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Sent: Wednesday, 28 February 2018 1:26 PM
To: Legislation
Subject: Local Government Act Review

Good afternoon

Council considered the review of the Act at its meeting last Thursday. In relation to the matter council endorsed and adopted the following comments and resolution.

- **Annual Electors' General Meeting**

Section 5.27 of the *Local Government Act 1995* should be amended so that Electors' General Meetings are not compulsory. There is adequate provision in the Act for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings.

- **Gift Provisions**

The gift provisions relating to Local Government Elected Members and designated employees should be amended as follows:

1. Gifts provided in a genuine personal capacity should be excluded as a gift;
2. Genuine discounts which are also offered to the general public by consumer businesses (for example JB Hifi, Myer etc.) and where the discount is not offered because of them either being an elected member or designated officer, should be excluded as a gift.
3. The definition of family should also include cousins etc.

With regards to gifts, it is important to prevent not only corrupt actions but also the perception of corrupt actions. However, elected members and designated employees should not be disadvantaged in their private lives due to their association with any particular local government.

- **Tender Threshold**

The tender threshold amount should be increased to \$250,000 and the calculation of the tender threshold should be based on the current financial year's worth of transactions/projects.

The current tender threshold amount of \$150,000 is very low considering that the cost of any works and services in Laverton is far in excess of what the amount would be in the Perth metropolitan area. This difference is due to the additional mobilisation and accommodation costs as well as the lack of competitive tradespersons available and/or willing to come to a remote location.

The current legislation is silent as to what period purchases of a similar nature needs to be calculated towards the tender threshold. The Department of Local Government has previously indicated that a three-year term should be used, as this is what the State Government Agencies use. As a general rule, local governments use a one-year period (current financial year) when calculating the need to go to tender.

Consideration should be given to allowing a higher tender threshold for rural local governments due to lack of genuine competition in their areas and higher construction and project costs, for example significant accommodation and mobilisation costs.

- **Fuel Cards**

Authorise the CEO to temporarily approve an elected member to use a fuel card when they are operating a local government provided vehicle.

The Shire of Laverton elected members are required to travel significant distances to attend meetings, workshops and conferences. Due to the distance involved in this type of travel, it requires the consumption of large amounts of fuel. Elected members should not be expected to pay for the fuel used in a local government issued vehicle.

- **Public Notices/Tenders**

There is a need to modernise the way local governments advertise public notices due to the current trend of people moving away from reading newspapers. This trend has significantly reduced the effectiveness of using state wide newspapers, therefore the use of local government websites, appropriate national tender portals, or other suitable online websites should be supported by the Act.

- **Community Consultation**

Local governments should be able to transmit official correspondence by way of emails as the use of physical correspondence (mail) has been declining for many years, and the majority of the community uses electronic communication. The Shire of Laverton does not have any mail delivery services and relies on the use of post office boxes which not all residents have access to.

Additionally, Australia Post no longer maintain regional mail sorting facilities and all non-local mail posted in Laverton must travel to Perth for sorting and retransmission to its destination. This results in mail addressed to Leonora (122km west of Laverton) travelling through Leonora on its way to Perth for sorting (approximately 960km) and then being sent back to Leonora from Perth (approximately 836km).

- **Better Definition of a Charity for Rates Exemption Purposes**

The Act needs to be updated to clearly define which organisations should be considered as charitable organisations for rates exemption purposes.

Other issues that could be better managed by the Shire with a change to current policy or procedures:

- **Payment of Expenses by Elected Members**

To avoid elected members having to pay large expenses that relate to their position as an elected member and then seek reimbursement at a later date from the Shire, the Shire should be in a position to offer a suitable amount as a cash advance. Elected members are still expected to provide copies of Tax Invoices to justify their expenditure and to repay any unspent funds. This approach will avoid any need to have a corporate credit card which is not allowed under current legislation.

The fundamental principle that the current *Local Government Act 1995* follows is that elected members are prevented from committing their local government to any debt. That's the reason why an elected member is not entitled to be issued with a Corporate Credit Card.

- **Advertising Requirements to fill Senior Staff Positions**

Consideration should be given to amending section 5.37 of the Act in relation to the requirement for Councils having to advertise a senior position vacancy.

If a Council has a person acting in a senior position capacity for a reasonable period of time and would like to appoint that person to the position on a 3 – 5 year contract then they should be able to do so without being required to advertise the vacancy.

What they should have to do is advertise that they have filled the vacancy and state the person's name, period of contract and remuneration details. This would still be an open and accountable practice to the general public.

Unfortunately because Councils currently have to advertise the vacancy, even though in some instances the Council is going to appoint an acting person, the result is that many people may take the time to complete the onerous task of preparing an application when in all reality the position has already been filled

That Council supports the following amendments to the Local Government Act 1995 and associated Regulations:

1. ***Make Annual Electors' General Meetings optional;***

2. ***Gift Provisions exemptions to include all family members, e.g. cousins, and genuine discounts that are offered to the general public when the offered discount is in no way associated with a member/officer position in a local government;***
3. ***Tender thresholds be calculated on an annual financial year basis, and the threshold amount be increased to \$250,000;***
4. ***Local Government issued vehicle Fuel Cards can be used by elected members while they are on official business;***
5. ***Allows for the use of modern communication methods to advertise Public Notices and Tenders such as on the Local Government's website as well as the use of genuine tender portals (no need to use newspapers);***
6. ***Allow Local Governments the use of emails for official correspondence (reduce the need for physical mail);***
7. ***Improve the definition of Charitable Organisations for Rates Exemption Purposes;***
8. ***Propose that section 5.37 be amended to reduce the need for Councils to advertise senior position vacancies (as detailed in the agenda report); and***
9. ***Endorse the WALGA State Council comments on all other areas of the Review.***

Regards
Peter

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SHIRE OF LAVERTON



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