Our community will be cohesive, inclusive and interactive, where people feel safe, are welcomed and can live comfortably.
- Our community will value each other, building relationships and networks to interact, socialise and for recreation.
- Our community will have access to all necessary service requirements.
- The Shire to review disability access throughout the Shire of Menzies.

#### *14.3 Active civic leadership achieved*

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.
- Regularly monitor and report on the Shire's activities, budgets, plans and performance.
- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.
- Continue to participate in regional activities to the benefit of our community.

#### *14.4 Heritage & Natural assets conserved*

- Heritage and cultural places and items will be protected.
- A strengthening of our cultural and heritage awareness and values.

**STATUTORY AUTHORITY:** Nil

**POLICY IMPLICATIONS:** Nil

#### **FINANCIAL IMPLICATIONS :**

All expenditure to are within acceptable parameters of the adopted budget.

#### **RISK ASSESSMENTS:**

No Risk Assessment has been undertaken relating to this item.

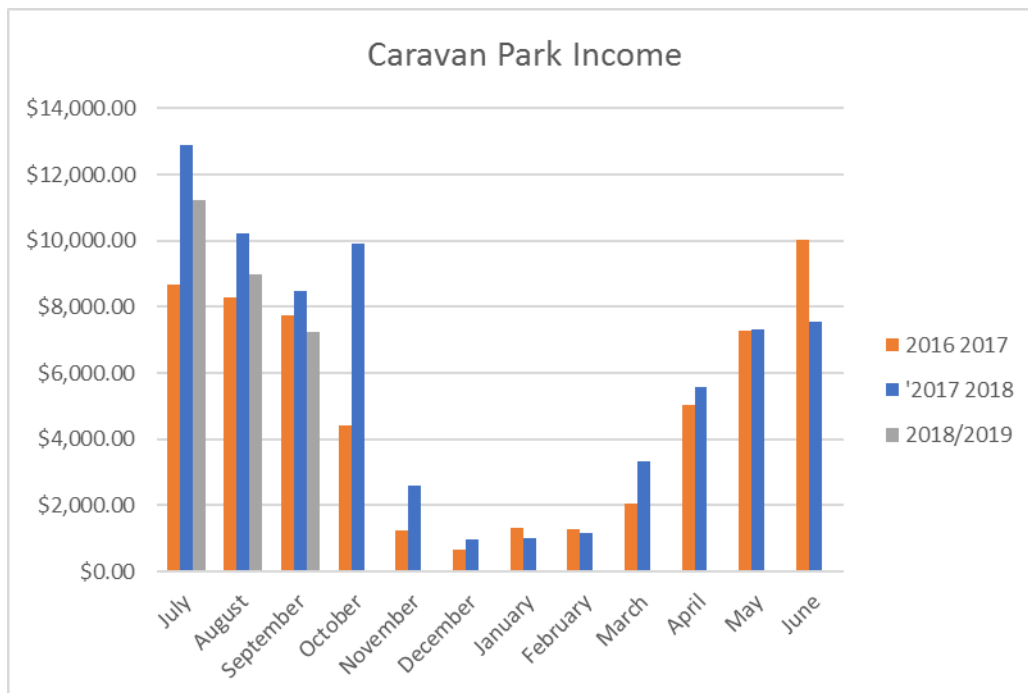
#### **BACKGROUND:**

The Lady Shenton Building operates the CRC and Menzies Visitor Centre and administers the Menzies Caravan Park. The statistics are compiled each month by the staff for recording purposes.

#### **COMMENT:**

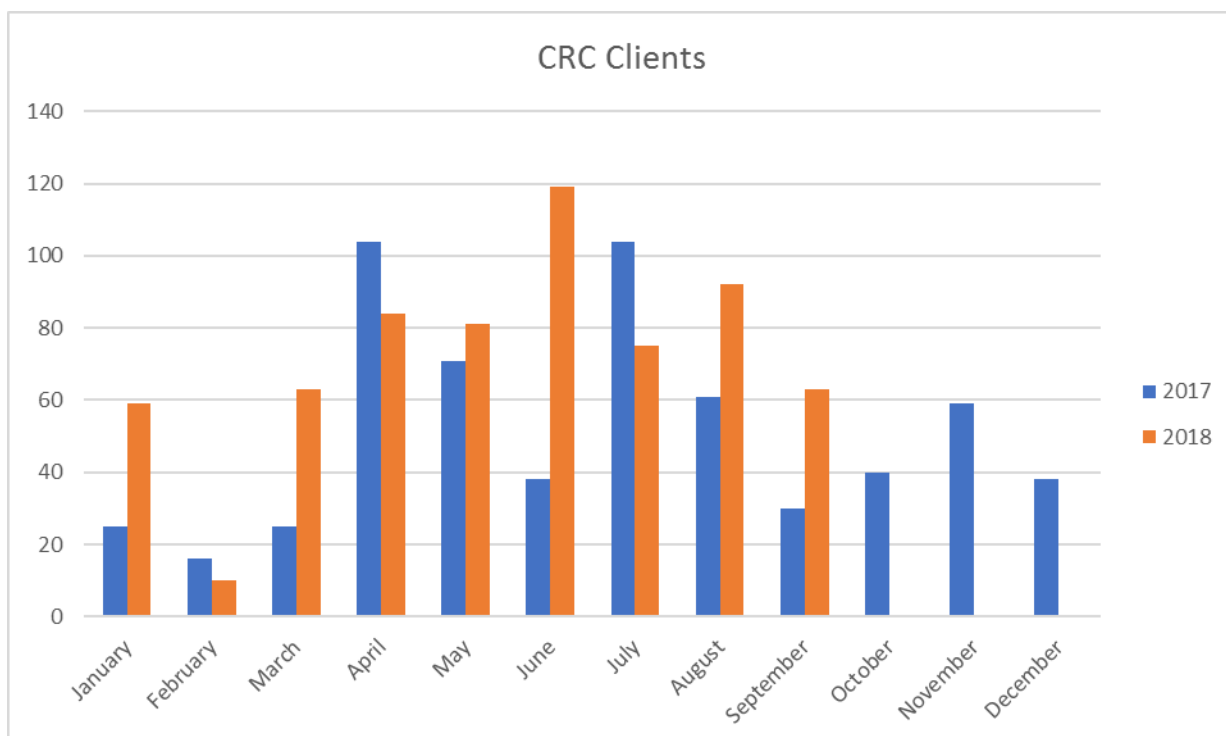
##### **Caravan Park**

Occupancy of the caravan park shows a decline from 2017/2018. This is directly attributed to construction workers using the caravan park for accommodation.



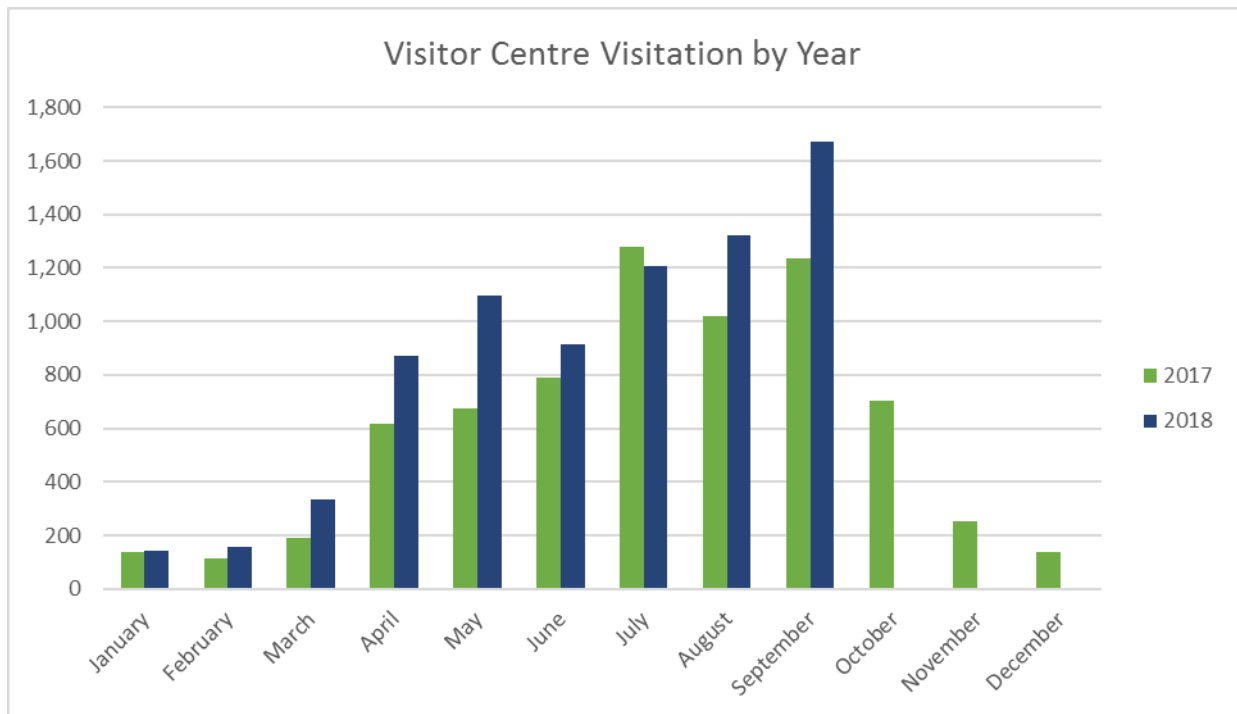
### Community Resource Centre (CRC) and Community Activities

The Centre had 63 patrons in September 2018. The Menzies Matters was printed and distributed. There is a steady increase on the number of local clients meeting and joining in the activities. Both day time adult activities and after school activities are attracting regular clients.



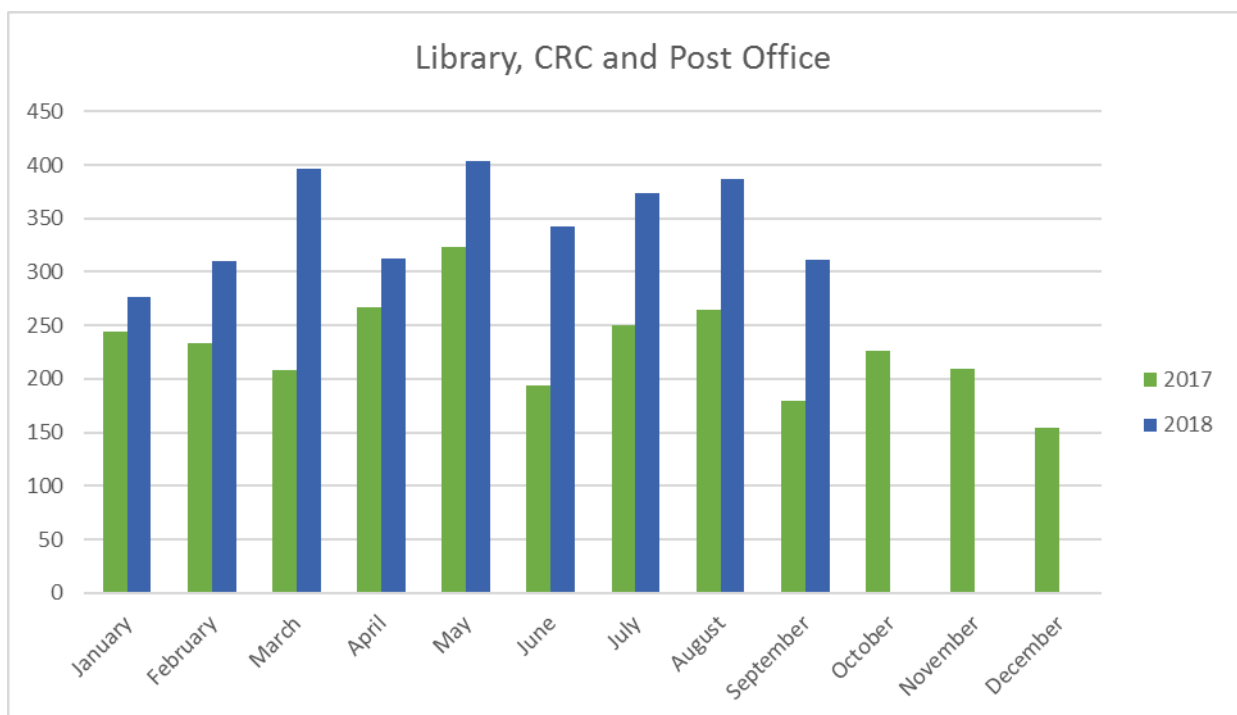
## Visitor Centre

September 2018 attracted 1673 visitors. Our Facebook appears to be one of the major referral sources for visitors. We continue to review methods and best means of promotion for Menzies.



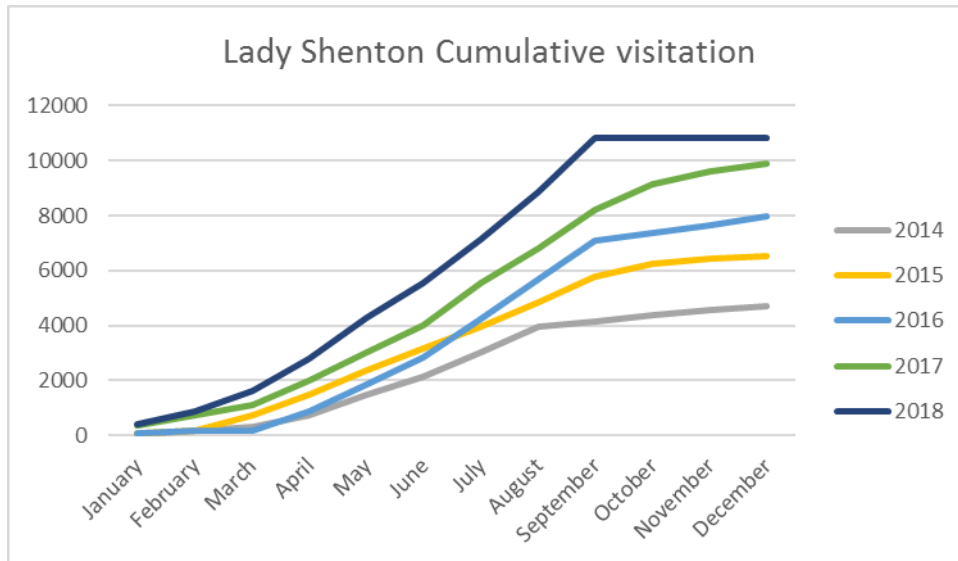
## Community Postal Agency

This important service attracted 311 customers in September 2018.



## Statistics

Cumulative statistics show a steady increase in visitation to the Lady Shenton Building. Ten thousand customers have used the Lady Shenton this year.



The attachment shows the financial details for services focussing on the Community, which include contributions and Community Events.

**Shire of Menzies**  
**2017 2018**

**Operating Jobs - linked to General Ledger Accounts as at 30 September 2018**  
**% against Total**

**Recreation & Culture**  
**Communities -**

Budget Revenue	Actual Revenue	Job #	Job Description	Budget Expense	Total Actual Expense	Actual Expense	% YTD	Budget Net	Actual Net
-	-	M13400	Tjuntjuntjara School Holiday Program	(52,000)	(3,229)	(3,229)	0.06%	(52,000)	(3,229)
-	-	M13403	Tjuntjuntjara Site To Site Program	(17,500)	-	-	0.00%	(17,500)	-
-	-	M13404	Desert Stars - Distribution / Promotion / Touring	(20,000)	(16,869)	(16,869)	0.84%	(20,000)	(16,869)
-	-	M13499	Tjuntjuntjara Contribution To Capital	(15,000)	-	-	0.00%	(15,000)	-
-	-	<b>Sub Total - 13445</b>		<b>(104,500)</b>	<b>(20,098)</b>	<b>(20,098)</b>	<b>0.19%</b>	<b>(104,500)</b>	<b>(20,098)</b>
-	-	M04010	Contribution - Menzies Children'S Christmas Tree	(1,500)	-	-	0.00%	(1,500)	-
-	-	M13111	Event - Menzies Christmas	(10,000)	-	-	0.00%	(10,000)	-
-	909	M13699	Contributions To Menzies Town Community	(20,000)	(187)	(187)	-0.04%	(20,000)	722
-	909	<b>Sub Total - 13446</b>		<b>(31,500)</b>	<b>(187)</b>	<b>(187)</b>	<b>-0.02%</b>	<b>(31,500)</b>	<b>722</b>
-	-	X13499	Admin Allocated To Communities	-	(1,752)	(1,752)	100.00%	-	(1,752)
-	-	<b>Sub Total - 13499</b>		<b>-</b>	<b>(1,752)</b>	<b>(1,752)</b>	<b>100.00%</b>	<b>-</b>	<b>(1,752)</b>



**Shire of Menzies****2017 2018****Operating Jobs - linked to General Ledger Accounts as at 30 September 2018****Recreation & Culture****% against Total**

-	909	Communities	(136,000)	(22,037)	(22,037)	0.16%	(136,000)	(21,128)
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**Shire of Menzies**  
**2017 2018**

**Operating Jobs - linked to General Ledger Accounts as at 30 September 2018**

**Economic Services**

**% against Total**

**Tourism & Area Promotion -**

Budget Revenue	Actual Revenue	Job #	Job Description	Budget Expense	Total Actual Expense	Actual Expense	% YTD	Budget Net	Actual Net
-	-	M04011	Sponsorship - Golden Gift Leonora	(3,000)	(5,727)	(2,727)	0.91%	(3,000)	(2,727)
-	409	M04012	Sponsorship - Other	(16,000)	-	-	-0.03%	(16,000)	409
4,000	-	M13102	Cyclclassic Costs And Income	(108,250)	-	-	0.00%	(104,250)	-
-	-	M13104	Small Events	(25,000)	(219)	(219)	0.01%	(25,000)	(219)
-	-	M13105	Clean Up Australia Day (Keep Australia Beautiful)	(1,000)	-	-	0.00%	(1,000)	-
-	-	M13110	Event - Australia Day	(1,500)	-	-	0.00%	(1,500)	-
-	-	M13112	Event - Biggest Morning Tea	(500)	-	-	0.00%	(500)	-
-	-	M13113	Event - Anzac Day	(2,160)	-	-	0.00%	(2,160)	-
-	-	M13114	Event - Remembrance Day	(500)	-	-	0.00%	(500)	-
-	47,409	M13115	Menzies Rodeo	(50,000)	(23,143)	(13,908)	-0.67%	(50,000)	33,502
4,000	47,818	<b>Sub Total - 13247</b>		<b>(207,910)</b>	<b>(29,089)</b>	<b>(16,854)</b>	<b>-0.15%</b>	<b>(203,910)</b>	<b>30,964</b>

**Shire of Menzies****2017 2018****Operating Jobs - linked to General Ledger Accounts as at 30 September 2018****Economic Services****% against Total**

<b>4,000</b>	<b>47,818</b>	Tourism & Area Promotion	(207,910)	(29,089)	(16,854)	-0.15%	(203,910)	30,964
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**Shire of Menzies**  
**2017 2018**

**Operating Jobs - linked to General Ledger Accounts as at 30 September 2018**  
**% against Total**

**Economic Services**

**CRC -**

Budget Revenue	Actual Revenue	Job #	Job Description	Budget Expense	Total Actual Expense	Actual Expense	% YTD	Budget Net	Actual Net
80,000	-	S13700	Crc Grant Funding	-	-	-	0.00%	80,000	-
-	-	S13701	Crc Wages And Administration	(76,525)	(10,617)	(10,571)	0.14%	(76,525)	(10,571)
-	-	S13702	Crc Community Use Computers	(2,000)	-	-	0.00%	(2,000)	-
-	-	S13703	Crc Government Access Point	(450)	-	-	0.00%	(450)	-
-	-	S13704	Crc Service Providers Information	(100)	-	-	0.00%	(100)	-
-	-	S13705	Crc Community Education Activity	(250)	-	-	0.00%	(250)	-
-	-	S13706	Crc Video Conferencing	(200)	-	-	0.00%	(200)	-
-	-	S13707	Crc Westlink Access	(300)	(150)	(150)	0.50%	(300)	(150)
-	262	S13708	Crc Community Social Activity	(100)	-	-	-2.62%	(100)	262
-	-	S13709	Crc Community Business Activity	(75)	(57)	(57)	0.76%	(75)	(57)
-	-	S13711	Cashless Card Operations	-	(1,899)	(1,899)	100.00%	-	(1,899)
80,000	262	<b>Sub Total - 13745</b>		<b>(80,000)</b>	<b>(12,723)</b>	<b>(12,678)</b>	<b>100.00%</b>	<b>-</b>	<b>(12,416)</b>

**Shire of Menzies****2017 2018****Operating Jobs - linked to General Ledger Accounts as at 30 September 2018****Economic Services****% against Total**

80,000	262	CRC	(80,000)	(12,723)	(12,678)	100.00%	-	(12,416)
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**Shire of Menzies**  
**2017 2018**

**Operating Jobs - linked to General Ledger Accounts as at 30 September 2018**  
**% against Total**

**Economic Services**

**Caravan Park -**

Budget Revenue	Actual Revenue	Job #	Job Description	Budget Expense	Total Actual Expense	Actual Expense	% YTD	Budget Net	Actual Net
-	-	S13002	Caravan Park After Hours	-	(1,440)	(1,440)	100.00%	-	(1,440)
65,000	27,443	S13004	Caravan Park - Operations Expense	(99,850)	(43,536)	(41,834)	0.41%	(34,850)	(14,391)
3,500	-	S13800	Caravan Park Software And It	-	-	-	0.00%	3,500	-
-	-	S13801	Caravan Park - Waste Water System - Operting	(30,000)	(844)	(844)	0.03%	(30,000)	(844)
68,500	27,443	<b>Sub Total - 13845</b>		<b>(129,850)</b>	<b>(45,820)</b>	<b>(44,118)</b>	<b>0.27%</b>	<b>(61,350)</b>	<b>(16,675)</b>
-	-	X13899	Admin Allocated To Caravan Park	-	(2,628)	(2,628)	100.00%	-	(2,628)
-	-	<b>Sub Total - 13899</b>		<b>-</b>	<b>(2,628)</b>	<b>(2,628)</b>	<b>100.00%</b>	<b>-</b>	<b>(2,628)</b>

# Shire of Menzies

## 2017 2018

### Operating Jobs - linked to General Ledger Accounts as at 30 September 2018

#### Economic Services

#### % against Total

68,500	27,443	Caravan Park	(129,850)	(48,448)	(46,746)	0.31%	(61,350)	(19,303)
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## 12.5 MANAGEMENT AND POLICY

### 12.5.1 Actions performed under Delegations for the Month of September 2018

<b>LOCATION:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>DOCUMENT REF:</b>	GOV.860.1/NAM191
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	12 October 2018
<b>AUTHOR:</b>	Deborah Whitehead, Executive Assistant
<b>ATTACHMENT:</b>	Nil

<b>COUNCIL RESOLUTION:</b>	<b>No.</b>
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**MOVED:** Cr

**SECONDED:** Cr

*Carried /*

#### **OFFICER RECOMMENDATION:**

That Council receive the report of the actions performed under delegation for the month of September 2018.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **IN BRIEF:**

To report back to Council actions performed under delegated authority for the period 1 September 2018 to 30 September 2018.

#### **RELEVANT TO STRATEGIC PLAN:**

##### *14.3 Active civic leadership achieved*

- Regularly monitor and report on the Shire's activities, budgets, plans and performance.
- Maintain sustainability through our leadership, our regional and government partnerships and ensure we make informed resource decisions for our community good.

**STATUTORY AUTHORITY:** Nil

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil



## RISK ASSESSMENTS:

**OP13** Governance – Council does not comply with statutory requirements

## BACKGROUND:

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for:-

- Bushfire
- Common Seal
- Planning Approvals
- Building Permits
- Health Approvals
- Ranger related Dog Issues
- Mining / Exploration / Miscellaneous Applications

The following tables outline the actions performed within the organisation relative to delegated authority from the period 1 September 2018 to 30 September 2018.

### ***Applications***

No Mining/Prospecting/Exploration/Miscellaneous Applications were received for the period 1 September 2018 to 30 September 2018.

### ***Bushfire***

No delegated decisions were undertaken by the Shire of Menzies pursuant to Bushfire matters from the period 1 September 2018 to 30 September 2018.

### ***Common Seal***

No delegated decisions were undertaken by the Shire of Menzies pursuant to the Common Seal from the period 1 September 2018 to 30 September 2018.

### ***Planning Approvals***

No delegated decisions were undertaken by the Shire of Menzies pursuant to Planning Approvals from the period 1 September 2018 to 30 September 2018.

### ***Building Permits (including Septic Tank approvals)***

The following delegated decisions were undertaken by the Shire of Menzies pursuant to Building Permits *(including Septic Tank approvals)* from the 1 September 2018 to 30 September 2018.

<i><b>Date of decision</b></i>	<i><b>Decision ref:</b></i>	<i><b>Decision details</b></i>	<i><b>Applicant</b></i>	<i><b>Other affected person(s)</b></i>
05/09/2018	Sent to Health Dept	Pending	Tjuntjuntjara/Pindan Plumbing Application	
12/09/2018	Sent to Health Dept	Pending	Polaris Metals (Deception Deposit) Plumbing Application	
20/9/2018	Sent to Health Dept	Pending	Dept of Communities Plumbing Application	

***Health Approvals***

No delegated decisions were undertaken by the Shire of Menzies pursuant to Health Approvals from the period 1 September 2018 to 30 September 2018.

***Ranger Related Dog Issues***

No delegated decisions were undertaken by the Shire of Menzies pursuant to Ranger related Dog issues from the period 1 September 2018 to 30 September 2018.

## 12.5.2 Proposal for Community Art Centre

<b>LOCATION:</b>	50 Shenton Street
<b>APPLICANT:</b>	Gaye Money
<b>DOCUMENT REF:</b>	COU.950.1/NAM193
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	17 October 2018
<b>AUTHOR:</b>	Rhonda Evans
<b>ATTACHMENT:</b>	12.5.2-1 Proposal for Community Art Centre

<b>COUNCIL RESOLUTION:</b>	<b>No.</b>
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**MOVED: Cr**

**SECONDED: Cr**

*Carried /*

### **OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL:**

That Council

1. Support the concept of a Community Arts Centre as proposed.
2. Consider the upgrade of the former church located at 50 Shenton Street to be used as a Community Arts Centre at the next budget review
3. Authorise the Chief Executive Officer to seek an interim site for the Community Arts Group
4. Initiate communication between the Menzies Youth and Community Group Inc and the proposed Community Arts Committee to operate the Community Arts Centre.

### **VOTING REQUIREMENTS:**

Simple Majority

### **IN BRIEF:**

A proposal has been received from Ms Gaye Money to operate a Community Arts Centre from the former Church at 50 Shenton Street.

### **RELEVANT TO STRATEGIC PLAN:**

#### *14.1 Sustainable local economy encouraged*

- The acquisition of appropriate resources to assist with economic and tourism planning and development.

#### *14.2 Strong sense of community maintained*

- Our community will be cohesive, inclusive and interactive, where people feel safe, are welcomed and can live comfortably.
- Our community will value each other, building relationships and networks to interact, socialise and for recreation.
- The Shire to review disability access throughout the Shire of Menzies.
- The Shire to acquire appropriate resources to assist with developing the services and facilities required by the community.

#### *14.3 Active civic leadership achieved*

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.
- Maintain sustainability through our leadership, our regional and government partnerships and ensure we make informed resource decisions for our community good.
- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.

#### *14.4 Heritage & Natural assets conserved*

- Our built environment will be managed to sustain our growing needs, while protecting and restoring buildings of historical value.
- Heritage and cultural places and items will be protected.
- A strengthening of our cultural and heritage awareness and values.

**STATUTORY AUTHORITY:** Nil

**POLICY IMPLICATIONS:** Nil

#### **FINANCIAL IMPLICATIONS:**

Minimal financial commitment is required to undertake initial investigations. In the event that the proposal is to be progressed, a full budget and risk assessment will be presented for consideration.

**RISK ASSESSMENTS:** Nil

#### **BACKGROUND:**

A proposal has been received for Council to consider supporting the establishment of a Community Arts Centre by providing a suitable space for exclusive use of the group.

#### **COMMENT:**

If it is proposed that the Community Arts Centre would be open to all, and provide a safe and caring communal centre for residents of Menzies and the surrounding area.

The request for exclusive space will preclude the need for packing up and complying with the needs of competing activities in the space. The proposal is for the group operating the centre to be autonomous, and fundraise to support their activities. To operate in this manner they will

need to either form an incorporated body, or join with an existing associated body with compatible interests and aims.

It is understood that an association known as the Menzies Youth and Community Group is an active organisation that may share the same objectives and aspirations as the applicant.

The preferred venue is not currently in a condition that can be used. The former Church at 50 Shenton Street is proposed to be repaired under a Community Development Program later in this financial year. Following the restoration, the space has been ear marked for community purposes.

It is estimated that to meet public building standards, expenditure of between \$180,00 to \$200,000 would be required. This is not a project that can be undertaken quickly.

It is proposed that, in consultation with the applicant, an alternate venue be sought to provide interim premises for activities.

### 12.5.3 Review of Local Government Act 1995

<b>LOCATION:</b>	N/A
<b>APPLICANT:</b>	Department of Local Government, Sport & Cultural Industries
<b>DOCUMENT REF:</b>	GR.910.1/NAM194
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	19 October 2018
<b>AUTHOR:</b>	Rhonda Evans, Chief Executive Officer
<b>ATTACHMENT:</b>	12.5.3-1 Discussion Paper – Issued 17 October 2018

<b>COUNCIL RESOLUTION:</b>	<b>No.</b>
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**MOVED: Cr**

**SECONDED: Cr**

*Carried /*

#### **OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL:**

The Council identifies items of particular interest from the discussion papers to be considered at the WALGA Zone meeting on November 2018.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **IN BRIEF:**

Submissions to the Department of Local Government and Communities

#### **RELEVANT TO STRATEGIC PLAN:**

##### *14.3 Active civic leadership achieved*

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Maintain sustainability through our leadership, our regional and government partnerships and ensure we make informed resource decisions for our community good.
- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.
- Continue to participate in regional activities to the benefit of our community.

**STATUTORY AUTHORITY:** Nil

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil

**RISK ASSESSMENTS:** Nil

**BACKGROUND:**

The current Government has committed to reviewing the Local Government Act 1995 with a view of legislating a replacement Act in 2020. The time table has been set to be completed within the term of the incumbent Government.

**COMMENT:**

The discussion paper was issued to Councillors prior to the October Briefing session on 18 October 2018. The papers being presented cover

- Beneficial Enterprises
- Community Engagement
- Complaint Management
- Council Meetings
- Elections
- Financial Management
- Interventions
- Local Laws and
- Rates Fees and Charges.

A workshop will be held prior to the GVROC meeting scheduled for 1 November 2018.



## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# Local government run businesses

As part of the McGowan Government's reform agenda, a new Local Government Act will be drafted. Our vision is for the local government sector to be agile, smart and inclusive.

Our objective is to transform local government so that it is empowered to better deliver quality governance and services to their communities now and into the future.

We are looking at the **opportunity for local governments to run businesses** as an area of reform.

## The current system



Local governments provide **services which may have community benefit** such as childcare facilities.



They **cannot currently form independent corporations** to provide these services.



They **can form regional councils** (entities formed by two or more local governments).



They **can form regional subsidiaries** (neighbouring councils delivering shared services).

## Ideas for change

- Modernise the legislation to provide local governments with the option to form beneficial enterprises.
- Local government to develop a business plan to address community expectations and ensure transparency of funding and viability arrangements.
- Introduce eligibility criteria that a local government must meet before it can establish a beneficial enterprise.

## What you've told us

- Local governments are not legally permitted to create incorporated businesses, unlike in Queensland and Victoria.
- An independent corporation could be used to manage part of a local government's existing business activity or pursue new commercial opportunities.
- There is some community concern around privatisation of local government services and financial risk to ratepayers.
- Concerns about unfair competition with private businesses.



## What do you think?

This is just a snapshot of the reforms being considered on this topic.

We want to hear your ideas.

You can learn more or have your say at [www.dlgsc.wa.gov.au/lgareview](http://www.dlgsc.wa.gov.au/lgareview)





## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

### SUMMARY DISCUSSION PAPER

### INCLUSIVE

# Beneficial enterprises

## Introduction

In addition to the regulatory functions provided by local governments, local governments provide a broad array of services to the community which can have a commercial orientation for example: gymnasiums, pools, parking facilities, childcare facilities, sport complexes, caravan parks and regional airports.

While these activities provide services to the community, they also add to the complexity of the local government's business structure and recordkeeping. In some cases, these services are large enough to be carried on as an individual business in their own right.

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.

## What powers do WA local governments currently have?

Currently under the Act, local governments have two options for forming independent corporate bodies: a regional council and regional subsidiaries.

### Regional council

A regional council is a corporate entity formed by two or more local governments. The corporation is a separate legal entity from the local government that conducts business activities in its own name, has similar powers to that of a local government

and is subject to all the financial and auditing requirements which apply to a local government.

A regional council can be formed to carry out any purpose which the member local governments could perform individually. This includes commercial activity, investment of money or the provision of community services such as waste management and recycling facilities.

### Regional subsidiary

The ability to form regional subsidiaries was introduced in 2017 as a way of encouraging local governments to work more closely together with neighbouring councils to deliver services to the community or carry out functions such as payroll or records management. As a result, a regional subsidiary is smaller in scope and subject to less regulation than a regional council. The governing board can consist of members who are not elected members or local government staff thus allowing people with special expertise to be engaged to oversee the activities.

Regional subsidiary – these are smaller in scope and subject to less regulation than a regional council. They were introduced in 2017 as a way of encouraging local governments to work more closely together with neighbouring councils to deliver services to the community or carry out functions such as payroll or records management.

A regional subsidiary is only required to provide annual budgets and financial statements. All other financial reporting is determined by the subsidiary's charter as set out by the local governments that created the subsidiary.

## Major trading undertaking and major land transactions

A local government can undertake any trading activity that has an expenditure up to:

- \$5,000,000 for metropolitan local governments;
- \$2,000,000 for a major regional centre; or
- Less than 10% of their operating expenditure for all other local governments.

or

a major land transaction that has an expenditure up to:

- \$10,000,000 for metropolitan local governments;
- \$2,000,000 for a major regional centre; or
- Less than 10% of their municipal fund for all other local governments.

under the normal course of business. For transactions over these limits, the local government must prepare a business plan and which is released for public comment for a period of at least six weeks.

## What can local governments do in other jurisdictions?

Each jurisdiction has developed a different framework. In Queensland and Victoria the business or trading activities undertaken by local governments are called beneficial enterprises. Below is an overview of the powers to create a beneficial enterprise in each jurisdiction.

Jurisdiction	Ability for a local government to form a beneficial enterprise
<b>New South Wales</b>	<ul style="list-style-type: none"> <li>▪ A local government can form with the Minister's consent.</li> </ul>
<b>Victoria<sup>1</sup></b>	<ul style="list-style-type: none"> <li>▪ A local government can:               <ul style="list-style-type: none"> <li>o be a member of a corporation;</li> <li>o participate in the formation of a corporation;</li> <li>o acquire shares in a corporation; and</li> <li>o appoint people to be a Director(s) on a Board (if applicable).</li> </ul> </li> </ul>
<b>Queensland</b>	<ul style="list-style-type: none"> <li>▪ A local government can enter into a:               <ul style="list-style-type: none"> <li>o Partnership (although not an unlimited partnership);</li> <li>o Corporation limited by shares (not listed on the stock exchange);</li> <li>o Corporation limited by guarantee (not listed on the stock exchange); and</li> <li>o Another association of persons that is not a corporation.</li> </ul> </li> </ul>
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ A local government can:               <ul style="list-style-type: none"> <li>o Establish a business; or</li> <li>o Participate in a joint venture, trust, or partnership.</li> </ul> </li> </ul>

<sup>1</sup> The powers described are not within the current *Local Government Act 1989* (Vic), but are currently before the Victorian Parliament within the *Local Government Bill 2018*.

Jurisdiction	Ability for a local government to form a beneficial enterprise
<b>Tasmania</b>	<ul style="list-style-type: none"> <li>▪ A local government can form or participate in a: <ul style="list-style-type: none"> <li>o Corporation;</li> <li>o Partnership, trust or other body;</li> <li>o Company limited by guarantee; or</li> <li>o Project or activity for the purpose of raising revenue.</li> </ul> </li> <li>▪ The consent of the Minister is required if: <ul style="list-style-type: none"> <li>o the proposal exceeds \$250,000 or 5% of the local government's annual rate revenue; or</li> <li>o the proposal requires the council to borrow money if they have total borrowings exceeding 30% of its general revenue.</li> </ul> </li> </ul>

## New Zealand Model – Council Controlled Organisation

Local governments in New Zealand also possess the power to form corporations known as Council Controlled Organisations (CCOs), these are designed to serve a far broader role than the role that local government corporations serve in Australia.

Under New Zealand legislation, a CCO:

- (a) May be formed by an individual local government.
- (b) Can pursue any purpose, including purely commercial activities which have no connection to a local government purpose.
- (c) Does not require any consent from the Government.
- (d) Debts cannot be guaranteed by the local government.
- (e) May be partially owned by private shareholders.
- (f) Is subject to financial scrutiny by the Auditor General.

New Zealand has a two-tier system of government, meaning local governments provide and manage services which are usually done by Australian State and Territory governments, for example water utilities and public transport.

### What are the opportunities for reform?

The local government sector through the Western Australian Local Government Association (WALGA) has long advocated to be able to establish corporate entities that are independent of the local government and which operate under normal company law. These entities would be able to deliver projects and services needed by the community, for example leisure centres, waste management, regional airports, and land development/urban renewal projects that would otherwise not be undertaken by the private sector.

WALGA's proposed Council Controlled Organisations (CCO) scheme is similar to the New Zealand scheme and includes:

- An existing business can be converted into a CCO.
- One (or more) local governments must have a controlling share.
- A CCO will be regulated under company law (including the relevant taxation regime).

- CCOs will be required to produce an annual report (and the local government will be required to refer to the CCO in their annual report).
- Directors are to be appointed based on their skills, knowledge and experience (not just because they are an elected or staff member of the local government).
- A minimum of three directors/trustees regardless of the corporate structure adopted.
- A CCO can borrow money from a commercial lender, Treasury Corporation or from a shareholder local government.
- A CCO cannot be used for core functions (for example regulatory functions).

The model proposes that a local government would not be able to provide a guarantee or security for the debts of a CCO; lend money to the CCO unless on market terms (including transaction costs); or provide any financial advantage (for example, subsidised fees, charges and rates).

Prior to creation a local government would have to consult widely; prepare a Statement of Intent (which would be reviewed annually by the forming local government) and prepare a business plan.

WALGA suggests that the Statement of Intent should provide how the entity will engage with community expectations, outline the reporting requirements to the local government, and be publicly available.

The business plan will provide the rationale for its creation, the commercial objectives to be achieved, and the key financial and risk parameters under which it will operate. The plan is intended to provide a transparent explanation of the anticipated scale, funding and viability of the proposed entity. It would ensure that any local government (and community) contemplating the establishment of a CCO fully understands the medium-term prospects of the entity, including equity and capital needs and its future capacity to pay dividends to the shareholding local government.

## Other considerations

### Competition with the private sector

In the 1990s, the Federal and State Governments considered the ways that government bodies interacted with the economy and the impacts they could have on the free market. The result was the development of the National Competition

Policy (NCP). This agreement requires all levels of government to adhere to competitive neutrality principles whenever they conduct commercial activity. One of these principles is ensuring that government-controlled businesses do not enjoy a competitive advantage simply because they are publicly owned and backed by public money.

While local governments are not direct parties to the NCP, State Governments are required to apply the NCP to the local government sector when administering legislation. The State Government also has a commitment to ensuring that any amendments to the Act are within the spirit of the NCP principles.

NCP does not apply to non-business and non-profit activities. Local governments wishing to establish a beneficial enterprise for commercial activity would be required to assess whether the proposed beneficial enterprise will impinge on the NCP principles. This will require the local government to assess if the activity they intend to undertake is firstly, a business activity, opposed to a regulatory or governance activity and then if the business activity is a significant business activity.<sup>2</sup>

### Risks involved

As with all activities there is always risk – who bears those risks needs to be considered.

### Financial risks

The initial funding for the establishment of the beneficial enterprise will be borne by the local government, and therefore the ratepayers. A beneficial enterprise that is conducting an activity such as providing services to the community is likely to be doing so at a loss. This will consequently require continued injections of capital from the local government.

A beneficial enterprise that is established to conduct a commercial activity will still need financial support from the local government during the start-up phase. All commercial activity is subject to a risk of failure. The higher the possible returns, the greater the risk that these will not be achieved. A failed enterprise will reflect badly on the local government that established it and could have wider effects on the community.

<sup>2</sup> NCP only applies to 'significant business activities', for further information see <http://archive.treasury.gov.au/documents/275/PDF/cnps.pdf>.

## Concerns with privatisation

Some members of the community have raised concerns with beneficial enterprises being used to privatise local government services. While WALGA proposes that a beneficial enterprise will not be used to provide regulatory functions, local governments employ a significant number of employees that provide services that are not regulatory in nature.

The concerns raised include the possibility of lower wages, less secure employment conditions, employees being employed outside the protection of the Western Australian Industrial relations system, and less accountability of public money.

These risks need to be weighed against the potential benefits associated with permitting a local government to form a beneficial enterprise.

## Which local governments should have the ability to form a beneficial enterprise?

Beneficial enterprises are complex and present risks to the council and ratepayers. With the need to obtain legal and financial advice there are significant costs to establish such an organisation. There is also the question of what funding will be provided to the enterprise to enable it to operate.

### Ability to form a beneficial enterprise based on an assigned salaries and allowances band

One approach would be to set the eligibility threshold based on an assigned band. Banding is currently used by the Salaries and Allowances Tribunal (Tribunal) to set the remuneration of council members and local government CEOs. Local governments are categorised into one of four bands based on a model that incorporates factors such as population, diversity of services, significant social, economic and environmental issues and expenditure.

Examples of which local governments fall into which band is shown below:

Tribunal Band	Example local governments
1	Bayswater, Bunbury, Gosnells, Kalgoorlie-Boulder, Port Hedland, Swan
2	Esperance, Harvey, Northam, Nedlands, Vincent, South Perth, Subiaco
3	Capel, Claremont, East Fremantle, Gingin, Ravensthorpe, Yilgarn
4	Bruce Rock, Cue, Dundas, Peppermint Grove, Yalgoo, Westonia

Incorporating Tribunal bands could better reflect the diversity and varying capacity of local government. On the other hand, it could be argued that investment or financial risk is not aligned with the factors used by the Tribunal.

### Ability to form a beneficial enterprise based on local government expenditure

Local governments in Western Australia vary considerably in respect to their capacity to raise revenue and their expenditure. For example, the combined operating budget of the State's 40 smallest local governments is less than the annual operating expenditure of the State's largest local government.

An alternate methodology would be to provide all local governments with the ability to form a beneficial enterprise but to place a cap on the amount of money the local government could invest based on their annual average expenditure. Under this approach, local governments would only be able to form a beneficial enterprise if the investment was less than a set percentage of that local government's average annual operating expenditure over a set number of years up to a maximum amount.

### Example – ability to form a beneficial enterprise scaled to expenditure

Over the last three financial years a given local government has had an annual operating expenditure of \$63m, \$60m and \$59m. The three-year average expenditure of the local government is \$60.6m

If the ability to form a beneficial enterprise was scaled according to expenditure, the local government would need to have a cost of investment less than a set percentage of their average annual expenditure.

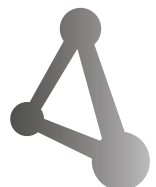
In this scenario, if the prescribed percentage was 0.5%, for example, the investment threshold would be \$303,000 (0.5%), \$606,000 (1%) or \$1.2 million (2%).

Note: The median (average) local government operating expenditure in Western Australia is \$10 million. The threshold for the median local government would be: \$50k (if set at 0.5%), \$100k (1%), \$200k (2%), \$500k (5%) \$1 million (10%).

There are a range of issues that have not been discussed in this paper about the ability for a local government to form a beneficial enterprise. More information can be gained by reading the full paper.

## Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.







## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

### SUMMARY DISCUSSION PAPER

### SMART

# Interventions, oversight and enforcement under the Local Government Act

## Introduction

The Local Government Act 1995 (Act) provides means to regulate the conduct of local government officers and council members and sets out powers to scrutinise the affairs of local governments.

In 2017-18, the number of authorised inquiries into local governments conducted by the department was the highest it has ever been and more than three times the number of authorised inquiries conducted in the previous year. In the last twelve months, the department and the Local Government Standards Panel have also received a record number of complaints regarding alleged breaches under the Act.

The inquiry into the City of Perth was the first panel of inquiry commenced since 2012-13 and independent reports from bodies such as the Corruption and Crime Commission have raised concerns regarding practices at some local governments. Local government like all tiers of government is not immune to misconduct.

There is a community expectation that the misconduct of local government officers and organisational dysfunction and governance issues within local governments are dealt with appropriately. This is achieved through balancing the ability of the State Government to intervene in local government matters and enabling local

governments to operate as autonomous bodies in managing their own operations and affairs.

Taking an approach which enables the department to work in partnership with local governments has the potential to improve good governance and performance across the local government sector, and strengthen local government capacity. Reforms could also enable the department to be more flexible in investigating matters and enforcing the Act.

## Investigations and inquiries

### Complaints process

A person who suspects that a council member has committed a breach of the Act may make a complaint to their local government or to the department, depending on what type of breach the complaint relates to. If a person believes that a council member has committed a minor breach (i.e. contravened a rule of conduct or local law relating to meeting procedures), he or she may make a complaint to the complaints officer of the local government. The complaints officer is then responsible for referring the minor breach complaint to the Local Government Standards Panel.

A person may make a complaint about a serious breach (i.e. a council member committing an offence under a written law) to the Director General. The Director General then decides how the matter should be dealt with, including whether it is appropriate for the matter to be referred to the State Administrative Tribunal (SAT).

### **What are the opportunities for further reform?**

An amendment to the Act could be made to simplify the process of making a complaint so that both minor breach and serious breach complaints are to be made to the Director General who then decides how the complaints should be dealt with.

## **State Government's ability to assist**

### **Remedial action process**

The options available to support local governments in challenging times are currently limited and can escalate quickly to direct interventions such as suspending a council and installing a commissioner or dismissing the council.

Feedback received through previous consultation indicated that there was support for the State Government to provide intensive assistance and support to local governments by way of a remedial action process. The process could involve issuing a remedial notice to a local government requiring the provision of information or the performance of an action or activity, the appointment of a person to the local government administration to assist the local governments with its operations, and requiring the local government to participate in a capacity building program.

### **What are the opportunities for further reform?**

Building on the feedback from previous consultation regarding the power to appoint a person to the administration of a local government, the appointed person could be provided with the ability to direct the administration to perform certain actions and to override decisions made by the administration. This would increase the ability of the appointed person to ensure that the administration takes the necessary action to address the issues in question.

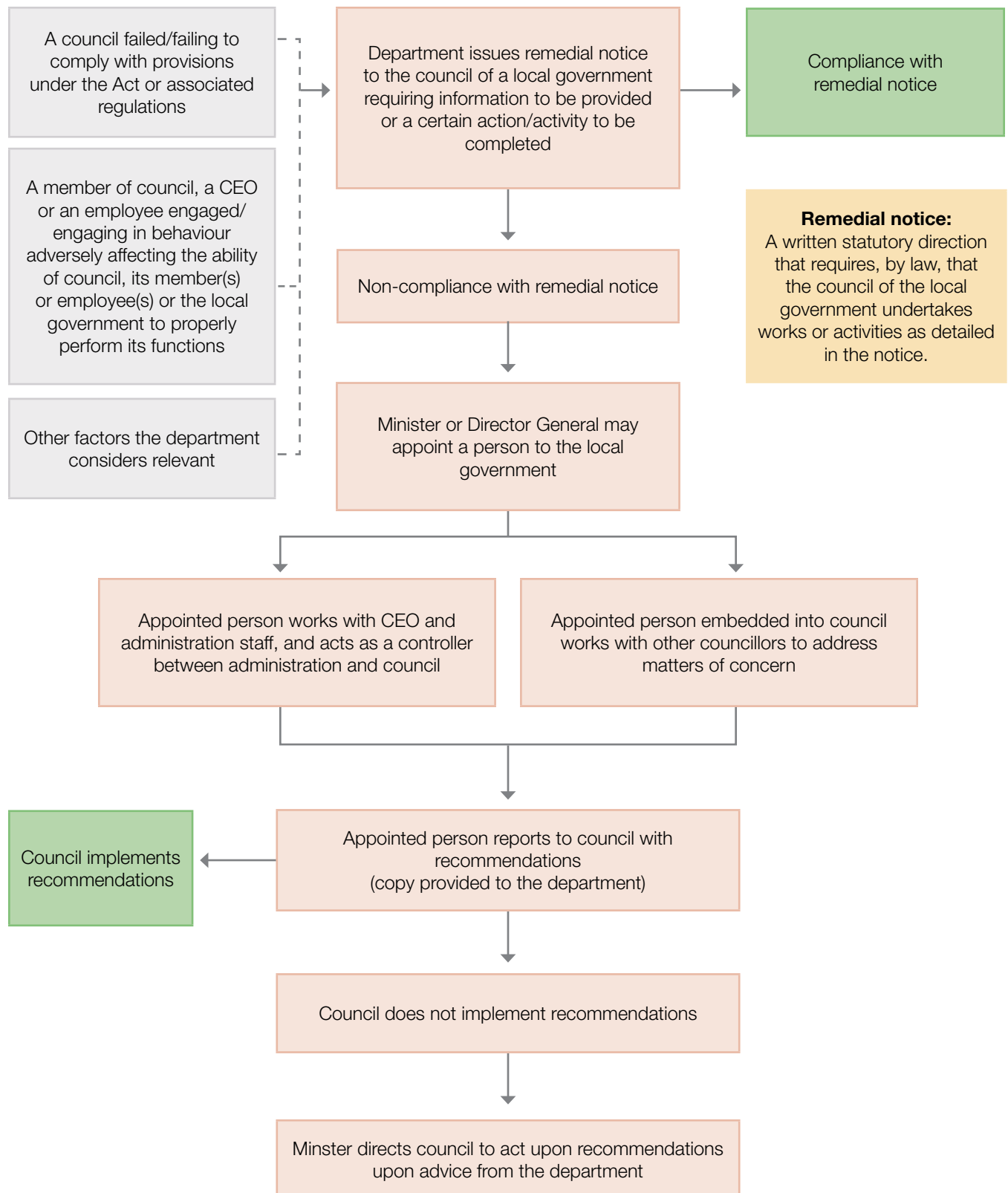
Additionally, the Act could be amended to enable the State Government to embed a person (with suitable expertise and experience) into a council. The person could have the ability to direct the council to perform certain actions and to override decisions made by the council if they were illegal or contrary to the interests of the community as a whole. The intention of embedding a person into council is to allow the council members to remain on council and for the appointed person to work with council members to address the matters of concern. This may be particularly effective in situations where a council is dysfunctional.

This option of embedding an appointed person into a council is based on the model in Victoria. In Victoria the Minister can appoint a "Municipal Monitor" to a council (following written notice to the council of the appointment). The role of the "Municipal Monitor" or "Authorised Inspector" could include monitoring governance processes and practices, providing advice to council on governance improvements, and reporting to the Minister on any steps or actions taken by council to improve its governance and the effectiveness of those steps or actions.



The flowchart below outlines the proposed steps in the remedial action process.

## Remedial action process



## Ensuring compliance with the Local Government Act

### New offence – improper use of position

A council member must not make improper use of his or her office as a council member to gain directly or indirectly an advantage for themselves or any other person, or to cause detriment to the local government or any other person.

#### What are the opportunities for reform?

An amendment to the Act could be made to include an “improper use of position” offence which applies to CEOs and employees of a local government, and former CEOs and employees. This would ensure that CEOs and employees do not escape liability for improperly using their position, especially in situations where the conduct of the individual does not fall within the jurisdiction of the Corruption and Crime Commission or the Public Sector Commission.

### New offence – knowingly providing false or misleading information to council

In making decisions, the council of a local government may consider written reports which have been prepared by the CEO or employees of the local government and verbal information provided by local government staff (normally senior executive staff) during a council meeting. The department has received complaints whereby council members have been provided with a written report from the CEO or employee of their local government which contains false or misleading information. There is currently no provision under the Act which makes it an offence for a CEO or employee to knowingly provide false or misleading information to council.

#### What are the opportunities for reform?

The Act could be amended to provide that the CEO or an employee of a local government must not knowingly provide false or misleading information to council. This would ensure that a council, as the decision-making body of a local government is provided with accurate information from its CEO and employees.

### New offence – tendering requirements

The Act requires a local government to invite tenders before it enters into certain contracts for the supply goods or services. The Local Government (Functions and General) Regulations 1996 set out the requirements regarding when tenders must be publicly invited and how the tendering process is to be undertaken.

Currently, the Act does not provide that a breach of the tendering provisions under the Act and regulations is an offence. Therefore, a person who does not comply with the tendering requirements cannot be prosecuted unless their conduct constitutes an offence under another provision.

#### What are the opportunities for reform?

Local governments spend around \$1 billion dollars on goods and services annually. The tendering requirements under the Act ensure that local governments provide the community with goods and services which are of the best value and that there is transparency in the procurement process. To ensure that these requirements and obligations are enforced, the Act could be amended to provide that the non-compliance of tendering requirements is an offence.

# Enforcement of the Local Government Act

## Infringements

Infringements allow breaches of legislation to be resolved by way of a fixed penalty and can be an effective way of deterring people from further non-compliance.

### What are the opportunities for reform?

The department can commence a prosecution against local governments and individuals for offences under the Act but may be reluctant to do so due to the costs involved in legal proceedings. It may not be in the public interest to spend funds on prosecuting for offences where the impact has been small.

While not all the offences are suitable to be dealt with via an infringement notice, it may be appropriate for some offences to be included in an infringement notice scheme. The department would have the discretion to decide whether to issue an infringement notice or commence prosecution for the offence in the courts.

## Harmonisation

The Act allows authorised local government persons (e.g. rangers) to, among other things, require suspected offenders to provide their personal details, examine vehicles, and arrest people if they give false information or obstruct the officer from performing their duties. Authorised persons are also given powers to issue infringement notices and commence prosecutions.

### What are the opportunities for reform?

Since 1995, major reforms have been made to the Criminal Investigation, Criminal Procedure and Road Traffic legislation, which means that certain powers contained within the Act do not represent current “best practice”. Accordingly, to modernise the Act, the harmonisation of the powers and procedures should be undertaken so that they are consistent with similar powers and procedures in other legislation.

## Default penalties for local laws

The Act allows local governments to make local laws and there are various pieces of legislation that enable local governments to set penalties for offences in their local laws. If a local government fails to provide a penalty for an offence contained within a local law, the local government is unable to enforce that offence.

### What are the opportunities for reform?

To ensure that any local laws which do not specify penalties for offences are enforceable, the Act could be amended to include a provision for a default penalty to apply.

## Powers under the Local Government Act

### Notice issued by a local government to require a person to undertake an action

During earlier consultation in the Act review, several submissions were received from local governments that raised issues with the ability of a local government to issue a notice to a land owner or the occupier of land, requiring the person to undertake certain actions.

### Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.



### What are the opportunities for reform?

#### Notice to secure a building

Vacant buildings may be vandalised and used for inappropriate purposes by squatters. Although local governments have broad powers with respect to issuing notices to remediate issues on premises, they do not have the ability to request that an owner must effectively secure a building. The Act could be amended to include an ability for a local government to provide a notice which requires the owner to secure a building.

#### Expanding the list of disused materials

Currently, the Act defines “disused materials” to include disused motor vehicles, old motor vehicle bodies and old machinery. This list of disused materials could be expanded to enable a local government to direct a person to remove items other than vehicles and machinery from land that it considers to be untidy or causing a hazard.

#### Framework for disposing of property

The procedure in the Act for disposing of property removed by a local government due to a contravention of a local law or regulation is unclear. The Act could be amended to provide a clearer framework for local governments to dispose of property. This would include the type of property that may be disposed, when property is to be disposed and how property is to be disposed.



## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# Financial management

As part of the McGowan Government's reform agenda, a new Local Government Act will be drafted.

Our vision is for the local government sector to be agile, smart and inclusive. Our objective is to transform local government so that it is empowered to better deliver quality governance and services to their communities now and into the future.

We are looking at **financial management** as an area of reform.

## The current system



Local governments fund and **deliver critical infrastructure and services** to their communities.

**\$4 b**

Total annual sector **operating expenditure** exceeds \$4 billion.

**\$40 b**

**Asset base** is worth more than \$40 billion.

**\$1.1 b**

In 2016-17, more than \$1.1 billion was **spent on materials and services**.

## Ideas for change

- Align purchasing rules with the State Government.
- Change the threshold for advertising public tenders.
- Modernise rules for investments.
- Modernise rules for borrowing.

## What you've told us

- Local governments make a big contribution to local jobs because they spend a lot on goods and services.
- Local governments need purchasing rules that provide certainty for the public and opportunities for economic growth.
- Local governments can deliver more by wisely managing public money through investments and sensible approaches to borrowing.
- The Act needs to empower local governments to manage finances prudently and maximise revenue.



## What do you think?

This is just a snapshot of the reforms being considered on this topic.

We want to hear your ideas.

You can learn more or have your say at [www.dlgsc.wa.gov.au/lgareview](http://www.dlgsc.wa.gov.au/lgareview)



## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

### SUMMARY DISCUSSION PAPER

### AGILE

# Financial management

## Introduction

To deliver services efficiently and effectively, local governments must be prudent users of public funds. Local governments must be transparent and accountable while striking a balance between community expectations and the practical limitations of revenue and expenditure.

There are a number of accountability measures in place to provide financial oversight of local governments, including:

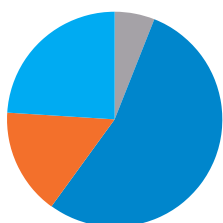
- The Office of the Auditor General, which is taking responsibility for local government audits following the introduction of the legislation in 2017.
- The requirement to give public notice for rates and other financial matters.
- Publication of annual reports (it is proposed to make these available online).

- MyCouncil website which provides a geographic, demographic and financial snapshot of each local government.

Local government revenue is principally drawn from rates, fees and charges, and grants from the State and Commonwealth Government. Financial Assistance Grants from the Commonwealth comprise approximately 40% of the grants received by the local government sector, with the remaining 60% allocated from State Government grant programs. In the last two years, rates have made up approximately 55% of local government operating revenue, with grants from the State and Commonwealth Government making up around 15% of local government operating revenue.

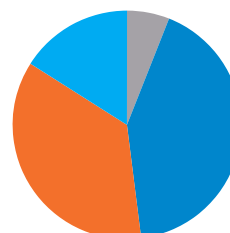
In 2016-17, grants from the State and Commonwealth were the primary source of funding for 27% of the State's local governments. In over half of the State's local governments, revenue from State and Commonwealth grants made up more than one-third of their total operating income.

Revenue sources all Western Australian local governments in 2016-17



■ Rate revenue      ■ Grants  
■ Fees charges      ■ Other revenue

Revenue sources of the median Western Australian local government in 2016-17



■ Rate revenue      ■ Grants  
■ Fees charges      ■ Other revenue



Across the sector, expenses are generally divided evenly between salaries, materials and replacement costs for assets. Again, the proportion spent on each category varies considerably between local governments.

The local government sector's operating expenditure exceeds \$4 billion annually and local governments manage an asset base worth more than \$40 billion. To manage their finances, local governments are required to prepare a budget annually. The Local Government Act 1995 (the Act) requires that a local government is to, having regard for its Integrated Planning and Reporting documents, prepare an estimate of its upcoming expenditure, the revenue and income it will receive independent of rates, and the amount in rates required to make up any deficiency. This means that local governments are required to establish their budget by first determining the amount they wish to spend and then estimate the revenue sources required to fund this outlay.

## Investments

The Act allows local governments to invest surplus funds but places restrictions on local governments from making some investments for example, investing in bonds that are not guaranteed by a Commonwealth, State or Territory government. Many local governments hold significant amounts in cash reserves, including those obtained through development contributions. To ensure the public receives the benefits of these reserves, local governments need to invest these funds wisely.

### What are the opportunities for reform?

The current approach to regulating investments was introduced after the Global Financial Crisis (GFC) when multi-million-dollar losses were suffered by a number of local governments who had invested in Collateralised Debt Obligations (CDOs) with Lehman Brothers. The approach has been criticised by the sector as being overly restrictive. In 2016, the Department of Local Government, Sport and Cultural Industries (the department) conducted a review of the investment restrictions. This review found that the provisions did not have their intended effect with the types of investments prohibited not necessarily correlating to risk.

One way to resolve this situation could be for the introduction of a requirement for local governments to have an investment policy which addresses risk and would need to be regularly reviewed.

A tiered approach to investments could also be introduced. Tier one investments would incorporate low risk and be subject to minimal regulatory oversight. Tier two investments would require additional due diligence such as the development and approval of investment plans by the department or another regulator.

## Debt

Debt is a contentious issue. Some people believe that debt should be avoided wherever possible. Another perspective is that the prudent use of debt serves a user pays philosophy by enabling multiple generations to contribute to infrastructure projects they will use into the future.

Local governments have the power to borrow money or obtain credit. They do not need to seek external approval to borrow, although financial indicators, including a debt service ratio, must be reported in their annual report allowing monitoring of their indebtedness. Local governments are restricted in that their borrowings may be secured only by giving security over their income from general rates or untied government grants.

The Municipal Association of Victoria recommends that local government debt should not exceed 60% of their annual rate revenue. In Western Australia, just three local governments exceeded 60%, with the state-wide average being 16%.

To fund infrastructure, local governments in Western Australia will often access several grants from both the State and Commonwealth governments so even if a local government was to borrow in order to make a contribution themselves, it may constitute only a small part of the whole cost.

## What are the opportunities for reform?

### Security over borrowing

Local governments are currently restricted from using anything other than income from general rates or untied government grants as security. Removing these restrictions may increase the legitimacy of borrowing as a financial management tool and serve to reduce the stigma associated with local government debt.

Some local governments have contended that they should be permitted to secure funds using their assets. Local governments have suggested that 'commercial' assets such as property and infrastructure like airfields could be used to secure loans at competitive rates.

### Public notice of borrowing

In some circumstances a local government is required to give one month's public notice in relation to the use of or borrowing money for example, to spend funds that have been left over from previous borrowing.

Ceasing the requirement to give public notice would relieve an administrative burden (which local governments argue rarely generates community interest) but reduces transparency.

Under WALGA's preferred supplier scheme, local governments can contract for goods or services from a panel of suppliers that have been pre-approved by WALGA. As part of the scheme, WALGA receives a portion of the contract's value.

The local government sector has long advocated for raising the threshold where public tenders must be advertised due to the time and effort required to go through the tendering process. This must be balanced with the need to provide confidence for suppliers and the community that value for money is being obtained. High profile breaches of tendering rules have reduced this confidence. Concern regarding procurement practices is one of the major sources of community complaints to the department.

It is widely acknowledged, including by the Commissioner of the Corruption and Crime Commission, that procurement is an area vulnerable to corruption. It is important that any reforms to procurement take into account the risks associated with using public money and opportunities for unethical behaviour.

## What are the opportunities for reform?

### Align local government procurement rules with the State Government

State government procurement rules are set by the State Supply Commission under its own legislation. State government agencies must receive written quotations for expenditure up to \$250,000 (for goods or services not on the Common Use Arrangement (CUA) and open tender for contracts exceeding that amount. While the monetary threshold before public advertising is higher, the State Supply Commission's regime of procurement policies means that there is tighter control of State government procurement.

The CUA, established through tendering, requires State government agencies to use specific suppliers for specified items. There is currently no requirement for local governments to use the CUA although they can use it if they wish to take advantage of the greater buying power of State Government.

## Procurement

Local governments are significant procurers of goods, services and capital supplies. In 2016-17, local governments spent more than \$1.1 billion on materials and services.

Currently, local governments are required to have a purchasing policy addressing contracts to supply goods and services where the value is expected to be under \$150,000. Contracts over this amount are required to be via public tenders, unless an exemption applies, for example, using the WALGA preferred supplier scheme or an Australian Disability Enterprise. Local governments can also establish a panel of pre-qualified suppliers, after issuing a public invitation to join the panel.



### **Tender threshold based on local government expenditure**

One option is to set tender threshold rules based on a local government's annual average expenditure. Under this approach, local governments would be required to advertise for tenders for goods, services and capital works with an anticipated value that is greater than a set percentage of that local government's average annual operating expenditure over a set number of years.

#### **Example – tender thresholds scaled to expenditure**

Over the last three financial years a given local government has had an annual operating expenditure of \$63m, \$60m and \$59m. The three-year average annual operating expenditure of the local government is \$60.6m

In this scenario, if the prescribed percentage was 0.25%, for example, the tender threshold for the local government would be \$151,500.

This would still require a ceiling where a public call for tenders is required due to the large annual expenditure of approximately a dozen metropolitan local governments, and a floor to account for the majority of small regional local governments with an operating budget closer to \$10m.

### **Tender threshold based on an assigned band salaries and allowances band**

Another approach could be to set the tender threshold based on an assigned band. For more information on this and other models please read the full discussion paper available [here](#).

### **Timely payment of suppliers**

The Regional Chamber of Commerce and Industry and the Small Business Development Corporation have called for reforms that ensure the timely payment of suppliers.

In 2018, the Auditor General published a report which found that while the majority of local governments audited made payments to suppliers on a timely basis, few had policies to ensure timely payments. Among the Auditor General's recommendations was that local governments should have policies or procedures that clearly require payment of invoices within specific time frames.

Another option is to align the rules for timely payment of suppliers with State Government requirements. Treasurer's Instruction 323 requires State Government agencies to make payments within 30 days of the receipt of the invoice, or within 30 days of the provision of the goods or services (whichever is later).

### **Regional price preference**

The regional price preference encourages governments to use locally sourced suppliers allowing local governments to assess a tender from a regional supplier as if the price bids were reduced.

The maximum permitted regional price preference to a regional tenderer is up to 10% for goods and services or 5% for building services up to a maximum price reduction of \$50,000. Under State government tendering rules, the maximum permitted regional price reduction is \$250,000.

Both local government and the Regional Chamber of Commerce and Industry have called for the cap to be increased in line with the State government limits and Local Government Professionals Australia WA have suggested that it should apply to all services.

Local government operating budgets vary considerably. For many regional local governments, the \$50,000 cap represents a comparatively large proportion of their annual budget. The current cap restricts the value of the regional price preference of tenders

with a value greater than \$500,000. More than half of the State's local governments have an annual operating budget of less than \$10,000,000, meaning that this discount represents 5% or more of their budget. Raising the cap may further promote opportunities for local governments to buy local but may also increase costs for regional local governments.

## What are the opportunities for reform?

### Amend the financial ratios

Altering the financial ratios that local governments are required to calculate and report may improve awareness and understanding of local government financial performance.

## Annual reporting

Currently, local governments are required to prepare an audited financial statement annually in accordance with the Australian Accounting Standards as modified by the Act and regulations.

Financial reporting is not a unique requirement to local government. All State Government and Commonwealth department financial reports are audited by their respective Offices of the Auditor General and are tabled in Parliament. In the private sector, audited financial reports for many types of companies are submitted to the Australian Securities and Investment Commission and some charities must submit a general-purpose financial statement that complies with the Australian Accounting Standards to the Australian Charities and Not-for-profits Commission.

Local governments in Western Australia calculate and publish seven financial ratios in their annual financial statements. Financial ratios are increasingly used across Australia as an important performance indicator for public sector entities, including local government.

Across Australia, local governments are required to calculate and publish different ratios. The lack of consistency makes the comparison of financial performance across local governments around the country more complex. Likewise, methods of valuation used to calculate ratios under the International Valuation Standard can vary, which means that ratios are a guide or indicator rather than a definitive account of financial health.

In Western Australia, benchmarks for the seven ratios that local governments must report on were set in departmental guidelines published in 2013. While these benchmarks are not legislated, these benchmarks are used to inform the department's risk management approach means that they are of considerable interest to local governments.

## Building Upgrade Finance

Building Upgrade Finance (BUF) is a scheme whereby a local government administers loans issued by financiers to non-residential building owners to upgrade their buildings. The local government uses a levy on the building owner to recover the funds on behalf of the financier.

The approach has been used in Victoria, South Australia and New South Wales as a mechanism to encourage non-residential property owners to invest in environmentally conscious building upgrades.

BUF involves three parts: the building owner agrees to undertake works; a financier agrees to finance the works; and the local government agrees to recoup the loan (known as a building upgrade charge).

The arrangement means that the loan is tied to the property rather than property owner. Responsibility to pay for the loan shifts if the ownership of the property changes.

In other states that use this mechanism, the local government is by law not financially liable for any non-payment by the building owner.

## What are the opportunities for reform?

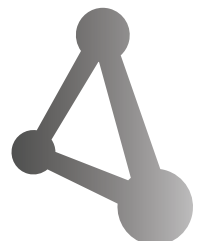
The City of Perth and the Property Council of Australia have advocated for reforms that would enable local governments to guarantee finance for building upgrades for non-residential property owners.

Their proposal is not to limit the scheme to environmental projects, instead they believe this could be used to finance general upgrades to increase the commercial appeal of buildings for potential tenants. In this way, BUF is viewed as means to encourage economic growth.

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## Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.





## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

### SUMMARY DISCUSSION PAPER

### AGILE

# Rates, fees and charges

## Introduction

Local governments impose rates to raise revenue to fund the services and facilities.

The quantum of rates payable is determined by three factors:

1. the method of valuation of the land
2. the valuation of the land; and
3. the rate in the dollar applied to that valuation by the local government.

Each property in Western Australia is assigned a method of valuation which is either the unimproved value or gross rental value. The Local Government Act 1995 (the Act) specifies that a property used for rural purposes is rated as unimproved value (UV) and a property used for non-rural purposes will be rated as gross rental value (GRV). In practical terms, land used predominately for residential purposes is generally classified as GRV.

A review of the method of valuation of land is currently being undertaken by the Valuer General's Office. Once this review is completed and amendments proposed, the relevant provisions in the Act will be examined, in line with any submissions received.

Options for potential reform are discussed below.

## Rating

As part of preparing the budget, each local government must raise enough in rates to cover the shortfall (budget deficiency) between its predetermined expenditure and available revenue. It does this by applying a rate in the dollar to the valuation of each property. Rates can be imposed uniformly (a single rate in the dollar) or differentially (different rates in the dollar for different categories).

## Local government rates and revenue strategy

Local governments are currently required to prepare a long term financial plan that addresses rate increases. In Victoria it is a requirement that local governments have a revenue and rating strategy<sup>1</sup> and in Queensland they must prepare a revenue statement. These require local governments to give due consideration to how they will raise rates and charges and where this burden falls.

An option is to introduce the requirement for local governments to develop a rates and revenue strategy, which could include:

- Rating categories (and potentially how they are determined)
- Rates in the dollar
- The objective of establishing each category and reasons for imposing the rate for each rating category (the 'objects and reasons')

<sup>1</sup> [https://www.localgovernment.vic.gov.au/\\_data/assets/pdf\\_file/0020/48260/LG-Revenue-and-Rating-Strategy.pdf](https://www.localgovernment.vic.gov.au/_data/assets/pdf_file/0020/48260/LG-Revenue-and-Rating-Strategy.pdf)

- Schedule of fees, charges and levies including the methodology (adopted prior to the budget)
- Long term rating strategy

## Public notice

If a local government introduces a rating strategy that uses a uniform rate in the dollar, unlike differential general rates, there is no requirement for public notice to be given.

### What are the options for reform?

A possible reform for public notices is outlined below.

Public notice for all rates
<p>Local governments will be required to:</p> <ul style="list-style-type: none"> <li>▪ give public notice of all rates</li> <li>▪ prepare objects and reasons for the rating strategy</li> <li>▪ provide 21 days for submissions</li> <li>▪ consider each submission at a meeting of council</li> </ul>

## Differential general rates

Differential general rates are generally imposed to ensure that the rate burden is more evenly distributed across ratepayers, with those requiring or using more services being charged a higher rate in the dollar.

### What are the options for reform?

Local governments are currently permitted to impose differential general rates according to land zoning, land use (including if the land is vacant) and a combination of the two.

While the categories must comply with the Act, there is still scope for a variety of rating categories which does not allow comparability across local governments. Possible options for reform are outlined in the table below.

	New South Wales model	Proposed Victorian model
<b>Options</b>	Under this option, differential rate categories would be set in legislation.	Under this option, local governments could increase the types of differential rate categories.
<b>How would it work?</b>	<p>Local governments would have to categorise properties into set categories, for example:</p> <ul style="list-style-type: none"> <li>▪ residential</li> <li>▪ semi-rural</li> <li>▪ commercial/industrial</li> <li>▪ farmland</li> <li>▪ mining</li> <li>▪ exploration and prospecting</li> </ul>	<p>In addition to land zoning or land use (including if the land is vacant), local governments could set categories based on:</p> <ul style="list-style-type: none"> <li>▪ geographic location</li> <li>▪ types of buildings on the land</li> <li>▪ any other criteria council determines is relevant</li> </ul>

## Ministerial approval

Local governments have autonomy in the way they set rates in the dollar to make up the budget deficiency with some limitations. A local government that seeks to impose a rate in the dollar that is more than twice that imposed on the lowest category must seek Ministerial approval. For example, in the unimproved value category, the rate in the dollar for mining might be 30 cents whereas pastoral might be 10 cents. Local governments need to comply with the Rating Policy – Differential Rates when making an application.

### What are the options for reform?

There are several opportunities to reform the controls that are currently in place on differential rating.

	New South Wales model	Proposed Victorian model
<b>Options</b>	The differential could be increased to three or four times the lowest before Ministerial approval is requirement.	The differential could be set to a maximum of four times with no ability to seek Ministerial approval.
<b>Benefits</b>	It reduces regulatory burden on local governments and the department while maintaining some oversight.	It increases fairness between rating categories, especially for the mining sector. It provides greater certainty for local governments.

## Rating of mining licences

Mining tenements include prospecting and exploration licences and mining leases which are granted under the Mining Act 1978. The mining sector argue that due to the negligible impact of prospecting and exploration licences on local government facilities and the fact that they are a right to explore, not a mining business, they should be exempt from paying local government rates.

### What are the options for reform?

Some jurisdictions do provide exploration and prospecting licences an exemption from general rates. In Victoria, amendments are currently being drafted to specify that land used for mining purposes is to be rateable.

The table below outlines possible options for reform.

Status quo	Exemption	Lower rate in the dollar than mining
Prospecting and exploration licences continue to pay rates.	Prospecting and exploration licences are exempt from paying rates.	Local governments must rate exploration and prospecting lower than general mining.

Mining licences have a limited intrinsic value unless minerals are found and mined. As a result, they have a high turnover of ownership. If a licence is terminated or the lessee does not pay rates for the period of the licence, the rates are generally not able to be recovered by the local government. If rates remain unpaid, local governments have the option of lodging a caveat on the land with the Department of Mines, Industry Regulation and Safety. Alternatively, local governments can seek unpaid rates through the court system.

## Rate exemptions

The Act provides that all land is rateable unless it is listed as exempt. Not all land owners are required to pay rates.

Other than land used or held by the Crown (State Government) for a public purpose, a local government or a regional local government, exemptions from rates apply to:



- Land used or held exclusively for churches (religious bodies)
- Land used or held exclusively for schools
- Land used exclusively for charitable purposes
- Land vested in trustees for agriculture or horticultural show purposes
- Land owned by Co-operative Bulk Handling Limited (CBH)
- Land exempted by the Minister for Local Government

## What are the options for reform?

There is an argument that everyone should pay local government rates as everyone uses the services and facilities provided by the local government, from roads to parks and community facilities. In addition, rate exemptions can have a significant impact on the capacity of local governments to raise rate revenue, especially in regional and remote areas. It is then left to the ratepayers to make up the shortfall.

Nevertheless, a number of organisations provide important services within the community with very limited funding. If those organisations are required to pay rates, it may impact on the ability for them to continue to provide those services. This may ultimately cost the local government in having to provide the services in house or alternatively the services to the community are removed or reduced.

Possible options for reforms are outlined in the below table.

Everyone pays rates	Minimum contribution
Every owner of land is required to pay rates.	Every occupier of land has to pay a minimum contribution to the local government.
Local governments could offer concessions to land owners if determined by council.	The capped amount could be the minimum payment set by the local government, or an amount set in legislation.

## Exemptions: charitable organisations

One of the more contentious exemptions is for 'land used exclusively for charitable purposes'. The meaning of 'land used exclusively for charitable purposes' is not defined in the Act and differing interpretations of the meanings of 'charity' and 'charitable purposes' have continued to prove challenging across all levels of government in Australia. None of the approaches result in the satisfaction of all parties and reforms result in winners and losers.

In Western Australia the meaning of what constitutes 'land used exclusively for charitable purposes' has been the subject of several key decisions by the State Administrative Tribunal. These decisions have been a matter of contention for the local government sector as exemptions have been provided to facilities for aged care even when residents are paying market rates for the individual housing within an estate, and to industry associations because they have a training arm.

## What are the options for reform?

Other than requiring everyone to pay rates, reforms to the charitable organisation exemptions hinge on clarifying who is or isn't eligible to receive a rates exemption.

	Commercial not exempt	Qualified under Commonwealth legislation	Land not used as a residence
<b>Options</b>	Exemptions do not apply to commercial (non-charitable) business activities.	Certain categories of ratepayers, for example independent living units, would only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997.	Clarify that land is not used exclusively for charitable purposes if the land is used as a residence and is exclusively occupied by persons, including a caretaker.

## Fees and charges

Local governments have the ability to set fees and charges for a range of services. Services can be categorised into three areas:

- basic community services, such as waste collection
- additional services, such as providing security
- competitive services, such as services provided by other business in the area (for example gymnasiums)

When setting fees and charges for basic and additional services, local governments should consider the cost of providing the service but may decide to subsidise the service for the common good. When it comes to competitive services, competitive neutrality principles must be observed. This requires local governments to avoid a competitive advantage as a result of being part of the public sector.

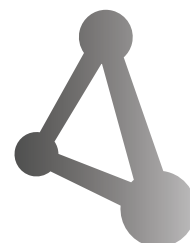
## What are the options for reform?

The table below summaries possible amendments.

	Annual rate charges	Cost recovery
<b>Options</b>	Local governments could impose a levy on all ratepayers to fund a particular service, facility or activity that benefits the entire community.	Local governments could set fees at cost recovery.
<b>How would this work?</b>	Local government rates would consist of two components: <ul style="list-style-type: none"> <li>▪ Rate based on valuation</li> <li>▪ Fixed charge for the purpose of planning, carrying out, making available, maintaining or improving any thing</li> </ul>	The cost recovery fee methodology would be outlined in the Rates and Revenue Strategy.

## Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.







## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# Rates, fees and charges

As part of the McGowan Government's reform agenda, a new Local Government Act will be drafted.

Our vision is for the local government sector to be agile, smart and inclusive.

Our objective is to transform local government so that it is empowered to better deliver quality governance and services to their communities now and into the future.

We are looking at **rates, fees and charges** as an area of reform.

## The current system



Rates raise revenue to **fund community services** and facilities.



**Long term financial plans** should underpin rate setting.



Schools, religious institutions and land used for charitable purposes are **exempt from rates**.



Rates are **imposed uniformly** (a single rate in the dollar for all properties) **or differentially** (different rates in the dollar for different categories).

## Ideas for change

- Introduce a requirement to develop and consult on a Rates and Revenue Strategy.
- Remove or amend exemptions from rates.
- Standardise rating categories between local governments.
- Fees and charges to be set at cost recovery.
- Remove requirement for Ministerial approval of large disparities in rates.

## What you've told us

- There is a lack of transparency around how rates and charges are raised and where this burden falls.
- Advertising requirements for imposing rates are inconsistent.
- Comparing rates across local governments is difficult as a variety of rating categories can be used.
- Exemptions from rates impose a heavy burden on other ratepayers.



## What do you think?

This is just a snapshot of the reforms being considered on this topic.

We want to hear your ideas.

You can learn more or have your say at  
[www.dlgsc.wa.gov.au/lgareview](http://www.dlgsc.wa.gov.au/lgareview)



## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# Reducing red tape — local laws

As part of the McGowan Government's reform agenda, a new Local Government Act will be drafted. Our vision is for the local government sector to be agile, smart and inclusive.

Our objective is to transform local government so that it is empowered to better deliver quality governance and services to their communities now and into the future.

We are looking at **local laws** as an area of reform.

## The current system



Local governments make local laws that **govern activities within their districts** such as parking, dog/cat management and public places.



Local laws are **a type of legislation** and must be approved by Parliament.



**DLGSC monitors and provides advice** to help local governments with this process.



Parts of legislation are **very outdated**, including dealing with impounding of straying farm animals.

## Ideas for change

- Provide more consistency in local laws between districts.
- Require local governments to have their local laws certified by a legal practitioner.
- Combine the functions of the Local Government Grants Commission which provides financial assistance grants to local governments across Australia, and the Advisory Board, which makes recommendations to the Minister for Local Government on proposals to change local government boundaries, wards and councillor numbers.
- Remove outdated sections of the Act.

## What you've told us

- Local laws vary from one local government district to another, which can be both confusing and onerous for people and businesses that operate in different districts.
- Creating a good local law is complex and requires legal skills.
- Some parts of the legislation are no longer needed.



## What do you think?

This is just a snapshot of the reforms being considered on this topic.

We want to hear your ideas.

You can learn more or have your say at  
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## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

### SUMMARY DISCUSSION PAPER

### SMART

# Administrative efficiencies

## Introduction

Distinguishing red tape from vital checks which ensure our government acts in a fair manner, members of the community are protected and that everyone abides by the law, can be difficult. Accountability measures that go too far can become regulatory burdens that create unnecessary costs that outweigh their compliance benefits.

This paper identifies a number of options for increasing efficiencies within the Local Government Act and regulations.

## Potential administrative efficiencies

### One size fits all approach to local governments in Western Australia

Local governments in Western Australia vary considerably in respect to their capacity to raise revenue and their expenditure. For example, the combined operating budget of the State's 40 smallest local governments is less than the annual operating expenditure of the State's largest local government.

The Act currently treats all local governments the same, regardless of their size and capacity. Through their peak bodies, the local government sector has long advocated for amendments which provide a

tailored approach to local government governance to allow for the differences in capacity that are found across the State.

Possible areas of reform where a tailored approach to regulation could be adopted have been addressed throughout the discussion papers.

## Local laws

### Introduction

The Act enables local governments to make local laws considered necessary for the good government of their districts. Laws can only be made when authorised by the Act or other written laws but cannot be inconsistent with any State or Federal law. The types of laws made by local governments cover areas such as parking, activities on thoroughfares, public places and council and committee meetings.

### How local laws are made

In Western Australia, to make a local law a local government is required to:

- Give public notice of the proposed local law (with a six week submission period);
- Provide a copy of the proposed local law to the relevant Minister;
- Consider the submissions received;
- Make the local law (via passing a resolution) and publish the local law in the Gazette; and
- Provide the local law and explanatory material to Parliament.

As local laws are a type of legislation, they must be approved by the Parliament. Each new or amended local law is examined by the Parliamentary Joint Standing Committee on Delegated Legislation which makes a recommendation to Parliament on whether the local law should be accepted or disallowed.

## **What are the opportunities for reform?**

### **Consistency of local laws**

During earlier consultation on the Act review many submissions were received concerning the inconsistency of local laws from one local government district to another. While these concerns are valid and consistency of local laws across districts is important, requiring a local government to enact a local law in a certain form impacts upon a local government's ability to tailor a local law to local conditions or the wishes of the local community.

One way to achieve consistency is for the State government to make regulations that act as local laws, for example the Local Government (Uniform Local Provisions) Regulations 1996. The possibility of using regulations has been raised in relation to health, parking, cemeteries, cats and dogs – areas currently covered by local laws. Every local government would be covered by the same rules. While regulations will achieve consistency, they will also remove or limit the ability of a local government to tailor local laws to meet their community's expectations.

Model local laws provide consistency and make the local law-making process easier. Local governments can choose whether or not they adopt the model, and the extent to which it is modified.

Another alternative is to require local governments to adopt the model local law while leaving open the ability for local governments to tailor certain parts of the local law to suit the local community. An example could be a dog local law which allows the local government to set the number of dogs that can be allowed in different parts of the district: a residential area compared to a semi-urban or rural area; or a parking local law that allows the local government to set the fees.

### **Drafting of local laws**

There is no intention to remove the local law making power; local governments will still be able to prepare their own local laws to address local situations.

As such the local law development process needs to be flexible and robust to ensure local laws are well drafted and within the powers of the local government.

Currently, the department monitors and provides advice to assist local governments with the making of their local laws. This is done by providing detailed comments on proposed local laws to assist the relevant local government in finalising a local law to ensure that it will be enforceable and effective. There is no requirement that a local government follow the advice given by the department.

Western Australia is the only jurisdiction that requires a local law to be provided to the Minister prior to enactment; most jurisdictions rely on certification from a legal practitioner.

### **Review of local laws**

As in most Australian jurisdictions local laws are currently required to be reviewed (every eight years in WA). To do this, the local government must conduct a review by consulting with the community, prepare a report and the council must determine if the local law should be repealed or amended.

The survey on local laws asks you for your views on consistency, drafting and review of local laws.



# Local Government Grants Commission and the Local Government Advisory Board

## Introduction

On 20 September 2017, the Premier instructed all agencies to review the ongoing need for boards and committees, particularly where there are costs involved. While the standards panel was discussed in earlier consultation of the Local Government Act Review, the composition and use of the grants commission and advisory board was not.

### Local Government Grants Commission

The Grants Commission provides advice and makes recommendations to the Minister for Local Government on the amount of Commonwealth Financial Assistance Grants paid to local governments each financial year. In order to receive Commonwealth funding, a Local Government Grants Commission must be established.

### Local Government Advisory Board

The Local Government Advisory Board is established under the Local Government Act, that makes recommendations to the Minister for Local Government on proposals to change local government boundaries, wards and councillor numbers.

## What are the opportunities for reform?

### Combining the grants commission with the advisory board

The composition of the grants commission and the advisory board are somewhat similar, in that the skills and knowledge required to be appointed as a member of either of these bodies is an in-depth knowledge and experience in the local government sector. This knowledge and experience enables members to consider the appropriate factors, weigh the information before them and provide the appropriate recommendations to the Minister.

While the duties and responsibilities of the grants commission and the advisory board are different, the composition and selection of board and commission members is similar:

- The grants commission has five members with three members selected from names provided by the Western Australian Local Government Association (WALGA). These represent the metropolitan area, country cities and towns, and rural shires.
- The advisory board has five members with one nominated by Local Government Professionals WA and two by WALGA.
- Both have an independent chair appointed by the Minister and a departmental member who acts as the deputy to the chair.

Other potential synergies exist. Having substantial knowledge of the grants program may assist with the consideration of ward and boundary reviews and knowledge of the latter may assist with deliberations about grant funding. Both bodies are already supported by the same team within the department.

A similar review was recently undertaken by South Australia which resulted in their grants commission being given responsibility for the assessment of local government boundary changes. Similar changes could be implemented in Western Australia if it was determined to be efficient, effective and appropriate to do so.

## Specific reforms to the Local Government Advisory Board requirements

### Board requirement to determine the question and summary – elector poll

Currently, if a local government wishes to change the method of election of the mayor/president from election by electors to election by the council, the advisory board must determine the question to be voted on by electors and prepare a summary for both the yes and no cases.

An alternative approach would be for the question and the summaries to be prepared by the affected local government, which is likely to have more insight on local issues. After the question and summary have been drafted the advisory board could approve/endorse it before any poll is conducted.

### Boundary changes, abolishing districts, names and ward representations

There are a number of aspects of the advisory board process which could be reformed to improve efficiency and effectiveness.

The quality and content of proposals submitted to the advisory board vary significantly. This can result in a significant amount of time being used contacting various parties to gather all the relevant information. The information, which is set out in regulations, allows the advisory board to form a view in line with the principles set out in the Act and ultimately make recommendations to the Minister on each proposal.

Proposals are then advertised for public comment. Submissions received either from the public or from local governments sometimes do not provide sufficient information to inform the decision-making of the advisory board. Often this is because the writer has not read the original proposal.

A local government (or other applicant) may wish to withdraw an application that has been made to the advisory board. At present this cannot be done because the advisory board is required to make a recommendation to the Minister even if the applicant does not wish to proceed with the proposal.

Many submissions in earlier consultation of the Local Government Act review suggested the number of electors required to submit a proposal for large local governments should be raised from

250 electors to 500 electors. In most metropolitan and large regional local governments, 250 people represents only a very small portion of the electors. This may lead to a proposal being submitted that is not a true representation of the community's view. For local governments with a population of electors less than 5000, only 10% of the electors would be required to support the initial proposal.

To improve these processes, a number of amendments have been suggested.

## Local Government (Miscellaneous Provisions) Act 1960

### Introduction

In 1995 the majority of the 1960 Act was replaced by the Local Government Act 1995. The remainder of the 1960 Act was renamed the Local Government (Miscellaneous Provisions) Act 1960.

Large parts of the 1960 Act were later incorporated into building legislation. It is appropriate to consider whether the sections that remain in the 1960 Act are still required.

### What are the opportunities for reform?

#### New street alignments, prescribing and effect of etc.

The purpose of this section is to provide a local government with the power to compulsorily acquire land required to realign a street if other parties have an interest in the land. To the department's knowledge this power has only been used twice since 1995.

Currently, there are two other mechanisms to acquire land (for street realignment or any other public purpose) available to a local government: either by purchasing the land from the owner or acquiring it under the Land Administration Act 1997. Do local governments still require this additional mechanism?

#### Cattle trespass, pounds, pound keepers and rangers

This provides local governments and individual members of the public with the power to impound cattle if cattle stray upon their land. The Act also provides very detailed requirements that are placed upon local governments, pound keepers and individuals that have impounded cattle in relation to what they are to do with the cattle.

Local governments already operate facilities that house animals (for example dog pounds) and can appoint authorised persons who can impound animals if the presence of the animal presents a hazard to public safety or obstructs the lawful use of any place.

While a minor amendment to the local government legislation would clearly enable local governments to impound cattle, it needs to be determined if there is still a requirement for members of the public to be able to impound cattle.

## Offences

Likewise, the Act contains a number of offences specific to the impounding of livestock for example:

- A failure to maintain the pound to an acceptable standard;
- Milking cattle without permission;
- Threats against the pound keeper and damage to the pound;

The majority of these offences can be dealt with by prosecuting the offender under other pieces of legislation for example the Criminal Code or Animal Welfare Act 2002.

The only conduct that cannot be dealt with via another means are:

- Removal of a fence to allow cattle to trespass; and
- Owner permitting cattle to stray.

Your views on these matters are sought in the survey.

## Information provided to and decisions made by the department and the Minister

When the Local Government Act 1995 was enacted it fundamentally changed the powers of local governments providing them with greater autonomy. It removed a great deal of control from the Minister and provided local governments with the ability to make a greater range of decisions without having the State Government reviewing or approving those decisions.

While the 1995 Act heralded a marked shift and devolution of control, there are still many sections within the Act that require a local government to provide information to the Minister or department prior to, or after a decision is made, and many other general reporting requirements.

The assessment of what information to be provided was primarily made in the mid-1990s when the majority of the Act and Regulations were enacted. It is appropriate to review what information should be provided, what reports should be submitted, and which decisions should still be made by the Minister. Your feedback is sought on this in the [survey](#).

## Absolute majority decisions

The council is the decision-making body of a local government. The Local Government Act 1995 sets out how decisions are to be made by the council members that form the council. In most cases this is via a 'simple majority'; that is, a decision is made if over half of the council members present at the meeting vote for it. In some cases, a higher bar has been set. An 'absolute majority' requires half of the total number of council member positions to vote for a matter for the decision to be made. Thus if there are eleven positions on council but at a particular meeting two council members were absent, five votes would be needed for a simple majority and six for an absolute majority.

It is appropriate to review what 'majority' is required by a council to make a certain decision.

## Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.





## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# Council meetings

As part of the McGowan Government's reform agenda, a new Local Government Act will be drafted. Our vision is for the local government sector to be agile, smart and inclusive.

Our objective is to transform local government so that it is empowered to better deliver quality governance and services to their communities now and into the future.

We are looking at **council meeting procedures** as an area of reform.

## The current system



**Decision making** happens at council meetings.



**Public question time** is an important opportunity for the community.



Elected members are required to **disclose interests** in matters that come before council.

## What you've told us

- Public question time is a way to apply scrutiny and rigour to council decision-making.
- New technologies have changed community expectations of accessibility to information and ways of engaging with their council.
- Rules dealing with conflicts of interests are complex and ineffective.
- Red tape impacts the efficiency and effectiveness of decision-making.

## Ideas for change

- Introduce 'public statement time' at council meetings for community members who are not asking a question.
- Modernise question time through the use of new technologies.
- Expand opportunities for council members to attend meetings remotely.
- Extend the rules for disclosure of interests.
- Remove the requirement for annual and special electors meetings.
- Clarify the rules for revoking or changing decisions.



## What do you think?

This is just a snapshot of the reforms being considered on this topic.

We want to hear your ideas.

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## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

### SUMMARY DISCUSSION PAPER

### SMART

# Council meetings

## Introduction

Council meetings are the mechanism by which council makes decisions. To ensure transparency council meetings are held in public, although certain matters can be heard behind closed doors. Council meetings also provide an opportunity for public question time. The Local Government Act 1995 (the Act) establishes the framework for council meetings.

### Public question time

Public question time is an important opportunity for people to interact with their council and is seen by many in the public as a way to apply scrutiny and rigour to council decision making. Legislation provides that a minimum of 15 minutes of each council or committee meeting is allocated to public question time.

### What are the opportunities for reform?

In order to engage a greater number of ratepayers in council meetings, it may be necessary to alter the way the public interact with elected members.

### Different means to ask questions

Technology may present a way for question time to be modernised. For example, using email or social media as a means of accepting questions may foster

greater community interaction, strengthen inclusivity and increase the utility of public question time.

### Managing public question time effectively

Managing public question time can be challenging. The freedom afforded to local government in the Act means that different rules for public question time exist across local governments. Greater prescription in the Act could provide clear and consistent rules for public question time.

### Public statement time

As a means of encouraging public engagement and promoting transparency, a period of time allowing members of the public to address council without asking a question could be introduced.

## Managing interests

Council members are part of the community they serve. Many councillors also have a full-time or part-time job, which might include running their own business and are likely to be involved in community groups and sporting associations. It is inevitable that council members will from time to time will have conflicts of interests. Providing an appropriate framework for these real and potential conflicts of interest is key.

Interest type	Regulation
<b>Financial interests</b>	A person has a financial interest if it is reasonable to expect that a council decision on a matter will result in a financial benefit or detriment to that person. These interests arise commonly as council decisions affect businesses and financial outcomes regularly.
<b>Proximity interests</b>	A person has a proximity interest in a matter if it concerns a proposed change to a planning scheme, zoning, or development of land that adjoins the persons land. This may be too narrow a definition as developments on the councillor's street, for example, may also be likely to influence decision making.
<b>Indirect financial interests</b>	An indirect financial interest results from a financial relationship between the councillor and a person who requires a local government decision in relation to a matter.
<b>Impartiality interests</b>	An impartiality interest is an interest that may adversely affect the impartiality of the person and includes an interest arising from kinship, friendship or membership of an association. These must be disclosed when they arise but the council member participates in the discussion on the matter and votes.
<b>Interests not requiring disclosure</b>	<p>There are a number of situations in which a person is not required to declare an interest in a matter. This includes the situation where an interest is common to a significant number of electors or ratepayers. The term "significant number" is unclear and may cause confusion as to whether the interest needs to be declared.</p> <p>Changes in the valuation of land are not deemed to be an interest if the change affects a planning scheme for an area or the zoning or development of land in a district. That is, there is no interest where the person's land is affected generally, as part of a larger area, rather than individually.</p>
<b>Exemptions granted by the Minister</b>	The council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting relating to the matter. This can occur if the Minister is satisfied that there wouldn't be enough council members to deal with the matter, or if it is in the interests of the ratepayers to do so.

## What are the opportunities for reform?

The rules concerning identifying and taking appropriate actions associated with real or perceived conflicts interests have been criticised as complex and ineffective. Managing interests is vital to ensuring the legitimacy of council decision making and the rules need to be simple and sensible to ensure public confidence.

## Remote attendance

Council members may attend council meetings remotely in specific circumstances. To gain approval for remote attendance, the person (unless they have a disability) must be located in a council-approved place in a townsite that is at least 150 km from the meeting venue. A council is also not permitted to have members attend remotely for more than half of the meetings in a given financial year.

## What are the opportunities for reform?

Expanding the instances in which remote attendance is allowed, by altering or removing the distance and/or townsite requirements, will help to ensure that local issues are heard and voted on by all elected members and mirror the rules for many commercial and not-for-profit boards. It may also reduce the number of instances in which a quorum is not present, thereby allowing the local government to run more effectively.

### General electors meetings

A general meeting of the electors of a district is to be held once every financial year. The purpose of the annual electors' meeting is to discuss the contents of the annual report and any other general business.

## What are the opportunities for reform?

The local government sector has long called for the requirement to hold a general electors' meeting to be scrapped on the basis that very few members of the community attend and that there are other opportunities to ask questions of council. Annual electors' meetings are not required in any State or Territory other than Western Australia.

### Special electors meetings

Special electors' meetings may be called if a sufficient number of people within a district request one. The current requirement to call a meeting is either 100 electors or 5% of the total number of electors, whichever is less. These meetings are usually called by electors to discuss an issue affecting the district however, they do not guarantee any action or outcome that binds councils. These meetings provide an opportunity for people to have their say but may be unhelpful due to the potential for conflict between the council and electors.

## What are the opportunities for reform?

Special electors' meetings are not held in Victoria, New South Wales or South Australia and are held in varying circumstances in other States. None of the States that provide for special electors' meetings allow for the public to call such a meeting. In Queensland, the mayor and CEO may decide to call a special electors' meeting, whilst in Tasmania a special meeting may be convened by the mayor. This only takes place at the request of three or more councillors. As electors' meetings are hardly used in other States, this may imply that these meetings are not essential to the functioning of local government.

To ensure that special electors' meetings are called only when necessary, the threshold of electors required to call a meeting could be raised. Increasing the number of electors required from 100 to 500 may assist in preventing unnecessary meetings. In order to prevent numerous meetings on an issue, a requirement that a meeting cannot be held to discuss the same issue more than once in a 12 month period could be introduced.

### Access to information for council members

During earlier consultation of the review, several submissions called for greater clarity regarding the information that council members may have access to.

## What are the opportunities for reform?

The current legislation provides a mechanism to limit the information that council and committee members have access to; this must pertain to the functions and duties that they are currently undertaking. This limitation is important to not expend a local government's resources finding information about decisions or activities undertaken that bear no relevance to the current issues.

As the legislation is currently written, the power to decide what is relevant rests with the CEO of the local government. The question of what is relevant is based on the opinion of the CEO alone. It may be appropriate to include a mechanism within the Act to allow the review of that decision. Considering the very nature of the question and the possible confidentiality of the material, this may be a question most appropriately reviewed by the council itself.

### Meeting procedures

It is important that council meetings are governed by a set of rules to ensure they are transparent and effective. These rules are set out individually by each local government in local laws.

## What are the opportunities for reform?

### Minutes of council and committee meetings

Submissions to earlier consultation of the review recommended that the responsibility for keeping minutes of council be shifted to the CEO rather than the presiding member. This is because the keeping of minutes is an administrative function that, as the head of the administrative arm of local government, should be the responsibility of the CEO.

### Minutes of confidential portions of meetings

The minutes of council meetings must include details of each motion moved at the meeting and the outcome of the motion, including confidential motions. However, confidential minutes are not to be published. It has been suggested that greater clarity is required in legislation to emphasise this distinction.

### Revoking or changing decisions

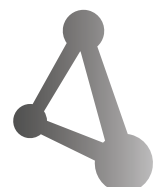
The sector has advocated for reforms to clarify and strengthen the rules regarding revoking or changing council decisions. It is proposed that the rules be revised to explicitly state that the rules concerning revoking or changing decisions of council do not apply after the decision has been implemented. This change will assist in ensuring certainty of council decisions without affecting their flexibility, as subsequent decisions on the matter can still be made if need be.

### Creating consistent meeting procedures across all local government jurisdictions

A key part of this reform process is aiming to create constancies across all local government jurisdictions. Having one set of standing orders for all jurisdictions will enable electors to better engage with their local government and reduce confusion.

## Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.





## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# Council conduct and governance

As part of the McGowan Government's reform agenda, a new Local Government Act will be drafted. Our vision is for the local government sector to be agile, smart and inclusive. Our objective is to transform local government so that it is empowered to better deliver quality governance and services to their communities now and into the future.

We are looking at ways that DLGSC can **help local governments with governance issues** as an area of reform.

## The current system



The Act sets out the **powers to scrutinise the affairs of local governments**.



The **complaints process for alleged breaches** differs depending on the type of breach.



Councils make **decisions based on information** provided by local government administration.



**Tendering and procurement** continue to be the subject of many complaints and departmental investigations.

## Ideas for change

- All complaints of a breach of the Act are referred to the department for investigation.
- Issue infringement notices for some offences.
- Embed an experienced and suitably qualified person into council and/or administration to assist with decision making.
- Introduce an offence that applies to employees or CEOs who provide false or misleading information to council.
- Introduce an offence for breaches of the tendering requirements.

## What you've told us

- The community expects misconduct and organisational dysfunction to be dealt with appropriately.
- CEOs or employees who knowingly provide false or misleading information to council should be held accountable.
- The ability for the State to intervene to help local governments when they are in trouble is too limited.
- A breach of the tendering provisions should be considered an offence.



## What do you think?

This is just a snapshot of the reforms being considered on this topic.

We want to hear your ideas.

You can learn more or have your say at  
[www.dlgsc.wa.gov.au/lgareview](http://www.dlgsc.wa.gov.au/lgareview)





## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

### SUMMARY DISCUSSION PAPER

### SMART

# Interventions, oversight and enforcement under the Local Government Act

## Introduction

The Local Government Act 1995 (Act) provides means to regulate the conduct of local government officers and council members and sets out powers to scrutinise the affairs of local governments.

In 2017-18, the number of authorised inquiries into local governments conducted by the department was the highest it has ever been and more than three times the number of authorised inquiries conducted in the previous year. In the last twelve months, the department and the Local Government Standards Panel have also received a record number of complaints regarding alleged breaches under the Act.

The inquiry into the City of Perth was the first panel of inquiry commenced since 2012-13 and independent reports from bodies such as the Corruption and Crime Commission have raised concerns regarding practices at some local governments. Local government like all tiers of government is not immune to misconduct.

There is a community expectation that the misconduct of local government officers and organisational dysfunction and governance issues within local governments are dealt with appropriately. This is achieved through balancing the ability of the State Government to intervene in local government matters and enabling local

governments to operate as autonomous bodies in managing their own operations and affairs.

Taking an approach which enables the department to work in partnership with local governments has the potential to improve good governance and performance across the local government sector, and strengthen local government capacity. Reforms could also enable the department to be more flexible in investigating matters and enforcing the Act.

## Investigations and inquiries

### Complaints process

A person who suspects that a council member has committed a breach of the Act may make a complaint to their local government or to the department, depending on what type of breach the complaint relates to. If a person believes that a council member has committed a minor breach (i.e. contravened a rule of conduct or local law relating to meeting procedures), he or she may make a complaint to the complaints officer of the local government. The complaints officer is then responsible for referring the minor breach complaint to the Local Government Standards Panel.

A person may make a complaint about a serious breach (i.e. a council member committing an offence under a written law) to the Director General. The Director General then decides how the matter should be dealt with, including whether it is appropriate for the matter to be referred to the State Administrative Tribunal (SAT).

### **What are the opportunities for further reform?**

An amendment to the Act could be made to simplify the process of making a complaint so that both minor breach and serious breach complaints are to be made to the Director General who then decides how the complaints should be dealt with.

## **State Government's ability to assist**

### **Remedial action process**

The options available to support local governments in challenging times are currently limited and can escalate quickly to direct interventions such as suspending a council and installing a commissioner or dismissing the council.

Feedback received through previous consultation indicated that there was support for the State Government to provide intensive assistance and support to local governments by way of a remedial action process. The process could involve issuing a remedial notice to a local government requiring the provision of information or the performance of an action or activity, the appointment of a person to the local government administration to assist the local governments with its operations, and requiring the local government to participate in a capacity building program.

### **What are the opportunities for further reform?**

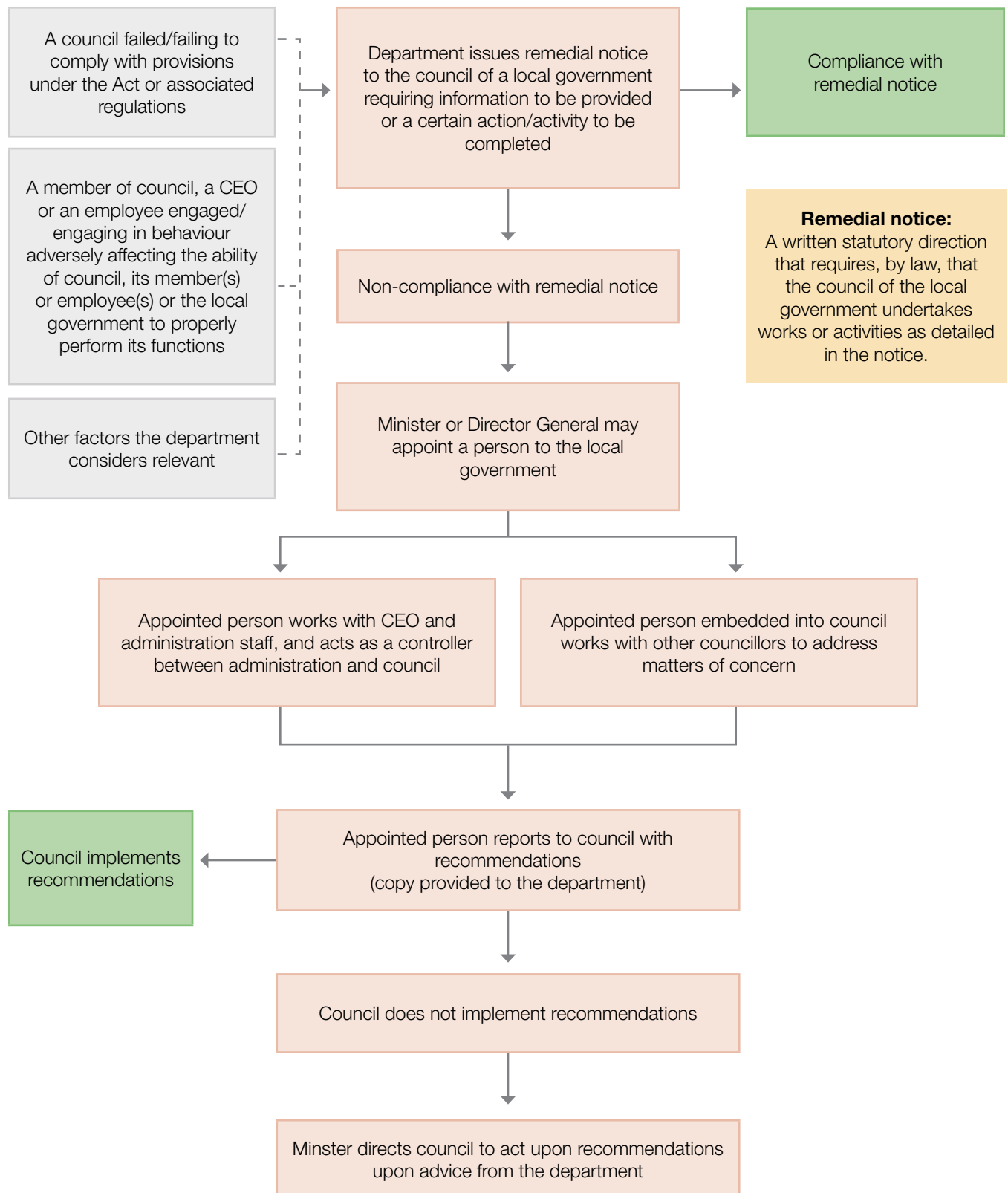
Building on the feedback from previous consultation regarding the power to appoint a person to the administration of a local government, the appointed person could be provided with the ability to direct the administration to perform certain actions and to override decisions made by the administration. This would increase the ability of the appointed person to ensure that the administration takes the necessary action to address the issues in question.

Additionally, the Act could be amended to enable the State Government to embed a person (with suitable expertise and experience) into a council. The person could have the ability to direct the council to perform certain actions and to override decisions made by the council if they were illegal or contrary to the interests of the community as a whole. The intention of embedding a person into council is to allow the council members to remain on council and for the appointed person to work with council members to address the matters of concern. This may be particularly effective in situations where a council is dysfunctional.

This option of embedding an appointed person into a council is based on the model in Victoria. In Victoria the Minister can appoint a "Municipal Monitor" to a council (following written notice to the council of the appointment). The role of the "Municipal Monitor" or "Authorised Inspector" could include monitoring governance processes and practices, providing advice to council on governance improvements, and reporting to the Minister on any steps or actions taken by council to improve its governance and the effectiveness of those steps or actions.

The flowchart below outlines the proposed steps in the remedial action process.

## Remedial action process





## Ensuring compliance with the Local Government Act

### New offence – improper use of position

A council member must not make improper use of his or her office as a council member to gain directly or indirectly an advantage for themselves or any other person, or to cause detriment to the local government or any other person.

#### What are the opportunities for reform?

An amendment to the Act could be made to include an “improper use of position” offence which applies to CEOs and employees of a local government, and former CEOs and employees. This would ensure that CEOs and employees do not escape liability for improperly using their position, especially in situations where the conduct of the individual does not fall within the jurisdiction of the Corruption and Crime Commission or the Public Sector Commission.

### New offence – knowingly providing false or misleading information to council

In making decisions, the council of a local government may consider written reports which have been prepared by the CEO or employees of the local government and verbal information provided by local government staff (normally senior executive staff) during a council meeting. The department has received complaints whereby council members have been provided with a written report from the CEO or employee of their local government which contains false or misleading information. There is currently no provision under the Act which makes it an offence for a CEO or employee to knowingly provide false or misleading information to council.

#### What are the opportunities for reform?

The Act could be amended to provide that the CEO or an employee of a local government must not knowingly provide false or misleading information to council. This would ensure that a council, as the decision-making body of a local government is provided with accurate information from its CEO and employees.

### New offence – tendering requirements

The Act requires a local government to invite tenders before it enters into certain contracts for the supply goods or services. The Local Government (Functions and General) Regulations 1996 set out the requirements regarding when tenders must be publicly invited and how the tendering process is to be undertaken.

Currently, the Act does not provide that a breach of the tendering provisions under the Act and regulations is an offence. Therefore, a person who does not comply with the tendering requirements cannot be prosecuted unless their conduct constitutes an offence under another provision.

#### What are the opportunities for reform?

Local governments spend around \$1 billion dollars on goods and services annually. The tendering requirements under the Act ensure that local governments provide the community with goods and services which are of the best value and that there is transparency in the procurement process. To ensure that these requirements and obligations are enforced, the Act could be amended to provide that the non-compliance of tendering requirements is an offence.

# Enforcement of the Local Government Act

## Infringements

Infringements allow breaches of legislation to be resolved by way of a fixed penalty and can be an effective way of deterring people from further non-compliance.

### What are the opportunities for reform?

The department can commence a prosecution against local governments and individuals for offences under the Act but may be reluctant to do so due to the costs involved in legal proceedings. It may not be in the public interest to spend funds on prosecuting for offences where the impact has been small.

While not all the offences are suitable to be dealt with via an infringement notice, it may be appropriate for some offences to be included in an infringement notice scheme. The department would have the discretion to decide whether to issue an infringement notice or commence prosecution for the offence in the courts.

## Harmonisation

The Act allows authorised local government persons (e.g. rangers) to, among other things, require suspected offenders to provide their personal details, examine vehicles, and arrest people if they give false information or obstruct the officer from performing their duties. Authorised persons are also given powers to issue infringement notices and commence prosecutions.

### What are the opportunities for reform?

Since 1995, major reforms have been made to the Criminal Investigation, Criminal Procedure and Road Traffic legislation, which means that certain powers contained within the Act do not represent current “best practice”. Accordingly, to modernise the Act, the harmonisation of the powers and procedures should be undertaken so that they are consistent with similar powers and procedures in other legislation.

## Default penalties for local laws

The Act allows local governments to make local laws and there are various pieces of legislation that enable local governments to set penalties for offences in their local laws. If a local government fails to provide a penalty for an offence contained within a local law, the local government is unable to enforce that offence.

### What are the opportunities for reform?

To ensure that any local laws which do not specify penalties for offences are enforceable, the Act could be amended to include a provision for a default penalty to apply.

## Powers under the Local Government Act

### Notice issued by a local government to require a person to undertake an action

During earlier consultation in the Act review, several submissions were received from local governments that raised issues with the ability of a local government to issue a notice to a land owner or the occupier of land, requiring the person to undertake certain actions.

### Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.



### What are the opportunities for reform?

#### Notice to secure a building

Vacant buildings may be vandalised and used for inappropriate purposes by squatters. Although local governments have broad powers with respect to issuing notices to remediate issues on premises, they do not have the ability to request that an owner must effectively secure a building. The Act could be amended to include an ability for a local government to provide a notice which requires the owner to secure a building.

#### Expanding the list of disused materials

Currently, the Act defines “disused materials” to include disused motor vehicles, old motor vehicle bodies and old machinery. This list of disused materials could be expanded to enable a local government to direct a person to remove items other than vehicles and machinery from land that it considers to be untidy or causing a hazard.

#### Framework for disposing of property

The procedure in the Act for disposing of property removed by a local government due to a contravention of a local law or regulation is unclear. The Act could be amended to provide a clearer framework for local governments to dispose of property. This would include the type of property that may be disposed, when property is to be disposed and how property is to be disposed.



## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# Community engagement

As part of the McGowan Government's reform agenda, a new Local Government Act will be drafted.

Our vision is for the local government sector to be agile, smart and inclusive.

Our objective is to transform local government so that it is empowered to better deliver quality governance and services to their communities now and into the future.

We are looking at **community engagement** as an area of reform.

## The current system

Local governments are **required to consult with the community** on:



Developing their 10 year **Strategic Community Plan**.



**Changes to local laws** such as laws around dog ownership or parking fees.



Applying **different rates** according to zoning, land use or vacant land.



**Planning matters** including development applications.

## Ideas for change

- Better define the role of local government.
- Local governments to have a community engagement charter, which includes minimum standards for community engagement.
- Require councils to adopt social media policies, including appropriate use in community engagement.

## What you've told us

- People think there is a perceived lack of transparency in decision making.
- There are inconsistent community engagement approaches across local government.
- Community expectations of engagement have changed.
- New technologies have changed the ways local governments can engage with their communities.



## What do you think?

This is just a snapshot of the reforms being considered on this topic.

We want to hear your ideas.

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## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

### SUMMARY DISCUSSION PAPER

### INCLUSIVE

# Community engagement and Integrated Planning and Reporting (IPR)

Local government is often referred to as the closest tier of government to the community. This is because local government is overseen by an elected council of community members, and an administrative arm that delivers services to meet aspirations and objectives set by the local residents and ratepayers through engagement.

## Community engagement

Local governments often need to make difficult decisions. Matters such as planning, whether to invest in a project or the future direction of the local government can divide communities.

Currently, local governments are required to engage with the community when creating their 10 year strategic community plan as part of their Integrated Planning and Reporting (IPR). The community must also be consulted on matters such as local laws, differential rates, planning, and other matters and aspirations that are relevant to the diverse needs of individuals within a community. The current extent of community engagement simply stops at inviting submissions but engagement should be more than that.

We know that engagement works best when there is an ongoing process that enables relationships and trust to build over time. Strong community engagement not only strengthens our representative democracies but also builds community capacity.

Community engagement also needs to allow for socially disadvantaged groups within a community to engage. Identifying how to best engage diverse communities in a meaningful way is an important step in community engagement.

Local government decision making should be done in conjunction with the community from the very beginning of a project proposal. Establishing effective partnerships between local government and the community results in a greater sense of ownership, greater take-up of services and initiatives and better outcomes for all community groups. This reduces the chances of marginalisation while encouraging unified community outcomes.

Other local governments across the globe, for example, can and have engaged their community through place management, participatory budgeting, citizens' juries, which have resulted in better community outcomes as can be seen in the case study in Brazil.



It is important to understand the difference between informing the community about what the council is proposing, and empowering the community to play an integral role in determining the goals, strategies and actions to be undertaken.

## What are the opportunities for reform?

### Community engagement charter and policies

Some local governments do community engagement very well but there is currently very little in Western Australia to provide guidance or best practice, or consistency across local governments. Within any community situation, there are risks involving engagement such as small groups of active residents getting disproportionate interest or the potential for engagement becoming a box ticking exercise and a resource burden on local governments.

A charter allows a streamlined opportunity for local governments to communicate clearly when, how and on what matters the community will be engaged to mitigate such risks. A charter can help councils identify the matters on which to engage, evaluate the resources needed and provide guidance on the best methods to engage on a particular issue.

To achieve a cohesive framework, the charter should cover the following:

- Set engagement requirements
- Set principles that can deliver performance outcomes to ensure that engagement must be genuine, inclusive and respectful, fit for purpose, informed and transparent and processes must be reviewed and improved
- Set methods to measure performance

	Victorian model	Queensland model	South Australian model
<b>What is required?</b>	Community accountability as part of overarching principles that support council governance.	Local governments must be socially inclusive and undertake meaningful community engagement.	A community engagement charter is required to ensure the community is at the forefront of the planning process.
<b>What does it mean?</b>	Local governments are required to have and maintain a community engagement policy.	Local governments are accountable, effective, efficient and sustainable.	The charter must be used to guide public participation in the preparation and amendment of designated policies, strategies and schemes.
<b>How does it work?</b>	<p>Community engagement policy must:</p> <ul style="list-style-type: none"> <li>▪ be part of overarching principles that support council governance</li> <li>▪ be done in consultation with the community</li> <li>▪ identify what matters require community engagement</li> </ul>	<p>Any action undertaken needs to be consistent with the local government principles:</p> <ul style="list-style-type: none"> <li>▪ Transparent and effective processes, and decision-making in the public interest</li> <li>▪ Sustainable development and management of assets and infrastructure, and delivery of effective services</li> <li>▪ Democratic representation, social inclusion and meaningful community engagement</li> <li>▪ Good governance of, and by, local government</li> <li>▪ Ethical and legal behaviour of councillors and council employees</li> </ul>	<p>The Framework aims to:</p> <ul style="list-style-type: none"> <li>▪ Foster better planning outcomes that take account of the community views and aspirations</li> <li>▪ Establish trust in the planning process</li> <li>▪ Improve community's understanding of the planning system</li> </ul> <p>While this focuses on planning it could be used as a model for other aspects of a local government's activities.</p>

A charter can be adapted to suit the local government and its community but have a set of minimum requirements to achieve effectiveness.

## Social media

As social media continues to advance, platforms such as Twitter, Facebook and Instagram are being used by local governments as a tool to strengthen community engagement. While social media is being embraced by the sector, concerns have been expressed at the negative and undisciplined way it is being used. This was especially evident during the 2017 local government election.

Unfortunately, social media has also given rise to “keyboard warriors” who have launched attacks against council members and local government employees. Other than pursuing defamation, there is no specific legislation that addresses this issue.

An option for reform is to introduce a legislative requirement that local governments must adopt a social media policy. The policy would not only address the use of social media by council members and staff, but also the appropriate use of social media in community engagement.

This policy would be supported by the Mandatory Code of Conduct that will apply to council members and candidates that is being introduced as part of earlier consultation of the Local Government Act review.

## Integrated planning and reporting

IPR is a legislative requirement under the Local Government Act 1995 and requires at a minimum that a local government produces a strategic community plan and a corporate business plan.

- **Strategic community plan** is a 10+ year plan informed by community aspirations.
- **Corporate business plan** is a plan that mobilises resources to implement the first four years of the strategic community plan.

## Planning

IPR enables community members and stakeholders to participate in shaping the future of their community and in identifying issues and solutions. IPR is a process designed to articulate the community’s vision, outcomes and priorities;

allocate resources to achieve the vision, striking a considered balance between aspirations and affordability; and monitor and report progress.

## What are the opportunities for reform?

For IPR to be effective, the plans need to be understandable and easily communicated. The local governments that are successfully implementing IPR have straightforward plans appropriate for the size of their organisation, which are understood by their whole administration, council and the community. The plans should be realistic and take into account the local government’s available resources.

Community consultation must also be undertaken in conjunction with the local government’s financial plan so that the prioritisation of resources can be understood and accepted by the community.

## Your views on possible changes are sought in the survey.

## Reporting

IPR provides a structure for local government to report their progress on meeting strategic and community objectives. There is no formal performance reporting mechanism for local government in Western Australia, besides their annual report.

## What are the opportunities for reform?

It is currently open to local governments to design their own means of reporting progress and outcomes to the community. There are good examples in the sector, including video reports, user-friendly newspaper inserts and displays at the local market. However, in other local governments the monitoring and reporting in respect to IPR could be improved.

Measuring consistent benchmarks across all local government has significant benefits. It enables identification of the success or failure of policies and programs, or where greater investment may be required. It further provides a means to increase local government accountability and performance to the community and tools for the community and council to make evidence-based decisions when assessing performance.

## Integration and alignment

Integration is critical to the effectiveness of IPR. Some local governments integrate IPR into their whole organisation's structure and processes by incorporating it into their Chief Executive Officer's Key Performance Indicators, flowing right down to their officers' position descriptions. Other local government plans are less integrated and function as standalone documents.

### What are the opportunities for reform?

The State Government requires local governments to develop a number of statutory plans such as local health plans, disability and access plans and town planning schemes. These statutory plans are controlled by different State government departments which can make alignment challenging. Currently, there is no requirement for these plans to be integrated with the IPR documents and each plan has different timeframes for completion and review. Integrating these plans with IPR will create efficiencies in local governments and would assist in informing the whole IPR process.

The IPR process could also be used as a tool for communicating and realising priorities through the State Government.

## Flexibility

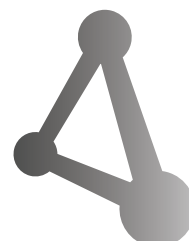
The IPR Framework and Guidelines establish that IPR is not a "one size fits all" model and each local government should use IPR at a scale appropriate to the size and needs of the organisation and community. It is also recognised that local governments will have different approaches to IPR. The framework and guidelines were deliberately written with the flexibility that reflects this.

Some local governments are of the opinion that the advisory standards are not appropriate for them due to their size, location or capacity. Maintaining flexibility in IPR whilst seeking to create greater reporting consistency across the sector is a key challenge this review is hoping to address.

A more detailed paper explaining [Integrated Planning and Reporting and outlining opportunities for reform](#) is available online.

## Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.







## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# Complaints management

As part of the McGowan Government's reform agenda, a new Local Government Act will be drafted.

Our vision is for the local government sector to be agile, smart and inclusive.

Our objective is to transform local government so that it is empowered to better deliver quality governance and services to their communities now and into the future.

We are looking at **complaints management** as an area of reform.

## The current system



Local governments deal with **hundreds of complaints** every year.



They are often the **first point of contact for the public** in the complaints process.

## What you've told us

- There is a lack of accountability and transparency in complaints handling processes.
- 50% of local governments in WA either have no, or limited, documented complaints handling processes.
- Effective complaints management can improve public confidence in local governments.
- There is little common understanding of what constitutes a complaint.
- Ambiguity around the process for the review of decisions.
- Local governments need effective strategies for managing unreasonable complainant conduct.

## Ideas for change

- Adoption of the Australian/New Zealand standard for complaints management.
- Implementation of a Customer Service Charter to be made publicly available.
- Legislative requirement for local governments to adopt a fit-for-purpose complaints management process.
- Internal independent review process for unresolved complaints.



## What do you think?

This is just a snapshot of the reforms being considered on this topic.

We want to hear your ideas.

You can learn more or have your say at  
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## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

### SUMMARY DISCUSSION PAPER

### INCLUSIVE

# Complaints management

## Introduction

Local governments deal with many complaints each year. Complaints are an important way for the management of an organisation to be accountable to the public. If not handled well, complaints can lead to a significant breakdown in trust and can spill over into other areas of the local government's operations.

## Role of the Ombudsman

When complaints are not effectively dealt with by the local government, complainants may take their complaint to the Ombudsman. The Ombudsman is an independent officer of Parliament with the responsibility to investigate the actions of public authorities including local governments.

## What is a complaint

To be able to effectively categorise and manage complaints there needs to be a common understanding of what constitutes a complaint.

The Australian/New Zealand guidelines for complaints management in organisations defines a complaint as an:

“expression of dissatisfaction made to or about an organisation related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected or legally required.”

A complaint is **not** a request for information about council services, a request for action or feedback or suggestions from the public about council's services and administration.

The standard provides guidance on complaints management within an organisation including the planning, design, operation, maintenance and improvement of the organisation's complaints management systems.

It is essential to have policies and procedures in place to deal with a complaint well from when it is first received.

Complaints are driven by dissatisfaction felt by the complainant on issues they feel are explicitly or implicitly expected or legally required. Even when a person's conduct may be unreasonable, there may still be a valid complaint and the complaint should be handled appropriately. Labelling a person using terminology like vexatious or frivolous can negatively influence how they are perceived and responded to within a complaint handling system. Local governments need to have appropriate strategies in place for managing unreasonable conduct by a complainant fairly, ethically and reasonably.

## How jurisdictions deal with complaints across Australia

Jurisdiction	Policy and procedure
<b>South Australia</b>	<ul style="list-style-type: none"> <li>▪ All councils must develop and maintain policy, practices and procedures for dealing with:               <ul style="list-style-type: none"> <li>o Any reasonable request for the provision of a service by the council or for the improvement of a service provided by the council.</li> <li>o Complaints about the actions of the council, employees of the council, or other persons acting on behalf of the council.</li> </ul> </li> <li>▪ These must be directed towards dealing with the relevant requests or complaints in a timely, effective and fair way, and using information gained from the council's community to improve its services and operations.</li> <li>▪ Councils must ensure that copies of these documents are available for inspection by the public.</li> </ul>
<b>Queensland</b>	<ul style="list-style-type: none"> <li>▪ Councils must adopt a process for resolving administrative action complaints.</li> <li>▪ Councils must have written policies and procedures that support the complaints management system.</li> </ul>
<b>Tasmania</b>	<ul style="list-style-type: none"> <li>▪ Councils must adopt a customer service charter that:               <ul style="list-style-type: none"> <li>o Specifies the principles relating to services provided by the council.</li> <li>o Specifies the procedure for dealing with complaints relating to services provided by the council.</li> </ul> </li> <li>▪ What a customer service charter must include is set out, providing clear guidance to local governments on how to write an appropriate customer service charter.</li> <li>▪ Councils must review the customer service charter at least once every two years</li> </ul>
<b>Victoria</b>	<ul style="list-style-type: none"> <li>▪ Amendments currently under consideration will require councils to develop and maintain a complaints policy for dealing with complaints made to the council.</li> <li>▪ The policy must incorporate a review process, carried out by a person who is independent from the original decision maker or service provider.</li> </ul>

### What are the opportunities for reform?

There is currently no legislative requirement for local governments in Western Australia to have complaint handling processes.

According to research conducted by the department, almost 50% of local governments in Western Australia either have no, or very limited, documented complaints handling processes. Furthermore, many local governments do not have easily accessible complaints handling processes which impacts a local government's commitment to transparency and accountability. The purpose of this review is to explore options to equip local governments with tools to better deal with external complaints from members of the public and their communities.

In a bid to modernise the Local Government Act 1995 in line with the message of being agile, smart, and inclusive, identifying what works best for the diversity of needs across WA is essential. Streamlining processes while creating mechanisms that can allow a flexible, fit-for-purpose way of ensuring all local governments get the most out of complaints management is essential for WA.

## Complaints management policies and procedures

A legislative requirement for complaints management may encourage local governments to adopt and actively work on better complaints management. The Australian/New Zealand Standard for complaints management in organisations recommends that organisations should implement a complaints management system.

The standard states that an organisation should establish an explicit complaints management policy setting out its commitment to the effective management of complaints. The policy should be supported by procedures dealing with how the complaints will be managed by the organisation, who will be involved in that process, and their roles. In South Australia, the legislation sets out the minimum procedures that local governments must address, whereas in Queensland the legislation simply provides that local governments must have written policies and procedures that support complaints management.

All local governments could be required to adopt the Standard, including the following key requirements:

- The adoption of a clear definition of complaints in line with the standard.
- Policies and procedures that clearly set out how the local government handles complaints, for example providing timeframes and requiring a person independent of the initial matter to be responsible.
- Provisions for how complaints are to be resolved and for when matters are referred to an external body, for example the Ombudsman.
- A requirement for local governments to make their policies and procedures available on their website.

## Customer service charter

A customer service charter is a policy document used to provide the principles and guidelines a local government will use for complaints management. It is a commitment to members of the community and other stakeholders on how the local government will deliver services and handle matters of concern relating to that. The charter should be available on a local government's website to outline how a local government manages complaints from the public. A customer service charter should provide:

- The principles relating to the services provided by the council.
- The procedures for dealing with complaints relating to services provided by the council.
- Any other information a local government deems essential.

The Public Sector Commission website provides a good example of a [customer service charter](#).

## Independent review process for unresolved complaints

Clear policies and procedures to handle complaints should provide both the local government and community with adequate avenues to resolve the grievance and close the matter. The nature of complaints mean that not every issue will be satisfactorily resolved. To ensure due process, the Act could require a local government to specify a process for the review of decisions.

This review process would be carried out by a person who is independent from the original decision maker or service provider. An internal, independent reviewer may take the form of a different staff member, a committee created by the local government, tabling of the decision for review by council or hiring an independent reviewer. This option needs to consider the cost implications that may arise, especially for smaller local governments, so a tailored approach would be necessary.

The Ombudsman website provides examples of good complaints management for both reasonable and unreasonable complainant conduct.

## Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.







## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# Local government elections

As part of the McGowan Government's reform agenda, a new Local Government Act will be drafted. Our vision is for the local government sector to be agile, smart and inclusive.

Our objective is to transform local government so that it is empowered to better deliver quality governance and services to their communities now and into the future.

We are looking at **elections** as an area of reform.

## The current system



Held every **two** years.



Around **30%** turnout.



Conducted via **post** or in **person**.



**First past the post** system of voting  
(person with most votes win).

## Ideas for change

- Electronic voting.
- Reduce frequency to four years to align with other states.
- Review voter eligibility.
- Introduce preferential voting (the person that is most preferred wins – requires numbering candidates by preference when voting).
- Set a campaign advertising limit.
- Publish candidate profiles on the local government website.

## What you've told us

- Less than a third of electors vote in their local government elections.
- Councils need to better represent the diversity of the community.
- Public confidence in local government could be increased through greater participation.
- There is low public awareness of candidate profiles and positions.
- Community concern around the conduct of candidates and politicisation during election campaigns and acceptance of election gifts.



## What do you think?

This is just a snapshot of the reforms being considered on this topic.

We want to hear your ideas.

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## LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

### SUMMARY DISCUSSION PAPER

### INCLUSIVE

# Elections

## Introduction

Elections are a fundamental part any democracy. An election should be transparent and deliver governance that represents the values and views of the community.

Local government elections give communities a direct voice. It is the primary means of holding local governments to account and ensure representation that is reflective of our many diverse communities.

## How elections are conducted

Historically, voter turnout in local government elections is significantly low compared to other jurisdictions. In most local government elections less than one-third of eligible electors cast a vote. This places a question over how well the council represents the interests of the entire community they represent.

Issues that need consideration around voting in local government elections are focused towards increasing voter turnout, ensuring we have adequate community representation guiding our local government decision making processes and increasing community engagement with their local governments. The more voices contributing to our local democracies, the more accountable and reflective they will be.

Currently in Western Australian local government elections:

- Voting is not compulsory.
- The election method applied is first past the post.
- Are either conducted 'in-person' or through a postal vote.
- Residents, ratepayers, corporations and property occupiers are eligible to vote.

## Opportunities for reform

### Compulsory voting

It is a requirement of every elector to cast a vote in both State and Federal elections throughout Australia, but this same requirement does not extend to all local government elections. In Western Australia, voting in a local government election is not compulsory.

Western Australia, South Australia and Tasmania do not compel people to vote in local government elections. On the other hand, Victoria, New South Wales, Queensland and the Northern Territory do have compulsory voting for local government elections.

Historic voter turnout in local government elections in Western Australia is significantly low with only 34.2% of eligible voters casting a vote in the 2017 ordinary elections. This raises the question as to how reflective local government councils are of the communities they represent.

Introducing compulsory voting for local government elections would ensure greater turnout in elections. However, there may be little desire for such a change to occur from the broader community as it would impose an obligation on electors that was not there previously.

### **First past the post**

The current voting method for local government elections in Western Australia is first past the post (FPP). Simply put: the person with the most votes win. FPP is inconsistent with the voting method applied at both a State and Federal level where preferential voting is required.

FPP can often lead to outcomes that do not adequately represent the community's preferences with many successful candidates being elected without a clear majority of votes. For example, a successful council candidate can be elected even though they may only receive 8% of the total votes cast or a successful mayoral/presidential candidate may receive significantly less than 51% of total votes cast.

Ensuring our elected representatives adequately reflect our broad communities is essential to maintain confidence in our democratic institutions.

While changing the voting method has been applied to the Western Australian local government sector previously, it was not wholly supported by the sector. Having an optional preferential voting system for electors could be seen as an adequate compromise.

### **In-person/postal/electronic voting**

Each local government can choose to conduct an election as either an 'in-person' election or as a 'postal' voting election.

In a 'postal' voting election the ballot papers will be automatically sent to every elector. At an in-person election people who are unable to vote in person may request a postal vote. In-person elections are conducted by the local government themselves while all postal elections must be conducted by the Western Australian Electoral Commission.

Postal voting has increased voter turnout in local government elections but not to the point that reflects State and Federal election turnout.

Electronic voting is touted as an alternative to traditional voting methods where the voter records their vote digitally (on a computer) rather than marking a ballot paper and lodging it at a polling booth or via post. Online voting is seen as convenient, more efficient and, in the long term, more cost effective.

Online voting has not been adopted widely principally due to concerns with the integrity of voter registration, the casting and scrutiny of votes and the high costs in establishing and conducting elections online.

While there is no evidence of instances of deliberate voter manipulation through online voting in Australia, there is a level of risk with all internet applications. These risks would necessitate the continuous application of best practice with respect to security and also need to be balanced against the risks inherent in conventional paper based systems.

### **Who can vote (franchise)**

The eligibility criteria to vote establishes who can have their say in a local government's future. Currently, the criteria in Western Australia is broad and includes owners of property and corporations that are not eligible to vote in State or Federal elections.

#### **Property franchise**

Owners of property are currently eligible to vote on the basis that they contribute to a local government through the payment of rates and therefore have a right to a say in how that money is used.

With property franchise, a person may vote in multiple districts in which they own property. A maximum of two owners can enrol per property.

Some see property franchise as archaic and contrary to the principles of one person, one vote. Property franchise is not linked to voter eligibility in State or Federal elections but is a feature of local government elections in all other States except Queensland, which removed the practice in 1921.

## Corporate franchise

The eligibility of land owners to vote also extends to corporations. A corporation is entitled to a maximum of two votes in each district in which the company owns land. Corporations, like other rate payers, make a significant contribution to local government revenue through the payment of rates.

Corporate franchise is not linked to voter eligibility in State or Federal elections but is a feature of local government elections in all other States except Queensland.

## Occupiers franchise

As well as land owners and residents, occupiers of business premises are eligible to vote if they apply.

Occupiers can include people leasing property such as small business operators who are impacted by council decisions and make a financial contribution to the local government through the payment of fees and charges.

## When we can vote

Western Australia is the only jurisdiction that holds council elections every two years, with nominations sought for half of a council's positions at each election. In all other jurisdictions, council elections tend occur every four years, in line with the election cycle of their respective State Governments.

## Opportunities for reform

### Changing the election cycle

Having elections every two years was intended to provide greater continuity on council and provide greater accountability by enabling the public to more regularly have a say through elections. However, the current two-year cycle creates additional costs for every local government and has been argued to contribute to voter fatigue which leads to fewer people voting. One alternative is to hold elections every four years offset with State Government elections.

## Representation

Every local government in Western Australia is unique in determining who we can vote for. Each local government can have a different number of councillors to represent the community, different methods for electing a mayor/president and can also have their entire district broken up into voting wards.

A major issue raised about local governments in Western Australia is the inconsistency from each jurisdiction. Applying a more consistent approach to community representation is a core issue that needs to be addressed. Ensuring that all electors have a near equal say and representation on their respective local government councils, no matter in which jurisdiction they reside, brings everyone onto an equal playing field.

## Opportunities for reform

### Number of council members

The number of council members within a local government is set upon the establishment of said local government and may be varied by the Minister following a recommendation of the Local Government Advisory Board. The number of council members across the State's local government varies from six to 15, with the most common number being nine.

With the great variability in population across local government districts, the number of elected representatives per elector varies greatly. Explicitly linking population to councillor numbers could result in greater consistency across the State and more equal representation throughout all jurisdictions.

### Election of mayors/presidents

Mayors and shire presidents can either be elected by the community or elected by the elected council body.

- If the mayor/president is elected by the council body, the council itself can decide to have the position elected by the community.
- If the mayor/president is elected by the community, only the community can decide to change back to having the position elected by the council body via a referendum.



The direct election of a mayor/president can increase public confidence and strengthen the role in the eye of the community. However, the popular election of mayors/presidents has been linked to greater politicisation, instability and friction on council itself, especially when elected on a single issue.

Determining a consistent method of election for a mayor/president would result in more equal representation throughout all jurisdictions.

## **Wards**

Wards are intended to ensure that all parts of a district are fairly represented. While councillors are only elected by voters in a ward, they must represent and make decisions that are in the best interests of the entire district.

Fifty-four of the 137 local governments currently have wards, including 19 of the State's 20 most populous local governments. The least populated local government has a population of approximately 100 people and is split into two wards.

Wards reduce the overall pool of candidates and reduce the total number of votes required to be elected. Statistically, there is little or no correlation in Western Australian local government elections between wards and voter turnout.

In 2017, one local government which has no wards, had 31 candidates contest seven positions on council. In this election the candidate who received the most votes received under 10% of the total vote. In the same year, the successful candidate in a different local government became a council member after receiving 12 of the 13 valid votes lodged in their district's ward.

## **Set a minimum population threshold for wards**

Twelve local governments with fewer than 1000 electors employ wards which has resulted in 16 local government wards that have fewer than 100 electors. 10 of these ward elections in 2015 and 2017 were resolved without contest.

Setting a minimum population threshold before a local government could introduce wards would create greater consistency in local government representation. For example, requiring local governments to have at least 2000 electors before they could subdivide these into wards would streamline the ward system in 13 local governments.

## **Set a mandatory population/requirement threshold for wards**

Large local governments without wards tend to have sizeable numbers of candidates. Large numbers of candidates running in a district provide greater choice for electors but can also make it difficult for electors to know about a candidate and their platform. The costs of campaigning for a council position would be significantly greater in a local government without wards as opposed to one that does have wards.

Setting a population threshold where a local government must be divided into wards may result in better representation and more efficient elections.

Alternatively, reforms could require local governments that meet certain characteristics to employ wards. These characteristics could include having multiple population centres or being formed because of an amalgamation.

## **Electoral Distribution Commissioners to oversee ward structure**

Current ward structures are determined by the Governor on the Minister's recommendation following a review by Local Government Advisory Board.

As an alternative, the Electoral Commissioner could be empowered to oversee the establishment and modification of ward boundaries.

For Western Australia, the State electoral boundaries are reviewed following each State Government election. A similar process could be implemented which would streamline the process, provide a regular schedule for review and deliver consistency with State Government. It would, however, be costlier than the current system.

## **Resolving ties**

Currently, where two or more candidates receive the same number of votes, lots are drawn to determine the winner. Leaving a matter as important as the outcome of a local government election to chance has been criticised in the past.

## **Candidates**

All candidates in a local government election are potential councillors. It is important that we have a minimum standard imposed on those who want to represent our communities and ensure every community member has sufficient information on their candidates.

## Opportunities for reform

### Who can run for council

An individual is not eligible to run for council if that individual is:

- in prison
- has been convicted of a serious local government offence within the last five years
- has been convicted of an offence for which the penalty is greater than five years imprisonment

Every elected council member performs a unique and important role in planning and building control. It has been proposed that a person who has been convicted under planning and building legislation in the previous five years should also be disqualified.

### Candidate nomination

Candidates are required to submit a written profile with their nomination of no more than 150 words which is confined to their biographical information and statements of the candidate's policies or beliefs. The profile cannot contain information that is false, misleading or defamatory.

Studies have found that lack of knowledge about candidates contributes to low voter turnout. The candidate profile is the only requirement imposed and it is often the only information that electors may have to make their selection, especially in larger local government districts. Requiring candidates to provide additional information in their candidate profile may assist electors in making more informed decisions and create a more reflective council body.

### Social media use

Concerns were expressed by many with the way social media was used in the 2017 local government election period to disparage candidates.

Amendments resulting from earlier consultation of the Act Review will address this problem through the development of a new code of conduct for council members which include provisions on social media use. The mandatory requirement to abide by the code of conduct will be extended to all candidates in local government elections.

## Campaigns

Election campaigns are the most public component of elections and the Local Government Act 1995 provides a basic framework for election campaign rules. Over the last 20 years, the way campaigns are conducted has changed significantly and it is important that any campaign reform be contemporary and in line with community standards and expectations.

## Opportunities for reform

### Campaign spending limit

Anecdotally, the average cost of local government campaigns has increased in recent years. This increase in costs may be tied to the growing number of candidates standing in many metropolitan local governments and the resulting greater competition. Election campaigning either requires personal financial investment from the candidate or receipt of campaign donations. The greater the cost of campaigning, the greater the investment required.

A well-financed campaign is not inherently improper and can be seen to be in the public interest as it contributes to a more informed and engaged voter base. At the same time, the escalating cost of campaigns can contribute to an 'arms-race' and ultimately lead to problems.

Good local democracy relies on maximising participation not just of voters but also potential candidates. An escalation of the costs of campaigning necessary to have a reasonable chance for success can reduce the percentage of people able to be a council member. High campaign costs can lead to candidates relying heavily on donors which, if unchecked, can lead to perceptions of impropriety and undue influence.

In Tasmania, a campaign advertising limit is set for all candidates at \$8000. Tasmanian local government candidates are required to lodge a return with the Tasmanian Electoral Commissioner stating how much they spent on advertising.

## Donation/gift rules

Currently, donations/gifts received or promised to a candidate from six months prior to an election until three days after the election for unsuccessful candidates and up to the start day for financial interests for people elected to council must be publicly disclosed.

There is also the requirement for donors to disclose their donation/gift given to candidates. These rules are intended to provide greater transparency of political donations and deter corruption.

## Donation/gift reform

The rules regulating the acceptance and declaration of election donations and non-election gifts differ considerably. In addition to different monetary thresholds for the declaration of gifts, different rules exist for the process and timeline for declaration.

One option is to, where practicable, align the two gift frameworks to achieve greater consistency in what gifts must be declared, the timetable for declaration and how these gifts must be reported.

Following earlier consultation, a proposal for a revised approach to gifts has been announced by the McGowan Government, requiring council members to declare gifts valued at \$300 or more received in their official capacity. This does not, however, apply to candidates who are not council members. A revised aligned framework would achieve greater consistency and reduce confusion.

## Prohibited election gifts

Two Australian jurisdictions prohibit donations from certain entities. In New South Wales, donations from property developers, the tobacco industry and liquor and gambling entities cannot be accepted. In Queensland, it is prohibited to receive donations from property developers in both local and State Government elections.

During the last ordinary council elections and in submissions received during earlier consultation on the Act review, concerns were raised regarding the growing reliance on donations from certain organisations and perceptions of greater politicisation resulting from the need to source funding to conduct a competitive campaign.

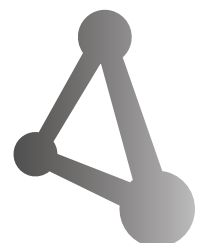
## Donor declarations

Donors as well as recipients are currently required to declare gifts they provide or promise to candidates. This was introduced as an added incentive for disclosure. The requirement for donors to declare gifts also exists in New South Wales.

This has been viewed as a duplication of the requirement placed on election gift recipients and is inconsistent with the rules for non election gifts. Requiring donors to declare gifts may strengthen transparency; however, it can be argued that the benefits are limited by the lack of a requirement to publish the declarations by donors.

## Have your say

Have your say on these important issues by completing the [survey](#) or emailing [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au). A [more detailed paper](#) is also available.



#### 12.5.4 Lake Ballard Management Advisory Committee

<b>LOCATION:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>DOCUMENT REF:</b>	COM.994.1/NAM195
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	19 October 2018
<b>AUTHOR:</b>	Rhonda Evans, Chief Executive Officer
<b>ATTACHMENT:</b>	12.5.4-1 Notes from meeting – 4 October 2018

<b>COUNCIL RESOLUTION:</b>	<b>No.</b>
----------------------------	------------

**MOVED: Cr**

**SECONDED: Cr**

*Carried by Absolute Majority /*

#### **OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL:**

That Council resolve to

1. Disband the Lake Ballard Management Advisory Committee effective immediately
2. Advise the members of the Lake Ballard Management Advisory Committee that the Committee will cease to operate.
3. Receive a status report for the Lake Ballard Inside Australia Art installation and camp site to Council and the Art Gallery of WA each quarter commencing February 2019.

#### **VOTING REQUIREMENTS:**

Absolute Majority

#### **IN BRIEF:**

The Lake Ballard Management Advisory Committee has been unable to meet numbers for a quorum since 27 March 2017. It is proposed to replace the committee with regular reports to Council and the Art Gallery of WA.

#### **RELEVANT TO STRATEGIC PLAN:**

##### *14.1 Sustainable local economy encouraged*

- A strong local economy, diversified through encouraging commercial growth, which provides jobs and services.
- A local economy that has close working partnerships with mining companies and other industries.

- A local economy accessing the commercial options and services in place, for timely development.
- The prevention of fire risk throughout the community.
- The significant natural features of the shire for tourism.
- The acquisition of appropriate resources to assist with economic and tourism planning and development.

#### *14.2 Strong sense of community maintained*

- The Shire to review disability access throughout the Shire of Menzies.
- The Shire to acquire appropriate resources to assist with developing the services and facilities required by the community.

#### *14.3 Active civic leadership achieved*

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.
- Regularly monitor and report on the Shire's activities, budgets, plans and performance.
- Maintain sustainability through our leadership, our regional and government partnerships and ensure we make informed resource decisions for our community good.
- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.

#### *14.4 Heritage & Natural assets conserved*

- Our natural environment will be protected and preserved for future generations.
- Our built environment will be managed to sustain our growing needs, while protecting and restoring buildings of historical value.
- Heritage and cultural places and items will be protected.
- A strengthening of our cultural and heritage awareness and values.

### **STATUTORY AUTHORITY:**

*Local Government Act 1995 Section 5.11(2)©*

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil

**RISK ASSESSMENTS:** Nil

### **BACKGROUND:**

The Lake Ballard Management Advisory Committee has failed to meet the quorum for a meeting since 27 March 2017.

**COMMENT:**

The Lake Ballard Management Advisory Committee does not have delegated authority, and as can be seen by the attached notes, general matters relating to both the statues and the free camp site on the adjacent Reserve are dealt with as a part of operations by administration.

Future developments and upgrades will be managed under normal Council process within the Community Strategic Plan and Integrated Planning process.

Three Statues have transported to the art Gallery of WA for repairs. It is anticipated that they will be returned and reset in mid-November (weather permitting).

# SHIRE OF MENZIES



## LAKE BALLARD MANAGEMENT ADVISORY COMMITTEE

(General Discussion notes taken due to  
No Meeting for lack of Quorum)

held  
Thursday 4 October 2018  
Shire of Menzies

## NOTES

### 1 Robert Cook

Robert asked if the Shire were auditing the statues. Rhonda replied that the Shire receives good feedback from tourists and that staff regularly visit the site during the year and report any damage if it occurs. The Lake Ballard surveys are also a good source of information about issues at the installation and camping grounds.

Rhonda asked about the weight of each statue. She was suggesting she may transport them to Perth in her Shire vehicle. Robert was not keen on this idea and advised that the Art Gallery were in discussion with a transport company to bring them down. Robert to try to find out estimates of weight of each. When Rhonda queried if the footing were also required when the installations were removed Robert advised that they definitely were.

There was a short discussion about the current statues that were removed from the Lake recently and located at the Shire Depot. Robert wanted to make sure they were safely stored. Cr Greg Dwyer also raised the point about insurance on each statue. Robert advised that whilst the installation as a whole is valuable, each statue has the capacity to be reproduced as the moulds are still in existence. He also noted that recording the GPS location of each statue being removed was vital to ensure that the statue went back to the correct position once repaired.

When questioned about identifying the individual statues Robert said that he was not aware of any identification on them, however Cr Jill Dwyer informed the meeting that Sir Antony had told her that there was a number on each statue. Robert and David will check the two statues in Perth to see if they can find the identifier. It may possibly be on the foot!

### 2 Signage

Sir Antony has made his wishes clear on this matter. He does not want any signage visible from the shore. The Committee noted that the vegetation has grown considerably since the statues were installed and placing signage closer to the edge of the lake could now be considered without it being visible from the shore. It was also suggested by Robert that perhaps warning signs advising of potential hazards and also what/what not to take onto the lake. Eg. Water, fly net, etc. no vehicles, bikes, etc.

Robert requested photos of the site to be sent to him to be onforwarded to Sir Antony.

Sites to be considered:-

- 50 metres up the track from existing signage for new site
- Photo of existing signage
- First Photo - existing site (where signage currently is located)
- Second Photo – Bins area
- Third Photo – Viewing area

Robert also enquired if the Shire were able to produce the signage. Rhonda advised the Shire used a company in Kalgoorlie called Visisigns.



**3 Art Gallery site visit to Lake Ballard**

Robert told the meeting that the Art Gallery would like to come up to Lake Ballard mid-November for a complete survey. The members confirmed with Robert that mid-November would be a good time to visit. Any later and it would become too hot, and also the risk of summer storms could restrict access to the statues. The Gallery is looking at ways of replacing the footings on the statues using new methods. He was advised that the footing would still be required to go fairly deep.

Rhonda advised Robert that a mining company in the local area had a vehicle capable of traversing the salt lake with ease. The company Salt Lake Pot Ash are operating at the eastern end of Lake Ballard and use this vehicle in their operations. Robert was very interested in exploring this option rather than the very labour intensive operation that is currently used to retrieve statues.

Robert enquired if the Art Gallery were to retrieve the statues would they get physical assistance from the Shire. The answer from Rhonda was no. It was suggested that speaking with Salt Lake Pot Ash may be a good idea. He also enquired about the possibility of relocating a container or small shed to Menzies to house equipment required by the Art Gallery when undertaking inspections etc as this would mean that staff could be flown to Kalgoorlie rather than drive as they would not have to transport equipment each visit. Rhonda stated that an area could be located within the compounds of the Menzies Shire Depot yard for the storage of such a shed. Rhonda to supply to Robert the contact details for Salt Lake Pot Ash.

**4 VANDALISM**

Robert enquired about vandalism at the lake. The Art Gallery had been contacted by the ABC regarding possible vandalism. Rhonda advised she had been contacted as well, however once they were advised it was “wear and tear” and not vandalism they were not interested in pursuing the story.

**5 SIR ANTONY GORMLEY IN PERTH**

Robert advised the meeting that Sir Antony was in Perth last month for a matter of 3 hours between flights. He met very briefly with David and Robert at the Art Gallery. He had indicated he wanted the repairs to be done immediately and the statues returned to the lake as soon as possible. Transportation of statues will be arranged by the Art Gallery of WA.

Cr Greg Dwyer enquired about the value of the statues. Robert wasn't sure but will find out. He stated that given all statues have the ability to be replaced since all the moulds are still in existence he didn't think each statue would be too costly, however the whole installation is of great value. Robert to investigate insurance and replacement value of statues.

**6 AREA IN MENZIES DEDICATED TO SIR ANTONY GORMLEY AND THE INSIDE AUSTRALIA INSTALLATION**

Cr Greg Dwyer asked Robert if the Art Gallery of WA would support the Shire of Menzies should it create a dedicated area in Menzies to the Sir Antony and the statues. Robert seemed to think that a collaboration between the two organisations would work. The Shire would be very keen

General Discussion notes taken due to  
No Meeting for lack of Quorum on Thursday 4 October 2018

to establish something similar to what is currently on display in the WA Art Gallery. It is definitely something that could be discussed in the future.

### 12.5.5 Niagara Dam Working Party Committee

<b>LOCATION:</b>	N/A
<b>APPLICANT:</b>	WML Consultants
<b>DOCUMENT REF:</b>	ROA.895.1/NAM196
<b>DISCLOSURE OF INTEREST:</b>	The Author has no interest to disclose
<b>DATE:</b>	19 October 2018
<b>AUTHOR:</b>	Rhonda Evans, Chief Executive Officer
<b>ATTACHMENT:</b>	12.5.5 Niagara Dam Working Party Committee

<b>COUNCIL RESOLUTION:</b>	<b>No.</b>
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**MOVED: Cr**

**SECONDED: Cr**

*Carried /*

#### **OFFICER RECOMMENDATION TO BE DEBATED AND RESOLVED BY COUNCIL:**

That Council

1. Note the comments from WML Consultant relating to the restoration of the Niagara Dam wall
2. Resolve to call for Expression of interest from suitably qualified contractors to remove the silt from Niagara Dame
3. Resolve to call for Expression of interest from suitably qualified contractors to refurbish the Release Valve at the base of the dam wall at Niagara Dam
4. Resolve to call for Expression of interest from suitable qualified contractors to refurbish the dam wall at Niagara Dam.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **IN BRIEF:**

The water level at Niagara Dam is currently low enough to commence remedial works to the dam. Expressions of interest will be sought to undertake the works and liase with the appropriate Heritage authority.

#### **RELEVANT TO STRATEGIC PLAN:**

##### *14.1 Sustainable local economy encouraged*

- The significant natural features of the shire for tourism.

- The acquisition of appropriate resources to assist with economic and tourism planning and development.

#### *14.2 Strong sense of community maintained*

- The Shire to acquire appropriate resources to assist with developing the services and facilities required by the community.

#### *14.3 Active civic leadership achieved*

- Regularly review plans with community consultation on significant decisions affecting the shire.
- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.

#### *14.4 Heritage & Natural assets conserved*

- Our natural environment will be protected and preserved for future generations.
- Our built environment will be managed to sustain our growing needs, while protecting and restoring buildings of historical value.
- Heritage and cultural places and items will be protected.
- A strengthening of our cultural and heritage awareness and values.

**STATUTORY AUTHORITY:** Nil

**POLICY IMPLICATIONS:** Nil

#### **FINANCIAL IMPLICATIONS:**

Consideration of a budget allocation from the Niagara Dam reserve will be considered following receipt of expressions of interest.

**RISK ASSESSMENTS:** Nil

#### **BACKGROUND:**

Council has a number of reports addressing the refurbishment of the Niagara Dam wall, and adjacent dam area.

#### **COMMENT:**

Low rainfall this year has resulted in water levels at Niagara Dam and an opportunity to consider commencing repairs and maintenance. Following meeting with an Engineer from WML the attached recommendations and comments were submitted for consideration.

Actions to be taken will be dependent on the outcomes from the Expressions of interest received. It is planned to advertise by 4 November 2018, with submissions closing on or about 18 November 2018. A further report will be presented to Council at the November 2018 meeting.

Site meeting at Niagara Dam site.

Date: 04.10.2018, Thursday at 1.00 pm (started 1.30 pm)

Attendees:

- Greg Dwyer- Shire President, Menzies
  - Jill Dwyer – Councillor, Menzies
  - Rhonda Evans – CEO, Shire of Menzies
  - Nabeena Dhungana – Engineer, WML Consultants
- 
- Silt clearing from the upstream reservoir area was carried out in 2011.
  - Approximate depth of silt near dam wall at that time was 2.3 m.
  - Need to estimate silt quantity in the upstream reservoir and prepare cost estimate to clear and remove the silt.
  - Need to replace all valves and grating.
  - Shire wants to have all valves in working condition so as to take the pressure off the dam wall (especially silt pressure release via the Scour Valve)
  - It was noted that the current low water level also provides an opportunity to have repairs undertaken to the dam wall possibly prior to or simultaneously with silt removal. To be investigated further to determine methodology and cost estimate.

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**13 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN**

**14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

**14.1 BUDGET REVIEW – COMMUNITIES**

**14.2 REQUEST FOR RATE EXEMPTION**

**15 NEXT MEETING**

The next Ordinary Meeting of Council will be held on Thursday 29 November 2018 commencing at 1pm.

**16 CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting at                      pm.

I, \_\_\_\_\_ hereby certify that the Minutes of the Ordinary Meeting of Council held 27 September 2018 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held 25 October 2018.

Signed: \_\_\_\_\_

**Dated: 25 October 2018**