



RESPONSES TO PROPOSED AMENDMENTS TO LOCAL GOVERNMENT ACT 1995

1 Local Public Notice - Section 1.7

An amendment to this section is needed to provide greater flexibility for local governments when giving public notice.

It is proposed to amend the section so that instead of a local government being required to advertise a notice in a newspaper circulating throughout the district, it has the ability to choose another method of giving notice that may be more effective.

Accordingly, section 1 (a) needs to be amended to give local governments the option of disseminating information to residents and ratepayers outside of publication in a newspaper. The amendment is to ensure that the council is required to make a decision to use another method. The decision can apply for the one occasion, or for future occasions that local notice is required.

Comment on Amendment by WALGA

Supported

Subject to the decision being allowed to be delegated and there being minimum standards applied.

Comment on Amendment by City

The City would support the ability to allow greater flexibility in the giving of local public notice.

2 Decisions by special majority - Section 1.10

It has been decided that a special majority of council will no longer be required for any decisions made by a council. A requirement for an absolute majority will replace the circumstances where the Act presently requires a special majority decision.

This will require the deletion of section 1.10. In addition, references to special majority in 2.11 (2), 3.12 (4), 4.20 (4) and 4.61 (2) are to be replaced with a requirement for an absolute majority instead.

Comment on Amendment by WALGA

Supported

The need for a Special Majority for some Local Governments for a limited number of decisions is not considered necessary and replacing with Absolute Majority is considered appropriate and therefore supported.

Comment on Amendment by City

The City strongly supports the deletion of decisions requiring a special majority.

3 Changing the method of electing a mayor/president when elected at large – Section 2.13

Concerns have been raised about a loss of elector entitlements if a council moves to change the method of electing a mayor/president from one elected by the people to one elected by council.

Consequently, a new process is proposed which is to be followed when such a change is sought. This process will involve the following:

- If council agrees to progress such a change, it must seek feedback from the community on the proposal for a period of 6 weeks.
- The council is then to reconsider the proposal in light of the feedback received.
- If council resolves to proceed, a referendum is to be held.
- The Local Government Advisory Board is to set the question for the referendum and identify the arguments for change or retention of the status quo.
- The Western Australian Electoral Commission is to conduct the referendum.
- The result of the referendum will bind council.
- Should the referendum support change, implementation of the new method shall take place at the next election for the mayor/president (unless preparation for an election for the mayor/president has already commenced, in which case the election should occur and the appointed person should serve their term).
- Referendums on this matter cannot be held more than once every 4 years.

Comment on Amendment by WALGA

Not supported

The manner in which this amendment is framed will make it highly unlikely a proposal will be successful to change from a community elected (at large) to a Council elected.

Comment on Amendment by City

Agreed

4 Ability for directly elected Mayors and Presidents to vote for the deputy mayor or deputy president – Section 2.15

An amendment is required to clarify that all of the elected members of council (not just councillors) are able to cast a vote for the election of the deputy mayor or deputy president.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

5 Disqualification because of membership of another council – Section 2.23

A loophole is to be removed to prevent the present situation where it is possible for a councillor in local government A to stand for election in local government B and, if successful, fax his or her resignation to the CEO of local government A after the poll result is known in local government B but before it is formally declared.

An amendment is to be made to clarify that if a current member of one council nominates for election with another local government, that member needs to resign from office prior to submitting their nomination with the other local government unless his or her current term is to expire.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

6 Council's reasons for refusing leave of absence to be recorded in the minutes – Section 2.25

To improve the transparency of decision making by councils, this section is to be amended so that if a council refuses to grant leave of absence to an elected member, the reasons for refusing to do so must be included in the minutes.

This will require the introduction of a new clause in section 2.25 to require such information in these circumstances.

Comment on Amendment by WALGA

Supported

It improves the ability for the community to understand the outcome of a decision.

Comment on Amendment by City

Agreed

7 Abolition of Ministerial approval for absence of members from council meetings – Section 2.25

To provide greater autonomy for local governments, an amendment will be made to remove the requirement for Ministerial approval of leave of absence. However, to avoid a council allowing a member to stay on leave for an inappropriate period of time, a provision is to be introduced such that a member will lose their membership on council if they do not attend an ordinary meeting within a six month period.

This will require the deletion of section 2.25 subsection (2). This is to be replaced with the provision that a member will be disqualified from continuing his or her membership on council if they do not attend an ordinary meeting within a period of six consecutive months.

Comment on Amendment by WALGA

Supported

Any actions that provide greater autonomy to Local Government is supported and encouraged. The limit of 6 months is reasonable as a person who cannot represent their constituency during that period is not contributing to the affairs of the community.

Comment on Amendment by City

Agreed

8 Amendment to the number of meetings a member can be absent from without being disqualified - Section 2.25

An amendment is to be made to the number of meetings that an elected member, without leave of absence, can fail to attend without being disqualified.

It is intended to amend section 2.25 (4) so that a member is disqualified if they are absent throughout 4 consecutive ordinary meetings.

Comment on Amendment by WALGA

The principle is supported but instead of 4 meetings which will allow those Councils with two meetings a month to cover a two month period it would be better to state two months or three meetings whichever is the greater period.

Comment on Amendment by City

Agreed – this is more appropriate where those local governments meet more regularly than monthly.

9 *Clarification of the process following the serving of a notice of disqualification on an elected member - Sections 2.27 & 2.32*

An amendment is required to resolve an inconsistency where a member can be served a notice of disqualification under section 2.27 yet is able, under section 2.32, to refuse to accept that they are disqualified. In some cases, persons who were not qualified to be members have been able to remain in their position for a lengthy period of time.

It is proposed to amend section 2.27 so that where a member is served a notice by his or her CEO informing the member that he or she is disqualified but the member does not accept he or she is disqualified, the member has 14 days in which to satisfy the CEO that he or she should not be disqualified. If the member is unable to satisfy the CEO within 14 days he or she is deemed to be disqualified. However, the member should then have a further 28 days to refer the matter to the courts for a declaration as to whether or not the member is disqualified.

Comment on Amendment by WALGA

Supported

Subject to the proposal also including a requirement that failure to respond to a notice or the CEO is unable to ascertain a current address (unless last known address is used) then they will also be disqualified.

Comment on Amendment by City

Agreed

10 *Introduction of an alternative oath or affirmation of allegiance and declaration – Section 2.29*

It is proposed that newly elected members be given an alternative oath or affirmation of allegiance and declaration that removes reference to the reigning sovereign. This would be to the Commonwealth and people of Australia.

This will require an amendment to section 2.29 to indicate that an alternative oath or affirmation of allegiance and an alternative declaration is possible. In addition, it would need to be made clear that such an oath is not in contravention of the Criminal Code.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed – strongly supporting as City of Joondalup originating local government requesting this amendment.

11 New power to allow an elected member to withdraw a notice of resignation from the office of councillor, mayor or president, deputy mayor or deputy president – Section 2.31

There have been occasions where elected members have resigned from their office in the heat of the moment. It is proposed to introduce a ‘cooling off’ period which will allow an elected member to retract their resignation if they wish to.

Specifically, a new clause is to be added to section 2.31 to give an elected member the power to retract their resignation up until 5pm on the next working day after the resignation notice was initially delivered to the CEO. The amendment is to require the retraction to be in writing, signed, dated and delivered to the CEO.

Comment on Amendment by WALGA

Not supported

Once a resignation has been submitted it should not be able to be withdrawn. This ability may be misused. Not in the best interests of Local Government.

Comment on Amendment by City

Disagreed – once a resignation has been submitted, it should not be able to be withdrawn. This ability may be misused for political gain.

12 Term of appointment of commissioners to be consistent throughout the Act – Sections 2.6 and 2.37

At present there are a number of provisions which regulate the maximum term for the appointment of a commissioner. Depending on which section, the maximum period is either 1 or 2 years. Experience has demonstrated that the appointment of commissioners for a 2 year period is often warranted.

To make the 2 year maximum period consistent throughout the Act the following sections will need amendment.

Section 2.6 (4) to be amended to include a statement along the lines of “for a period of no more than 2 years”.

Section 2.37 (6) to be amended so that the day fixed for an election can be up to 2 years from the time the offices of council are declared vacant.

Section 2.37A (3) to be amended so that the day fixed for an election can be up to 2 years from the time the Governor appoints the commissioner.

Comment on Amendment by WALGA

Supported

However concerned that the amendment does not create a loophole relating to length of term for the appointment of the Commissioner.

Comment on Amendment by City

Agreed

13 Matters that local governments cannot make local laws about – New Section Part 3

Local laws are being created that provide the power for local government to take actions on land which is not local government property when these actions are not included in Schedules 3.1 and 3.2. This is an unintended outcome.

It is proposed to include a new section in Part 3 of the Act which prevents local governments from creating local laws that would otherwise allow a local government to control things on land which is not local government property when these things are not included in Schedules 3.1 and 3.2.

Comment on Amendment by WALGA

Not supported

Local Government should have the right to determine these issues for good government in the area.

Comment on Amendment by City

Agreed

14 Amendments to clarify intent – Section 3.12

It has been apparent that some local governments have had difficulty with the interpretation of some of the local law provisions in the Act.

Section 3.12 needs to be amended so that it is clear that it applies to the creation of new local laws and to the amendment and repeal of existing local laws.

Comment on Amendment by WALGA

Supported

However there should be some consistency with time periods .S3.12 requires 6 weeks whereas S3.16 requires 12 weeks.

Comment on Amendment by City

Agreed – it is, however, queried. The public notice period for 3.12 is different to the period under 3.16 – it is believed that the public notice period needs to be the same.

15 Removal of the requirement for the purpose and effect of the proposed local law to be read aloud - Section 3.12

It is proposed that the current requirement for the presiding member to read aloud the purpose and effect of a proposed local law be removed. This is to be replaced with the tabling of a summary of the purpose and effect instead.

This will require amendment to section 3.12 (2) so that it provides for a summary of the purpose and effect of the proposed local law to be tabled.

Comment on Amendment by WALGA

Supported

Provided summary is then incorporated into the minutes of the meeting.

Comment on Amendment by City

Agreed

16 Advertising of proposal to enact a local law – Section 3.12

To reduce the cost of the local law making procedure, an amendment to the advertising requirements is to be made.

The present requirement for Statewide public notice to be given once the local law has been published in the Government Gazette is to be replaced with a requirement for local public notice to be given instead.

This will require an amendment to section 3.12 (6).

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

17 Reducing the advertising requirements for the review of local laws – Section 3.16

The advertising requirements for a review of a local law are quite onerous, particularly when compared to the requirements for the creation of a new law. It has therefore been decided to reduce the timeframe for public comment to bring it into line with the requirements for creating a new local law. In addition, the requirement to give notice of the outcome of a review will no longer be required.

This will require an amendment to section 3.16 (2) © to reduce the 12 week period to 6 weeks. In addition, section 3.16 (5) is to be deleted.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

18 Disposal of vehicles – Section 3.27

To reduce the costs associated with the holding of impounded vehicles, it is proposed to give local governments the flexibility to declare that an abandoned vehicle is a ‘wreck’. If vehicles are declared to be wrecks, a local government is able to dispose of such vehicles without the need to impound them.

The Act will require amendment to provide local government with the power to declare a vehicle a wreck and to dispose of a vehicle immediately if it wishes when such a declaration is made.

The Act or regulations shall define a wreck as a vehicle, which in the opinion of a local government, has no means by which the owner can be identified, has an estimated value of \$500 or less, appears to be unroadworthy and is otherwise not operational and used as transport.

Comment on Amendment by WALGA

Supported

Will the provisions allow the declaration to be delegated to the CEO or will it require a Council decision. Care will also be required in the definition of “wreck”.

Comment on Amendment by City

Agreed

19 Readvertising closure of thoroughfares to vehicles – Section 3.50

To improve the efficiency of local government operations, it is proposed that the period of closure of a thoroughfare to vehicles may be unlimited.

This requires the deletion of section 3.50 (3) so that the current 4 year limit is removed.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

20 Closing certain thoroughfares to vehicles – Section 3.50

To correct an inconsistency with this section, an amendment is proposed to replace the existing wording of section 3.50(7) with the following:

“Despite subsection (1), a local government may close a thoroughfare to the passage of vehicles for a period not exceeding 4 weeks, without giving local public notice, to the extent that the closure may be required in circumstances in which it may be impracticable to give local public notice before closing the thoroughfare.”

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

21 Relaxation of the requirement for local governments to obtain the market valuation of property every 6 months when selling by private treaty – Section 3.58 (4) (c)

An amendment is proposed to reduce the costs associated with selling land by private treaty. This will particularly benefit local governments in country areas involved in the subdivision and sale of land in circumstances where the value of land changes slowly and the blocks of land are sold over a number of years.

Section 3.58 (4) (c) is to be amended so that the requirement for a market valuation to have been carried out not more than 6 months before the proposed disposition, is replaced with a requirement for the local government to be satisfied that the market valuation of the property to be disposed, reflects the value of that land once an initial valuation has been obtained.

In addition, the amendment is to ensure that council is to make the decision to not obtain a new valuation and that this decision cannot be delegated.

Comment on Amendment by WALGA*Supported**To maintain flexibility it would be appropriate to allow for the decision to be delegated.****Comment on Amendment by City****Agreed***22 **Removal of requirement to give public notice of dispositions of property prior to the local government agreeing to the disposition – Section 3.58****

To improve the efficiency and effectiveness by which local government disposes of its property, it is proposed to remove the requirement for local governments to give public notice of proposed dispositions prior to it agreeing to dispose of such property. This will be particularly useful for dispositions which involve the leasing of property, or the sale of land in a subdivision.

The removal of the requirement to give public notice will be replaced by the local government being required to include details of the disposition in the minutes of the first meeting after the disposition transaction is completed. Details will be those presently required by section 3.58 (4).

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***23 **Establishment agreement for a regional local government – Section 3.64(e)****

An amendment to section 3.64(e) is proposed to require the establishment agreement to also specify two year tenure for the position of chairman and deputy chairman.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed*

24 Prohibiting a person from being a member and an employee of a regional local government – Section 3.66

To improve transparency of the affairs of the regional local governments and to safeguard the interest of the public, it is proposed that a person will no longer be able to be a member and an employee of the same regional government.

This will require an amendment to section 3.66 (3) (a) so that sections 2.26 and 2.32 (e) apply to regional local governments.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed – provides consistency between local government and a regional local government.

25 Day on which elections are held – Part 4

The Act needs to clarify that a local government election (ordinary or extraordinary) is not to be held on the same day as a Commonwealth or State election.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

26 Allowing offices of council member to remain vacant – Section 4.17

To minimise cost for councils with no wards it is proposed to extend the circumstances for avoiding extraordinary elections. This will require an amendment to the effect that there is no requirement to hold an extraordinary election in a council with no wards if a councillor resigns at any time following an election. However, this provision will only apply as long as 80% of council member positions are filled. If the resignation means that less than 80% of council member positions are filled, the council will need to conduct an extraordinary election for all vacant positions in accordance with the existing provisions within the Act.

Comment on Amendment by WALGA

Supported

The broad principle is supported however the Association is of the opinion that this opportunity should also be available to any Local Government where there are Wards with multiple Councillor ie two or more Councillors per ward

It is also not clear from the information as to whether the vacancy, if it is left unfilled, is then filled at the next ordinary election as an additional vacancy if it was not vacant due to the normal effluxion of time.

Comment on Amendment by City

Agreed

27 Provisions for elections and referendums – Section 4.20

At present the Act requires a local government to provide the Electoral Commissioner with 80 days notice if it wants the Commissioner to conduct an election or referendum for it.

Occasionally, during the 80 day period, a local government is required or decides to conduct an additional election or a referendum concurrent with the initial election.

If the Electoral Commissioner has already agreed to conduct the initial election, it is proposed that the requirement for the local government to provide the Commissioner with 80 days notice to hold a subsequent poll becomes discretionary for the Commissioner, provided that all of the other statutory processes can be complied with.

Comment on Amendment by WALGA

Supported

Providing the Electoral Commissioner cannot unreasonably withhold approval.

Comment on Amendment by City

Agreed

28 Appointment of Returning Officer - Section 4.20

To improve the efficiency of the local government election process, an amendment is to be made to allow for the appointment of a person as the returning officer, other than the CEO, to continue for more than one election.

This will require amendment of section 4.20 so that it includes an additional provision stating that the appointment (by absolute majority) of a person under section 4.20(2) or 4.20(4) can be made for more than one election should the person being appointed so agree.

The new provision is to require council's decision to state how long the appointment is to be made for. It will also require council to make another decision if the appointed person subsequently decided not to provide the service and the initial council decision could not be implemented.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***29 Entitlement to be an Occupier of Rateable Property – Section 4.32**

It is proposed that section 4.32(3) should include a further requirement for a person to establish that they are a bona fide occupier. It is proposed that the person needs to have a minimum amount of rental paid per annum. This would need to be set in regulations and the amount shall be \$5000.

Comment on Amendment by WALGA*Not supported (strongly)*

This is the most commented on proposal of all comments received. There is strong disagreement due to the universal nature of the proposal and no recognition is taken of the impact on rural areas.. The eligibility of an occupier needs to be dependent on a period of their tenancy agreement. In some Local Governments this could have a significant impact on the number of electors eligible to vote, which may mean a change in the structure of the Council.

Comment on Amendment by City

Strongly disagree – the eligibility of an occupier needs to be dependent on period of their tenancy agreement. Would strongly disadvantage some regions, in particular rural areas. Question how this would be policed/justified?

30 Expiry of eligibility to be on the electoral roll – Section 4.33

When a council is suspended, ordinary elections are suspended which means that a non-resident occupier can remain on the electoral roll for a longer period than was intended when these provisions were initially drafted.

Section 4.33 (2) will require amendment so that the reference to ordinary elections is to ordinary elections that would normally have taken place had the council not been suspended.

Comment on Amendment by WALGA*Supported*

Comment on Amendment by City

Disagree – applications should be current as per normal ordinary election cycle – regardless of the suspension of the elected Council.

The City believes that the area of non-residents to make application to become eligible to vote is administratively cumbersome and needs further review.

31 Enrolment Eligibility – Section 4.35

An amendment to correct a drafting error is required.

Section 4.35 (6) is to be amended so that the reference to subsection (1) is changed to subsection (2).

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

32 Updating of electoral roll – Section 4.37

Operational experience has demonstrated that in many districts the present requirement to prepare a new electoral roll only 50 days after the previous election is too short.

An amendment to section 4.37 (3) (a) is to be made to extend the period to 100 days. This will still be subject to the Electoral Commissioner being satisfied that the roll is suitable.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

33 Section 4.43 (4) – Regulations for the correction of rolls

It is proposed that regulations be made to provide for additional requirements as to how such corrections and certifications be made. The Electoral Commission is concerned that if those regulations are to require certain ‘procedures’ to be followed then the head of power referring to only “application” may not be sufficient. If this is the case, then it is proposed that the word “procedures” be included in 4.43 (4).

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****No comment***34 Eligibility to be a candidate – Section 4.48**

To provide greater clarity as to whether a person should be able to nominate for a local government election, consideration is being given to whether or not the Act should be amended so that a person cannot be a candidate unless he or she is actually on the printed electoral roll prior to the close of nominations.

Also, it is proposed to amend section 4.48 to clarify that a person's eligibility to be a candidate at the time of nomination is limited to the capacity in which he or she is enrolled as an elector. This will prevent persons from changing their eligibility (such as from company nominee to occupier) during the period of nomination.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***35 Bringing forward the close of nominations for local government elections – Section 4.49**

An amendment to this section is proposed to reduce the costs of conducting elections and to allow for greater time for the Electoral Commission to prepare and send out postal election packages.

Section 4.49 (a) is to be amended to bring forward the close of nomination day by 7 days to the 37th day before election day. This will reduce the nomination period to 7 days.

Minor adjustments may also need to be made to the final date for the preparation of the roll to ensure that completed rolls are available prior to the close of nominations. Consequential minor amendments may also need to be made to the date for the close of enrolments to ensure adequate time to prepare the roll. Further consideration will be given to these matters following consultation with relevant parties.

Comment on Amendment by WALGA*Supported*

Comment on Amendment by City*Strongly agreed***36 Clarification about the information to be included on election material – Section 4.87**

An amendment is required to clarify the details required to be included on election material.

Section 4.87 (1) is to be reworded to clarify that the names and addresses of both the authorising person and printer are required on electoral material.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***37 Section 4.51 – Rejection of nomination on grounds of only being a company nominee.**

A number of situations have arisen where nominations for elections have been accepted by returning officers where the person is only a company nominee. Section 2.19 (2) of the Act states that whilst such a person can be an elector they are not entitled to be a council member.

It is proposed that section 4.51 should have a specific provision giving the returning officer the power to reject such a nomination. It would appear appropriate to include this particular qualification matter as this information is known to the returning officer from the details submitted in applications to be an elector. It is acknowledged that there are various other entitlement matters that need to be met to hold office, however, those details are not readily available to returning officers for checking.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***38 Voting by the presiding member – Section 5.21 (3)**

It is proposed that where a vote is tied the chair should be required to use a casting vote to clearly determine whether the motion is passed or defeated.

Comment on Amendment by WALGA

Support

Comment on Amendment by City

Agreed – this to be part of role of presiding member to ensure a decision is made.

39 Requirement to advertise the value of the salary package of the Chief Executive Officer and senior employees – Section 5.36 & 5.37

To bring the recruitment process for senior local government employees into line with normal executive recruiting practice, an amendment is proposed in relation to the information that is required to be included in the advertisement for the vacant position.

At present, sections 5.36 (4) & 5.37 (3) require the salary and the total value of all remuneration and benefits payable to be included in the advertisement. Both of these sections are to be amended so that only the total value of the package (which could be within a range) is advertised.

Comment on Amendment by WALGA

Whatever changes are proposed they should be consistent with the approach taken to this matter by the State Government. There is some support for the requirement to be deleted altogether.

Comment on Amendment by City

Agreed

40 Delegation of the power to amend Chief Executive Officer's employment contracts – Section 5.36

For the purpose of accountability, the Act is to be amended to ensure that the power to amend a Chief Executive Officer's contract cannot be delegated.

To achieve this, it is proposed to amend section 5.36 (2) (b) to require an absolute majority of council to be satisfied with the provisions of the proposed employment contract.

Comment on Amendment by WALGA

Supported

This proposal is supported if this allows the matter to be delegated to a committee of the Council.

Comment on Amendment by City

Agreed

41 Arrangement for employees acting in a senior employee’s position – Section 5.39

The Act is worded in such a way that a person cannot act in the position of another senior employee unless the person has a contract. This is overly onerous, particularly in circumstances where an employee is acting in a position while a person is on leave, or when a person is filling a position on a temporary basis when a position becomes vacant.

To overcome this issue “acting” arrangements for up to 12 months should be excluded from the definition of employment. This would mean that a proposal to appoint a person in an acting arrangement in a position designated as senior would not need to be put to council for its acceptance or rejection of the proposal. However, the council should have the ability to accept or reject a proposal that a person act as the Chief Executive Officer.

Section 5.39 (2) should be amended so that a contract is not required for a member of staff who acts in a position within a 12 month time period. Also the section should be amended so that a contract is not required for people who are not currently staff of the local government when they are to be employed as a member of staff for less than 3 months.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

42 Delegation of the responsibility to accept the annual report – Section 5.54

To reflect the original intention of the Act, an amendment is to be made to ensure that the responsibility of the council to accept the annual report cannot be delegated.

This will require an amendment to section 5.54 (1) to require the acceptance of the report to be made by an absolute majority of council.

Comment on Amendment by WALGA

Supported

Whilst the proposal is supported it simply is a clarification of what in the main occurs within most Local Governments. Why have it as an absolute majority and not something that cannot be delegated to CEO rather than as an absolute majority.

Comment on Amendment by City

Agreed

43 Various amendments to the sections relating to the plan of principal activities

Amendments are proposed to the local government forward planning provisions to ensure that the plans developed are consistent with community desires and that there is flexibility for local governments to prepare plans that meet corporate needs.

This will require the following amendments:

- Sections 5.52, 5.56, 5.57 and 5.58 are to be deleted.
- Any reference in the Act (or regulations) to principal activity plans is to be removed.
- A statement is to be included in section 2.7 to require councils to plan for the future. The procedures for the making and the content of such plans shall be as prescribed in regulations.

Comment on Amendment by WALGA

Supported

Subject to the Department engaging with Local Government on the development of any substitute forward financial plan arrangements.

Comment on Amendment by City

Agreed – the City however strongly supports the need for local governments to plan strategically.

44 Definition of when a person has a financial interest – Section 5.60A

To clarify the scenario as to when an elected member or employee has a financial interest it is proposed that the definition contained in this section be broadened.

Section 5.60A should be amended so that when determining whether a person has an interest, it is necessary to consider whether there was a reasonable expectation of financial gain or loss resulting from either the way the matter might be dealt with by the council or committee, and the way that the matter might be dealt with by the elected member or employee. At present the requirement is limited to the way the local government would deal with the matter.

Comment on Amendment by WALGA

There is insufficient information to comment. If the proposal is to broaden the definition this will need detailed consultation with Local Government.

Comment on Amendment by City

Agreed

45 Closely associated interests – Section 5.62

The use of “nominal value” to determine the value of shares is considered to be an outdated method. The actual or market value may be more appropriate in some cases.

This will require amendment to section 5.62 (d) (ii) and 5.62 (d) (ii) (II) to remove the term “nominal” and provide a regulation making power to specify what the type and value should be (i.e. market value or nominal value).

Also, the Inquiry into the City of Cockburn recommended that the term “closely associated” in section 5.62 be widened to include a person for whom legal services (and other services), are being provided by an elected member. Whilst it is accepted that such relationships may be problematic it would be preferable to add a further category of prescribed (in regulations) relationships rather than add a further specific matters to the Act.

Comment on Amendment by WALGA

See response to item 45

Comment on Amendment by City

Agreed

46 Allowing members disclosing interests to participate in meetings – Section 5.69

The Act should be amended to clarify that the Minister’s approval can cover more than one meeting.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Strongly agreed

47 Public inspection of a person’s rate record – Section 5.94 (m) and 5.95

To respect the privacy of individuals, it is proposed that the legislation be amended to allow a person to keep private their contact details if another person wishes to access the rate record of a property owned by that person.

To achieve this, section 5.95 will need amendment to allow a ratepayer to request that their local government keep their identity confidential in circumstances where another person views the rate record. The local government must comply with such a request if the Electoral Commissioner has previously agreed to that person’s address being removed from the electoral roll as per section 51B of the *Electoral Act 1907*. If the Electoral Commissioner’s agreement has not been obtained, the elector’s address should remain on the local government roll. The information excluded from the local government roll should be the same as that excluded from the State roll.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***48 Bringing forward the date for the adoption of annual budget – Section 6.2**

To provide local governments with greater flexibility with their budget management activities, it is proposed to allow local governments to adopt their budget from 1 June each year.

Accordingly, this will require an amendment to section 6.2 to change the date from July 1 to June 1. Other consequential amendments may be necessary.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Strongly agreed***49 Transferring funds from a trust fund into the municipal fund – Section 6.9**

To provide for flexibility in the manner in which a local government manages its finances, it is proposed to amend section 6.9.

Section 6.9 (4) is to be amended so that, after 10 years, a local government “may transfer”, not “is to transfer”, funds from the trust fund into the municipal fund.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***50 Removing the requirement for local governments to seek the approval of the Treasurer when investing – Section 6.14**

To improve the efficiency of local governments when wishing to invest their own funds, it is proposed that the requirement to obtain the Treasurer’s approval is to be deleted following discussions with the Department of Treasury and Finance. Local governments will continue to be subject to the prudential provisions of the Trustees Act.

This requires the removal of the words “on the advice and recommendation of the Treasurer” from section 6.14 (1) (b).

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

51 Power to borrow – Section 6.20

Local governments are presently required to advertise refinancing of loans.

It is proposed to delete this but requires council to resolve that the refinancing will be of benefit to the local government.

In addition, the power to refinance cannot be delegated to ensure council makes this decision.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

52 Removing the requirement for local governments to seek the approval of the Treasurer when borrowing – Section 6.21

To improve the efficiency of local governments when wishing to borrow, it is proposed that the requirement to obtain the Treasurer's approval be removed.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

53 Borrowing made by regional local governments – Section 6.21 & Functions and General Regulations

The provisions of regulation 24H and 24I were introduced into the *Local Government (Functions and General) Regulations 1996*, rather than the Act as their implementation was a matter of urgency. These regulations provide the opportunity for local governments to give security for borrowings made by a regional local government. At the time these regulations were introduced, it was agreed with Treasury Corporation that the key principles of these regulations should be included in the Act.

Accordingly, it is proposed that the provisions be removed from the regulations and placed into the main body of the Act so that the same intent is achieved. This will then allow for the deletion of regulations 24H and 24I. In addition, any further views of the Treasury Corporation to refine these provisions will need to be incorporated.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

54 Minimum payment – Section 6.35

To clarify the intended meaning of this section the wording of 6.35 (6) requires amendment to ensure that the minimum rating principles are applied separately to properties in the GRV area, the UV area or any other differential rating category in a particular local government.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

55 Accrual of interest on the costs of proceedings to recover unpaid rates – Section 6.51

The Act allows for the cost of proceedings to recoup overdue rates, to become a charge on the property for which the rates are in arrears. To correct an anomaly in the Act, an amendment is proposed so that interest can be applied to these costs if their payment is overdue.

It is proposed to amend section 6.51 (1) so that it provides the power to impose a rate of interest on the cost of proceedings, defined in section 6.43, that remain unpaid after this cost becomes due and payable.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

56 Application of monies paid for rates and service charges – Section 6.62

At present there is no legal right to apply monies to outstanding court costs when a ratepayer indicates that money being sent to the local government is to pay rates. An amendment is proposed to correct this anomaly.

Section 6.62 is to be amended to include “cost of proceedings, as defined in section 6.43”.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

57 Revestment of land to the Crown to be free of encumbrances – Section 6.74

Crown Solicitor’s advice has recommended this section be amended so that land transferred to the Crown for non-payment of rates is free of encumbrances.

An amendment is required to section 6.74 to enable land to be revested in the Crown free of “mortgages, leases, tenancies, encumbrances, charges and reservations of every kind”.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

58 Audit Committee – Part 7

New provisions about Audit Committees are to be inserted into the Act to ensure that council members maintain an involvement in the audit process. The Act should require each local government to establish an audit committee which will be open to the public.

- Membership of the committee may range from 3 elected members to full council. It may be a separate committee or it may be an adjunct to any other committee of council.
- Audit Committees can comprise only elected members and members of the community if the council so resolves (not council staff).
- Elected members are to comprise a majority of the Committee.
- The Chief Executive Officer of the local government or his/her nominee cannot be a member but may be an advisor to the committee.

The roles and responsibilities of the Audit Committee are to be as follows:

- Determining the process of selecting the Auditor.
- Recommending to Council on the appointment of the Auditor.
- Managing the audit process from the council's prospective.
- Meeting with the auditor at least once each year to discuss the process and/or the outcomes of the audit.
- Monitoring the administration's actions on, and responses to, any significant matters raised by the Auditor in the report referred to in section 7.9 of the Act and the management report.
- Submitting a copy of the audit contract to the Department of Local Government and Regional Development each time a new contract is entered into or the contract is amended.
- Presenting an Annual Report on the audit function to the Council and the Department of Local Government and Regional Development.
- Considering the completed Statutory Compliance Return and monitoring the administration's corrective action on matters of non-compliance.

In addition to the Report on the Accounts and the Annual Financial Report required by section 7.9 of the Act, the Act should require the Auditors of each local government to submit a further report on any issues which have been identified in their processes as needing to be addressed.

This second report, to be termed the "Management Report", is to be submitted to the CEO of the respective local government. The CEO is to be obliged to advise the Audit Committee on the action he or she has taken with regard to the Management Report.

The Audit Committee must advise the Council regarding its level of satisfaction with the CEO's response to the Management Report. The Council is to inform the public at the annual electors meeting of the content of the Management Report and Council's actions with regards to the issues raised.

It may be preferable to place the details of these requirements in regulations.

Comment on Amendment by WALGA

Supported

The support to this proposal is on the basis of the requirement for the formal establishment of an Audit Committee to be optional at the discretion of each Local Government and where such a committee is established there should be no community representative. With regard to the Management Report this should not be required to be made public at the annual electors meeting. Once again if the Council so chooses that is their prerogative.

Comment on Amendment by City

Strongly Agreed – supports no officer should be a member of the Audit Committee.

59 Establishing a Disciplinary Tribunal for Council Members – New provision Part 8

It is proposed to include a new provision which will provide for the establishment and operation of a tribunal to deal with matters of a disciplinary nature where a council member has not complied with a code of conduct or other relevant laws.

It is proposed that this tribunal be appointed by the Minister with the power to initiate disciplinary measures. It is proposed that such measures would include the temporary suspension of council members and other appropriate sanctions.

Further consideration will be given to the incorporation of these provisions in the State Administrative Tribunal legislation in due course.

Comment on Amendment by WALGA

Support subject to further details being developed and its relationship to the State Administrative Tribunal.

Comment on Amendment by City

Strongly Agreed

60 Persons found committing breach of Act to give name – Section 9.11

When dealing with infringement notices through the fines enforcement agency, it is desirable to have the individual's date of birth for the successful recovery of outstanding penalties.

The ability to request the date of birth from a person committing an offence should be added to Section 9.11.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

61 Content of a proposal to the Minister – Schedule 2.1 Clause 2 (2)

It would be advantageous if written justification for a district boundary change was provided by a proponent regardless of who submits the proposal. This would enable the Local Government Advisory Board to determine if the proposal is frivolous or otherwise not in the interests of good government.

Consequently, an additional criteria is to be included in clause 2 (2). This is to require a proposal to include a statement identifying the rationale behind the proposal.

Comment on Amendment by WALGA*Support****Comment on Amendment by City****Agreed***62 Dealing with proposals – Schedule 2.1 Clause 3**

An amendment is proposed to this clause to enhance the efficiency of the Local Government Advisory Board if petitioners change their minds.

It is proposed to amend the Schedule so that the Board has the power to recommend that the Minister reject a proposal if the proposal is no longer supported by sufficient numbers of petitioners (ie, where petitioners indicate in writing their desire to withdraw their support).

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***63 Extension of provisions to allow all electors to vote in a poll held in relation to a recommended amalgamation of 2 or more local government districts – Schedule 2.1 Clause 8 (3)**

An amendment to this schedule is required so that, if a poll of electors is requested and held on a recommended amalgamation, electors in all districts, or parts of districts affected by the proposal, are able to vote in the poll and not just those electors in the district that called for a poll.

However, if the proposal involves the amalgamation of a whole district with a part of another district (or parts of more than one district), the amendment is to limit the ability to call for a poll to the electors of the whole district. That is, electors from parts of districts are not able to call for a poll.

In addition, where a poll is conducted, a separate poll for each district (or part district) is to be held.

Comment on Amendment by WALGA*Not supported*

There is a need to hold further discussions with Local Government on this proposal as it has not been subject to previous consultation

Comment on Amendment by City*Agreed*

64 Appointment of an independent person to conduct polls in relation to local government boundary changes – Schedule 2.1 Clause 9

An amendment is required to ensure greater impartiality and independence in the conduct of polls in relation to proposals to change local government boundaries. This will be achieved with the removal of the power for local governments to conduct the polls.

It is proposed to amend schedule 2.1 of the Act by replacing Clause 9 (b) (ii) with provisions that preclude a person who is an employee or a council member of the affected local government from running the poll. In addition, provisions should state that this person is to be the WA Electoral Commissioner or a person approved by the Electoral Commissioner following nomination from the council.

Also, it is proposed that a provision be added that prevents a local government affected by a poll proposal to undertake any paid advertising of the case for or against the proposal. This limit would apply from the date of the Minister issuing directions under clause 9 (b) of Schedule 2.1 and until the completion of the poll. “Advertising” would need to cover any paid use of the media and the undertaking of any printing and dissemination (to others) of papers on the matter. Exclusions to this would be press releases and any unpaid interviews. Also, the local governments, should not be limited from reproducing copies of the material prepared by the Advisory Board and relevant documents relating to the conduct of the poll.

Comment on Amendment by WALGA

Not supported

It is considered unnecessary for the person to be independent of each Council and will add significant cost burden to the proposal.

There is also the question of why the use of an independent person is limited as this destroys competition.

Comment on Amendment by City

Agreed

65 New provision to indicate responsibility for paying the cost of polls conducted in relation to recommended amalgamations – Schedule 2.1 Clause 9 (b) (ii)

To clarify who is responsible for paying the cost of polls held in relation to a proposal to amalgamate two or more local government districts, it is proposed to include an additional provision in clause 9 of schedule 2.1.

The amendment should require the State Government to pay for polls when the boundary change proposal is initiated by the State. Where the poll has been initiated locally, either from individual petitioners or from the local government from which the request for the poll originated, the relevant local government is to pay for each poll on the matter – even if electors that vote in a poll are electors in another local government district.

Comment on Amendment by WALGA*Not supported****Comment on Amendment by City****Agreed***66 Acceptance or rejection of a recommended amalgamation following a poll of electors – Schedule 2.1 Clause 10 (2)**

To reflect the changes made elsewhere to the polling provisions of Schedule 2.1 it will be necessary to amend clause 10 (2).

The amendment is to clarify that the Minister is only bound to reject the proposal if 50% of all electors across all of the polled districts vote and a majority oppose change.

Comments on Amendment by WALGA*Not supported****Comment on Amendment by City****Agreed***67 Reduction in the guarantee of employment for council staff following a boundary change or amalgamation – Schedule 2.1 Clause 11 (4)**

To improve the efficiency and effectiveness of newly created local governments, amendments to the provisions relating to employees are to be made.

The period referred to in clause 11 (4) (b) is to be reduced from two years to one.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***68 Review of local government names, wards and representations – Schedule 2.2 (6)**

It is proposed that it is appropriate for local governments, whether or not they have wards, to conduct a periodic review of their electoral representation arrangements.

This will require amendment to clause 6 of Schedule 2.2 of the Act.

The title of the clause will need to be amended to read “Local government to review electoral representation periodically”.

In addition, a new subclause will need to be introduced. This subclause will need to require local governments without wards to assess whether their district needs to be divided into wards and, if so, what the boundaries of the wards should be and what the number of offices of council member should be for each ward.

The current requirement that not more than 8 years is to elapse between successive reviews by local governments is to apply to local governments without wards.

Comment on Amendment by WALGA

Not supported

There is strong suggestion that this amendment will be used to introduce one vote one value in wards to the exclusion of the other criteria.

Comment on Amendment by City

Agreed

**69 Advisory Board may accept or reject recommendation – Schedule 2.2
Clause 10 (3)**

The Advisory Board is able to reject a review of wards if, and only if, a proposal for change is made but the review does not correctly take into account the prescribed matters in clause 8.

It is proposed to extend this power to enable the Advisory Board to reject a local government’s review which proposes to maintain the status quo if, in the Board’s opinion, it does not correctly take into account the prescribed matters.

An amendment is also required to provide the Advisory Board with the option of requesting local governments to undertake a further review of wards or internal representative structures within the 8 years required for periodic review. A local government is to comply with such a request. This will provide the Advisory Board with the power to ensure representational structures remain relevant.

Comment on Amendment by WALGA

Not supported

Comment on Amendment by City

Agreed

70 Further clarification of the process about how mayors, presidents, deputy mayors and deputy presidents are elected by the council – Schedule 2.3

It is necessary to further define how mayors, presidents, deputy mayors and deputy presidents are elected by the council.

The Schedule is to be amended to insert provisions which:

- Provide the power to make regulations in relation to this type of election.
- Allow for nominations to be made prior to the meeting at which the election will occur.
- Require that the time for close of nominations is to be announced at the meeting when the election is to occur. The close of nominations cannot occur for at least 10 minutes following the announcement of the closing time.
- Require the election to be on a first past the post basis.
- Require the election to use formal ballot papers which contain the names of the candidates.
- Require all ballot papers to be preserved in accordance with the electoral provisions of Part 4 of the Act.
- Allow for people who are aggrieved by the electoral process to have access to a Court of Disputed Returns.
- Require the Returning Officer to declare the result and the votes cast for the candidates.

Comment on Amendment by WALGA

Not supported (strongly)

This is unnecessary introduction of more complexity to the election process to solve maybe one issue at one Council.

Comment on Amendment by City

Strongly Agreed – this will clarify previous confusion experienced by the City.

71 New power to allow an elected member to be a commissioner – Schedule 2.4

It is proposed that, at the Minister's discretion, a person can be a commissioner at the same time they are an elected member.

This will require an amendment to Schedule 2.4 (1) to include a provision allowing for such an occurrence.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Disagree – as the role of a Commissioner is to govern the affairs of a local government – the same restriction should be applied that restricts a person being an elected member at more than one local government.

72 Disqualification of a member of the Local Government Advisory Board – Schedule 2.5 (7) (7)

An amendment is required to minimise the potential for members of the Advisory Board to have a conflict of interest.

Clause (7) of Schedule 2.5 should be amended to disqualify a member of the Advisory Board from acting where the matter being considered is a matter relating to a local government in which the member is an elector.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

73 New power to allow a local government to issue a notice for the removal of bees from private property – Schedule 3.1

To ensure that the local governments have appropriate power in relation to bee keeping in their districts, the power to issue a notice to a person, requesting the removal of bees from private property is to be included in this Schedule.

Schedule 3.1 is to be amended by inserting the following provision; “The removal of bees if the keeping of bees breaches a local law of the local government”.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

74 New power to allow a local government to issue a notice to repair a boundary fence – Schedule 3.1

To ensure that local governments have appropriate power in relation to the standard of boundary fences in their districts, the power to issue a notice requesting that a boundary fence be repaired is to be included in this Schedule.

A new provision is to be inserted in Schedule 3.1 to give local governments the power to issue a notice to an owner or occupier requesting that a boundary fence be repaired. It can only issue such a notice if there is a contravention of a local law on the matter.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***75 New power to allow local government to issue a notice to limit or stop nuisance lighting – Schedule 3.1**

To ensure that local governments have the appropriate power in relation to nuisance caused by artificial or reflective light, the power to issue a notice in relation to this matter is to be included in this Schedule.

A new provision is to be inserted into Schedule 3.1 to give local governments the power to issue a notice to an owner or occupier requiring steps to limit or stop any reflective or artificial light illuminating adjoining land where it creates a nuisance. It can only issue such a notice if there is a contravention of a local law on the matter.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***76 New power to allow a local government to carry out works on private thoroughfares – Schedule 3.2**

A new provision is to be inserted into Schedule 3.2 to provide local government with the ability to carry out works on private thoroughfares to provide for the safe use of the thoroughfare by vehicles and pedestrians and to ensure the thoroughfare is not a hazard.

Another new provision is proposed to allow local governments to carry out maintenance works and works in relation to access and safety. Local governments should be able to undertake such construction and obstruction works and legislation should provide the ability to recover costs from owners of the land.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed*

77 Transitional provisions – Schedule 9.3

Doubts exist about the current validity of a Governor’s Order made under section 190(8) of the Local Government Act 1960 which extended the area of a local government’s district so that the powers of a local law may be applied to that extended area.

Legislation needs to be made to validate the continuation of powers for local laws to operate in areas outside district boundaries (eg for bathing, boating etc).

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

78 Amendments in relation to the *Land Administration Act 1997* – various sections

There are a number of instances where the Act refers to the *Land Act 1933* instead of the *Land Administration Act 1997*.

Amendments are required to the following sections: 3.52, 3.54, 9.41, 9.48, 9.69 and schedule 9.3 (clause 37) to correct this.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

79 Consequential amendments arising from the change in name of the Western Australian Municipal Association (WAMA) to the Western Australian Local Government Association (WALGA) – various sections

There are a number of instances where amendments will need to be made as a consequence of the above name change. These are as follows:

Section 1.4

Delete – “WAMA” means the Western Australian Municipal Association constituted under section 9.58. Replace with “WALGA means the Western Australian Local Government Association”.

Sections 5.49 (2), (4) and (6)

Delete WAMA replace with WALGA

Section 9.58 (1)

Delete “Western Australian Municipal Association” and replace with “Western Australian Local Government Association”.

Schedule 2.5 (2) (b), (4) (1) and (11) (2) (b)
Delete WAMA and replace with WALGA.

Schedule 8.1 (1) (1) (b); (1) (1) (c); (1) (3); and (2)
Delete WAMA replace with WALGA.

Consequential changes to other Acts will also need to be made.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

80 Consequential amendments arising from the creation of the Western Australian Local Government Association – Section 9.58

The Western Australian Local Government Association is to be a single association organisation.

As such, the reference to the Country Shire Councils' Association of Western Australia, the Country Urban Councils' Association and the Local Government Association of Western Australia are to be removed from section 9.58 (1) of the Act in line with advice from WALGA. Consequential changes to other Acts will also need to be considered.

Comment on Amendment by WALGA

Supported

Comment on Amendment by City

Agreed

81 Consequential amendments arising from the change of name of the Institute for Municipal Management WA Division Inc. to the Local Government Managers Australia WA Division – various sections

There are a number of instances where amendments will need to be made as a consequence of the above name change. In Schedule 2.5 (2) (c); (4) (2); and (11) (2) (c), delete Institute of Municipal Management WA Division Inc. and replace with Local Government Managers Australia WA Division.

Consequential changes to other Acts will also need to be considered.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed***82 New provisions about confidential information**

A separate provision is needed which deals with confidential information. This should allow local governments to keep certain resolutions resulting from in camera discussions confidential until the matter has been resolved.

The matters which can be kept confidential should be specified in regulations.

There will be some things that the local governments shall keep confidential, such as those people who want their address to be silent on the electoral roll, while there will be other things that local governments may keep confidential (such as the price they are prepared to pay at auction for a bid).

Resolutions should not remain confidential indefinitely but be identified in council minutes as soon as either settlement on land takes place or when a good or service is purchased.

An amendment is required to give local governments the power to keep commercially sensitive information confidential when preparing a business plan (section 3.59).

A separate provision is needed to allow local governments to keep commercially sensitive information confidential during any negotiations. Such a decision should be made by a resolution of Council which cannot be delegated.

Comment on Amendment by WALGA*Supported****Comment on Amendment by City****Agreed*

ADDITIONAL ITEMS FOR AMENDMENT CONSIDERATION

CEO to be returning officer unless other arrangements are made – Section 4.20

Comment by City

The City believes that the AEC and individual local governments should under the legislation, have the opportunity to conduct postal elections.

Eligibility for Enrolment – Sections 4.30, 4.32 and 4.33

Comment by City

The City believes that the area of enrolment eligibility is complicated and further consideration to simplify is warranted. The need to refer to previous electoral rolls and the continued need for occupiers to reapply can be cumbersome.

Allowances for Council members in lieu of reimbursement of expenses – Section 5.99A

Comment by City

The City would support further consideration on the possibility of local governments paying an annual allowance to elected members in lieu of reimbursement of expenses. Similar to the telecommunications allowance.

Tenders to be invited for certain contracts – Regulation 11 – Local Government (Functions & General) Regulations 1996

Comment by City

The City would support a review of the tender threshold. It is suggested that a more appropriate approach would be to base it on a percentage of budget set by the Council annually, with a maximum amount. Similar to the allowance paid to the Mayor.

The role of the Mayor, Deputy Mayor, Councillor and CEO – Sections 2.8, 2.9, 2.10 and 5.41.

Comment by City

There continues to be a lack of clarity of the roles and functions of the Mayor and Councillors, and the CEO. The City would support a review of these sections to better clarify established roles and responsibilities.