

### **2.3 - LOCAL GOVERNMENT ACT 1995 REVIEW**

WARD : ALL  
FILE No. : M/19/18  
DATE : 12 January 2018  
REF : TM  
RESPONSIBLE : Executive Director  
MANAGER : Corporate Services

**In Brief:**

- This Report presents for Council's consideration a Consultation Paper prepared by the Department of Local Government to facilitate phase 1 of the State Government's review of the Local Government Act 1995;
- The Consultation Paper poses 126 questions for Council's response;
- The Consultation Paper has been prepared for Councils and the general public alike;
- WALGA has requested Council's response to the 126 questions by 1 February 2018 to enable them to prepare a sector response to the State Government;
- The Report Recommendation presents a proposed response by Council to each question;

#### **Tabled Items**

Nil

#### **Officer Interest Declaration**

Nil

#### **Strategic Implications**

- 4.1 Visionary Civic Leadership and sound governance
- 4.1.2 make decisions that are sound, transparent and strategic;
  - 4.1.3 support the role of the elected body

#### **Legislation Implications**

*Local Government Act 1995* and its associated Regulations

#### **Council Policy/Local Law Implications**

Nil

#### **Budget/Financial Implications**

Nil

#### **Consultation**

Western Australian Local Government Association (WALGA)

## BACKGROUND

The Minister for Local Government, Hon David Templeman, wrote to WALGA on 14 June 2017 to announce the commencement of the Review of the *Local Government Act 1995*, advising (in part) :-

*“Due to the scope of the likely amendments and my desire to see early progress, I have decided that the work will be undertaken in two phases:*

*The first will focus on modernising Local Government, with the policy work and consultation to be completed in 2017 with a Bill in 2018. Key topics in this phase will be increasing elector participation, electronic disclosure (making information more readily available), simplifying the disclosure of gifts and some reducing red tape provisions.*

*The theme for the second phase is delivering for the community, with the policy work and consultation to be completed in 2018 with a Bill in 2019. Key themes for this phase will be improving behaviour and relationships, increasing community participation, enabling local government enterprises, improving financial management and reducing red tape.*

WALGA in response to the Minister’s announcement then prepared a Discussion Paper for the sector which Council dealt with in September 2017 – Council Report and Resolution CS63/9/17 refers.

In November 2017 the Department of Local Government released a Consultation Paper to facilitate input and comment from councils and the general public – the Consultation Paper is presented as an Attachment to this Report.

## DETAILS OF PROPOSAL

The Department’s Consultation Paper has the following Minister’s Foreword, ie.

*“The McGowan Government is undertaking a review of the Act to modernise local governments and better position them to deliver services for the community.*

*Western Australia’s local government system is unique in Australia and reflects the State’s colonial heritage through the establishment of roads boards as some of the State’s first forms of European municipal government.*

*While the Western Australian Constitution Act 1889 provides for a system of local government throughout the State, the powers and functions of local governments are conferred by the Local Government Act 1995 (the Act).*

*The review will be undertaken in two phases. Phase 1 of the review considers the following matters:*

- *meeting community expectations of standards and performance*
- *transparency*
- *making more information available online*
- *red tape reduction.*

*These matters address reforms that have the potential to modernise local government, empower and enable local government, meet community expectations for accountability and*

*transparency, and relieve regulatory burden. Local government autonomy in decision-making remains a key feature of Western Australia's local government system.*

*Where possible, I would like the detail relating to the powers and responsibilities for local government to be addressed in regulations rather than a prescriptive Act to ensure that the legislation is more flexible and adaptable to changing needs.*

*This consultation paper seeks your comment to inform the government's position. While the consultation deals with specific matters, comment is welcome on all aspects of the Act.*

*This paper presents a range of options that aim to modernise local government, restore the reputation of the sector, simplify regulation and improve services. I seek your valuable feedback to inform this review.*

*Western Australians deserve local government that is smart, agile and inclusive."*

The Consultation Paper is divided into (11) parts as follows, and poses a total of 126 questions, ie.

1. Relationships between council and administration;
2. Training
3. The behaviour of councillors
4. Local government administration
5. Supporting local governments in challenging times
6. Making it easier to move between State and Local government employment
7. Gifts
8. Access to information
9. Available information
10. Reducing red tape
11. Regional subsidiaries

WALGA is requesting Council's feedback on the Department's consultation paper by Thursday 1 February 2018 so that a sector response can be provided.

The Consultation Paper has been updated to include (relevant to the commentary) the current sector position as established by WALGA in red type.

## **COMMENT**

### **ANALYSIS**

Management has assessed each of the 126 questions and provided a brief response to each. The following report recommendation presents the questions and responses for Council's endorsement, with or without modification.

### **OPTIONS**

Given this is the first major review of the *Local Government Act 1995* since its inception (23) years ago and that during this time, the landscape in which local governments operate has changed considerably and continues to change, it is advisable that Council actively contribute to the Review process rather than be an observer.

## CONCLUSION

The following Report recommendation is presented for Council's endorsement with or without modification.

## ATTACHMENTS

1. Local Government Act 1995 Review - Consultation paper

## Committee Discussion

*Committee pages through the following Recommendation changing several proposed responses. Committee's agreed changes are shown in red italics and strikethrough.*

## RECOMMEND

CS11/1/18

**That Council, as part of the State Government's review of the *Local Government Act 1995*, convey to WALGA and the Department of Local Government the following Council responses to the Government's November 2017 Consultation Paper :**

Department of Local Government Sport and Cultural Industries Discussion Paper - Local Government Act Review		
Heading	Question	City of Armadale Response
<b>1. Relationships between council and administration</b>		
<b>Defining the roles of council and administration</b>	<b>Q1</b> How should a council's role be defined? What should the definition include?	The current description of Council's role is fine as is with perhaps the addition of the employment of the CEO.
	<b>Q2</b> How should the role of the CEO and administration be defined?	The current description of the CEO and admin role is fine as is.
	<b>Q3</b> What other comments would you like to make on the roles of council and administration?	Nil
	<b>Q4</b> Are there any areas where the separation of powers is particularly unclear? How do you propose that these are improved?	No
<b>Improving relationships between council and administration</b>	<b>Q5</b> Do you have any other suggestions or comments on this topic?	An on-going commitment to the 'values' of the organisation is imperative which in the case of the City of Armadale are honesty, accountability, respect and professionalism.

<b>2. Training</b>		
<b>Elected member competencies</b>	<b>Q6</b> What competencies (skills and knowledge) do you think an elected member requires to perform their role?	No specific pre-requisite competencies other than a genuine interest to make a positive difference in the interests of the broader community and honour their declaration of office.
	<b>Q7</b> Do these vary between local governments? If so, in what way?	No
<b>Funding training</b>	<b>Q8</b> Who should pay for the costs of training (course fees, travel, other costs)?	Predominantly local governments but with state government grants available on application to foster capacity building for all local governments.
	<b>Q9</b> If councils are required to pay for training, should a training fund be established to reduce the financial impact for small and regional local governments? Should contribution to such a fund be based on local government revenue or some other measure?	No
<b>Mandatory training</b>	<b>Q10</b> Should elected member training be mandatory? Why or why not?	No but training should always be encouraged.
	<b>Q11</b> Should candidates be required to undertake some preliminary training to better understand the role of an elected member?	No
	<b>Q12</b> Should prior learning or service be recognised in place of completing training for elected members? If yes, how would this work?	Yes - unsure how this would work
	<b>Q13</b> What period should apply for elected members to complete essential training after their election?	2 years
<b>Continuing professional development</b>	<b>Q14</b> Should ongoing professional development be undertaken by elected members?	Yes but it be voluntary and guided by Council Policy.
	<b>Q15</b> If so, what form should this take?	conferences, seminars, training courses, etc.
<b>Training</b>	<b>Q16</b> Do you have any other suggestions or comments on training?	A policy position on councillor training and development is advisable.

<b>3. The behaviour of elected members</b>		
<b>Codes of conduct</b>	<b>Q17</b> Should standards of conduct/behaviour differ between local governments? Please explain.	No however local governments should be able to self-impose additional standards to the minimum standards as set by legislation.
	<b>Q18</b> Which option do you prefer for codes of conduct and why?	<del>The code of conduct as currently legislated is fine as is.</del> <i>Option 5 Model Code for uniformity purposes.</i>
	<b>Q19</b> How should a code of conduct be enforced?	By peer group review.
<b>Streamlined rules of conduct</b>	<b>Q20</b> Do you support streamlined Rules of Conduct regulations? Why?	No, the status quo works okay.
	<b>Q21</b> If the rules were streamlined, which elements should be retained?	Not applicable given response to Q20.
	<b>Q22</b> Do you support a reduction in the time frame in which complaints can be made? Is three months adequate?	Yes, 6 months.
<b>Revised disciplinary framework</b>	<b>Q23</b> Do you support an outcome-based framework for elected members? Why or why not?	No because uncertainty may be created as to what behaviours would constitute a breach and it could result in an increase in the number of complaints received.
	<b>Q24</b> What specific behaviours should an outcomes based framework target?	Not applicable given response to Q23
<b>Application of the Rules of Conduct</b>	<b>Q25</b> Should the rules of conduct that govern behaviour of elected members be extended to all candidates in council elections? Please explain.	<del>No for practical reasons.</del> <i>Yes so that there is a 'level playing field' for all</i>
<b>Offence Provisions</b>	<b>Q26</b> Should the offence covering improper use of information be extended to <b>former</b> members of council for a period of twelve months? Why?	Yes unless it is in the greater public interest <i>and that the period be 2 years.</i>
	<b>Q27</b> Should this restriction apply to former employees? Please explain.	Yes
<b>Confidentiality</b>	<b>Q28</b> Is it appropriate to require the existence and details of a complaint to remain confidential until the matter is resolved? Why?	Yes for reasons of natural justice.

<b>Sector conduct review committees</b>	<b>Q29</b> What do you see as the benefits and disadvantages of this model?	Nil benefit just another layer of unnecessary costly bureaucracy - fix/resource the current Standards Panel is the preferred direction.
	<b>Q30</b> What powers should the Conduct Review Committee have?	Not applicable given response to Q29.
	<b>Q31</b> In your opinion what matters should go directly to the Standards Panel?	All matters.
	<b>Q32</b> Who should be able to be a member of a panel: elected members, people with local government experience, independent stakeholders?	Not applicable given response to Q29.
	<b>Q33</b> Who should select the members for the pool?	Not applicable given response to Q29.
	<b>Q34</b> How many members should there be on the Review Committee?	Not applicable given response to Q29.
	<b>Q35</b> Are the proposed actions for the Review Committee appropriate? If not, what do you propose?	Not applicable given response to Q29.
<b>Review of elected member non-compliance</b>	<b>Q36</b> Which of the options for dealing with complaints do you prefer? Why?	Option 1 Status Quo
	<b>Q37</b> Are there any other options that could be considered?	No
	<b>Q38</b> Who should be able to request a review of a decision: the person the subject of the complaint, the complainant or both?	Both for reasons of natural justice but at the person's personal cost should the decision not change.
<b>Mediation</b>	<b>Q39</b> Do you support the inclusion of mediation as a sanction for the Panel? Why or why not?	No not warranted given all breaches dealt with by the Panel are of a 'minor' nature.
<b>Prohibition from attending council meetings</b>	<b>Q40</b> Do you support the Panel being able to prohibit elected members from attending council meetings? Why or why not?	No, would be contrary to the councillor's elected role <i>and affect the community.</i>
	<b>Q41</b> How many meetings should the Panel be able to order the elected member not attend?	Not applicable given response to Q40.
	<b>Q42</b> Should the elected member be eligible for sitting fees and allowances in these circumstances?	Not applicable given response to Q40.
<b>Compensation to the local government</b>	<b>Q43</b> Do you support the Panel being able to award financial compensation to the local government? Why or why not?	No because the Panel is unlike the courts or SAT and again the breaches being dealt with are of a 'minor' nature.

	<b>Q44</b> What should the maximum amount be?	Not applicable given response to Q43.
<b>Complaint administrative fee</b>	<b>Q45</b> Do you support this option? Why or why not?	No, why should a person believing they have a legitimate complaint against another person have to pay to have their complaint heard? If the complaint is deemed by the Panel to be vexatious or frivolous, the yes an administrative fee of \$1,000 could apply.
	<b>Q46</b> Do you believe that a complaint administrative fee would deter complainants from lodging a complaint? Is this appropriate?	Not applicable given response to Q45.
	<b>Q47</b> Would a complaint administrative fee be appropriate for a sector conduct review committee model? Why or why not?	Not applicable given response to Q45.
	<b>Q48</b> What would be an appropriate fee for lodging a complaint?	Not applicable given response to Q45.
	<b>Q49</b> Should the administrative fee be refunded with a finding of minor breach or should it be retained by the Department to offset costs? Why or why not?	Not applicable given response to Q45.
<b>Cost recovery to local government</b>	<b>Q50</b> Do you support the cost of the panel proceedings being paid by a member found to be in breach? Why or why not?	Yes, the community should not have to fund the wrongful acts of councillors.
<b>Publication of complaints in the annual report</b>	<b>Q51</b> Do you support the publication of complaints in the Annual report? Why or why not?	<del>No, the current reporting of the complaints on the Department's website is sufficient.</del> <i>Yes for transparency and accountability purposes</i>
<b>Tabling decision report at Ordinary Council Meeting</b>	<b>Q52</b> Do you support the tabling of the decision report at the Ordinary Council Meeting? Why or why not?	No, the current reporting of the complaints on the Department's website is sufficient.
<b>Elected member interests</b>	<b>Q53</b> Should not-for-profit organisation members participate in council decisions affecting that organisation? Why or why not?	Yes provided an <i>appropriate</i> impartiality interest is disclosed.
	<b>Q54</b> Would your response be the same if the elected member was an office holder in the organisation?	<del>No</del> <i>Yes provided an appropriate impartiality interest is disclosed.</i>
<b>Improving the behaviour of elected members</b>	<b>Q55</b> Do you have any other suggestions or comments on this topic?	No

<b>4. Local government administration</b>		
<b>Recruitment and selection of local government CEOs</b>	<b>Q56</b> Would councils benefit from assistance with CEO recruitment and selection? Why?	Yes, assistance from skilled and experienced recruitment resources would be advantageous and generally occurs.
	<b>Q57</b> How could the recruitment and selection of local government CEOs be improved?	Option 2 but it not be mandatory to use such accredited resources and likewise the suggested requirement to include an experienced person on the panel be advisable but not mandatory.
	<b>Q58</b> Should the Public Sector Commission be involved in CEO recruitment and selection? If so, how?	No
	<b>Q59</b> Should other experts be involved in CEO recruitment and selection? If so, who and how?	Yes as per response to Q56.
	<b>Q60</b> What competencies, attributes and qualifications should a CEO have?	Will vary from one local government to another depending on a range of factors including the imperatives of the Strategic and Corporate Business Plans.
<b>Acting CEOs</b>	<b>Q61</b> Should the process of appointing an acting CEO be covered in legislation? Why or why not?	No however <i>it be legislated that Councils</i> have a Policy position on the matter.
	<b>Q62</b> If so, who should appoint the CEO when there is a short term temporary vacancy (covering sick or annual leave for example)?	Not applicable given response to Q61.
	<b>Q63</b> Who should appoint the CEO if there will be vacancy for an extended period (for example, while a recruitment process is to be undertaken)?	As per the Policy position adopted by the Council which in all likelihood will be the Council.
<b>Performance review of local government CEOs</b>	<b>Q64</b> Who should be involved in CEO performance reviews?	A panel comprising <del>the Mayor</del> + several councillors appointed by Council + independent professional to assist and facilitate the process.
	<b>Q65</b> What should the criteria be for reviewing a CEO's performance?	Will vary from one local government to another but will generally have reference to the contract performance terms, the last performance review outcomes and the imperatives of the Strategic and Corporate Business Plans.

	<b>Q66</b> How often should CEO performance be reviewed?	Annually
	<b>Q67</b> Which of the above options do you prefer? Why?	Option 2
	<b>Q68</b> Is there an alternative model that could be considered?	No
<b>Termination or extension of CEO contract around an election</b>	<b>Q69</b> Would a 'cooling off' period before a council can terminate the CEO following an election assist strengthening productive relationships between council and administration?	No
	<b>Q70</b> What length should such a cooling off period be?	Not applicable given response to Q69.
	<b>Q71</b> For what period before an election should there be a restriction on a council from extending a CEO contract? Should there be any exceptions to this?	Not applicable given response to Q69.
<b>Public expectations of staff performance</b>	<b>Q72</b> Is greater oversight required over local government selection and recruitment of staff?	No, every local government should have HR procedures in place that meet minimum standards.
	<b>Q73</b> Should certain offences or other criteria exclude a person from being employed in a local government? If so, what?	The local government's HR procedures would address this aspect.
<b>Strengthening local government administration</b>	<b>Q74</b> Do you have any other suggestions or comments on this topic?	No
<b>5. Supporting local governments in challenging times</b>		
<b>Remedial intervention</b>	<b>Q75</b> Should the appointed person be a departmental employee, a local government officer or an external party? Why?	Matters not provided they are accredited by the Department and have the requisite skills and experience relevant to the remedial intervention.
	<b>Q76</b> Should the appointed person be able to direct the local government or would their role be restricted to advice and support? Please explain.	The appointed person's role should be restricted to advice and support and akin to the auditor's role.
	<b>Q77</b> Who should pay for the appointed person? Why?	The local government on the basis of the cost/benefit principle.

<b>Powers of appointed person</b>	<b>Q78</b> What powers should an appointed person have?	Advice and support like that of the auditor and certainly not the power to make recommendations to Council.
<b>Remedial action process</b>	<b>Q79</b> Do you think the proposed approach would improve the provision of good governance in Western Australia? Please explain.	Generally yes but subject to the implementation details.
	<b>Q80</b> What issues need to be considered in appointing a person?	The appointment is warranted and clarity of the appointed person's function, powers and authority particularly with respect to the CEO position.
<b>Supporting local governments in challenging times</b>	<b>Q81</b> Do you have any other suggestions or comments on this topic?	<ul style="list-style-type: none"> <li>a) Uphold the General Competence Principle currently embodied in the Local Government Act;</li> <li>b) Provide for a flexible, principles-based legislative framework; and</li> <li>c) Promote a size and scale compliance regime.</li> </ul>
<b>6. Making it easier to move between State and local government employment</b>		
<b>Transferability of employees</b>	<b>Q82</b> Should local and State government employees be able to carry over the recognition of service and leave if they move between State and local government?	<del>Yes</del> <i>No</i>
	<b>Q83</b> What would be the benefits if local and State government employees could move seamlessly via transfer and secondment?	General enhancement of skills and capacity of both workforces.
<b>Making it easier to move between State and local government employment</b>	<b>Q84</b> Do you have any other suggestions or comments on this topic?	No
<b>7. Gifts</b>		
<b>A new framework for disclosing gifts</b>	<b>Q85</b> Is the new framework for disclosing gifts appropriate?	Yes, the current framework is convoluted and confusing.
	<b>Q86</b> If not, why?	Not applicable given response to Q85.
	<b>Q87</b> Is the threshold of \$500 appropriate?	No, City of Armadale position is \$50.
	<b>Q88</b> If no, why?	The lower \$50 threshold promotes greater transparency and probity.

	<b>Q89</b> Should certain gifts – or gifts from particular classes or people – be prohibited? Why or why not?	No - the proposed new framework has adequate controls and safeguards.
	<b>Q90</b> If yes, what gifts should be prohibited?	Not applicable given response to Q89.
<b>Excluding gifts received in a personal capacity</b>	<b>Q91</b> Should gifts received in a personal capacity be exempt from disclosure?	Yes
	<b>Q92</b> If yes, how could ‘personal capacity’ be defined?	Like many other terms used in the Act, it does not need to be defined and besides surely councillors and employees can exercise this personal judgement.
	<b>Q93</b> Should there be any other exemptions from the requirement to disclose a gift over the threshold?	No
	<b>Q94</b> If so, what should these be? Please justify your proposal.	Not applicable given response to Q93.
<b>Gifts</b>	<b>Q95</b> Do you have any other suggestions or comments on this topic?	<p>The City of Armadale supports the WALGA position on this matter other than the \$value - the WALGA position states :-</p> <p><i>That the Local Government Act 1995 and Regulations be amended so that:</i></p> <ul style="list-style-type: none"> <li>- <i>There be one section for declaring gifts. Delete declarations for Travel.</i></li> <li>- <i>No requirement to declare gifts received in a genuinely personal capacity, as gifts only to be declared in respect to an Elected Member or CEO carrying out their role.</i></li> <li>- <i>Gift provisions only for Elected Members and CEO’s.</i></li> <li>- <i>Other staff fall under Codes of Conduct from the CEO to the staff.</i></li> <li>- <i>Gifts only to be declared if above <del>\$500</del> \$50.</i></li> <li>- <i>There will not be any category of notifiable gifts or prohibited gifts.</i></li> <li>- <i>Exemptions for ALGA, WALGA and LG Professionals (already achieved).</i></li> </ul>

		- <i>Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts, so Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.</i>
<b>8. Access to information</b>		
<b>Public notices</b>	<b>Q96</b> Which general option do you prefer for making <b>local public notices</b> available? Why?	Option 5 because of the reported benefits of digital notices.
	<b>Q97</b> Which general option do you prefer for <b>State-wide public notices</b> ? Why?	Option 5 because of the reported benefits of digital notices.
	<b>Q98</b> With reference to the list of public notices, do you believe that the requirement for a particular notice should be changed? Please provide details.	No
	<b>Q99</b> For the State-wide notices in Attachment 3, are there alternative websites where any of this information could be made available?	Maybe on the WALGA website.
<b>Information available for public inspection</b>	<b>Q100</b> Using the following table, advise how you think information should be made available	As per option (a), ie. status quo but with placement on the website discretionary.
	<b>Q101</b> Should the additional information that is available to the public in other jurisdictions be available here? If so which items? How should they be made available: in person, website only or both?	Yes using website links.
	<b>Q102</b> Is there additional information that you believe should be made publicly available? Please detail.	No
	<b>Q103</b> For Local Governments: How often do you receive requests from members of the public to see this information? What resources do you estimate are involved in providing access in person (hours of staff time and hourly rate)?	Not very often and therefore the resource implications are manageable.

<b>Access to information</b>	<b>Q104</b> Do you have any other suggestions or comments on this topic?	No
<b>9. Available information</b>		
<b>Expanding the information provided to the public</b>	<b>Q105</b> Which of these options do you prefer? Why?	Option 1 but it be discretionary according to need.
	<b>Q106</b> In the table below, please indicate whether you think the information should be made available, and if so, whether this should be required or at the discretion of the local government.	Optional for all proposals listed.
	<b>Q107</b> What other information do you think should be made available?	Nil
	<b>Q108</b> Do you have any other suggestions or comments on this topic?	Each Council should be able to make its own determinations in balancing transparency with relevant and meaningful information that is responsive to community needs.
<b>10. Reducing red tape</b>		
<b>Defining red tape</b>	<b>Q109</b> Which regulatory measures within the Act should be removed or amended to reduce the burden <b>on local governments</b> ? Please provide detailed analysis with your suggestions.	<ol style="list-style-type: none"> <li>1. exempt local government from the AASB 124 related party disclosure requirements;</li> <li>2. amend the current gift and travel provisions to provide greater clarity;</li> <li>3. remove the requirement to hold an annual general meeting of electors;</li> <li>4. streamline the provisions for making and amending local laws;</li> <li>5. increase the tender purchase threshold to \$250,000;</li> <li>6. amend the property disposal regulations by deleting the threshold for 'trade-in' type dispositions and increasing the threshold for other property disposals to the tender purchase threshold;</li> <li>7. a new provision to allow councils to declare a person as being a vexatious or frivolous complainant;</li> </ol>

		<p>8. amend the rating exemption provisions of the Act particularly for 'charitable purposes';</p> <p>9. introduce on-line voting at council elections;</p>
	a) Briefly describe the red tape problem you have identified.	Self explanatory
	b) What is the impact of this problem? Please quantify if possible.	Self explanatory
	c) What solutions can you suggest to solve this red tape problem?	Self explanatory
	<b>Q110</b> Which regulatory measures within the Act should be removed or amended to reduce the burden <b>on the community</b> ? Please provide detailed analysis with your suggestions.	Refer to Q109 response.
	a) Briefly describe the red tape problem you have identified.	Self explanatory
	b) What is the impact of this problem? Please quantify if possible.	Self explanatory
	c) What solutions can you suggest to solve this red tape problem?	Self explanatory
<b>Special majority</b>	<b>Q111</b> Should the provisions for a special majority be removed? Why or why not?	Yes, the absolute majority requirement is sufficient.
<b>Senior employees</b>	<b>Q112</b> Is it appropriate that council have a role in the appointment, dismissal or performance management of any employees other than the CEO? Why or why not?	No, it's not practical from a day-to-day management and administration perspective. In Sept 2017 Council resolved to support the WALGA proposal that section 5.37(2) be deleted to remove any inference or ambiguity as to the role of council in the performance of the CEO's function regarding the appointment of other employees.

	<b>Q113</b> Is it necessary for some employees to be designated as senior employees? If so, what criteria should define which employees are senior employees?	No it's not necessary for some employees to be designated senior employees but it should remain an option for councils. There should be not set criteria as councils should have the discretion to decide such matters based on what's relevant and important to them.
<b>Exemption from accounting standard AASB124 - Related party disclosures</b>	<b>Q114</b> Are the existing related party disclosure provisions in the Act sufficient without the additional requirements introduced by AASB 124? Why or why not?	Yes - AASB 124 is an unnecessary overlap and duplication of existing related party disclosure requirements.
<b>Disposal of property</b>	<b>Q115</b> The threshold for trade-ins was set originally to \$50,000 in 1996 and raised to \$75,000 in 2015. Should that threshold be raised higher, if so how high?	No - there should be no threshold where the disposition sale proceeds are used exclusively to purchase other property. In Sept 2017 Council resolved to support the WALGA proposal that there be no threshold in this instance.
	<b>Q116</b> Should the threshold remain at \$75,000 but with separate exemptions for specific types of equipment, for example plant?	Not applicable given response to Q115.
	<b>Q117</b> The general \$20,000 threshold was put in place in 1996 and has not been amended. Should the threshold be raised higher than \$20,000? If so, what should it be and why?	Yes it be increased to \$150,000 consistent with the tender threshold for purchasing goods and services and that there be a requirement upon Councils to have a relevant Policy on the sale of property.
	<b>Q118</b> Would raising these thresholds create an unacceptable risk that the items would not be disposed of to achieve the best price for the local government?	No and especially if there is a Policy requirement to guide and inform the relevant processes.
	<b>Q119</b> Is there an alternative model for managing the disposal of property? Please explain.	Yes, the Regulations be amended to include a policy requirement upon councils for the disposition of property with a value of \$150,000 or less thereby mirroring regulation 11A of the Functions and General Regulations with regards to purchases.
<b>Reducing red tape</b>	<b>Q120</b> Do you have any other suggestions or comments on this topic?	No

<b>11. Regional Subsidiaries</b>		
<b>Regional Subsidiaries</b>	<b>Q121</b> Which option do you prefer?	Option 2, ie. the ability to borrow from Treasury Corporation as well as the member councils.
	<b>Q122</b> Should regional subsidiaries be allowed to borrow money other than from the member councils?	Yes
	<b>Q123</b> Why or why not?	As they are an entity in their own right.
	<b>Q124</b> If a regional subsidiary is given the power to borrow directly, what provisions should be put in place to mitigate the risks?	Nil provided the entity's annual budget and Long Term Financial Plan support the loan borrowing as being financially viable.
	<b>Q125</b> Do you have any other suggestions or comments on this topic, including on any other aspect of the Local Government (Regional Subsidiaries) Regulations 2017?	As proposed by WALGA and supported by Council, regional subsidiaries should also have the power to enter into land transactions and undertake commercial activities.
<b>Local Government Act review</b>	<b>Q126</b> You are invited to make comment and put forward suggestions for change on other matters which have not been covered in this paper.	That all proposed changes to the Act firstly have due regard for ensuring that the following fundamental elements currently embodied in the Act are preserved, ie. - general competence principle; - - outcomes based Principle.

Moved Cr M Geary  
MOTION CARRIED

(7/0)