

### 3. REPORTS FROM MEMBER COUNCILS

#### 3.1 Mayoral Vehicle Amendment to Regulations.

*By Daniel Simms, Director Governance and Strategy – City of Wanneroo*

##### IN BRIEF

- To request that the Western Australian Local Government Association pursue on behalf of local government an amendment to the Local Government (Administration) Regulations to include the provision of a Mayoral vehicle for business and private use as an approved allowance for the position of Mayor.

##### BACKGROUND

Council at its Ordinary Council Meeting on the 19 July 2005 resolved as follows:

- 2. REQUEST that the Western Australian Local Government Association pursue on behalf of local government an urgent amendment to the Local Government (Administration) Regulations to formalise the current industry practise of providing a Mayoral vehicle for business and private use in recognition of the substantial after hours commitments provided by Mayors.**

##### COMMENT

It is common practice within many local governments to provide a vehicle to the position of Mayor for business and private use. In many ways, this option is the most cost effective way for Council to provide resources to the Mayor in recognition of the substantial commitment the Mayor has to attend Civic functions and meetings on behalf of the Council that are predominantly outside of normal business hours.

During a recent training session provided by the Department of Local Government & Regional Development at the City of Wanneroo, on the recent amendments to the Local Government Act, the Department clarified matters relating to the provision of a Mayoral vehicle for business and private use.

The Department also provided a copy of advice that had been provided to the City of Gosnells from the Department of Local Government & Regional Development, which confirmed as follows:

*As the Regulations provide for the payment of mileage to a council member for attending meetings or performing other functions in their capacity as a council member when they use their private motor vehicle, the Department would accept that a local government could provide a motor vehicle owned by it to a council member to use in these circumstances. However, the Regulations do not provide for a Council to make available to a council member a benefit in form of private use of a motor vehicle provided by a local government.*

It is believed appropriate that the legislation should be amended to allow for the provision of a Mayoral vehicle to the position of Mayor to be an approved allowance in accordance with the Local Government (Administration) Regulations 1996. This would be inline with the allowances provided to state members of parliament at present.

##### RECOMMENDATION

**REQUEST that the Western Australian Local Government Association pursue on behalf of Local Government an amendment to the Local Government (Administration) Regulations to allow Council to provide a vehicle for business and private use to the position of Mayor in recognition of the substantial after hours commitments provided by Mayors.**

## 3.2 Resource Recovery Rebate Scheme - RRRS

By the City of Wanneroo

### IN BRIEF

- **The Waste Management Board has advised that the current Resource Recovery Rebate Scheme (RRRS) will be stop effective 30 June 2006, to be replaced by a new scheme still to be developed.**
- **The advice included reference to significantly increasing the Landfill Levy to act as a 'true disincentive to landfill'**
- **The is no reliable research evidence that shows that a higher landfill levy would have a significant impact on recycling rates.**

### BACKGROUND

The Resource Recovery Rebate Scheme (RRRS) replaced the Municipal Recycling Services Scheme on 1 January 2001 and was initiated to increase local government participation in resource recovery.

The Waste Management and Recycling Fund (WMRF) is the sole source of funding for the RRRS. The WMRF is resourced through funds raised by a levy on waste disposed to landfill within the Perth metropolitan area (landfill levy). Funds held in the WMRF may be applied by the Minister for the Environment to fund programmes relating to the management, reduction, reuse, recycling, monitoring or measurement of waste and on the costs of administering the WMRF. At present the RRRS receives about half the landfill levy revenue. This reflects the political reality that local government contribute about half of the landfill levy revenue.

The state structure was changed in 2002 with the creation of the Waste Management Board (the Board). Since then the Board has been involved in a major review of the WMRF including the RRRS. This review process highlighted a number of issues questioning the effectiveness of the RRRS. The review also found that the other projects funded by the WMRF were difficult to evaluate and did not appear to have made a measurable contribution to recycling and waste reduction.

The Local Government Association has highlighted the fact that most recycling has been undertaken by local government at a significant cost and while the RRRS money represents only a small portion of the actual cost it is recognition of the success being achieved.

In April 2005 the Board issued a RRRS discussion paper and proposed that the RRRS be halved from 1 July 2005 and replaced from 1 July 2006. The time available to respond to the discussion paper was not sufficient to allow full consideration by Councils and a City of Wanneroo Administration response was sent which highlighted that the budget process was well advanced and the proposed changes would be disruptive. It also raised the issue of exemption from the landfill levy for residue from the Wangara Materials Recovery Facility.

The Board has now issued a response and agreed to delay changes to the RRRS for six months and to start consultation on the replacement scheme, refer **Attachment 1**. This will result in a normal payment for the period July – December 2005 and a half payment for the period Jan – June 2006.

The Board will also prepare for discussion its *'proposed three year strategic business plan with a view to refining the main areas and extent of expenditure in co-operation with stakeholders so that the landfill levy can be set at a level to fund these programmes and act as a true disincentive to landfill.'*

The Board has raised the issue of using a larger landfill levy to produce cost pressure to support recycling. This has been a popular theme for a number of government agencies as reflected in the higher charges in some eastern states. However, research has not been able to point to this being effective in promoting recycling at the levels that governments are likely to be willing to introduce.

### COMMENT

There is concern that local government it will be left with the role of a tax (land fill levy) collector when it has limited ability to influence the quantity of waste produced by residents. Local governments are already collecting a significant 'levy' to fund their recycling programmes and it is important that ratepayers' money is handled in an effective manner.

The 'Strategic Direction for Waste Management in Western Australia (2003)' issued by the Board indicated that the main environmental issues are associated with industrial waste and this will be the Board's main area of focus. This is supported by the move to have Extended Producer Responsibility (EPR) provisions in the amendments to the Environmental Protection Act. Council considered this at item TS06-05/05 and a letter sent to the Minister for the Environment supporting EPR. This support from local government has been successful and on 29 June 2005 the Minister has released a Policy paper on Extended Producer Responsibility.

It would be appropriate to write to the Chairman of the Waste Board expressing concern at the concept of trying to raise the landfill levy to encourage recycling until there is well documented information supporting the effectiveness of such an approach. As this matter has a significant impact on local government, it is appropriate for WALGA to raise this matter direct with the Waste Management Board.

## **RECOMMENDATION**

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**That WALGA write to the Waste Management Board expressing concern regarding the Waste Board promoting an excessively high Landfill Levy and supporting the need for credible research to support any increase in the Landfill Levy.**

### 3.3 Local Government Rating Exemption

*By City of Stirling – Acting Chief Executive Officer*

#### IN BRIEF

The State Administrative Tribunal has recently ruled on an application by City of Stirling to apply rating provisions of the Local Government Act to Aged Persons Housing operated by charitable organisations. The tribunal ruling is adverse to local authority rating.

The high incidence of aged persons housing now being provided by charitable organisations does require a reconsideration of rating provisions.

#### BACKGROUND

The Local Government Act (LGA) contains provisions that exempt land held by a charitable organization from municipal rating.

Independent Living Units (ILUs) provided by some 'charitable' organisations produces considerable profit from unit sales and unit turnover.

Demand for ILUs operated by church and charitable organisations is increasing because of the security and social benefits that are associated with ILU developments and because entry to complexes which operate ILU, hostel and nursing home accommodation can sometimes secure 'ageing in place' objectives.

There have been a number of recent studies considering definitions of charities and the appropriateness of exemption provisions for local government rating. None of the studies has advanced to a point where there has been any substantive change proposed to the existing legislation.

#### COMMENT

ILUs operated by charities are growing in number. The rate of increase in ILU numbers is almost exponential.

A continuation of current trends could have severe impact on rate burden movement to single householders, commercial and industrial properties.

The recent case before the State Administrative Tribunal set out legal issues. Toward the end of the judgement, observations were made that could be interpreted as a suggestion that the time is appropriate for a further review of the existing rating legislation.

The full text of the judgement can be seen at the following URL:

[http://decisions.justice.wa.gov.au/SAT/SATdcsn.nsf/PDFJudgments-WebVw/2005WASAT0191/\\$FILE/2005WASAT0191.pdf](http://decisions.justice.wa.gov.au/SAT/SATdcsn.nsf/PDFJudgments-WebVw/2005WASAT0191/$FILE/2005WASAT0191.pdf)

A one-page summary of the judgement is attached to the end of this report.

#### RECOMMENDATION

That WALGA be requested to initiate a study of:

- The rate of increase of ILUs operated by organisations currently enjoying charitable exemption status under local government rating legislation;

- The change in proportion of ILU properties to other residential properties in local authorities;
- Projected shifts in rate burdens if current trends continue;
- Experience and practice in other Australian states; and
- Possible changes to legislation to ensure no continuing inequities between life tenants in ILUs operated by 'charitable' organisations and fee simple owners of similar resources who are only distinguished from life tenants in ILUs by the requirement to pay municipal rates.

### **3.4 Late Item – Underground Power – Financing Local Government Contributions**

*By City of Stirling – A/Chief Executive Officer*

#### **IN BRIEF**

**The Government underground power program requires a 50% contribution by local authorities, which is usually raised as a charge against rateable property.**

**Experience has indicated a direct rate or charge is not the most appropriate equitable method for assigning costs to properties.**

**A change in legislation is required to recognise requirements for charging for underground power as a long-term issue for local governments.**

#### **BACKGROUND**

The State Government/Office of Energy underground power program targets areas where Western Power infrastructure is aged, unreliable or otherwise in need of replacement or refurbishment.

Local authorities are requested to nominate areas for underground power projects. Areas are assessed by Western Power and a selection is made for programs based upon Western Power criteria and the inclination of local authorities to participate and people in chosen areas to contribute to underground power schemes.

Existing legislation allows contributions from landowners to be secured by local authorities through a specified area rate levied or a fee levied at a standard rate against rateable property.

Factors considered in equity discussions by ratepayers are:

- Property area
- Property frontage
- KVA draw
- Number of stratas/units using 1 property frontage
- Rateable value

Equity considerations also raise the desirability of minimum and maximum rates or fees.

Many areas chosen for underground power projects are diverse in nature. Some may have a predominance of commercial properties, some have diverse residential uses at different ends of the density scale.

#### **COMMENT**

Practice in many local governments that have participated in underground power schemes could be legally questionable.

City of Stirling currently has 1 case before the State Administrative Tribunal which challenges the concept of benefit which is required to be established whenever a specified area rate is levied.

Local governments have used a number of devices to obviate the deficiencies in unmodified application of existing LGA provisions. For example the City of Stirling used the following formula to ensure legality but to introduce factors relating to KVA draw, property area and property frontage in a recent scheme.

BY AN ABSOLUTE MAJORITY in accordance with the provisions of S6.47 of the Local Government Act 1995 grant a waiver for each individual Specified Area Account based on 50% of the Network Connection fees included in the Specified Area Rate, according to the following formula for the Underground Power Scheme:-

Waiver = (SAR – equity formula ) where the equity formula is

$$\left( pn \left( \frac{OC}{GRV} \times \frac{GRV - i}{1} \right) \right) + \left( pn \left( \frac{OC}{A} \times \frac{A - i}{1} \right) \right) + \left( pn \left( \frac{OC}{F} \times \frac{F - i}{1} \right) \right) + \left( pn \left( \frac{OC}{K} \times \frac{K - i}{1} \right) \right) + C - i$$

Where:

SAR	=	The Specified Area Rate	Based upon the total of the owner and Council contributions
P(n)	=	Percentage applied to each equity factor	
GRV	=	Total Gross Rental Values	all properties in Project Area
A	=	Total Area –	all properties in Project Area
F	=	Total Property	all properties in Project Area
K	=	Total KVA Draw	all properties in Project Area
GRV-i	=	Individual prop Gross Rental Values	
A-i	=	Individual prop Area –	
F-i	=	Individual prop Property Frontage	
K-i	=	Individual prop KVA Draw	
C		Total Property Connection Costs	all properties in Project Area
OC		Total Owner Contributions less "C"	all properties in Project Area
C-i		Individual prop Connection Cost	

with percentage equity factors applied in the case of the underground power project as

20% GRV  
5% Area  
5% Property Frontage  
70% KVA draw applied on a sliding scale of rates

The net amount (exclusive of administration fees) payable by each property owner is then:

$$\left( 20\% \left( \frac{OC}{GRV} \times \frac{GRV - i}{1} \right) \right) + \left( 5\% \left( \frac{OC}{A} \times \frac{A - i}{1} \right) \right) + \left( 5\% \left( \frac{OC}{F} \times \frac{F - i}{1} \right) \right) + \left( 70\% \left( \frac{OC}{K} \times \frac{K - i}{1} \right) \right) + C - i$$

Provided that in all cases the net amount payable will not exceed the specified area rate levy.

It would be far easier if legislation could be changed to recognise the existing complexity of dealing with contributions to underground power schemes and, particularly to take into account the equity factors that are considered important and relevant to each specific underground power project.

#### **RECOMMENDATION**

- 1. That WALGA be requested to canvas local governments for statements of experience, problems and recommend that improvements to obviate existing difficulties in applying rates and/or service charges to provide revenue to fund underground power schemes.**
- 2. That WALGA be requested to liaise with the Department of Local Government and Regional Development to secure appropriate changes to the LGA to facilitate improvements for rating and service fee application for underground power projects sponsored by local governments.**

## 3.5 Late Item - Biodiesel

*By City of Stirling – A/Chief Executive Officer*

### IN BRIEF

**Local authorities can make a contribution toward fuel independency in Australia while demonstrating environmental responsibility and resolving the problem of plastic waste being placed in landfills.**

### BACKGROUND

Local authorities the size of Joondalup, Wanneroo and Stirling will collect at least 15,000 tonnes of plastic per annum from domestic households.

Technology is available to convert the plastics to a low sulphur biodiesel fuel, which can be sold to the general market or used by local authorities for their own purposes.

45,000 tonnes of plastic could produce better than 35,000,000 litres of diesel fuel, which is far greater than the total usage of the 3 local authorities in the north zone. Capital investment required for a plant to undertake the process would be in the order of \$15M (AUD). Prospectuses issued by private companies indicate a return on capital from plastic derived by biodiesel within 3-5 years with ongoing benefits from fuel produced at approximately 60% of the cost of the current price for mineral derived diesel fuels.

Axiom Energy Ltd and Australian Renewable Fuels are 2 companies, which have issued a current prospectus proposing biodiesel plants, the plants would have the capacity to treat waste plastics and also waste oils from restaurants and other sources. The plants would also be able to produce fuels from cereal crops.

Details of the prospects, possible markets, costs and benefits associated with biodiesel are contained in a convenient form in the prospectus documents of Axiom Energy and Australian Renewable Fuels. These documents can be found at the following URLs:

<http://www.axiomenergy/td.com.au/>

[http://www.arfuels.com.au/default.asp?V\\_DOC\\_ID=895](http://www.arfuels.com.au/default.asp?V_DOC_ID=895)

### COMMENT

Local authorities could create strategic partnerships with private enterprise companies aimed at providing feedstock for plastic and waste oil conversion projects.

The current fuel crisis will make private enterprise responsive to opportunities that could work with local governments. Local governments may have the opportunity of gaining some economic advantage from the process but will at least obtain environmental credibility and additional short supply space in existing landfills.

A possible future scenario could be:

- the majority of plastics collected from households, schools and factories is recycled as biodiesel fuel;
- pro-active activity for fuel generation by local governments assists maintaining relatively lower average prices for diesel fuel;
- local authorities use fuel derived from refuse for their own operations demonstrating innovation and environmental sensitivity in optimizing plastic recycling;
- households, local government, school and industry are all involved in a common initiative and enthusiasm for generating usable fuels from waste;
- local government through state organisations, including WALGA, are keyed into a single initiative to channel the maximum possible plastic waste to a recycling purpose;
- State and Federal governments are motivated by the example of local government to generate a variety of initiatives that support further partnership arrangements between government and industry that address environmental sensitivities and environmental realities;
- the Federal government expands grant subsidy and tax incentives for programs aimed at reducing fuel dependency and improving environmental outcomes.

#### **RECOMMENDATION**

- 1. That a study group from the North Zone examine the possibilities of creating a partnership with one or more fuel generating companies to examine the possibility of conversion of waste plastics and waste oil collected by local authorities to low sulphur biodiesel fuel.**
- 2. That the study include an examination of potential cost benefits including benefits that may be available from a lower fuel excise regime and from grants available for new initiatives in producing alternative energy.**

## **2.4 State Local Government Community Safety and Crime Prevention Partnership (05-019-02-0005/MM)**

*By Michelle Mackenzie, Policy Manager Community*

### ***In Brief***

- **The State Government's new structure on crime prevention has been established for two years.**
- **43% of Councils have signed a partnership arrangement with the State Government, however a number of issues remain outstanding.**
- **Recommendation that the Association supports the new structure subject to a number of conditions.**

### ***Relevance to Strategic / Business Plan***

- **Strong Representation:** Effectively influence Government policy; enhance working relationships with the State Government.
- **Effective Leadership:** Identify and evaluate emerging issues, trends and responses; unify membership to achieve the options best suited to Local Government's interests.
- **Enhancing Capacity:** Increase funding to and autonomy of Local Government.

### ***Policy Implications***

State/Local Government framework for Local Government's roles and responsibilities in community safety and crime prevention.

### ***Budgetary Implications***

Nil.

### ***Background***

In October 2002 the State Government released a report titled *New Structures for Crime Prevention in WA*. The report proposed a new model for crime prevention placing strong emphasis on Local Government participation in crime prevention partnerships and co-ordination of crime prevention plans.

The Community Safety and Crime Prevention Partnerships bring together local communities with Local Government and State Government agencies to identify community safety and crime prevention issues and priorities. The Partnership group works with the relevant Local Government to develop and implement action plans to tackle crime and improve safety in the community. The Office of Crime Prevention (OCP) provides resources to Local Government to help establish the local partnerships, planning processes and project management activities. Up to \$10,000 is available to Local Government to develop a plan and \$1200 for administrative support. In addition Councils receive \$20,000 on endorsement of their plan for a priority project. A Community Engagement Team (CET) is located within OCP to support Local Government in developing the plans.

Local Government raised concerns with the new model including the decision making power and control of resources within the proposed structure, full costing and identification of adequate resourcing for the proposed enhanced role for Local Government, information sharing protocols to protect all relevant officers as well as the public good and clarification on the definitions, roles and boundaries applicable to the proposed crime preventive structure. The development of the new structure was enmeshed in the defunding of SaferWA and the lack of clarity regarding the role of volunteers and the police in the new structure.

State Council resolved in June 2003 not to support the New Structure for Crime Prevention as proposed by the State Government. An ancillary resolution requested the formation of a working party by the Office of Crime Prevention to discuss and resolve the concerns of Local Government in relation to the new structure. The matter was also raised as an item of Special Urgent Business at the 2003 Annual General Meeting.

In October 2003 the State Council resolved:

- That the strong opposition of Local Government to the proposed new Structure for Crime Prevention be reiterated to the State Government;
- That issues pertaining to juvenile offenders be included in any new structure governing crime prevention in Western Australia; and
- WALGA pursue the State Government in relation to convening a number of Community Safety Summits in order that an appropriate structure for Crime Prevention can be developed collaboratively.

In December 2003 State Council resolved that the Association, on the understanding that Local Governments do not support the new structure:

- Work with the State Government to establish a strategic crime prevention partnership;
- Call for nominations for a representative to the Implementation Group for the New Structure;
- Call for nominations for four representatives to the new body to replace SaferWA; and
- Facilitate the secondment of a Local Government Officer to the officer of Crime Prevention for the Community Engagement Team.

In addition the Association resolved that State Government: develop a State-wide evaluation strategy for consideration by Local Government, including an audit of current Local Government crime prevention initiatives, that will evaluate the impact of the new Structure on Local Government resources and funding, and confirms the commitment of identified State Government agencies to participate fully in the new structure at the Local Government level.

#### Outcomes of State Council resolutions

The State Government remains committed to the new Crime Prevention Structure. A consequence is that some resolutions put forward by the Association were not acted upon by the State. This included the request for Community safety summits and a state wide evaluation strategy including an audit of Local Government crime prevention initiatives. However, the Office of Crime Prevention in partnership with the Australian Institute of Criminology does plan to undertake an investigation into the partnership agreements, including an evaluation of the implementation process as well as the community safety and crime prevention outcomes. A Local Government officer has been seconded to the Office of Crime Prevention to work with the Community Engagement Team.

The Association called for nominations for the Community Safety and Crime Prevention Council and forwarded nominations to the State Government in March/April 2004. The Association was advised in July 2005 of the Local Government appointments to the Council.

A State/Local Government Working Group was established with representatives from the Association, and the Office of Crime Prevention, with the Chair of the Community Safety and Crime Prevention Council as an independent Chair. The terms of reference of the Working Group are to:

1. Investigate models of State / Local Government community safety / crime prevention partnership arrangements with a view to developing an agreed State / Local Government Community Safety and Crime Prevention model for Western Australia.
2. Identify mutually agreed roles and responsibilities for State and Local Government and the community in community safety and crime prevention.
3. Development of funding options that provide:
  - a. An ongoing sustainable State Government funding source to support the model
  - b. Sufficient State Government human resources to support the model
  - c. Funding equity between Local Governments
  - d. No cost shifting from State to Local Government
  - e. Acknowledgement of Local Government's existing funding commitments to crime prevention / community safety.
4. Develop recommendations for mechanisms for joined up Government to achieve better co-ordination and collaboration in planning for community safety and crime prevention.

The Working Group developed a Discussion Paper which discussed issues raised by the Association in response to the Community Safety and Crime Prevention Plans. The paper's primary purpose was to generate discussion. It outlined areas of agreement between Local and State Government and points of contention allowing the Working Group to continue to work together in resolving these issues.

## **Comment**

It is two years since the new Crime Prevention Structure was established. Up to August 2005, sixty one (43%) Councils have signed a community safety and crime prevention partnership with the State Government. Feedback from Councils and the Office of Crime Prevention is that the program has become more flexible and that a number of Local Government concerns have been addressed, in particular that OCP have adapted partnerships to include a regional or district context, allowed Councils to devolve the development of the plans to community committees, have developed planning tools specifically for Local Government and are allowing large Local Government to address hot spots.

The Discussion Paper presented a number of areas where Local Government concerns have been addressed. In particular:

1. OCP funding not linked to signing a partnership agreement: The OCP has agreed that where complementary planning processes meet the requirements for community participation and prioritisation based on evidence, they can meet the OCP funding requirements for addressing high risk, high priority issues. This applies to the range of funds administered by the OCP;
2. Local Governments are in different positions to respond to the partnership: Additional support is available from the CET to disadvantaged LGA's in the preparation of Community Security and Crime Prevention Plans, particularly in remote and regional communities;
3. Interagency support at the local level: Directors' General with portfolio areas that relate to community safety and crime prevention have written to regional managers spelling out their responsibilities. Local Government can contact OCP and expect a commitment to address local agency representation. OCP will assist in facilitating, where appropriate, service agreements between State and Local Government to address inter agency support;
4. Role of the Police: It is State Government policy that there will be no decrease in community engagement or crime prevention policing. The Commissioner of Police has directed officers to be involved in the development of local plans;
5. Well resourced and strong police presence needed: The State is investing funds to recruit 350 extra police officers above attrition and 160 extra administrative and expert civilian staff to support front line police officers;
6. Community safety and crime prevention is a specialist area not a core Local Government area: the shared responsibility for Community Safety and Crime Prevention is acknowledged and it is not expected that Local Governments will take sole responsibility;
7. Underlying assumption that planning is best achieved and co-ordinated within Local Government boundaries: The State will facilitate planning within and across Local Government areas;
8. Fragments crime prevention across the metropolitan area: Councils are able to develop joint approaches;
9. Insufficient recurrent expense to cover ongoing administration, co-ordination, implementation and evaluation: OCP invites Local Government to put forward a case for a recurrent funding model for crime prevention and is willing to consider such a case to secure resources during the next budget process;
10. Insufficient resources in OCP to support the plans: The Roadwise Programme presents an example of a network of State funded regional and metropolitan safety road safety co-ordinators. The Association has mooted an investigation into similar approaches to community safety and crime prevention through the deployment of regional coordinators appointed to strengthen the current model. OCP recognises the strength of having a regional based approach to crime prevention, particularly in high Indigenous area such as the Kimberley. To implement this model, OCP will need to consider it in future budget submissions; and
11. Any transfer of responsibility legislated and long term State Government funding mechanism developed to support the partnership: The State Government and WALGA do not support legislation at this stage. Legislation would limit Local Government's choice of whether or not to be a part of the crime prevention process.

The Discussion Paper presented areas where agreement could not be reached. These included:

1. Funding for the plans is not adequate or equitable due to an inequity between different size Local Governments; The Association considers that \$10,000 is not sufficient for planning in some circumstances, such as large Local Government areas or Local Governments with complex problems. The Association has a preference for a more flexible, sustainable arrangement. The State is willing to exercise some flexibility around the scope of plans (e.g. in allowing for an initial focus around only part of the LGA or a linking of the planning to other planning processes) but remains committed to the initial planning amounts;
2. Local plans not feeding into Regional or State plans: A concern of Local Government is how issues identified in their plans and their priority actions will inform the deployment of State Government resources. Where a number of planning approaches are being undertaken in a Local Government area there is a need to align the planning process and to consolidate local plans and State-wide initiatives to ensure that plans inform regional and State strategies. It is not intended to develop State or Regional level Community Safety and Crime Prevention Plans. At a Regional level, the emphasis is on ensuring that agencies understand the requirement to support the local planning process and make their own plans to assist with implementation; and
3. Local Government is required to accept new responsibilities under the plan without significant funding. The new role for Local Government is one of leadership in the development of local plans ensuring that the community is well represented in the partnership with Government and that the community's priorities are addressed. The State sees Local Government's role in crime prevention is as one of the partners in a whole of government and whole of community responsibility, not a cost shifting exercise. OCP believe that the level of funding available is generally appropriate to the expected role of Local Government to facilitate the plans, not be responsible for their implementation. The Association is concerned that it is not clear how far the roles and responsibilities of Local Government go in relation to the plan's coordination, implementation and evaluation and that roles in this area is shifting the cost of for community safety and crime prevention onto Councils.

#### Local Government responses to the Discussion Paper

The Discussion Paper was circulated to all Councils. The recommendation put forward for comment by Local Government was:

- That the Association support the Community Safety and Crime Prevention Strategy subject to:
  1. A flexible funding arrangement for community safety and crime prevention plans for Local Governments with complex problems;
  2. Exploring the feasibility and developing a reasonable case for a sustainable growth revenue funding stream from State to Local Government for community safety and crime prevention planning and initiatives; and
  3. Exploring the feasibility and developing a reasonable case for a regional based approach to community safety and crime prevention through a network of staff supporting Local Government and the community in a collaborative approach to community safety and crime prevention planning and initiatives.
- That a MOU is developed between State and Local Government that addresses the roles and responsibilities of Local Government in community safety and crime prevention.

Thirty one (22%) of members responded. Twenty two responses (71%) were from the country, 8 responses (26%) from the metropolitan area and one unidentified respondent. The twenty two country responses represented 19% of possible responses. The metropolitan responses represented 27% of possible metropolitan responses. Fourteen respondents (45%) have entered a community safety and crime prevention partnership with the State.

Two respondents (6%), one metropolitan and one country respondent, stated that the new structure was a cost shifting exercise and that the Association should not support the partnerships until all issues have been resolved. The majority of respondents support all recommendations: 93.5% supported a more flexible funding arrangement, 93% supported the feasibility of developing a reasonable case for a sustainable growth revenue funding stream from State to Local Government and 90% supported the investigation into a State funded regional approach through a network of State Government staff supporting Local Government. 97% supported the development of a MOU.

Contrary to information circulated in the Discussion Paper, one metropolitan Council advised the Association that the release of OCP funding to them for an approved initiative is conditional upon them signing a partnership agreement with the State. Funding approved to this Council in March 2005 has not been released as they have not signed a partnership. Feedback from the Office of Crime Prevention is that funding is not conditional on the partnership agreement but a number of other grant conditions which need to be met. OCP reiterate that where complementary planning processes are undertaken by Councils to meet requirements for community participation and prioritisation based on evidence, they can meet OCP funding requirements for addressing high-risk, high priority issues.

The Association invited a group of technical representatives from Local Government to discuss the findings. Feedback from this group is that the Association should not support the partnership until outstanding issues have been resolved. This position, if adopted by the Association, would support Councils in whatever choice they made in relation to the partnership by advocating on behalf of Local Government the need for appropriate funding and flexibility. In addition, this group felt that key areas of Local Government concern regarding community safety and crime prevention, in particular graffiti management and anti social behaviour, are not high priorities for State Government. It was felt that the State Government must acknowledge that these are significant issues for Local Government and give a commitment to address them.

#### In Summary

There is a need for a community safety and crime prevention strategy which provides flexibility for Councils, supporting their decision to undertake community safety and crime prevention activities at the local level. 43% of Councils in Western Australia have entered a partnership agreement. However, there are unresolved issues for Local Government. These issues need to be addressed within an enabling framework which outlines clearly the roles and responsibilities of State and Local Government in the partnership and ensures that any increase in the roles and responsibilities of Local Government are accompanied by appropriate and sustainable revenue streams.

#### ***Recommendation***

**That the Association will only support the State/Local Government Community Safety and Crime Prevention Partnership if there is:**

- **acceptance by State Government of Local Government evidence based planning methods to develop community safety and crime prevention strategies;**
- **a flexible funding arrangement for community safety and crime prevention plans for Local Government;**
- **sustainable growth funding from State to Local Government to support the Local Government Community Safety and Crime Prevention plans and their implementation;**
- **a feasibility study undertaken into a regional based approach to community safety and crime prevention through a network of State Government funded staff to support Local Government develop a collaborative based approach to community safety and crime prevention planning and initiatives;**
- **acknowledgement by the State Government that the management of graffiti and anti social behaviour are key issues of concern to Local Government; and**
- **the development of a MOU between State and Local Government that outlines the roles and responsibilities of State and Local Government in relation to community safety and crime prevention planning.**