

LG Act - LG Professionals WA Proposed Submission			
Section of Legislation	Title	Policy Change	Rationale for Change
1.7 (1)(a), (2)(a) 1.8	Local and Statewide Public Notice	Delete newspaper requirement. Insert requirement to publish on website.	When the Act was introduced, the internet hardly existed. The internet and websites are the main source of information about local government now. Advertising on a local government's website makes the information available to anyone.
2.4A	New Provision - Differentiating Between Local Governments	Insert a new provision to differentiate between local governments based on capacity.	This will reduce the compliance burden on smaller local governments with limited capacity and provide additional opportunities for local governments with capacity.
2.11	Method to Elect Mayor / President	Delete the poll provisions in relation to changing the method of election of the Mayor/President. Local Governments should determine this outcome.	This will deliver consistency in the approach to change.
2.21	Disqualification Because of Convictions	Add a section which disqualifies a person if they have been convicted of an offence against the Planning and Development Act, or the Building Act, in the preceding five years.	A planning or building system conviction is potentially more serious than a Local Government Act conviction because of local government's prominent role in planning and building control and the significant personal benefits which can be illegally gained through these systems. It may also be appropriate to include breaches of other legislation.

3.12	Procedure for Making Local Laws	Eliminate the requirement to consult on model Local Laws.	Models are approved for sector wide use.
3.16	Periodic Review of Local Laws	Eliminate the periodic review requirement for model Local Laws.	Models 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.
3.50B	New Provision - Closure of Bridge for Repairs	Allow a bridge to be closed for urgent repairs and maintenance without notice, even if it will have significant adverse effects on users.	The closure of a bridge will often have significant adverse effects on users. However, bridges may need to be closed for urgent repairs if there is a sign of weakness and, currently, the Act does not provide capacity to take this action without giving local public notice if the closure will be greater than four weeks.
3.51	Notification of Affected Owners	<p>Section 3.51 of the Local Government Act 1995 concerning “Affected owners to be notified of certain proposals’ should be amended to achieve the following effects:</p> <ul style="list-style-type: none"> - To limit definition of “person having an interest” to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation); and - To specify that only significant, defined categories of proposed road works require local public notice under Section 3.51 (3) (a). 	To provide clarity and efficiency.

3.53	Control of Certain Unvested Facilities	That Section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.	To reflect the State's ownership of this land.
3.60	No Capacity to Form Body Corporates	Allow local governments with capacity to form bodies corporate (Council controlled organisations) for particular commercial activities.	Follows the New Zealand approach and enables local governments to undertake key place making activities more efficiently and effectively.
3.66	Regional Local Governments	Reduce compliance burden on regional local governments in parallel with the proposal to differentiate between local governments.	To improve the efficiency of regional local governments; in particular those undertaking limited functions.
4.20 (4) 4.61 (4)	CEO to be the Returning Officer Unless Other Arrangements Made	Allow the Commonwealth Electoral Commission or any other body competent in conducting elections to be responsible for conducting an election and, in particular, a postal election.	To enable competition and competitive efficiencies to be achieved.
4.61 (1)	Methods of Conducting an Election	Allow people to vote online if they so choose.	To reflect the use of modern technology and to increase voter turnout. Online voting should only be introduced in a technological environment which ensures the secrecy of the vote and which minimises the potential for fraudulent activity. Online voting should be offered as an additional method of voting; not as a complete replacement for postal voting.

4.88 (1)(b)	Electoral Offence: Misleading, False or Defamatory Statements	Explore the potential of making it an offence for a person to make or publish false or defamatory statements about official acts undertaken by an elected member seeking re-election during the conduct of an election campaign.	It is already an offence to make or publish false or defamatory statements in relation to personal character or conduct. It is considered appropriate that this principle carries through to false or defamatory statements about official conduct.
5.24B	New Provision – Vexatious People and Complaints	Insert a new provision to specifically allow a local government to declare a member of the public and their complaints vexatious. Such a declaration would prevent that person from speaking at either Council meetings or electors meetings, allow a local government to file, but not respond, to correspondence from the person, and refuse to answer phone calls.	Local governments have no explicit statutory power to prevent a member of the public from bullying, abusing or harassment, particularly when speaking at meetings. The Ombudsman has produced guidelines for dealing with vexatious people and local governments should be specifically empowered by law to declare people vexatious (which would prevent them from speaking at meetings) if the principles within this guideline are followed. Here it is noted that the State Government recently gave the Standards Panel the power to decide that people were being vexatious.
5.27	Electors' General Meetings	Remove the requirements to have Electors' General Meetings	To improve local government efficiency. The public now has numerous ways in which to engage with Councils, including special electors' meetings, and the need for annual meetings, which are often attended by a paltry number of people, is redundant.
5.28 (1)	Electors' Special Meetings	Increase the number of people required to convene a special electors' meeting.	It is too easy to gain 100 signatures to convene special electors' meetings in large local governments. To achieve this policy change the number required to call a meeting could be increased from 100 to 500 or, alternatively, the number required could vary between local governments (increasing by 100 people for every 10,000 people in a local government's population).

5.28 (2)	Electors' Special Meetings	Limit the number of special electors' meetings which can be held on the same matter. Once a matter has been discussed at a special electors' meeting, the same matter, or a very similar matter, should not be able to be discussed at another special electors' meeting for 12 months unless Council determines otherwise.	This allows people to have their say but prohibits people calling special electors' meetings too regularly.
5.36A	New Provision - Public Sector Commission Role	Insert a new section which would require the Public Sector Commission to guide and support local governments in CEO recruitment and performance review.	CEO recruitment and performance review would benefit from the guidance and support of an independent authority such as the Public Sector Commission.
5.36B	New Provision – Public Sector Commission Decision Making Role	That, in circumstances where the CEO reports an Elected Member to either the CCC, the Standards Panel or any other regulatory or investigative body, the Public Sector Commission become the final decision maker in terms of the CEO's performance review or contract renewal for a period of five years.	When a CEO reports an Elected Member or Members, those reported will form an opinion about the CEO which will bias future decision making on the performance of the CEO. To eliminate this bias, the Public Sector Commission should become the final decision maker in terms of the CEO's performance and contract renewal.
5.37 (2)	Senior Employees	That Section 5.37(2) of the Local Government Act be deleted.	While the deletion of the legislative provision is supported, there needs to be close liaison between a CEO and the Council in the appointment and dismissal of senior staff.

5.82 5.83	Gifts and Contributions to Travel	Harmonise the gift/contribution to travel provisions in all areas of the legislation and exempt gifts given in a personal capacity. The dot points in the WALGA Discussion Paper are supported.	The gift provisions are complicated and confusing. Establishing one threshold level which applies in all places will bring clarity and the provisions should focus on gifts from people doing business with, or likely to do business with, the local government.
5.82	New Provision - Gifts from LGIS and WA Super with exemptions	Both LGIS and WA Super have board members that are elected members and officers in the Sector. Exemptions are supported for these specific board members should they be provided with gifts by LGIS and WA Super.	Representatives of local government sit on the boards of these two bodies and will receive hospitality and learning opportunities. These will be captured by the gift provisions unless a specific exemption is made.
5.90A New Training Provision	New Provision - Mandatory Training	Mandatory training be introduced for all newly elected members in local government. Experienced or continuing elected members should be supported to undertake further training, however their experience and existing knowledge should be recognised and accepted.	Ensure a level of understanding and skills for newly elected council members.
5.90B New Training Provision	New Provision - training budget and plan for officers	Require each local government to have a training budget and plan for professional development for officers.	This will facilitate capacity building within the sector.

5.94	Public Inspection of Local Government Information	Amend this section to require the information to be available online (except for information which contains an individual's personal details such as residential address or debt situation) and allow the public to attend a local government's office to inspect, if they so wish.	The advent of the online world enables this information to be provided more easily and accessibly than by visiting a local government's offices.
Part 5 Division 9 + Rules of Conduct Regulations	Conduct of Certain Officials	Make amendments in accordance with the conclusions of the Department's review of the Rules of Conduct Regulations. WALGA's Position Statement is supported with the inclusion of the word 'timely' in the second statement.	The Department undertook extensive work to improve these provisions and the associated Rules of Conduct regulations.
6.14	Power to Invest	Allow local governments with capacity to invest in accordance with the Trustees Act in the manner that existed prior to the Global Financial Crisis.	The Global Financial Crisis was a once in a generation experience (1987 and 1929 were the two previous financial crashes of extreme magnitude). Legislation should not be based on a worst case scenario but on a routine and general operating environment. Prior to the Global Financial Crisis, the previous legislation was adequately controlling local government investments.

6.16 (2)(b) (e)	Imposition of Fees and Charges	Many local governments will supply small consumer items at a variety of facilities. These include selling theatre tickets, supplying food and drink at venues. Non-metropolitan local governments also set rents for staff housing, etc. It is impractical to require local governments to establish fees at the start of the year for these items which respond to consumer demand in a commercial environment.	Allow local governments to set and amend fees and charges for small scale goods and services and the rental of staff housing outside of the current requirements of the Act.
6.20 (2)	Power to Borrow	That Section 6.20(2) of the Local Government Act, requiring one month's public notice of the intent to borrow, be deleted.	To enhance local government efficiency.
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 government which constructs the local roads used by these enterprises and which collects the rubbish generated.
6.26 (2)	Rateable Land	Require resource projects which are covered by State Agreement Acts to pay local government rates where possible.	It is inappropriate for the State Government to waive local government rates when negotiating State agreements.

6.26 (2)(g)	Rateable Land	Amend to exclude independent living units for seniors from being a charitable purpose for which a rate exemption can be claimed.	Independent living units are generally provided at market rates so there is no charity for the user. This outcome was acknowledged in a State Government report about a decade ago.
6.28 6.33(1)	Basis for Rates and Differential General Rates	Enabling differential rating based on the time land remains vacant is supported as suggested in the WALGA Discussion Paper.	While local governments can introduce a differential rate for vacant land, this rate applies to all vacant land. It is appropriate to differentiate between land held vacant for long periods for speculative or hoarding purposes and land which is vacant on a short term, interim basis. It would be up to a local government to determine the number of years which would divide one category from the other.
6.41	Service of Rate Notice	Amend the provisions around the service of rate notices to allow for electronic delivery of notices where a ratepayer's electronic address is known.	The Act was developed in an era when the internet hardly existed. Electronic communications are now commonplace and used for significant financial transactions.
6.41 6.45(1)	Options for Payment of Rates	Amend to reduce prescription and increase flexibility in relation to rate payment options.	This will improve efficiency and responsiveness to ratepayers.
6.56	Recovery of Rates in Court	Amend to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to 'cost of proceedings'.	To improve operational effectiveness.

9.13 (6)	Onus of Proof	Amend by introducing a definition of 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offenses.	To improve operational effectiveness.
Schedule 2.1 2(1)(d)	Creating, Changing and Abolishing Districts	Increase the number of electors required to put forward a proposal for boundary change from 250 to 500.	The current number is considered too small.
Schedule 2.2 2.3(1)(a)	Provisions About Wards	Increase the number of electors required to put forward a proposal for ward change from 250 to 500.	The current number is considered too small.

Administration Regulations - LG Professionals WA Proposed Submission			
Section of Regulations	Title	Policy Change	Rationale for Change
10	Revoking or Changing Decisions	Amend Regulation 10 to assist clarifying the rights of a Councillor to seek a revocation or change. Particularly amend to reflect situations where part of a multiple part motion has not been completed.	Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented. This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist clarify the rights of a Councillor to seek a revocation or change.
19B	Payment to Employee in Addition to Contract or Award	Amend to state that the number of positions within the salary band should be identified, rather than the number of employees entitled to the salary. In addition, increase the \$100,000 to an amount which reflects inflation since the value was initially legislated. Further, increase the amount in future years in line with salary increases determined by the Salaries and Allowances Tribunal.	This reflects the fact that it is important to identify the positions paid over \$100,000 rather than the number of employees that fill the positions. Further, inflation is devaluating the \$100,000 amount each year.
New Regulation	Repaying of Advance Annual Payments	Regulations enabling the recovery of advance annual payments have yet to be made and it is recommended this matter be prioritised.	The Local Government Legislation Amendment Act 2016 introduced Section 5.102AB, which provides that Regulations may be made relating to the recovery of advance payments of annual allowances or annual fees made to a person who subsequently ceases to hold office during the period to which the payment relates.



Financial Management Regulations - LG Professionals WA Proposed Submission			
Section of Regulations	Title	Policy Change	Rationale for Change
4	Exempt from AASB 124	That Regulation 4 of the Local Government (Financial Management) Regulations be amended to provide an exemption from the application of AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).	Local government legislation provides adequate transparency.



Functions and General Regulations - LG Professionals WA Proposed Submission			
Section of Regulations	Title	Policy Change	Rationale for Change
4A	Regional Price Preference (RPP)	Add clarification that regional local government can apply their RPP's policy to all purchases, including those under the tender threshold.	Clarity required and to provide consistency.
11 (1)	Tender Threshold	Increase the tender threshold to align with the State Government tender threshold (\$250,000).	Increasing the tender threshold improves local government efficiency and aligns to State agency requirements.
30 (3)	Disposition of Property	That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000 on a disposition) where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.	To improve local government efficiency and operational effectiveness.



Long Service Leave Regulations - LG Professionals WA Proposed Submission

Section of Regulations	Title	Policy Change	Rationale for Change
7 (1)(d)	Taking Leave	Amends so that employees can take long service leave in more than three separate periods.	To reflect contemporary practice, allow employees to take their long service leave in more than three separate periods, subject to the agreement of the employer. This would provide greater flexibility for both the employer and the employee. Employees should be entitled to take long service in periods as little as one day at a time in keeping with the provisions which apply to State Government officers.

Regional Subsidiary Regulations - LG Professionals WA Proposed Submission			
Section of Regulations	Title	Policy Change	Rationale for Change
8	No Capacity to Undertake Trading Undertaking or Land Transaction	Remove the restrictions on land transactions and commencing a trading undertaking.	A regional subsidiary should be able to acquire land in its own rights (such as land for a waste transfer station) and conduct a commercial enterprise (such as the sale of goods received at the transfer station).
11	Power to Borrow	Remove the restriction on borrowing.	A regional subsidiary should be able to borrow money in its own right



Uniformed Local Provisions Regulations - LG Professionals WA Proposed Submission			
Section of Regulations	Title	Policy Change	Rationale for Change
6	Obstruction of Public Thoroughfare	Eliminate the requirement to apply for permission and allow a person to obstruct a thoroughfare if it is in accordance with Council guidelines.	To reduce bureaucracy if obstructions are to be placed in areas which are non-controversial. A local government could introduce a Local Law if it wanted a specific system to operate.