

## **11.1 Chief Executive Officer**

### **11.1.1 GENERAL MEETING OF ELECTORS 2018**

Attachment 1 – Minutes of the General Meeting of Electors – 12 December  
2018

# Annual General Electors' Meeting

## MINUTES

FOR THE MEETING TO BE HELD  
WEDNESDAY 12 DECEMBER 2018  
IN COUNCIL CHAMBERS, WALLCLIFFE ROAD,  
MARGARET RIVER  
COMMENCING AT 4.30PM

# Meeting Notice

Dear Councillor

I advise that the 2016/17 Annual General Electors' Meeting of the Shire of Augusta Margaret River will be held in Council Chambers, Wallcliffe Road, Margaret River on Wednesday 12 December 2018, commencing at 4.30pm.

Yours faithfully



**DALE PUTLAND**  
**ACTING CHIEF EXECUTIVE OFFICER**

## **ATTENTION/DISCLAIMER**

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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# Annual General Electors' Meeting

Minutes of the Annual General Electors' Meeting held on Wednesday 12 December 2018, in Council Chambers, 41 Wallcliffe Road, Margaret River, commencing at 4.30pm

## 1.0 DECLARATION OF OPENING

*The Shire President thanked all in attendance and declared the meeting open at 4.31pm*

*The Shire President gave an Acknowledgement of Country:*

*'I acknowledge and respect the traditional custodians of this land and pay our respects to elders past and present and emerging, whose lands we share.'*

## 2.0 ATTENDANCE

Shire President : Cr Pam Townshend

Councillors : Cr Ian Earl  
Cr Naomi Godden  
Cr Peter Lane  
Cr Pauline McLeod  
Cr Julia Meldrum  
Cr Mike Smart

Acting Chief Executive Officer : Dr Dale Putland

Acting Director Corporate and  
Community Services : Mr Andrew Ross

Governance / Council Support  
Officer : Ms Claire Schiller

**MEMBERS OF THE PUBLIC :**

**MEMBERS OF THE PRESS**  
Augusta Margaret River Times :

### 2.1 Apologies

Chief Executive Officer, Gary Evershed  
Director Infrastructure Services, Markus Botte  
Acting Director Sustainable Development, Nick Logan

### 2.2. Approved Leave of Absence

Nil

## 3.0 PUBLIC QUESTION TIME

Nil

**4.0 2017/18 ANNUAL REPORT FOR THE SHIRE OF AUGUSTA MARGARET RIVER  
(Attachment)**

**MOTION / COUNCIL DECISION**

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**CR EARL, CR LANE EM2018/1**

**That the General Meeting of Electors receives the 2017/18 Annual Report for the Shire of Augusta Margaret River.**

**CARRIED 7/0**

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**5.0 2017/18 AUDITED FINANCIAL STATEMENTS FOR THE SHIRE OF AUGUSTA MARGARET RIVER (Attachment)**

**MOTION / COUNCIL DECISION**

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**CR EARL, CR LANE EM2018/2**

**That the General Meeting of Electors receives the 2017/18 Audited Financial Statements for the Shire of Augusta Margaret River.**

**CARRIED 7/0**

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**6.0 GENERAL BUSINESS**

Nil

**7.0 CLOSURE OF MEETING**

*The Shire President thanked all in attendance and declared the meeting closed at 4.36pm*

## **11.1 Chief Executive Officer**

### **11.1.2 COMPLIANCE AUDIT RETURN 2018**

Attachment 1 – Compliance Audit Return 1 January 2018 to 31 December 2018

Attachment 2 – Compliance Audit Return Report to the Audit and Risk Management Committee Meeting held 13 March 2019





## Augusta-Margaret River - Compliance Audit Return 2018

### Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of section of relevant minutes.

<b>Commercial Enterprises by Local Governments</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2018.	N/A	No major trading transactions took place.	Emma Rogers
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2018.	N/A	No major land transactions took place.	Emma Rogers
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2018.	N/A		Emma Rogers
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2018.	N/A		Emma Rogers
5	s3.59(5)	Did the Council, during 2018, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Emma Rogers



<b>Delegation of Power / Duty</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A	No Shire committees are delegated any powers or duties.	Emma Rogers
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A	No Shire committees are delegated any powers or duties.	Emma Rogers
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A	No Shire committees are delegated any powers or duties.	Emma Rogers
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A	No Shire committees are delegated any powers or duties.	Emma Rogers
5	s5.18	Has Council reviewed delegations to its committees in the 2017/2018 financial year.	N/A	No Shire committees are delegated any powers or duties.	Emma Rogers
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Emma Rogers
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Emma Rogers
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Emma Rogers
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Emma Rogers
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Emma Rogers
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Emma Rogers
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2017/2018 financial year.	Yes	Reviewed and adopted by Council on 27 June 2018.	Emma Rogers
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Emma Rogers

<b>Disclosure of Interest</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>



No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes	However, participation approval was granted by the Minister under s5.69 at the 25 July 2018 OM OM2018/172 for four disclosing members of Council to participate in the discussion and decision making related to the matter.	Emma Rogers
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Emma Rogers
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Emma Rogers
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A	There were no newly elected members in 2018.	Emma Rogers
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	Yes		Emma Rogers
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2018.	Yes		Emma Rogers
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2018.	Yes		Emma Rogers
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Emma Rogers
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Emma Rogers
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Emma Rogers
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Emma Rogers
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Emma Rogers



No	Reference	Question	Response	Comments	Respondent
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	No	Minor technical breach - at the AMRS Sustainable Advisory Committee meeting held 20 September 2018, Councillor Godden disclosed an interest in a matter to be discussed. The disclosure of interest was recorded but nature of the interest (Reg 11 (6)) was not made clear in the minutes.	Emma Rogers
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Emma Rogers
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Emma Rogers
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Emma Rogers

### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	Yes	Sale of 14 Humble Way Margaret River- advertised 4 July 2018, Sale of 17 Lloyd Loop Margaret River- advertised 20 June 2018, Sale of 13 Lloyd Loop Margaret River- advertised 4 July 2018, Lease of 341 Boodjidup Road Margaret River (Eagles Heritage)- advertised 9 November 2018, Lease of Lot 400 Wallcliffe Road Margaret River (Soggybones Pty Ltd) - advertised 4 April 2018	Emma Rogers
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Emma Rogers

### Finance

No	Reference	Question	Response	Comments	Respondent
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No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes	Special meeting on 25/10/17 (refer SM2017/4).	Emma Rogers
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A	No powers or duties have been delegated to the Audit and Risk Management Committee.	Emma Rogers
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	At the Ordinary Meeting on 28/1/15 Council approved the appointment of Registered Company Auditors from UHY Haines Norton as the Shire's Auditors for the five financial years 2014 -15 to 2018-19 inclusive (refer OM2015/12). On 1/7/2015 UHY Haines Norton merged with Moore Stephens.	Emma Rogers
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes	OM2015/12 was carried 7/0.	Emma Rogers
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2018 received by the local government within 30 days of completion of the audit.	Yes	Received on 9/10/18.	Emma Rogers
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2018 received by the local government by 31 December 2018.	Yes	Received on 9/10/18.	Emma Rogers
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A		Emma Rogers
8	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		Emma Rogers
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		Emma Rogers





















was made at the SAC meeting, however, the nature of the interest was not made clear in the minutes of the meeting. This is a minor technical breach by the minute taker.

Remedial actions taken:

Shire officers recording the minutes of the SAC meetings have received further training on disclosures of interest requirements, and advised to have on hand disclosure of interest forms for members to complete at the meeting to assist in capturing all of the required information.

**STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS**

The Annual Compliance Audit Return is required under the provisions of s.7.13 (i) of the *Local Government Act 1995* and r.14 & 15 of the *Local Government (Audit) Regulations 1996*.

**STRATEGIC PLAN / POLICY IMPLICATIONS**

***Community Strategic Plan 2036 (CSP)***

***Corporate Business Plan 2018-2022***

Key Result Area 5: Effective Leadership and Governance

5.1.3 Ensure Councillors and employees demonstrate the importance of ethical behaviour and compliance with codes of conduct.

5.1.3.3 Complete and submit Statutory Compliance Return and remediate any errors within timeframes.

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

**Environmental**

Nil

**Social**

Nil

**Economic**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

The Audit and Risk Management Committee:

1. receives the 2018 Compliance Audit Return, noting that compliance was achieved in all areas with the exception of one question; and
2. recommends that Council adopt the 2018 Compliance Audit Return for the Shire of Augusta Margaret River, and forward a certified copy of the 2018 Compliance Audit Return to the Department of Local Government, Sport and Cultural Industries prior to 31 March 2019.

**ATTACHMENTS**

1. Compliance Audit Return 1 January 2018 to 31 December 2018

## **11.1 Chief Executive Officer**

### **11.1.3 FINAL ADOPTION OF GL30 COMMUNITY GROUP AND SPORTING CLUB COMMUNICATION POLICY**

Attachment 1 – GL30 Community Group and Sporting Club Policy



# GL30 - Community Group and Sporting Club Communication Policy



December 2018

*This policy was adopted by Council to set governing principles in place that align the strategic direction of the organisation with Goal 5: Effective Leadership and Governance of the Community Strategic Plan 2036.*

## Objectives

To provide guidance for the appropriate and efficient handling of requests initiated by volunteer managed and run community groups and sporting clubs. This policy does not apply to organisations that employ staff to manage or run the organisation.

Definitions	
<b>Community organisation</b>	A group of people that come together to pursue a common cause or interest for the benefit of the community and may include an Association, Centre, Club, Committee, Group, Incorporated Body or Society. These organisations may or may not employ staff.
<b>Volunteer managed community groups and sporting clubs</b>	Community groups and sporting clubs that are managed and run solely by volunteers and do not employ staff. Examples include: <ul style="list-style-type: none"> <li>• Hall Management Committees facilitating the use and operation of Shire facilities</li> <li>• Sporting groups with lease arrangements with the Shire</li> <li>• Sporting groups using Shire facilities</li> <li>• Augusta Historical Management Committee*</li> <li>• Margaret River and Districts Historical Society*</li> </ul> *Contributions towards a Curator stipend via Council Contribution is not considered as the employment of staff.
<b>Charitable organisation</b>	Is a not-for-profit organisation that has a charitable purpose for the sole benefit of the public (for example, religious groups, aged care homes, homeless shelters, disability services, animal welfare societies and artistic or cultural groups). These organisations may or may not employ staff.
<b>Not-for-profit organisation</b>	An organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect whilst in operation. These organisations may or may not employ staff.
<b>Shire facility</b>	All buildings, reserves, facilities and grounds across the Shire that the Shire has responsibility for that are available for hire or use.

## Policy

The following protocols will be adhered to in respect to liaising with volunteer managed and run community groups and sporting clubs to ensure transparent communication.

- The President of community groups and sporting clubs is appointed as the sole liaison for all dealings with the Shire
- The President may authorise an alternative representative in writing to deal with the Shire in their stead on a case by case basis
- The correct procedure for all requests for information and assistance must be followed
- As the nominated representative, the President shall relay information between their respective committees and the Shire.

## Application

Responsibility for the implementation of this policy rests with the Chief Executive Officer. The policy is to be reviewed every three years.

Document and version control table		
<b>Strategic outcome</b>	Effective Leadership and Governance	
<b>Responsible Directorate</b>	CEO	
<b>Authority of original issue</b>	Council	
<b>Date of original issue</b>		
<b>Contact officer</b>		
<b>Date of next review</b>	Xxxxx 2021	
<b>Document No.</b>		
Version	Date issued	Brief description
1.0	xxxxx	Initial issue
1.1		
2.0		

## **11.1 Chief Executive Officer**

### **11.1.4 LOCAL GOVERNMENT ACT REVIEW - PHASE TWO**

Attachment 1 – Submission on Phase Two of the *Local Government Act 1995*

**AMRSC submission on LGA Review Phase 2**

<b>Subject</b>	<b>Shire's Proposed Change</b>	<b>Rationale</b>
<b>Council Meetings</b>		
Public statement time	Introduce 'public statement time' in the Act.	<p>Introduce public statement time to provide opportunity for members of the public to address Council in regards to issues of interest (not just what is in the agenda). Public statement time would potentially increase community participation at meetings and allow the community a 'voice' in this forum.</p> <p>Public statement time would need to be managed, e.g. Time limits, duplication of previous comments. This should be at the discretion of the Shire President, or managed within the Standing Orders Local Law.</p>
Public question time	Management of public question time should not be prescribed with rigid rules. It should be dealt with the Standing Orders Local Law, and/or at discretion of Shire President.	The current Act does not specify procedures for public question time. This allows the Shire freedom to set its own procedures in its Standing Orders Local Law and guidelines.
Conflicts of interest	Simplify disclosure of interest provisions.	<p>The current framework is prescriptive and complicated regarding interests and the disclosure obligations. Additionally, there is no requirement for Councillors to remove themselves from voting when they have an impartiality interest, even if the interest may be influential such as a Councillor being the President of a Sporting Club who are applying for a grant.</p> <p>Recommend simplifying the subjects of interest and how they are dealt with in the meetings. A greater focus on capturing how influential the interest may be, rather than attempting to prescribe the different types of interests.</p> <p>Clarity of proximity interest requirements are needed, such as distance from person's land.</p>
Remote attendance	Removal of distance requirement and within WA requirement	The current framework allows members to attend meetings remotely if they are at least 150km away and within WA. Removal of the distance requirement would allow elected members to attend meetings from home in extenuating circumstances e.g. physically unfit to travel, caring for unwell children. Removal of the WA requirement would allow elected members to attend from interstate. Remote attendance should still be approved by Council.

Meeting procedures	<p>That the keeping of the minutes be the responsibility of the CEO rather than the Shire President.</p> <p>Clarification of revocations.</p> <p>Clarification of what should be published in confidential minutes</p>	<p>Record keeping / minute taking is an administrative function that should be the responsibility of the CEO.</p> <p>Specifically that a decision cannot be revoked if it has already been implemented.</p> <p>Will erase uncertainty regarding exactly what details should be included the confidential minutes.</p>
General electors meetings s5.27 LGA	Remove requirement for general electors meetings.	The contents of the annual report can be discussed at the relevant OCM. Very few or no electors attend the AMRSC General Electors' Meeting, and the community have many other ways to engage with Council.
Special Electors' Meetings – requirement to call a meeting s5.28 LGA	Increase the number of people required to convene a special electors' meeting.	100 electors or 5% of total number of electors (whichever is less) is currently required to call a meeting. With approximately 10,300 electors in the Shire, the threshold should be raised to 500 or 5% of total number of electors (whichever is less) to represent a larger proportion of electors.

<b>Subject</b>	<b>Shire's Proposed Change</b>	<b>Rationale</b>
<b>Elections</b>		
Method of voting in LG elections – voluntary vs compulsory	Compulsory voting	Voter turnout rate for the Shire in 2017 was 44%, via a postal election conducted by the WA Electoral Commission. Compulsory voting is a requirement in both State and Federal elections throughout Australia, and in Vic, NSW, QLD and NT local government elections. (In WA, SA, Tas, voting is not compulsory). Compulsory voting would increase the turnout at elections, and ensure that the votes casted would better reflect the community. If there is an increase in cost with a compulsory voting, funding for extra costs should be provided.
First pass the post v preferential voting	Preferential voting	This is consistent with the current method at State and Federal level.
Postal voting vs online voting	Continue with postal voting until State or Federal Government adopt online voting.	The Shire has opted to conduct postal voting in recent elections. Online voting is an alternative method trialled in the 2017 WA State Government elections. Online voting is seen as convenient, more efficient, potential to increase voter turnout, and in the long term, more cost effective, but it has not been adopted widely due to concerns with integrity of voter registration, security, casting and scrutiny of votes, and high costs in establishing the online system. Recommend continuing

		with postal elections, while State and Federal Government trial online voting, and support WALGA's proposal to continue to investigate online voting and other opportunities to increase voter turnout.
Method of Election of Mayor / President	Local Governments should determine whether their Mayor or President will be elected by the Council or by the community.	Currently, if the Shire President is elected by the elected members, they can change to have the position elected by the community. If the Shire President is elected by the electors, only the electors can decide to change back through a ballot. Recommend that the LG should determine whether the Shire President be elected by the Council or community.
Frequency of elections	No change	Elections are held every two years in WA, with nominations sought for half of a council's positions at each election. This provides continuity on council, and enables public to more regularly have a say through elections. WA is the only jurisdiction that holds council elections every 2 years. Holding elections every 2 years creates additional costs; the estimated cost for WAEC to conduct the 2019 Shire elections is \$50,000.

Subject	Shire's Proposed Change	Rationale
<b>Community Engagement</b>		
Inclusiveness of community engagement in practice	Local governments have a responsibility to ensure their engagement practices are inclusive of all groups in their communities.	<p>The Shire supports special acknowledgement within the Local Government Act of indigenous Aboriginal communities and the integral role local governments play in supporting their community decision making processes.</p> <p>The Shire supports <i>inclusion</i> as the pillar of community engagement within the Act; where engagement practices must be supported across all levels of government to seek inclusion of minority and socially disadvantaged groups within communities, with a special attention to gender equality, culturally diverse, all-abilities and LGBTQIA.</p>
The role of local government in community engagement	Local governments to have an endorsed Community Engagement Charter which includes minimum standard for community engagement.	<p>While consistency is sought across the state, there is not a "one size fits all" approach possible with community engagement. It is important that this aspect of legislation articulates requirements which can be objective and easy to understand, without overburdening smaller local governments.</p> <p>The Shire supports a minimum standard for community engagement in the Local Government Act, by requiring local governments to have an endorsed Community Engagement Charter, which:</p>

		<ul style="list-style-type: none"> <li>- assists the local government in identifying what topics require community engagement</li> <li>- includes strategies for ensuring inclusion of all in their practices</li> <li>- focuses on developing consistent engagement across the whole organisation and all service areas</li> <li>- focuses on community capacity building and development of strong local relationships over time</li> <li>- supports the overall value of engagement quality, rather than quantity</li> <li>- supports the evaluation of engagement processes.</li> </ul>
The role of technology in engagement	Local governments to adopt a social media policy to articulate the appropriate use online platforms for community engagement.	The Shire supports a requirement for all local governments to have a Social Media Policy which reinforces a focus on safe community engagement through online channels, and which details the role of Councillors, staff and community through these activities.

<b>Subject</b>	<b>Shire's Proposed Change</b>	<b>Rationale</b>
<b>Integrated Planning and Reporting</b>		
Legislative requirements of IPR	The Act to better articulate the legislative requirements for IPR	<p>The Shire supports the Local Government Act to strengthen IPR principles more broadly by better articulating its minimum standard, which should include:</p> <ul style="list-style-type: none"> <li>- positioning IPR as the principal strategic leadership tool for local governments</li> <li>- reinforcing the important role of community within the IPR cycle</li> <li>- defining the process through the IPR guidelines</li> <li>- removing duplication from other parts of the Act, where the principle or practice is already captured in the IPR guidelines</li> <li>- allowing flexibility for individual local government circumstances.</li> </ul>
Roles and responsibility	Clearer understanding of the role of state government within IPR	<p>The Shire advocates for the role of state government in IPR as responsible for capacity building of local governments, which is ongoing and adequately resourced, and done without compromising its regulatory responsibilities.</p> <p>The role of state government should include the development of performance measures for the sector to better measure compliance, which assists and motivates individual local governments to progress between basic, intermediate and advanced delivery of IPR.</p>

Integration and levels of service	Integration of IPR with other regulatory plans and services	<p>The Shire advocates for more coordinated strategic planning across State Government departments to better support local governments and their levels of service, by:</p> <ul style="list-style-type: none"> <li>- ensuring that local, regional and State strategic plans are more closely aligned</li> <li>- ensuring that mandatory local government activities are explicitly linked to IPR e.g. a compliant Public Health Plan is required to balance service provision with the local governments workforce and financial plans, and is adequate to the size of that local government.</li> </ul>
Monitoring and reporting	Mandatory performance measures, or benchmarking, and regular reporting across the sector	<p>The Shire supports benchmarking across local governments to strengthen decision making and long term planning; although notes any mandatory processes must first be adequately resourced and tested, with smaller local governments having less agility to manage and monitor data across a wide range of service areas. It is also noted the nature and scale of local government services can vary widely across the sector, which can limit comparison of performance.</p> <p>The Shire supports a minimum standard in the Act for regular IPR reporting to Council and community, supporting a renewed and modern approach for local government annual reporting.</p>

<b>Subject</b>	<b>Shire's Proposed Change</b>	<b>Rationale</b>
<b>Rates, fees and charges</b>		
Section 6.16 Fees and Charges	Allow local governments to set and amend fees and charges for consumer item goods and services such as theatre tickets and food and drinks as well as commercial services such as caravan park site and chalets fees outside of the current requirements of the Act.	Flexibility is required for certain fees and charges and it is impractical to require local governments to establish all fees and charges at the start of the year for items which respond to consumer demand in a commercial environment.
Section 6.26(2) Rateable Land	Introduce a requirement for State Government trading enterprises, including the Housing Authority, to pay rates on their commercial land rather than making rate equivalent payments to the State Government.	It is inappropriate for State Government trading enterprises to pay rate equivalents to the State Government when it is local governments which provide the facilities and services.



Section 6.26(2)(g) Rateable Land	<ol style="list-style-type: none"> <li>1. Amend provision to exclude independent living units for seniors from being a charitable purpose for which a rate exemption can be claimed. The amendment could specify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997.</li> <li>2. Amend provision to remove rate exemptions for land used as a place of public worship (Churches).</li> <li>3. Amend provisions to include a rate exemption for Aboriginal Corporations where land is vacant, or is for customary or traditional use.</li> </ol>	Independent living units are generally provided at market rates so there is no charity for the user. Occupiers of these units also access and use local government services and it is appropriate they contribute to the provision of these services.
Section 6.28 Basis of rates	Review the section to examine the limitations of the current methods of valuation of land (Gross Rental Value or Unimproved Value) and explore other alternatives.	There are some anomalies such as prospecting and exploration licences being charged rates based on the Unimproved Value of the property, however they are a right to explore and don't actually use the land or use many local government services.
Section 6.33 Differential General Rates	Enable differential rating based on the time land remains vacant.	In order to encourage development vacant land may be rated using a higher differential rate than developed land. In reality this approach is a penalty for holding on to vacant land. Introducing some form of time factor would be fairer and would still discourage speculation and hoarding. Propose a two-year period for vacant residential and 1 year period for vacant commercial land before a higher differential rating is applied.
Section 6.35 Minimum Payments	Remove the requirement to seek the approval of the Minister if the number of vacant land properties on the minimum payment exceed the prescribed percentage (currently 50%).	This process is time consuming and requires quite a lot of information to be provided to justify the local government's application. The time taken adds to the timeframe before rates can be raised by a local government.
Section 6.36 Public Notice of Rates	Remove or reduce the time required to give local public notice of differential rates or prescribe other methods of communication to ratepayers in order to obtain feedback.	Currently a period of 21 days is required to give notice of differential rates, receive and consider submissions. Advertising adds to the timeframe before rates can be raised by a local government and the effectiveness is questionable as few submissions are received. While the need for public consultation is acknowledged it is suggested that limiting the communication channel to newspaper advertising is inconsistent with current communication methods.

Section 6.38 Service Charges	Expand the number of services for which a service charge can be levied from those prescribed.	Currently the only prescribed services are property surveillance and security, television and radio rebroadcasting, underground power and water. It is suggested other areas such as environmental services could be considered. In general greater flexibility is required.
Section 6.41 Service of Rate Notice	Amend the provisions for the service of rate notices to allow for electronic delivery of notices where a ratepayer's electronic address is known.	Electronic communication of rate notices would be more efficient, timely, less costly and more environmentally friendly than printing and mailing paper notices.
Section 6.45(1) Options for Payment of Rates	Amend to reduce the amount of prescription and increase the flexibility in relation to rate payment options.	Ratepayers are requesting more convenient payment options that line up with their financial circumstances such as the frequency of their pays. Local governments must also be more responsive to the needs of their ratepayers.
Section 6.56 Recovery of Rates	Allow all debt recovery action costs incurred by a local government pursuing unpaid rates to be recoverable from the ratepayer not just those referred to as "cost of proceedings".	Will improve operational effectiveness and will also ensure local governments are not left "out of pocket" when following up outstanding debtors.

<b>Subject</b>	<b>Shire's Proposed Change</b>	<b>Rationale</b>
<b>Financial Management</b>		
Section 6.14 Power to Invest	Allow local governments greater flexibility to place investments.	Greater flexibility is required but there needs to be controls in place to ensure communities are not financially disadvantaged by investment decisions. This could be through the form of requiring an investment policy which may have tiers of investments according to risk and that depending on the tier requires different levels of authority to place the investment.
LG (F&G) Reg 11(1) Tenders	Increase tender threshold.	Local Government tender thresholds should be aligned with the State Government which requires that tenders be invited for purchases over \$250,000 (current threshold is \$150,000) for goods and services not on the Common Use Arrangement (CUA). This approach is simpler and preferred to alternatives of setting the threshold as a percentage of local government expenditure or based upon assigned Salaries and Allowances bands.
LG (F&G) Reg 24A Regional Price Preference	Extend the application of Regional Price Preference so that regional local governments can apply their RPP Policy to all purchases, including those under the tender threshold.	Proposal will encourage local purchasing for regional local governments.
LG (F&G) Reg 30(3) Disposition of Property	Regulation be amended to delete any financial threshold limitation	Agree with removing the financial limitation of \$75,000 on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, particularly for trade-ins. Consideration

		should be given to increase the financial limitation for exempt dispositions which is currently \$20,000.
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<b>Subject</b>	<b>Shire's Proposed Change</b>	<b>Rationale</b>
<b>Interventions</b>		
Complaints process	Simplify the complaints process against a council member, from the public to one point of contact.	Currently, a person can make a complaint against council members of a minor breach to the complaints officer of the local government, who then refers the complaint to Local Government Standards Panel. But complaints of a serious breach must be made to the Director General, who then decides how to deal with them. Simplify the process so complaints are forwarded to Director General who then decides how the complaints should be dealt with.
Remedial action process	Remedial action process developed to assist LGs with early intervention, and capacity building in challenging times.	Support WALGAs position of an appointed person being a Departmental employee with required qualifications and experience, to provide advice and support (as opposed to directing and overriding decisions) to Council and administration in a capacity building role. Funding of the remedial action should be by the Department where the intervention is mandatory. The Local Government to pay where the assistance is requested.

<b>Subject</b>	<b>Shire's Proposed Change</b>	<b>Rationale</b>
<b>Complaints Management</b>		
Complaints documentation	Specify the documentation LG's require for Complaint management	Stipulate standard documentation requirements for local governments to manage complaints. i.e. Policy adopted by Council. A Customer Service Charter which outlines the Shire services is already mandatory under the LG Act.
Complainants	Inclusion in the Act to support local governments in managing habitual or vexatious complainants	Allow for CEO discretion to refuse to further respond when a complaint is considered vexatious. Provide for the complainant a timely process for third party review by Council of this decision.

<b>Subject</b>	<b>Shire's Proposed Change</b>	<b>Rationale</b>
<b>Administrative Efficiencies</b>		
All local governments regardless of their size have the same level of powers and responsibilities.	Differentiation in certain areas of compliance and administrative requirements between local governments, in respect to the size and capacity of local governments.	Local governments vary considerably in respect to their size, and capacity. A one size fits all approach to local governments is not always appropriate and the over regulation imposes many burdens. A tailored approach may be better suited that differentiates certain areas of regulation, compliance, and administrative requirements reflective of the capacity of local governments.

Proposal to amend names, wards and representation.	Amend the Act so that the prescribed number of electors required to put forward a submission to the LG Advisory Board regarding boundary changes, division of district into wards, abolishing wards, names and ward representations from 250 people or 10% to 500 people or 10 % of the electors, whichever is less.	In the Shire, there are approximately 10,300 electors. 250 people represents only a very small portion of the electors, which may lead to a proposal being submitted that is not a true representation of the community's view. In support of increasing the number to 500.
Decisions made by the Minister under the Act. s 2.25 Approval for a leave of absences greater than six consecutive council meetings s 3.59 Commencing or undertaking a major land transaction or trading undertaking (as required under the regulations) s 5.7 Reducing the number of people required for a quorum or absolute majority s 5.69 Approval to participate in a meeting (after disclosing an interest) s 5.69A Exemption from some or all disclosure of interest requirements for committee members s 6.35 Minimum payment of rates on vacant land s 6.74 Approval to re-vest land to the State for non-payment of rates	No suggested changes.	Support all sections listed to be decided by the Minister.
Gift and Travel Provisions.	Simplify gift and travel provisions.	Support simplified gift and travel provisions that are fair, consistent, with one threshold level, and related to the officer's or elected member's role. The gift and travel obligations should be no more onerous than those of State and Federal Public Officers and Members of Parliament.

Subject	Shire's Proposed Change	Rationale
<b>Local Laws</b>		
Consultation	Eliminate requirement to consult on model local laws adopted without modifications.  For model local laws adopted that have been modified, mandatory consultation should be less than 6 weeks.	Model local laws are approved for sector wide use.
Drafting local laws	Model local laws should only require adoption by Council.	Model local laws are approved for sector wide use.

		For model local laws adopted that have been modified, the DLGSC should continue to provide comment on proposed local laws prior to consideration by Parliaments Joint Standing Committee on Delegated legislation.
Review of local laws	Eliminate the periodic review requirement for model local laws.	Model local laws are approved for sector wide use. They should be reviewed frequently by the body making the model with advice provided regularly to all local governments.

<b>Subject</b>	<b>Shire's Proposed Change</b>	<b>Rationale</b>
Other areas		
Drafting of the LGA	See comments.	Draft legislation and regulations that can be easily understood by officers, Councillors, community and non-lawyers. A focus on being less prescriptive and rules based, and more flexible and principle based to allow local governments to respond to the many different situations and challenges they face.