

To: Chief Executive Officer

From: Bruce Wittber
Policy Manager Governance

Organisation: All Councils

Date: 16 December 2002

Reference: INT016

APPENDIX 30

Subject: Review of Local Government Act 1995

Thank you to all of the Councils that responded to the Associations invitation to make comment on the proposed amendments to the Local Government Act.

The responses have been collated to enable a formal position to be developed which was then submitted to the last meeting of the State Council on the 4th December 2002. Details of the Associations position was included in the State Council Agenda which was distributed to all Councils for consideration at their respective Zone meetings.

As a result of the State Council meeting, the discussion paper, in respect to each proposal was adopted as the Association's position and will be forwarded to the Department of Local Government and Regional Development subject to the following amendments to points 11, 58 and 64.

- 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**

Comments – Supported, on the condition of a cooling off period of 48 hours for the written withdrawal of a councillor's resignation.

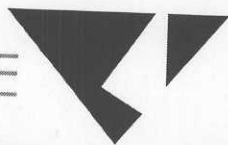
- 58. Audit Committee – Part 7**

Comment – Not Supported

Local Government would however support this proposal 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.





64. Appointment of an Independent Person to Conduct Polls in Relation to Local Government Boundary Changes

Additional paragraph to be added at the end which reads "It is grossly unfair to remove the democratic right of the Council to promote a view on behalf of their community (by undertaking paid advertising) whether it is for or against the proposal."

In addition the following issues are also to be submitted to the Department for inclusion in the current review.

- i. An amendment to the Local Government Act to have the provisions to conduct an Annual Electors Meeting made optional and to include alternate legislation for the adoption of the Annual Report.*
- ii. Removal of requirement for the State Electoral Commission to be the only provider of election services to Local Government.*
- iii. Refusal by Councillors to vote at Council and Committee meetings whilst still remaining in the meeting room.*
- iv. Exemption for rural Councillors from the need to declare financial interests with Co-operative Bulk Handling in regard to siting and construction of grain handling facilities.*
- v. An amendment to the Local Government Act to allow Local Governments to adopt a policy as to how and who should speak on behalf of the Council.*
- vi. Amendments to the Local Government Act to equate the eligibility restrictions in relation to previous criminal convictions by persons seeking election to Council with the restrictions imposed on Members of State Parliament.*
- vii. That Local Governments have the capacity to declare complainants vexatious on the basis of criteria developed in consultation with the Department of Local Government and Regional Development and the Association.*

Once again, thanks to all of those Local Governments that responded to the consultation process which it is acknowledged was impacted on by the short period of time in which to comment.

Should any Council require any further information, please do not hesitate to contact Policy Manager Governance, Mr Bruce Wittber on 9213 2057

Local Government House
15 Altona Street
West Perth WA 6005
PO Box 1544
West Perth WA 6872
Facsimile (08) 9322 2611
Telephone (08) 9321 5055
Email info@walga.asn.au
Website www.walga.asn.au



For Further information please contact

Bruce Wittber, Policy Manager Governance

Ph: 9213 2057 or email bwittber@walga.asn.au

The Voice of Local Government

