



Regional Capitals Alliance

WESTERN AUSTRALIA

Regional Capitals Alliance Western Australia Meeting

MINUTES

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MINUTES

1 OFFICIAL OPENING

Meeting opened at 11.45am

2 RECORD OF ATTENDANCE

Members:

Peter Long - Mayor City of Karratha (Chair)
Chris Adams - CEO City of Karratha
Dennis Wellington - Mayor City of Albany
Andrew Sharpe - CEO City of Albany
Victoria Brown – Shire President Shire of Esperance
Matthew Scott - CEO Shire of Esperance
Shane van Styn - Mayor City of Greater-Geraldton
John Bowler - Mayor City of Kalgoorlie-Boulder
John Walker - CEO City of Kalgoorlie-Boulder
Louise Newbery – Deputy Mayor Town of Port Hedland
Chris Antonio - Shire President Shire of Northam
Jason Whiteaker - CEO Shire of Northam
Paul Rosair - Executive Officer WARCA

Dial in:

Gary Brennan - Mayor City of Bunbury
Grant Henley - Mayor City of Busselton
Mike Archer - CEO City of Busselton

Guests:

Duncan Ord - Director General, Department of Local Government Sport & Cultural Industries

Apologies:

Ross McKim - CEO City of Greater-Geraldton
Camilo Blanco - Mayor Town of Port Hedland
David Pentz - CEO Town of Port Hedland
Malcolm Osborne- Acting CEO City of Bunbury

Absent:

Harold Tracey – Shire President Shire of Broome
Sam Mastrolembo - CEO Shire of Broome

3 DECLARATIONS OF INTEREST

Nil

4 CONFIRMATION OF MINUTES AND BUSINESS ARISING FROM MINUTES OF PREVIOUS MEETINGS

RCAWA Resolution

That the Minutes of the Western Australian Regional Capitals Alliance Meeting held on Thursday, 14 September 2017, be confirmed as a true and correct record of proceedings.

MOVED: Shane van Styn - Mayor City of Greater-Geraldton

SECONDED: Dennis Wellington - Mayor City of Albany

CARRIED

5 TREASURERS REPORT NOVEMBER 2017

Date of Report:	30 November 2017
Report Author:	CEO – City of Greater Geraldton
Disclosure of Interest:	Nil
Attachment(s)	1. Balance Sheet as at 30 November 2017 2. Budgeted Profit and Loss for the period ending 30 November 2017 3. Supplier Balance Summary as at 30 November 2017

Purpose

The following notes are provided as an explanation to the attached statements:

1. Membership Fees: All membership Invoices issued, outstanding balance: \$ 56,100;
2. Marketing Expenses: Creative IQ invoices (branding package, strategic plan, website);
3. Executive Support: NAJA invoices received and processed up till October 2017.

RCAWA Resolution

That the Board receive and note the Treasurer’s Report for the period ending 30 June 2017 and accompanying financial statements.

MOVED: John Walker – CEO City of Kalgoorlie-Boulder
SECONDED: Chris Adams – CEO City of Karratha

CARRIED

WARCA Inc
Balance Sheet
As of November 30, 2017

	<u>Nov 30, 17</u>
ASSETS	
Current Assets	
Chequing/Savings	
Cash at Bank	39,867.67
Total Chequing/Savings	<u>39,867.67</u>
Accounts Receivable	
Trade receivables	56,100.00
Total Accounts Receivable	<u>56,100.00</u>
Total Current Assets	<u>95,967.67</u>
TOTAL ASSETS	<u>95,967.67</u>
LIABILITIES	
Current Liabilities	
Other Current Liabilities	
Tax Payable	17,322.84
Total Other Current Liabilities	<u>17,322.84</u>
Total Current Liabilities	<u>17,322.84</u>
TOTAL LIABILITIES	<u>17,322.84</u>
NET ASSETS	<u>78,644.83</u>
EQUITY	
Opening Bal Equity	136,570.00
Retained Earnings	-101,968.85
Net Income	44,043.68
TOTAL EQUITY	<u>78,644.83</u>

WARCA Inc
Profit & Loss Budget vs. Actual
 July through November 2017

	<u>Jul - Nov 17</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
Interest received	0.00	100.00	-100.00
Memberships 2017/2018	85,000.00	68,000.00	17,000.00
Total Income	<u>85,000.00</u>	<u>68,100.00</u>	<u>16,900.00</u>
Gross Profit	85,000.00	68,100.00	16,900.00
Expense			
Accountancy fees	400.00	1,100.00	-700.00
Executive Support	28,636.36	90,000.00	-61,363.64
Meetings & Functions	680.41	2,000.00	-1,319.59
Marketing	11,239.55	0.00	11,239.55
Travelling expenses	0.00	3,000.00	-3,000.00
Total Expense	<u>40,956.32</u>	<u>96,100.00</u>	<u>-55,143.68</u>
Net Ordinary Income	<u>44,043.68</u>	<u>-28,000.00</u>	<u>72,043.68</u>
Net Income	<u><u>44,043.68</u></u>	<u><u>-28,000.00</u></u>	<u><u>72,043.68</u></u>

WARCA Inc
Customer Balance Summary
As of November 30, 2017

	<u>Nov 30, 17</u>
City of Albany	9,350.00
City of Bunbury	9,350.00
City of Busselton	9,350.00
City of Karratha	9,350.00
Shire of Broome	9,350.00
Town of Port Hedland	<u>9,350.00</u>
TOTAL	<u><u>56,100.00</u></u>

6 WARCA ANNUAL GENERAL MEETING

Date of Report:	28 November 2017
Report Author:	CEO – City of Karratha
Disclosure of Interest:	Nil
Attachment(s)	Nil

Purpose

To set the date for the inaugural AGM of the West Australian Regional Capitals Alliance.

Background

On the 21st September 2017 Regional Capital Australia WA was advised by Commissioner for Consumer Protection that its application to become an incorporated association had been approved under the name of West Australian Regional Cities Alliance. A key role/responsibility of the newly formed association is the formal establishment of a committee by the members of the association.

Until recently, RCAWA has been operating an unincorporated group that has been ‘auspiced’ by one of the member Councils. After reviewing alternative governance structures, it was determined that an Incorporated Association structure, using modified rules of association, would be the most appropriate model for the future operation of the organisation.

Under the adopted rules of association, any person, association or corporation who supports the objects or purposes of the Association is eligible to apply to become a member. Having said that the committee of WARCA the committee must consider each application for membership of the Association and decide whether to accept or reject the application.

Currently RCAWA has ten corporate members. Under the terms of the rules of association a corporate member is eligible to nominate two (2) individuals as their members of the association. Each individual corporate nominee has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee

The rules of association require the appointment of the following office holders of the Association:

- (a) the chairperson;
- (b) the deputy chairperson;
- (c) the secretary;
- (d) the treasurer.

No person may hold two of the above positions consecutively.

The following extracts from the rules of association detail the process of appointment of committee members.

31. How members become Committee members

A member becomes a committee member if the member –

- (a) is elected to the committee at a general meeting; or*
- (b) is appointed to the committee by the committee to fill a casual vacancy under rule 38.*

32. Nomination of committee members

- (1) **At least 42 days** before an annual general meeting, the secretary must send written notice to all the members –*
 - (a) calling for nominations for election to the committee; and*
 - (b) stating the date by which nominations must be received by the secretary to comply with subrule (2).*
- (2) A member who wishes to be considered for election to the committee at the annual general meeting must nominate for election by sending written notice of the nomination to the secretary at least 28 days before the annual general meeting.*
- (3) The written notice must include a statement by another member in support of the nomination.*
- (4) A member may nominate for one specified position of office holder of the Association or to be an ordinary committee member.*
- (5) A member whose nomination does not comply with this rule is not eligible for election to the committee unless the member is nominated under rule 33(2) or 34(2)(b).*

33. Election of office holders

- (1) At the annual general meeting, a separate election must be held for each position of office holder of the Association.*
- (2) If there is no nomination for a position, the chairperson of the meeting may call for nominations from the ordinary members at the meeting.*
- (3) If only one member has nominated for a position, the chairperson of the meeting must declare the Member elected to the position.*
- (4) If more than one member has nominated for a position, the ordinary members at the meeting must vote in accordance with procedures that have*

been determined by the committee to decide who is to be elected to the position.

- (5) Each ordinary member present at the meeting may vote for one member who has nominated for the position.*
- (6) A member who has nominated for the position may vote for himself or herself.*
- (7) On the member's election, the new chairperson of the Association may take over as the chairperson of the meeting.*

34. Election of ordinary committee members

- (1) At the annual general meeting, the Association must decide by resolution the number of ordinary committee members (if any) to hold office for the next year.*
- (2) If the number of members nominating for the position of ordinary committee member is not greater than the number to be elected, the chairperson of the meeting –
 - (a) must declare each of those members to be elected to the position; and*
 - (b) may call for further nominations from the ordinary members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a).**
- (3) If –
 - (a) the number of members nominating for the position of ordinary committee member is greater than the number to be elected; or*
 - (b) the number of members nominating under subrule (2)(b) is greater than the number of positions remaining unfilled,**

the ordinary members at the meeting must vote in accordance with procedures that have been determined by the committee to decide the members who are to be elected to the position of ordinary committee member.

- (4) A member who has nominated for the position of ordinary committee member may vote in accordance with that nomination.*

35. Term of office

- (1) The term of office for the Chairperson shall be for two (2) consecutive years with a new chair elected at every second annual general meeting.*
- (2) The term of office of a committee member begins when the member –
 - (a) is elected at an annual general meeting or under subrule 36(3)(b); or**

(b) is appointed to fill a casual vacancy under rule 38.

- (3) Subject to rule 37, a committee member holds office until the positions on the committee are declared vacant at the next annual general meeting.*
- (4) A committee member may be re-elected.*

36. Resignation and removal from office

- (1) A committee member may resign from the committee by written notice given to the secretary or, if the resigning member is the secretary, given to the chairperson.*
- (2) The resignation takes effect –
 - (a) when the notice is received by the secretary or chairperson; or*
 - (b) if a later time is stated in the notice, at the later time.**
- (3) At a general meeting, the Association may by resolution –
 - (a) remove a committee member from office; and*
 - (b) elect a member who is eligible under rule 27(4) to fill the vacant position.**
- (4) A committee member who is the subject of a proposed resolution under subrule (3)(a) may make written representations (of a reasonable length) to the secretary or chairperson and may ask that the representations be provided to the members.*
- (5) The secretary or chairperson may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.*

37. When membership of committee ceases

A person ceases to be a committee member if the person –

- (a) dies or otherwise ceases to be a member; or*
- (b) resigns from the committee or is removed from office under rule 36; or*
- (c) becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act;*
- (d) becomes permanently unable to act as a committee member because of a mental or physical disability; or*
- (e) fails to attend 3 consecutive Committee meetings, of which the person has been given notice, without having notified the Committee that the person will be unable to attend.*

38. Filling casual vacancies

- (1) *The committee may appoint a member who is eligible under rule 27(4) to fill a position on the committee that –
 - (a) has become vacant under rule 37; or
 - (b) was not filled by election at the most recent annual general meeting or under rule 36(3)(b).*
- (2) *If the position of secretary becomes vacant, the committee must appoint a member who is eligible under rule 27(4) to fill the position within 14 days after the vacancy arises.*
- (3) *Subject to the requirement for a quorum under rule 45, the committee may continue to act despite any vacancy in its membership.*
- (4) *If there are fewer committee members than required for a quorum under rule 45, the committee may act only for the purpose of –
 - (a) appointing committee members under this rule; or
 - (b) convening a general meeting.*

Link to Strategic Directions

N/A

Budget Implications

Nil

Options

N/A

Conclusion

While ideally RCAWA would have elected committee members ASAP, the rules of association require that written advice is sent to the members at least 42 days prior to the meeting calling for nominations and advising of the closing date for nominations. Given this, it is recommended that the AGM of WARCA be held at the first scheduled meeting of WARCA in 2018 (Feb 2018)

RCAWA Resolution**That:**

- 1. RCAWA hold the inaugural AGM of the West Australian Regional Capitals Alliance Inc. on Thursday 8 February 2018**
- 2. In accordance with the adopted rules of association, the interim Secretariat of the WARCA send a notice to all members advising that:**
 - a. Nominations for the positions of Chairperson, Deputy Chairperson, Secretary and Treasurer of WARCA for a two-year period are open.**
 - b. Nominations for each of these positions should be forwarded to the Secretariat (ceo@karratha.wa.gov.au) by Thursday 1 February 2018**
- 3. The following interim roles be extended until the AGM on the 8 February 2018:**
 - a. President – Mayor Peter Long**
 - b. Vice President - Mayor Shane Van Styn**
 - c. Secretary – Chris Adams**
 - d. Treasurer – Ross McKim**
- 4. A report to be prepared for RCAWA consideration outlining the membership rules and the operation of the meetings**

MOVED: John Bowler - Mayor City of Kalgoorlie - Boulder
SECONDED: Shane van Styn - Mayor City of Greater-Geraldton

CARRIED

7 EXECUTIVE OFFICER QUARTERLY REPORT (SEPTEMBER-NOVEMBER 2017)

Date of Report:	6 December 2017
Report Author:	Executive Officer – Paul Rosair
Disclosure of Interest:	Nil
Attachment(s):	Executive Officer Quarterly Report September-November 2017

Purpose

To update WARCA on the Executive Officer services provided for the quarter of September-November 2017.

Background

I have been performing the Executive Officer role for over eight months and have had further meetings with alliance members (one-on-one and as a group) and key government, industry and political stakeholders. This report provides information about the services provided under the following main headings:

- Summary of bi-monthly actions
- Stakeholder engagement
- Issues and Opportunities
- Time Allocation

Discussion

Nil

Link to Strategic Directions

Providing engagement at national and state level
Effectively communicating the value of WARCA and its members with key stakeholders.

Budget Implications

Nil at this stage

RCAWA Resolution**That RCAWA**

- 1. Writes to Duncan Ord;**
 - a. Thanking him for attending the RCAWA meeting to discuss issues within his portfolio**
 - b. Indicating RCAWA’s support for a holistic review of funding of Sport and Recreation and the Arts across Western Australia with a focus on Sporting in Regional WA**
 - c. Indicating that RCAWA supports the current review of the Local Government Act and active participation in the review process**

- 2. Request the Executive Officer to prepare a paper for RCAWA on the Heritage Act Review**

- 3. Request the Executive Officer to prepare a paper on options for benchmarking /best practice review amongst the RCAWA members**

MOVED: Chris Adams - CEO City of Karratha

SECONDED: Victoria Brown – Shire President Shire of Esperance

CARRIED

Quarterly Update

WARCA Executive Officer Services

Prepared for WA Regional Capitals Alliance

September-November 2017



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1. Summary of Quarterly Actions

I have been performing the Executive Officer role for over eight months and have had further meetings with alliance members (one-on-one and as a group) and key government, industry and political stakeholders. On behalf of the group, I have completed the development of the following submissions:

- Review of Local Government Act 1995 – Submission to WALGA’s Discussion Paper
- Submission to recognize RCAWA as a statutory body (part of RCAWA’s submission to WALGA)
- Service Priority Review – in liaison with Michelle Andrews (Executive Secretary – Department of Premier and Cabinet)
- Investment Framework Strategy (under development)

The development of the RCAWA strategic plan and website upgrade is now complete and will be presented at the meeting on 6 December 2017, together with a draft action plan and communications strategy for its implementation. I am continuing to identify and implement key strategies to enhance the impact of the RCAWA group with government, industry and political stakeholders, so as to achieve RCAWA objectives.

Continuing to work on statewide regional investment framework and innovation strategy as a consequence of Minister McTiernan’s guidance and advice at WARCA meeting held on 1 August 2017.

KEY OBJECTIVES		OVERVIEW OF MONTHLY ACTIONS
ADVOCACY & POLICY INFLUENCE	Engagement with Relevant Political Leaders and Senior Government Executive	Refer Section 2
	Preparation of Submission and Delegations	<ul style="list-style-type: none"> • Review of Local Government Act 1995 – Submission to WALGA’s Discussion Paper Final document sent to Tony Brown of WALGA on 2 November 2017. • Service Priority Review – State Government of Western Australia Continuing to liaise with the Department of Premier & Cabinet



KEY OBJECTIVES		OVERVIEW OF MONTHLY ACTIONS
	Advocacy on Key Issues	<p>Continuing to contact relevant stakeholders to further the work being done by WARCA on all key issues.</p> <p>Secured the attendance of Duncan Ord (Director General at Department of Local Government, Sports and Cultural Industries.) at the meeting on 6 December 2017 to discuss issues relevant to the Alliance, including review of the Local Government Act submission, sport and recreation, performing arts and entertainment centres, infrastructure, and services rationalization.</p>
	Development of Policy Position Papers	<p>Developed a draft position paper on an investment framework strategy for possible submission to the State Government, outlining the Alliance’s stance in relation to investment in regional capitals on growth planning and economic development. The paper outlines an approach whereby those local governments who have demonstrated capability and have business prospects should be the target for investment.</p>
PARTNERSHIP & COLLABORATION	Insurance Services	No further action at this stage.
	Development of WA <i>Regional Capitals Platform</i>	Regional Investment Framework / Growth Planning paper prepared for 6 December 2017 alliance meeting. The high-level investment framework mentioned previously to form part of this platform.
	Development of Bids	No current activity in this area.
	Engagement with Federal Government – City Deals and Smart Cities	<ul style="list-style-type: none"> • Liaising with Rachel Sweeney – Executive Officer, Regional Capitals Australia on numerous initiatives: <ul style="list-style-type: none"> • Response to survey on Regional Growth Fund guidelines (email sent to Alliance members encouraging participation) • One National request for strategic projects • Development of possible MOUs between capitals and the State Government on city deals. • There is strong indication that a Federal Election may be held in March 2018, given the current turmoil faced by the Government under the dual citizenship crisis. • Presented at the SEGRA (Sustainable Economic Growth for Regional Australia) conference in Port Augusta in October 2017 at a spotlight session called “<i>Politics and the Regions – Government, Political and Business Leadership</i>” where I promoted the role of the alliance in this space. • Met with Jack Archer Regional, Regional Australia Institute and updated him on the role of the Alliance and its activities.



KEY OBJECTIVES		OVERVIEW OF MONTHLY ACTIONS
GOVERNANCE	Establishment of Not-For-Profit Incorporated Association	No further activity during this period.
	Communications Support	Refer to the item on Website and Communications.
	Meetings and Reporting	<ul style="list-style-type: none"> WARCA Alliance Meeting (Northam) – 14 September 2017 WARCA CEO teleconference – 15 November 2017
	Development of Strategic Plan	Strategic Plan completed – refer to item on Implementation of Strategic Plan.

2. Stakeholder Engagement

Stakeholder representatives	Meeting Date	Key Meeting Outcomes
Gail McGowan <i>Director General Department of Planning, Lands and Heritage</i>	1 September 2017	Provided overview of the role of RCAWA and its current activities. Discussed LG Act Submission and the proposed investment framework, noting that Gail and I worked on the initial Planning framework.
Jason Whittaker <i>CEO Shire of Northam</i>	1 September 2017	Discussed RCAWA Strategic Plan, smart cities and Alliance related initiatives.
Shane Van Styn <i>Mayor City of Greater Geraldton</i> Rachael Sweeney <i>Executive Officer, Regional Capitals Australia</i>	7 September 2017	Discussed RCAWA and major projects to be submitted to One Nation
West Australian Planning Commission	20 September 2017	Chris Adams and I presented to the WAPC on the role of RCAWA and its current activities, status of regional growth plans and proposed investment framework, collaboration opportunities with WAPC, opportunity to use as a consultation mechanism for WAPC on new policies and initiatives, LG Act Review, Australian Regional Capitals Alliance.
Peter Georgiou <i>Senator – One Nation</i> Peter Kapsanis <i>Senior Strategy, Media and Communications Adviser to Peter Georgiou</i>	5 October 2017	Provided overview of the role of RCAWA. D and its current activities. Discussed major projects for the upcoming election that may be supported by One Nation.
Claire Goodall <i>State Assessment Officer for Regional Development Australia – Grant Applications</i>	19 October 2017	Discussed the RDA Building Better Regions Fund (BBRF), timeframes, assessment criteria and general matters.



Stakeholder representatives	Meeting Date	Key Meeting Outcomes
SEGRA Conference in Port Augusta	25-27 October 2017	Presented at the SEGRA (Sustainable Economic Growth for Regional Australia) conference in Port Augusta in October 2017 at a spotlight session called " Politics and the Regions – Government, Political and Business Leadership " where I promoted the role of the alliance in this space.
The LG Professionals WA Annual State Conference <i>(Previously "Local Government Management Association – LGMA)</i>	9 November 2017	Visited the Exhibitors Hall and generally networked and acquainted myself with services and organizations relating to the LG industry.
Michelle Andrews <i>Service Priority Review Secretariat</i>	14 November 2017	Update on Service Priority Review and discussed possible Alliance involvement in implementing the Review recommendations.
David Templeman <i>Minister for Local Government; Heritage; Culture and the Arts Leader of the House</i>	15 November 2017	Met on a non RCAWA related matter. Discussed RCAWA's submission on the review of the Local Government Act. Was advised to submit this document directly to the Department of Local Government.
John Walker <i>CEO City of Kalgoorlie Boulder</i>	16-17 November 2017	Discussed general Alliance related matters while visiting Kalgoorlie.
Rachel Sweeney <i>Executive Officer, Regional Capitals Australia</i>	22 November 2017	Discussed numerous initiatives: <ul style="list-style-type: none">• Response to survey on Regional Growth Fund guidelines (email sent to Alliance members encouraging participation)• One National request for strategic projects• Development of possible MOUs between capitals and the State Government on city deals.
Graeme Gammie <i>Assistant Director General, Heritage Services at Department of Planning, Lands and Heritage</i>	22 November 2017	Initial telephone discussion on the new proposal to change the heritage Act and its impact on local governments. Further discussion face-to-face at meeting on 4 December 2017.
Candy Choo <i>CEO of LG Professionals WA (previously LGMA).</i>	22 November 2017	Spoke to CEO of LG Professionals - they are conducting a benchmarking exercise across Australia and it would be beneficial for RCAWA to be benchmarked as a City. Meeting with Candy Choo on 4 December 2017



3. Issues and Opportunities

Overview of Issue/Opportunity	Recommendations
Growth Planning / Regional Capitals Platform	Refer to Agenda Item on approach to growth planning and regional investment strategy.
Regionalising Government Services	Continuing to participate State Government's service review by preparing an Alliance submission and in regular contact with Michelle Andrews (Deputy DG – DPC) to keep abreast of the review and monitor opportunities to participate further.
Marketing and Communications	Refer to Agenda item on website and proposed communications strategy.
Strategic Planning	Refer to Agenda item on implementation of actions outlined within the strategic plan.

4. Time allocation summary

Allocated total annual hours	Total hours for 3 months	YTD hours
400	105	255

8 LOCAL GOVT ACT REVIEW SUBMISSION

Date of Report:	1 September 2017
Report Author:	Executive Officer – Paul Rosair
Disclosure of Interest:	Nil
Attachment(s):	RCAWA Submission on Review of Local Government Act 1995

Purpose

To note the submission of the Alliance position on WALGA's discussion paper on the review of the Local Government Act 1995.

Background

This submission was prepared by the EO after discussion and liaison with:

- CEOs of local governments
- Alliance members
- Industry players
- Duncan Ord (Director General at Department of Local Government, Sports and Cultural Industries)
- Tony Brown, Executive Manager Governance & Organisational Services, WALGA
- Gary Hamley, Chief of Staff, Office of the WA Minister for Police; Tourism; Road Safety; Women's Interests
- Local Government Legislation
- Checking submissions on eastern states websites

Discussion

As required.

Link to Strategic Directions

Providing a platform for Alliance members to participate in formulating contemporary legislation that modernises the relationship between the state and local government to better reflect essential roles and responsibilities and which provides clear guidance to those who work in the sector, and the community, about those roles and responsibilities.

Budget Implications

Nil at this stage

RCAWA Resolution**That:**

- 1. The information be received**

- 2. The Executive Officer provides this information to the Department of Local Government, Sports and Cultural Industries and continues to liaise and advocate with relevant government and industry bodies throughout the legislation drafting process**

- 3. The Executive Officer undertakes a “cross checking” exercise to ensure that the RCAWA’s submission to WALGA/DLGC appropriately addresses all issues that are canvassed in the recently released DLGC discussion paper**

MOVED: John Walker - CEO City of Kalgoorlie-Boulder

SECONDED: Andrew Sharpe – CEO City of Albany

CARRIED

REGIONAL CAPITALS ALLIANCE WESTERN AUSTRALIA

Submission to WALGA's Discussion Paper on REVIEW OF LOCAL GOVERNMENT ACT 1995

City of Albany
City of Bunbury
City of Busselton
City of Greater Geraldton
City of Kalgoorlie Boulder
City of Karratha
Town of Port Hedland
Shire of Broome
Shire of Esperance
Shire of Northam

October 2017

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Local and Statewide Public Notice: Sections 1.7 and 1.8

Source: Local Government Act 1995

Legislation

1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
- (a) published in a newspaper circulating generally throughout the district; and
 - (b) exhibited to the public on a notice board at the local government's offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.

1.8. Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State

WALGA's Position

The Association welcomes the opportunity to modernise the requirements of giving public notice of particular matters, as prescribed in the Local Government Act. The Minister for Local Government has indicated an intention to deal with this in Phase 1 of the Review process, by making information available online. It is already common practice within the Local Government sector to place statutory public notices on official websites, despite there being no legislated requirement to do so.

Draft Alliance Response

The Alliance concurs with this item

Agreed – Publishing notices in the state-wide newspapers is administratively burdensome and expensive – needs modernisation. Utilise social media, internet and other contemporary methods.

Method of Election of Mayor/President: Section 2.11

Legislation

2.11. Alternative methods of filling office of mayor or president

- (2) A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors' method.
- * Special majority required.

WALGA's Position

Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

*Previously adopted by State Council
Section 2.11 amended 2004*

Draft Alliance Response

The Alliance strongly concurs with this item. *Currently if Council chooses to have a Mayor elected by public vote it cannot be reversed. It should be up to Council of the day. Mayor pre-selected by "the team" is much better from a team work point of view.*

Elected Member Training

Legislation

New Proposal

WALGA's Position

WALGA opposes legislative change that would:

1. Require candidates to undertake training prior to nominating for election;
2. Incentivise Elected Member training through the fees and allowances framework; or
3. Mandate Elected Member training. Further, if mandatory training becomes inevitable, WALGA will seek to ensure that it:
 - a) Only applies to first time Elected Members;
 - b) Utilises the Elected Member Skill Set as the appropriate content for mandatory training;
 - c) Applies appropriate Recognition of Prior Learning (RPL);
 - d) Requires training to be completed within the first 12 months of office; and
 - e) Applies a penalty for non-completion of a reduction in fees and allowances payable.

Draft Alliance Response

The Alliance concurs with this position *Whilst training and support is essential, mandatory complex training is expensive. Training will only deter candidates from the Community. This may suit "professional" politicians but not community representatives. A Council is a board of governors, not a board of directors. Council is elected as representatives of community, not technical/professional experts. The expertise is provided by professional qualified Council staff.*

Stand Down when Contesting State or Federal Election

Legislation

New Proposal

WALGA'S Position

Amend the Act to require an Elected Member to stand down when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:

- (a) that an Elected Member stand down from any decision-making role and not attend Council and Committee meetings; or
- (b) that an Elected Member stand down from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

Background

The East Metropolitan Zone has identified that, under the *Local Government Act 1995*, there is no requirement for an Elected Member to either stand down or take leave of absence if they are a candidate for a State or Federal election. If elected to Parliament the Elected Member is immediately ineligible to continue as an Elected Member. Currently it is up to an individual Elected Member to determine if they wish to take a leave of absence. In some cases, Elected Members have voluntarily resigned.

Draft Alliance Response

The Alliance concurs with this position. *(As long as "stand down" means that the elected member can resume if not elected. Once elected, the elected member resigns immediately. An active councillor is able to politicise Council debate in the Council chamber during campaign period and this is not considered appropriate).*

Notification of Affected Owners – s3.51

Legislation

3.51. Affected owners to be notified of certain proposals

- (1) In this section — person having an interest, in relation to doing anything, means a person who —
- (a) is the owner of the land in respect of which that thing is done, or any land that is likely to be adversely affected by doing that thing; or
 - (b) is shown on the title to any of the land mentioned in paragraph (a) as holding an interest in any of that land; or
 - (c) is prescribed for the purposes of this section.
- (2) This section applies to —
- (a) fixing or altering the level of, or the alignment of, a public thoroughfare; or
 - (b) draining water from a public thoroughfare or other public place onto adjoining land.
- (3) Before doing anything to which this section applies, a local government is to —
- (a) give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission; and
 - (b) allow a reasonable time for submissions to be made and consider any submissions made.
- (4) The notice is to be given —
- (a) in writing to each person having an interest; and
 - (b) if any land is likely to be adversely affected by the doing of the thing, by local public notice

WALGA'S Position

Section 3.51 of the *Local Government Act 1995* concerning “Affected owners to be notified of certain proposals” should be amended to achieve the following effects:

1. to limit definition of “person having an interest” to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation); and
2. to specify that only significant, defined categories of proposed road works require local public notice under Section 3.51 (3) (a).

Previously adopted by State Council.

Section 3.51 amended 1998

Draft Alliance Response

The Alliance concurs with this position. *This can be very controversial if proposal is major. It needs to be very clear and defined. Currently too general. It is always open to Council to consult further.*

Legislation

3.53. Control of certain unvested facilities

- (1) In this section — former section 300 means section 300 of the Local Government Act 1960 4 as in force before the commencement of this Act;
otherwise unvested facility means a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.
- (2) A local government is responsible for controlling and managing every otherwise unvested facility within its district unless subsection (5) states that this section does not apply.
- (3) If the facility is partially within each of 2 or more districts, it is to be controlled and managed as the local governments for the districts concerned agree or, if they do not agree, as the Minister directs.
- (4) An agreement or direction under subsection (3) has effect according to its terms.
- (5) This section does not apply if any person was, immediately before the commencement of this Act, responsible for controlling or managing the facility unless —
 - (a) the responsibility arose under the former section 300; or
 - (b) the Governor, by order, declares that the facility is to be controlled and managed under this section.

WALGA'S Position

It is recommended Section 3.53 of the Act be deleted and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

The *Local Government Act 1995* includes a provision, under Section 3.53, that is carried forward from Section 300 of the former *Local Government Act 1960*. Former Section 300 stated:

300. A council has the care, control, and management of public places, streets, ways, bridges, culverts, fords, ferries, jetties, and drains, which are within the district, or, which although not within the district, are by this Act placed under the care, control, and management, of the council, or are to be regarded as being within the district, except where and to the extent that under an Act, another authority has that care, control, and management.

Section 3.53 refers to infrastructure as an 'otherwise unvested facility', and is defined to mean: "*a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.*"

Section 3.53 places responsibility for an otherwise unvested facility on the Local Government in whose district the facility is located. Lack of ongoing maintenance and accreting age has resulted in much infrastructure falling into a dilapidated state. This, together with the uncertain provenance of many of these facilities, particularly bridges, is reported as placing an unwarranted and unfunded burden on a number of Local Governments.

Draft Alliance Response

The Alliance concurs strongly with this position. *This inclusion in the 1995 Act places an "undefined" infrastructure at the foot of local government. This is a clear case of cost shifting. The default should be Crown or State Government – not the level of government collecting only 3% of the total State and Federal taxation. As former DG Lands, I was always puzzled by this anomaly in the Act.*

Regional Local Governments – Part 3, Division 4

Legislation Part 3, Division 4 sections 3.61 – 3.72
WALGA'S Position The compliance obligations of Regional Local Governments should be reviewed.
Background Currently, Regional Local Governments are treated by the <i>Local Government Act 1995</i> for the purposes of compliance, as if they were a Local Government. The Association believes that this places an overly large compliance burden on Regional Local Governments. The large compliance burden reduces potential cost savings that aggregated service delivery may achieve through increased efficiency and acts as a disincentive for Local Governments to establish Regional Local Governments. <i>Previously adopted by State Council.</i>
Draft Alliance Response This is of particular relevance to the Alliance. We strongly concur. <i>Why attempt to share services if every restriction of Local Government is proportionately applied to Regional Councils?</i>

Council Controlled Organisations – Part 3 Division 4

Legislation Part 3, Division 4
WALGA'S Position The <i>Local Government Act 1995</i> should be amended to enable Local Governments to establish Council Controlled Organisations (CCO) - also referred to as 'Local Government Enterprises' i.e WALGA's Systemic Sustainability Study 2008.
Background The CCO model is available to Local Governments in New Zealand where they are used for a variety of purposes. The model allows one or more Local Governments to establish a wholly Local Government owned commercial organisation. The Association has developed the amendments required for the CCO model to be implemented in Western Australia. <i>Previously adopted by State Council.</i>
Draft Alliance Response The Alliance concurs with this position. <i>A much-needed option to enable Local Governments to participate in commercial enterprises and partnerships.</i>

Tender Threshold – Reg 11 (1)

Source: Local Government (Functions and General) Regulations 1996

Legislation

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150m,000 unless sub regulation (2) states otherwise.

WALGA'S Position

WALGA supports an increase in the tender threshold to align with the State Government tender threshold (\$250,000).

Background

The tender threshold should be increased to allow Local Governments responsiveness when procuring relatively low value goods and services.

Previously adopted by State Council.

Regulation 11 amended 1997, 1998, 2000, 2001, 2005, 2007, 2015

Draft Alliance Response

The Alliance concurs. *The Act should provide for regular reviews of the tender threshold via way of Regulations.*

Dispositions of Property – Reg 30(3)

Legislation

30. Dispositions of property excluded from Act s3.68

- (3) A disposition of property other than land is an exempt disposition if –
- (a) its market value is less than \$20,000; or
 - (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75,000.

WALGA'S Position

That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

Regulation 30 amended 2000, 2005, 2015

Draft Alliance Response

The Alliance concurs with this position. *An unintended consequence of Reg 30(3) is that Councils using "trade-ins" as part of tender are non-compliant. This change will regularise current practices on vehicle/plant tenders. RCAWA also believes that trade-in of plant and vehicles should be exempted under this regulation.*

Regional Subsidiaries

Source: Local Government (Regional Subsidiaries) Regulations 2017

Legislation

Nil

WALGA'S Position

That WALGA advocate for legislative and regulatory amendments to enable Regional Subsidiaries to:

1. Borrow in their own right;
2. Enter into land transactions; and,
3. Undertake commercial activities.

Background

The *Local Government Act 1995* was amended in late 2016 to enable Local Governments to establish regional subsidiaries, and this represents a significant advocacy achievement for the Local Government sector;

The *Local Government (Regional Subsidiaries) Regulations 2017*, which were enacted in early 2017, contain significant restrictions that limit the flexibility and will reduce the benefits of the regional subsidiary model;

In particular, the regulations prevent regional subsidiaries from borrowing from any organisation other than a constituent Local Government, entering into a land transaction, and commencing a trading undertaking; and,

This item recommends legislative and/or regulatory amendments to **remove these restrictions that unnecessarily** prevent regional subsidiaries from becoming an effective and efficient collaborative service delivery mechanism.

Previously adopted by State Council.

Draft Alliance Response

The Alliance strongly concurs with this position. *Few will take up this offer unless this is changed!*

Conduct of Postal Elections – s4.20 and 4.61

Source: Local Government Act 1995

Legislation

4.20 CEO to be returning officer unless other arrangements made

- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

* *Absolute majority required.*

4.61. Choice of methods of conducting election

- (1) The election can be conducted as a —
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide* to conduct the election as a postal election.

* *Absolute majority required.*

- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

WALGA'S Position

The *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and Local Governments to conduct postal elections.

Background

Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

Previously adopted by State Council.

Section 4.20 amended 1998, 2004

Section 4.61 amended 1998, 2004

Draft Alliance Response

The Alliance concurs with this position. *WAEC should be opened to competition. Many CEOs are averse to any involvement in elections – becoming a lost expertise. Local Government staff involvement in election is a great reminder of where the Council is elected from – the community. Keep the “local” in Local Government.*

Voluntary Voting – s4.65

Legislation

4.65 Right to vote

- (1) An elector may vote at the election if the elector's name –
 - (a) is on the electoral roll used for the election; or
 - (b) was omitted in error from the electoral roll used for the election
- (2) If an elector's name has changed, the reference in subsection (1) to be elector's name includes a reference to the former name.
- (3) A person who is not an elector or who is under 18 years of age on election day, cannot vote at the election even if the person's name is on the electoral roll used for the election.

WALGA'S Position

Voting in Local Government elections should remain voluntary.

Previously adopted by State Council.

Section 4.65 amended 2006

Draft Alliance Response

The Alliance concurs with this position. *An academic view suggests compulsory voting increases elector awareness and participation. In Victoria compulsory voting still only resulted in a 30% turnout. Opinion in WA – compulsory voting (along with other changes) will encourage party politics across Local Government. The Alliance however would not object to compulsory voting but further consideration would need to be made.*

On-line Voting

Legislation

Nil

WALGA'S Position

WALGA has received requests from three (3) Zones to explore the possibility of introducing on-line voting in Local Government elections.

A State Council Item for Noting was prepared in May 2017 advising that WALGA staff will liaise with the WAEC regarding the use of the iVote system and also seek feedback from the Local Government sector on online voting and other opportunities to increase voter turnout. The Minister for Local Government has indicated that online voting is likely to be considered in the context of increasing elector participation.

Draft Alliance Response

The Alliance concurs with this position. *Given the contentious nature and difficulties faced by the Australian Bureau of Statistics in conducting the 2016 census, the Alliance is not comfortable with supporting on-line voting at this point. It may happen one day, but not yet secure.*

Electors' General Meeting – s5.27

Legislation

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

WALGA'S Position

Section 5.27 of the *Local Government Act 1995* should be amended so that Electors' General Meetings are not compulsory.

Background

There is adequate provision in the Local Government Act for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings.

NOTE: The current Local Government Amendment (Auditing) Bill 2017 proposes that a Local Government's Annual Report is to be placed on its official website within 10 days of being received.

Previously adopted by State Council

Draft Alliance Response

The Alliance concurs with this position. *Need for AGMs predates legislation for all Council/Committee meetings to be open to public and preceded by public question time. AGMs have no place in modern Local Government.*

Special Electors' Meeting – s5.28

Legislation

5.28. Electors' special meetings

- (1) A special meeting of the electors of a district is to be held on the request of not less than –
 - (a) 100 electors or 5% of the number of electors – whichever is the lesser number; or
 - (b) 1/3 of the number of council members

WALGA'S Position

That Section 5.28(1)(a) be amended:

- (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), **whichever is fewer**; and
- (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12-month period, unless Council determines otherwise.

Draft Alliance Response

The Alliance concurs with this position. *Makes sense – why should 100 be able to require SEM in a population of 40,000? PLEASE NOTE: Should "Whichever is fewer" read "whichever is greater"? The Alliance believes the requirement for SEM should be 5% of electors.*

Senior Employees – s5.37 (2)

Legislation

5.37. Senior employees

- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

5.41 Functions of CEO

The CEO's functions are to –

- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and

WALGA'S Position

That Section 5.37(2) be deleted to remove any inference or ambiguity as to the role of Council in the performance of the Chief Executive Officer's function under Section 5.41(g) regarding the appointment of other employees (with consequential amendment to Section 5.41(g) accordingly).

Section 5.37 amended 2004, 2009

Draft Alliance Response

The Alliance strongly concurs with this position.

Annual Review of Certain Employees Performance – s5.38

Legislation

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

WALGA'S Position

It is recommended that Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review.

Draft Alliance Response

The Alliance concurs with this position. *Currently Council may reject an appointment or dismissal which confuses CEO's designation as responsible for appointment for all staff. Some Councils have extended become involved in Performance Management of designated employees which is inappropriate. This should be the sole responsibility of the CEO.*

Gifts and Contribution to Travel – s5.82 and 5.83

Legislation

5.82. Gifts

- (1A) A relevant person is to disclose each gift received by the person.
- (1B) The disclosure is to be made in writing to the CEO.
- (1C) The disclosure is to be made within 10 days of receipt of the gift by the relevant person.
- (1) The disclosure is to include the following —
- (a) a description of the gift;
 - (b) the name and address of the person who made the gift;
 - (c) the date on which the gift was received;
 - (d) the estimated value of the gift at the time it was made;
 - (e) the nature of the relationship between the relevant person and the person who made the gift.
- (2) Nothing in this Subdivision requires a relevant person to disclose a gift received by the person if —
- (a) the amount of the gift did not exceed the prescribed amount unless —
 - (i) the gift was one of 2 or more gifts made by one person at any time during a year; and
 - (ii) the sum of those 2 or more gifts exceeded the prescribed amount; or
 - (b) the donor was a relative of the person.
- (3) For the purposes of this section, the amount of a gift comprising property, other than money, or the conferral of a financial benefit is to be treated as being an amount equal to the value of the property or the financial benefit at the time the gift was made.
- (4) In this section —

gift means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel.

WALGA'S Position

The current Gift Provisions in the Local Government Act are very confusing and overly prescriptive. The Department of Local Government and Communities have established a Gift Working Group to look at completely reviewing the gift provisions for changes following the March 2017 State Election. WALGA is a participant in this working group.

WALGA representatives have been advocating for the following:

- There be one section for declaring gifts. Delete declarations for Travel.
- No requirement to declare gifts received in a genuinely personal capacity.
- Gift provisions only for Elected Members and CEO's. Other staff fall under Codes of Conduct from the CEO to the staff.
- Gifts only to be declared if above \$500.00.
- There will not be any category of notifiable gifts or prohibited gifts.
- Gifts only to be declared in respect to an Elected Member or CEO carrying out their role.
- Exemptions for ALGA, WALGA and LG Professionals (already achieved).
- 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.

Section 5.82 amended in 2009 and 2016 including the addition of travel.

Draft Alliance Response

The Alliance concurs with this position. *Currently the legislation is contradictory and confusing. It belies the integrity and dedication of elected members and professionalism of staff. These complex arrangements will only cause errors and inadvertent transgression by those in service.*

Vexatious and Frivolous Complaints

Legislation

New provision

WALGA'S Position

It is recommended that a statutory provision be considered, permitting a Local Government to declare a person a vexatious or frivolous complainant.

Section 5.110(3a) of the Act was recently introduced in relation to the Local Government Standards Panel ruling on vexatious and frivolous Rules of Conduct Regulations breach allegations:

"...a standards panel can at any stage of its proceedings refuse to deal with a complaint if the standards panel is satisfied that the complaint is frivolous, trivial, vexatious, misconceived or without substance."

Given the extensive cost and diversion of administrative resources currently associated with vexatious and frivolous complainants across the Local Government sector, it is recommended that a more general mechanism, based on the principles associated with the introduction of Section 5.110(3A), be investigated.

Amendments to the legislation would need to cover the following points to implement the proposed arrangements:

- Create a head of power to determine whether a community member is vexatious (potentially establish a new body through legislation and give it this power of determination);
- Define vexatious behaviour broadly to include the extent and nature of communication between the alleged vexatious person and the Local Government (using words such as 'unreasonable', 'persistent', 'extensive', 'malicious' and 'abusive');
- Outline the restrictions to statutory rights which can be imposed on a person if he or she is declared by the independent body to be vexatious;
- Establish a process, if necessary, to enable a Local Government to present its case for the alleged vexatious person to defend himself/herself;
- Determine what appeal rights are necessary.

Draft Alliance Response

The Alliance concurs with this position. *It would also need to be consistent with the Ombudsman's guide on dealing with unreasonable complaints.*

Revoking or Changing Decisions – Reg 10

Source: Local Government (Administration) Regulations 1996

Legislation

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

WALGA'S Position

Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented.

This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist/clarify the rights of a Councillor to seek a revocation or change.

Regulation 10 amended 2005

Draft Alliance Response

The Alliance concurs with this position.

Minutes, Content of – Reg 11

Legislation

11. Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.

WALGA'S Position

Regulation 11 contains a potential anomaly in that the content requirements relating to Minutes of a Council or Committee meeting do not make reference to the reports and information that formed the basis of the Agenda to that meeting. Despite it being a common practice that Agenda reports and information are included in most Minutes, this is not universally the case, and it is recommended that an amendment be considered as an aid to community understanding of the decision-making process of the Council.

Regulation 11 amended 1999

Draft Alliance Response

The Alliance disagrees. *There is concern that this may be administratively difficult for some Councils. "Common practice" so why make it law to capture minutes. Use "Best Practice" guidelines – not law.*

Repayment of Advance

Legislation

New Regulation

WALGA'S Position

Regulations enabling the recovery of advance annual payments have yet to be made and it is recommended this matter be prioritised.

The Local Government Legislation Amendment Act 2016 introduced Section 5.102AB, which provides that Regulations may be made relating to the recovery of advance payments of annual allowances or annual fees made to a person who subsequently ceases to hold office during the period to which the payment relates:

5.102AB. Repayment of advance annual payments if recipient ceases to hold office

(2) Regulations may be made —

- (a) requiring the repayment to a local government, to the extent determined in accordance with the regulations, of an advance payment of an annual allowance or annual fee in the circumstances to which this section applies; and
- (b) providing for a local government to recover any amount repayable if it is not repaid.

Draft Alliance Response

The Alliance concurs with this position.

Local Government (Rules of Conduct) Regulations 2007

Legislation

https://www.slp.wa.gov.au/legislation/statutes.nsf/RedirectURL?OpenAgent&query=mrdoc_29627.pdf

WALGA'S Position

WALGA supports:

1. Official Conduct legislation to govern the behaviour of Elected Members;
2. An efficient and effective independent Standards Panel process;
3. An ability for the Standards Panel to dismiss vexatious and frivolous complaints; and,
4. Confidentiality for all parties being a key component of the entire process.

NOTE: Point 3 achieved under the Local Government Legislation Amendment Act 2016

Previously adopted by State Council

Draft Alliance Response

The Alliance concurs with this position.

Imposition of Fees and Charges – s6.16

Source: Local Government Act 1995

Legislation

6.16 Imposition of fees and charges

(1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* *Absolute majority required.*

(2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to section 5.94, providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

* *Absolute majority required.*

WALGA'S Position

That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.

Background

Local Governments are able to impose fees and charges on users of specific, often incidental, services. Examples include dog registration fees, fees for building approvals and swimming pool entrance fees.

In some cases, Local Governments will recoup the entire cost of providing a service. In other cases, user charges may be set below cost recovery to encourage a particular activity with identified community benefit, such as sporting ground user fees or swimming pool entry fees.

Currently, fees and charges are determined according to three methods:

- By legislation
- With an upper limit set by legislation
- By the Local Government.

Fees determined by State Government legislation are of particular concern to Local Governments and represent significant revenue leakage because of:

- Lack of indexation
- Lack of regular review (fees may remain at the same nominal levels for decades)
- Lack of transparent methodology in setting the fees (fees do not appear to be set with regard to appropriate costs recovery levels).

Examples of fees and charges of this nature include dog registrations fees, town planning fees and building permits. Since Local Governments do not have direct control over the determination of fees set by legislation, this revenue leakage is recovered from rate revenue. This means all ratepayers end up subsidising the activities of some ratepayers. When fees and charges are restricted by legislation, rather than being set at cost recovery levels, this sends inappropriate signals to users of Local Government services, particularly when the consumption of those services is discretionary. When legislative limits allow consumers to pay below 'true cost' levels for a discretionary service, this will lead to overprovision and a misallocation of resources.

Under the principle of 'general competence' there is no reason why Local Governments should not be empowered to make decisions regarding the setting of fees and charges for specific services. Additionally, it is recommended that Section 6.16 be amended so that it only relates to statutory application fees and charges and not consumer items, facility entrance fees, ad hoc minor fees and charges etc. The exhaustive listing of relatively minor fee and charge items, together with the technical requirement to give public notice of any change after the adoption of the annual budget, is both inefficient and costly.

Draft Alliance Response

The Alliance concurs with this position. *Self-explanatory. If rates, fees or charges are too high, democratic election process can enable community to express its view, not a cumbersome, State regulatory process. Council is expected to be prompt and timely but the fees set by Government for service provided could be 10 years out of date. Service cost falls back on ratepayer, not customer of the service. Need to advertise fees and changes not contained in the budget. LG should also have ability to adopt service chargers outside of the budget adoption process.*

Power to Borrow – s6.20

Legislation

6.20. Power to borrow

- (1) Subject to this Act, a local government may —
- (a) borrow or re borrow money; or
 - (b) obtain credit; or
 - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,
- to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —
- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
 - (b) the resolution to exercise that power is to be by absolute majority.
- (3) Where a local government has exercised a power to borrow and —
- (a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or
 - (b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,
- the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.
- * *Absolute majority required.*
- (4) A local government is not required to give local public notice under subsection (3) —
- (a) where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or
 - (b) in such other circumstances as are prescribed.
- (5) A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.

WALGA'S Position

Section 6.20(2) simply stops the exercise of power to borrow for one month, and it is recommended it be deleted.

Section 6.20(2) requires, where a power to borrow is proposed to be exercised and details of the proposal are not included in the annual budget, that the Local Government must give one month's public notice of the proposal (unless an exemption applies). There is no associated requirement to request or consider written submission prior to exercising the power to borrow, as is usually associated with giving public notice.

Draft Alliance Response

The Alliance concurs with this position. *It could be argued that notice has been given by virtue of the report and recommendation contained in the Council agenda.*

Restrictions on Borrowings – s6.21

Legislation

6.21. Restrictions on borrowing

- (1) Where, under section 6.20(1), a regional local government borrows money, obtains credit or arranges for financial accommodation to be extended to the regional local government that money, credit or financial accommodation is to be secured only —
 - (a) by the regional local government giving security over the financial contributions of the participants to the regional local government's funds as set out or provided for in the establishment agreement for the regional local government; or
 - (b) by the regional local government giving security over Government grants which were not given to the regional local government for a specific purpose; or
 - (c) by a participant giving security over its general funds to the extent agreed by the participant.
- (1a) Despite subsection (1)(a) and (c), security cannot be given over —
 - (a) the financial contributions of a particular participant to the regional local government's funds; or
 - (b) the general funds of a particular participant, if the participant is not a party to the activity or transaction for which the money is to be borrowed by, the credit is to be obtained for, or the financial accommodation is to be extended to, the regional local government.
- (2) Where, under section 6.20(1), a local government borrows money, obtains credit or arranges for financial accommodation to be extended to the local government that money, credit or financial accommodation is only to be secured by giving security over the general funds of the local government.
- (3) The Treasurer or a person authorised in that behalf by the Treasurer may give a direction in writing to a local government with respect to the exercise of its power under section 6.20(1) either generally or in relation to a particular proposed borrowing and the local government is to give effect to any such direction.
- (4) In this section and in section 6.23 — general funds means the revenue or income from —
 - (a) general rates; and
 - (b) Government grants which were not given to the local government for a specific purpose; and
 - (c) such other sources as are prescribed.

WALGA'S Position

Section 6.21 of the *Local Government Act 1995* should be amended to allow Local Governments to use freehold land, in addition to its general fund, as security when borrowing.

Background

Borrowing restrictions in the *Local Government Act 1995* act as a disincentive for investment in community infrastructure. Section 6.21(2) states that a Local Government can only use its 'general funds' as security for borrowings to upgrade community infrastructure, and is restricted from using its assets to secure its borrowings. This provision severely restricts the borrowing capacity of Local Governments and reduces the scale of borrowing that can be undertaken to the detriment of the community.

This is particularly relevant since the Global Financial Crisis. Treasury now requires member Local Governments to show as contingent liabilities in their balance sheet their proportion of contingent liabilities of the Regional Local Government of which they are a member. Given that the cost of provision of an Alternative Waste Disposal System is anything up to \$100 million, the share of contingent liabilities for any Local Government is significant. Even under a 'Build-Own-Operate' financing method, the unpaid (future) payments to a contractor must be recognised in the balance sheet of the Regional Local Government as a contingent liability.

This alone is likely to prevent some Local Governments from borrowing funds to finance its own work as the value of contingent liabilities are taken into account by Treasury for borrowing purposes.

Previously adopted by State Council.

Section 6.21 amended 2004

Draft Alliance Response

The Alliance concurs with this position. *Some Councils are asset rich but cannot borrow or enter into partnerships because their resource capacity is low. This could be a significant economic development incentive.*

Rating Exemptions – Charitable Purposes – s6.26

Legislation

6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land —
 - (a) land which is the property of the Crown and —
 - (i) is being used or held for a public purpose; or
 - (ii) is unoccupied, except —
 - (I) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
 - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and
 - (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
 - (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
 - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
 - (e) land used exclusively by a religious body as a school for the religious instruction of children; and
 - (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*; and
 - (g) land used exclusively for charitable purposes

WALGA'S Position

WALGA's policy position regarding charitable purposes is as follows:

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the *Commonwealth Aged Care Act 1997*;
2. Either
 - (a) amend the charitable organisations section of the *Local Government Act 1995* to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or
 - (b) establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates.

Background

Exemptions under this section of the Act have extended beyond the original intention and now provide rating exemptions for non-charitable purposes, which increase the rate burden to other ratepayers. There may be an argument for exemptions to be granted by State or Federal legislation. Examples include exemptions granted by the *Commonwealth Aged Care Act 1997* and group housing for the physically and intellectually disabled which is supported under a government scheme such as a Commonwealth-State Housing Agreement or Commonwealth-State Disability Agreement.

Previously adopted by State Council.

Section 6.26 amended 1999, 2006, 2009

Draft Alliance Response

The Alliance concurs with this position. *Councils are expected to keep rates down but are prevented from rating these significant enterprises. The problem will only get worse.*

Basis of Rates – s6.28

Legislation

6.28. Basis of rates

- (1) The Minister is to —
 - (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
 - (b) publish a notice of the determination in the Government Gazette.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —
 - (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
 - (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.
- (4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.
- (5) Where during a financial year —
 - (a) an interim valuation is made under the Valuation of Land Act 1978; or
 - (b) a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or
 - (c) a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force,the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

WALGA'S Position

1. That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives.

The method of valuation of land to be used as the basis of rating in Western Australia is either: Gross Rental Value for predominantly non-rural purpose; or unimproved value of land for rural purposes. These are the only two methods available under the Section 6.28 of the Local Government Act in Western Australia.

Eastern State Local Governments can elect to rate on one of the following options:

- Site Value - levy on the unimproved value of land only and disregards the value of buildings, personal property and other improvements;
- Capital Value - value of the land including improvements;
- Annual Value - rental value of a property (same as GRV).

Alternative land valuation methods came under the scope of the WALGA Systemic Sustainability Study, particularly Capital Improved Valuations which is in operation in Victoria and South Australia.

2. Advocate for amendment to Section 6.28 to enable Differential Rating based on the time land remains undeveloped.

Concern at the amount of vacant land remaining in an undeveloped state for an extensive period of time and holding up development opportunities.

North Metropolitan Zone advocates an amendment to the current legislative provisions in relation to differential rating to enable a differential rate to be applied on the basis of the length of time a property has remained in an undeveloped state.

Section 6.28 amended 1998

Draft Alliance Response

GRV provides the best basis for the rating process. Alliance members believe that Local Governments should have discretion about using GRV or capital value.

Differential General Rates – s6.33

Legislation

6.33. Differential general rates

- (1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —
 - (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or
 - (b) a purpose for which the land is held or used as determined by the local government; or
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may —
 - (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) In imposing a differential general rate, a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the Local Government Amendment Act 2009 section 39(1)(a) came into operation 1 is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate

WALGA'S Position

This section outlines the characteristics that Local Governments may take into account when imposing differential general rates. It is recommended the issue of time-based differential rating should be examined, to address some Local Governments view that vacant land should be developed in a timely manner.

Section 6.33 amended 2009, 2010

Draft Alliance Response

This needs to be changed to allow a differential rating category for land that remains undeveloped for long periods. This will discourage land banking without plans for development within a reasonable period. The Alliance feels that the need to increase minimum rates to promote development.

Service of Rates Notice – s6.41

Legislation

6.41. Service of rate notice

- (1) A local government is required to give to —
 - (a) the owner of rateable land; and
 - (b) the owner or occupier, as the case requires, of land on which a service charge is imposed,a rate notice stating the date the rate notice was issued and incorporating or accompanied by the details and particulars prescribed.
- (3) Notwithstanding sections 75 and 76 of the *Interpretation Act 1984* service of the rate notice is deemed to have been effected if delivered to the address shown in the rate record for the owner at the time of delivery.

WALGA'S Position

That Section 6.41 be amended to:

- (a) permit the rates notice to be issued to electronically; and
- (b) introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc) without requirement to issue individual instalment notice.

Draft Alliance Response

The individual "annual" rate notice causes undue focus on the "one-off" annual charge. Should be able to set the rate but publicise and recover as a quarterly, bi-monthly or monthly payment. No other taxing authority requires single annual change. Many Councils already issue rates notices electronically. The use of electronic options avoids delay and saves costs in postage

Rates or Service Charges Recoverable in Court – s6.56

Legislation

6.56. Rates or service charges recoverable in court

- (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.
- (2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.

WALGA'S Position

That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.

Section 6.56 amended 2004

Draft Alliance Response

All debt recovery action incurred by a local government should be recoverable in pursuing unpaid rates/service charges and not limited to "cost of proceedings". Costs associated with debt recovery are not fully recoverable from the ratepayer under existing court provisions.

Rating Exemptions – Rate Equivalency Payments

Legislation

WALGA'S Position

Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.

Background

A particular example is the exemption granted to LandCorp by the *Land Authority Act 1992*. In 1998, the Act was amended to include provisions for LandCorp to pay the Treasurer an amount equal to that which would have otherwise been payable in Local Government rates, based on the principle of 'competitive neutrality'.

This matter is of concern to Local Governments with significant LandCorp holdings in their district. The shortfall in rates is effectively paid by other ratepayers, which means ratepayers have to pay increased rates because LandCorp has a presence in the district.

Previously adopted by State Council.

Section 6.56 amended 2004

Draft Alliance Response

The Alliance concurs with this position. *Self-explanatory – why should "rate equivalent" go to Treasury.*

Rating Restrictions – State Agreements Act

Legislation

WALGA'S Position

Resource projects covered by State Agreement Acts should be liable for Local Government rates.

Background

In 2011, the State Government introduced a new policy on 'the application of Gross Rental Valuation to mining, petroleum and resource interests' (the GRV mining policy). The Policy was extended in 2015 and remains in place. The primary objectives of the policy were to clarify the circumstances where Local Governments could apply GRV rating to mining land and enable the use of GRV rating on new (i.e., initiated after June 2012) mining, petroleum and resource interests. This included the application of GRV rating to new State Agreement Acts.

However, existing State Agreement Acts continue to restrict Local Government rating. Rating exemptions on State Agreement Acts mean that Local Governments are denied an efficient source of revenue. There are also equity issues associated with the existing exemptions since they only apply to a select group of mining companies whose projects are subject to older State Agreement Acts.

Removing the rates exemption clauses from the pre-July 2012 State Agreement Acts would provide a fairer outcome for all other ratepayers, including the proponents of new resources projects.

Previously adopted by State Council.

Draft Alliance Response

The Alliance concurs with this position. *State Agreements – determined by State Governments often without any consultation or consideration of the legacy left for the Local Government. LGs are only able to raise revenue by land rates fees or charges. Exemption given to a major landholder leaves the balance of the community to find the shortfall. LGs should be party to negotiations with regular review of Agreement.*

Exemption from AASB 124 – Reg 4

Source: Local Government (Financial Management) Regulations 1996

<p>Legislation</p> <p>4. AAS, effect of</p> <p>(1) These regulations are in addition to and not in derogation of the requirements of the AAS.</p> <p>(2) If a provision of the AAS is inconsistent with a provision of these regulations, the provision of these regulations prevails to the extent of the inconsistency.</p> <p>(3) All words in the Act or these regulations that import revenue or expenditure are to be interpreted to permit compliance with the requirements of the AAS.</p>
<p>WALGA'S Position</p> <p>Regulation 4 of the Financial Management Regulations provides a mechanism for an exemption from the Australian Accounting Standards (AAS). Regulation 16 is an example of the use of this mechanism, relieving Local Governments from the requirement to value land under roads.</p> <p>A Zone has requested that an exemption be allowed from the implementation of AASB 124 'Related Party Transactions' due to the current provisions in the Act on declarations of interest at meetings and in Primary and Annual returns. This is regarded as providing appropriate material declaration and disclosure of interests associated with function of Local Government.</p> <p><i>Regulation 4 inserted 2008</i></p>
<p>Draft Alliance Response</p> <p>The Alliance concurs with this position. <i>Land Under Roads is already exempt under FMR16; AASB 124 needs to be added into this regulation as an exemption also.</i></p>

Audit

Source: Local Government Act 1995

<p>Legislation</p>
<p>WALGA'S Position</p> <p>The Local Government Amendment (Auditing) Bill 2017, before Parliament at the time of writing, will substantially replace much of Part 7 to provide for the auditing of Local Governments by the Auditor General. New legislation will allow the Auditor General to contract out some or all of the financial audits but all audits will be done under the supervision of the Auditor General and Office of the Auditor General. State Government will pay the cost for the conduct of performance audits.</p>
<p>Draft Alliance Response</p> <p>The Alliance concurs with this position. <i>Agree – although seriously doubt the efficacy or appropriateness of Performance Audits by the Auditor General. Also given involvement of third party in the audit process (AGO) the Act may need to be changed to allow further time for audits to be completed with commensurate changes to time required for meetings of electors to be held. (Cliff)</i></p>

Stand Down Provision

Source: Scrutiny of the Affairs of Local Government

Legislation

New Proposal

WALGA'S Position

WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken.

Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the Sector:

1. That the established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and
2. That activities associated with the term 'disruptive behaviour', presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.

Background

In 2008 a Discussion Paper was circulated seeking feedback regarding legislative amendments to suspend an individual Elected Member, as follows:

- An elected member to have the ability to stand down where they are being investigated or have been charged;
- An elected member to be forcibly stood down where they are being investigated or have been charged and whose continued presence prevents Council from properly discharging its functions and affects its reputation and integrity or where it is in the public interest;
- The Standards Panel to make the stand down decision;
- Such matters to be referred to the Standards Panel only by a Council (absolute majority), a statutory agency or the Department;
- Three to six months stand down periods with six-month extensions;
- The elected member to remain entitled to meeting fees and allowances; and
- Inclusion of an offence for providing false information leading to a stand down.

Previously adopted by State Council.

Draft Alliance Response

The Alliance concurs with this position. *Totally agree. Currently Minister in only able to suspend or dismiss the entire Council. There needs to be a mechanism to remove a vexatious elected member, subject to appropriate safeguards. There must also be penalties for frivolous or vexatious complaints to avoid the tactical removal of an elected member by political opponents, especially prior to re-election.*

Onus of Proof in Vehicle Offences may be Shifted – s9.13(6)

Source: Miscellaneous Provisions

Legislation

9.13. Onus of proof in vehicle offences may be shifted

- (1) In this section —
- authorised person** means a person appointed by the local government to be an authorised person for the purposes of this section;
 - owner**, in relation to a vehicle means the person to whom a licence in respect of the vehicle has been granted under the Road Traffic (Vehicles) Act 2012, or, if there is not such a person, the person who owns the vehicle or is entitled to its possession;
 - prescribed** means prescribed by a local law or, if the alleged offence is under a regulation, prescribed by regulations or by a local law;
 - vehicle offence** means an offence against this Act of which the use, driving, parking, standing or leaving of a vehicle is an element.
- (2) Where a vehicle offence is alleged to have been committed and the identity of the person committing the alleged offence is not known and cannot immediately be ascertained an authorised person may give the owner of the vehicle a notice under this section.
- (3) The notice is to be in the prescribed form and is to contain particulars of the alleged offence and require the owner to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.
- (4) The notice may be addressed to the owner of the vehicle without naming, or stating the address of, the owner and may be given by —
- (a) attaching it to the vehicle or leaving it in or on the vehicle at or about the time that the alleged offence is believed to have been committed; or
 - (b) giving it to the owner within 28 days after the alleged offence is believed to have been committed.
- (5) The notice is to include a short statement of the effect of subsection (6).
- (6) Unless, within 28 days after being served with the notice, the owner of the vehicle —
- (a) informs the CEO or an employee authorised for the purposes of this paragraph as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
 - (b) satisfies the CEO that the vehicle had been stolen or unlawfully taken, or was being unlawfully used, at the time the offence is alleged to have been committed,
- the owner is, in the absence of proof to the contrary, deemed to have committed the offence.

WALGA'S Position

Amend Section 9.13 by introducing the definition of 'responsible person' and enable Local Governments to administer and apply effective provisions associated with vehicle related offences

Background:

This proposal from the North Metropolitan Zone emerged due to an increase in cases when progressing the prosecution of vehicle related offences in court (at the request of the vehicle owner) resulted in dismissal of charges by the Magistrate when the owner of the vehicle states that he does not recall who was driving his vehicle at the time of the offence.

The *Litter Act 1979* was amended in 2012 to introduce the definition of 'responsible person' (as defined in *Road Traffic Act 1974*) so that a 'responsible person' is taken to have committed an offence where it cannot be established who the driver of the vehicle was at the time of the alleged offence. This also removes the ability for the responsible person to be absolved of any responsibility for the offence if they fail to identify the driver. It is suggested that a similar amendment be made to Section 9.13 of the Act in order to ensure that there is consistent enforcement in regards to vehicle related offences.

Section 9.13 amended 2012

Draft Alliance Response

The Alliance concurs with this position.

Poll Provisions

Source: Schedule 2.1 – Creating, Changing Boundaries and Abolishing Districts

Legislation New Legislation
WALGA'S Position Schedule 2.1 of the <i>Local Government Act 1995</i> should be amended so that the electors of a Local Government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll. <i>Previously adopted by State Council.</i>
Draft Alliance Response The Alliance concurs with this position.

Number of Electors – Clause 2.1 (1)(d)

Legislation 2. Making a proposal (1) A proposal may be made to the Advisory Board by — (a) the Minister; or (b) an affected local government; or (c) 2 or more affected local governments, jointly; or (d) affected electors who — (i) are at least 250 in number; or (ii) are at least 10% of the total number of affected electors.
WALGA'S Position That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (04 5% of electors) to 500 (04 5% of electors) whichever is fewer. <i>Clause 2 amended 2004</i>
Draft Alliance Response The Alliance concurs with this position. <i>Better reflects to average populations of WA Councils now.</i>

Schedule 2.2 – Provisions about Names, Wards and Representation

Legislation 3. Who may make submissions about ward changes etc. (1) A submission may be made to a local government by affected electors who — (a) are at least 250 in number; or (b) are at least 10% of the total number of affected electors.
WALGA'S Position That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.
Draft Alliance Response The Alliance concurs with this position.

Schedule 4.1 – How to Count Votes and Ascertain Result of Election

Method of Voting

Legislation

WALGA'S Position

Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.

Background

The FPTP method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.

Previously adopted by State Council.

Draft Alliance Response

The Alliance concurs with this position. *Working well, enables prompt settlement of Counts.*

Regional Capitals Alliance Western Australia (RCAWA) designation within the Act

The Alliance would welcome legislative change to enable regional capitals to be designated within the Act under Section 2.4 (District to be designated city, town or shire) and also that the Regional Capitals Alliance WA (RCAWA) be established as a recognised statutory body not dissimilar to the establishment of a regional local government currently provided for in the Act under Division 4 Section 3.61.

The proposed legislative change would be:

2.4 District to be designated city, town or shire

- (1) An order under section 2.1 declaring an area of the State to be a district is to include an order designating the district a city, **regional capital**, town or shire
- (2) The Governor may, by order, change the designation of a district
- (3) A district can only be designated a city if -
 - (a) the district is in the metropolitan area and has more than 30,000 inhabitants more than half of whom live in an urban area; or
 - (b) the district, if it is not in the metropolitan area, has more than 20,000 inhabitants more than half of whom live in an urban area
- (3a) A district can only be designated as a Regional Capital if -**
 - (a) it is listed in the State Planning Strategy as a Regional Centre or Sub-Regional Centre; and**
 - (b) it is a territorial unit located within a geographically defined boundary that is**
 - (i) a population centre with greater than 10,000 inhabitants; and**
 - (ii) a Local Government Authority that has high growth potential relative to the overall patterns of population and employment growth across Western Australia.**
- (4) A district can only be designated a town if more than half of its inhabitants live in an urban area.
- (5) A district that is not designated a city or a town is to be designated a shire.
- (6) The number of inhabitants of a district at a particular time is to be taken as that established by the Government Statistician appointed under the *Statistics Act 1907* according to the information then available to that person.
- (7) Despite any change in the number or distribution of a district's inhabitants, the designation of the district continues to apply until it is changed under this section.

The Alliance would also request that the Act makes provision within Division 4 Section 3.61 for the establishment of the Regional Capitals Alliance as a recognised statutory body.

Division 4—Regional local governments and regional subsidiaries

- 3.61 Establishing regional local government
- 3.62 Constitution and purpose of regional local government
- 3.63 Dissolution or partial dissolution of regional local government
- 3.64 Establishment agreement, what it must contain
- 3.65 Establishment agreement, amendment of
- 3.66 Application of enabling Acts to regional local government
- 3.67 Inconsistency between regional and other local laws
- 3.68 Other arrangements not affected
- 3.69 Regional subsidiaries
- 3.70 Regional subsidiaries to have charter
- 3.71 Regulations about regional subsidiaries
- 3.72 Other provisions and arrangements not affected

9 REGIONAL INVESTMENT FRAMEWORK

Date of Report:	6 December 2017
Report Author:	Executive Officer – Paul Rosair
Disclosure of Interest:	Nil
Attachment(s):	Regional Investment Framework

Purpose

To provide RCAWA with a draft Regional Investment Framework for discussion.

Background

RCAWA identified the importance of influencing government decision making around policy related to regional investment.

Discussion

The attached Regional Investment Framework has been developed to initiate discussion amongst the group to shape an investment framework that could be supported and advocated to government by the Alliance. The EO will provide an overview of the paper and implementation strategy.

Link to Strategic Directions

Advocacy and Policy Influence

Budget Implications

Nil

RCAWA Resolution

That RCAWA members

- 1. Provide feedback to the Executive Officer on Regional Investment Framework as soon as possible**
- 2. Executive Officer to provide a final report to the February RCAWA meeting**

MOVED:	Victoria Brown – Shire President Shire of Esperance
SECONDED:	John Bowler CEO City of Kalgoorlie-Boulder

CARRIED



REGIONAL INVESTMENT FRAMEWORK



Regional
Capitals
Alliance

WESTERN AUSTRALIA

ABOUT RCAWA

The Regional Capitals Alliance Western Australia (RCAWA) of local governments represent the most significant concentrations of employment in regional Western Australia. With diverse economies and lifestyles, they offer exciting places to live, work, visit and invest.

RCAWA advocates strategic planning for growth and investment in Western Australia's regional capitals.

Our Alliance is comprised of membership from City of Albany, Shire of Broome, City of Busselton, City of Bunbury, Shire of Esperance, City of Greater Geraldton, City of Kalgoorlie-Boulder, City of Karratha, Shire of Northam and Town of Port Hedland.

READY FOR GROWTH & INVESTMENT

When it comes to leveraging maximum value from investment, the RCAWA members are uniquely positioned to optimise impact. Each has well-developed capacity – in terms of their organisation, their community and their local industries. Combine this with their significant business prospects; opportunities abound.

RCAWA members are adept at achieving results – even where there are many potential obstacles. Alliance members face challenges ranging from booming populations through to meeting the needs of a vast geographic catchment operating as a service hub with a relatively small population. Some members have seen rapid industry growth and as a consequence, made significant expenditure on infrastructure to accommodate this. In parallel, other Alliance members have grappled with transitioning key industries.

What sets RCAWA members apart is their ability to proactively respond as circumstances evolve. Alliance members provide an enabling environment where industry can develop efficient and innovative ways to work. They build cohesive communities with quality services and a strong social fabric. Even in circumstances of geographic isolation, this has not been a barrier to developing a thriving community and economy. Alliance members may not all follow the same approach, but are unified by their ability to recognise opportunities and facilitate positive outcomes for their communities, with flow on benefits across the regions.

ABOUT THE REGIONAL INVESTMENT FRAMEWORK

RCAWA proposes a new approach to investment in the regions. Development of Perth as a modern capital is important, but to achieve real growth as a State, a network of sophisticated, well serviced regional capitals is vital.

Our Regional Investment Framework (RI Framework) centres on a focus on excellence and opportunity making. The RI Framework proposes the development of a multi-formula approach with a combination of merit and need-based funding pools to support strategic growth and development in the regions.



Figure 1: Regional Investment Framework

Regional Investment Fund

RCAWA support the establishment of a contestable Regional Investment Fund that supports outcome-based initiatives. The merit criteria for such a fund should incorporate consideration of a range of factors and recommendations. This approach was identified by the legislatively established independent Western Australian Regional Development Trust in 2012, in their review of the Country Local Government Fund. Unfortunately, these recommendations from the Trust were neither adopted nor implemented by the former government. The current government now has an ideal opportunity and platform to make fundamental and strategic changes to how investment is made in regional WA.

Specifically, RCAWA supports criteria for funding including:

- closer alignment between the intended outcomes of the fund and the Royalties for Regions Act;
- being based on the local governments' actual infrastructure and development needs;
- including a factor for remoteness and the vast size of some local governments;
- taking into account DIDO and FIFO effects;
- taking into account transient population pressures such as by tourists; and
- taking into account economic and population growth prospects and patterns.

On this final criterion, RCAWA suggests that consideration is given to a model that targets government investment in those regional communities with the ideal combination of capability and business prospects (*see Figure 2: Capability & Prospects Matrix*).

Investing in this quadrant will not only drive forward growth in the communities who are targeted but will impact on the growth of the broader region, and potentially the whole state.

Communities with high prospects but low capacity will be motivated to look to the leadership of RCAWA members and other local governments in the top right quadrant for best practice and guidance.

Locations with high capacity and lower prospects may choose to find a new lens to view their local context and potentially uncover unidentified opportunities for collaboration. Where capacity and prospects are both low, these communities may choose to partner with more developed locations to leverage value from their expertise and opportunities.

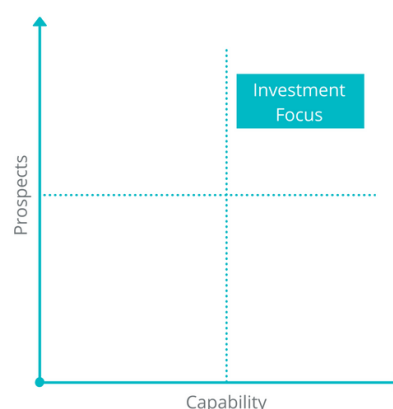


Figure 2: Capability & Prospects Matrix

Capacity Building Fund

A strong, capable local government sector is vital for the future growth of our state and RCAWA is very supportive of capacity building in this sector. A needs-based assessment approach for funding capacity building activities in the regions is supported, with consideration given to leadership development, governance and operations.

Growth Planning Fund

Growth Plans have been developed or in the process of development for Alliance members and are considered valuable tools for guiding strategic and investment decision making. RCAWA advocates for the continuation of Growth Plan development to enable a consistent approach to planning for growth across the State.

RCAWA believes that Growth Plans offer an excellent opportunity for regional capitals to identify areas of commonality and to collaborate on similar projects to leverage greater impact from investment. A consistent methodology for growth planning across the capitals will yield better value from investments and minimise duplication.

Voluntary Reform Fund

A focus on targeting funding to regional local governments with both prospects and capability will naturally incentivise authorities to build capacity and take a proactive approach to identifying real prospects. As part of this process, it is anticipated that local governments will identify opportunities to partner, mentor, collaborate and resource share. Funding to support this approach to voluntary reform is encouraged by RCAWA, considering that encouraging an efficient and effective local government sector is vital to the growth of the regions.

Regional Innovation Fund

RCAWA is keen to support innovative and entrepreneurial ecosystems in our regions. As such, RCAWA encourages any initiative that supports innovation in the regions. The establishment of a Regional Innovation Fund would be encouraged, particularly one that funded the:

- establishment of coworking communities, innovation hubs and incubators;
- services (such as training and specialist advice) that support entrepreneurship, with a particular focus on economic gardening;
- development of regional and cross-regional networks of innovators and entrepreneurs; and
- access to funding for innovative ideas that balance due diligence requirements of government and the capacity and resources of proponents to develop an application for funds.

Industry Incentive Fund

Regional Western Australia is open for business and keen to attract new industries and enterprises to the regions. To facilitate this, the provision of an Industry Incentive Fund (particularly with a view to developing industry clusters) to support industries and enterprises establish in regional locations is support by RCAWA.

10 SERVICE PRIORITY REVIEW UPDATE – MACHINERY OF GOVERNMENT

Date of Report:	6 December 2017
Report Author:	Executive Officer – Paul Rosair
Disclosure of Interest:	Nil
Attachment(s):	Nil

Purpose

To provide members with an update on the Service Priority Review.

Background

On 4 May 2017, the State Government announced a wide-ranging review into the functions, operations and culture of the Western Australian public sector. The independent review aims to drive lasting reform of service delivery, accountability and efficiency.

Former New Zealand State Services Commissioner Iain Rennie CNZM chaired the review, supported by former Indigenous Land Corporation Chief Executive Officer Michael Dillon and former UWA Senior Deputy Vice Chancellor Professor Margaret Seares AO.

Through consultation with government and non-government stakeholders, the panel made recommendations to the State Government on ways to achieve:

- a more efficient, collaborative, adaptable and outcomes-based public sector that is aligned to the State Government's strategic priorities
- the delivery of different, better and more affordable services.

The panel was in Perth recently to test its findings and recommendations with Ministers and agency heads, and is now working with the secretariat to finalise its report.

The panel's recommendations have been informed by five months of extensive consultation and more than 60 submissions, including thoughtful and detailed feedback on the panel's interim report.

The panel identified four directions for reform in the interim report, and these will frame its recommendations in the final report:

- Building a public sector focused on community needs
- Enabling the public sector to do its job better
- Reshaping and strengthening the public sector workforce
- Strengthening leadership across government

The panel attended the first meeting of the Public Sector Leadership Council last week, and discussed support for chief executives and the importance of their strong and sustained commitment to reform.

Successful implementation was the subject of a meeting with the new team in the Department of the Premier and Cabinet that will be supporting the rollout of the State Government's wide-ranging public sector renewal measures.

The panel also met with the CEO Working Group on Public Sector Efficiency, which is providing its report to the Public Sector Commissioner later this month. The meeting highlighted that there are consistent themes across both reports.

Throughout the week, the panel's key message was that reform of the Western Australian public sector is both necessary and achievable.

The panel's final report was presented to the Premier in the week of 30 October 2017 and is expected to be considered by Cabinet in November. The Service Priority Review interim report is available on the Department of the Premier and Cabinet website: ([SPR Interim Report](#))

Discussion

As required.

Link to Strategic Directions

Governance – Development of Strategic Plan

Budget Implications

Nil at this stage

RCAWA Resolution

That:

- 1. The information be received**
- 2. The Executive Officer continues to liaise with Service Priority Review officials and panel to influence the implementation of the government's final report, ensuring opportunities for the Alliance are considered.**

MOVED: John Walker - CEO City of Kalgoorlie-Boulder

SECONDED: Dennis Wellington - Mayor City of Albany

CARRIED

11 RCAWA STRATEGIC PLAN

Date of Report:	6 December 2017
Report Author:	Executive Officer – Paul Rosair
Disclosure of Interest:	Nil
Attachment(s):	Draft Action Plan

Purpose

To provide RCAWA with an update on Strategic Plan which the EO is currently overseeing.

Background

RCAWA Strategic Plan has been in development as a decision-making tool for the Alliance and as a communication tool for stakeholders.

Discussion

Following a period open for feedback after the September meeting, the Strategic Plan has been finalised and content signed off on by Chairperson and EO. Two versions have been prepared, reflecting the new RCAWA branding – one suitable for electronic distribution and one print ready version with additional filler pages to have layout for a booklet. Print versions will be distributed at this meeting.

Link to Strategic Directions

Governance – Development of Strategic Plan

Budget Implications

As per quotation previously endorsed by the Alliance

Options

Nil

Conclusion

Strategic Plan is complete and attachment of draft Action Plan for 2018 for consideration **attached** for discussion.

RCAWA Resolution

That the CEO's work with the Executive Officer to finalise the Draft Action Plan

MOVED:	Victoria Brown – Shire President Shire of Esperance
SECONDED:	Shane Van Styn - Mayor City of Greater-Geraldton

CARRIED



ACTION PLAN 2018

ADVOCATE – PARTNER – REPRESENT



**Regional
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Alliance**

WESTERN AUSTRALIA

Action Plan Objectives

The Regional Capitals Alliance Western Australia (RCAWA) has recently developed a Strategic Plan to guide high level decision making over the next five years. This Action Plan is designed to articulate the key, practical actions RCAWA will take during 2018 to move towards the achievement of the aims of the Strategic Plan. The Action Plan is organised into three key areas, which reflect the priorities identified in the Strategic Plan, specifically:

- Advocacy and Policy Influence;
- Partnership and Collaboration; and
- Representation.

Action Strategy

Priority Area 1: Advocacy and Policy Influence

Desired Long-Term Outcome: Highly liveable, sustainable regional capitals offering a real alternative to the metropolitan area.

Action	Action Steps	Action Leader	Resources	Timing
PA 1.1 Advocate for state government to adopt Regional Investment Framework (see PA 2.1)				
PA 1.2 Influence shaping of Local Government Act, Heritage Act and other relevant legislation				
PA 1.3 Influence direction of Regional Service Development Model				
PA 1.4 Advocate for RCAWA's position in the development of the federal government's Regional Growth Fund policy and guidelines				

Priority Area 2: Partnership and Collaboration

Desired Long-Term Outcome: Innovative and sustainable networked system of regional capitals that are good places to live, work, visit and invest.

Action	Action Steps	Action Leader	Resources	Timing
PA 2.1 Develop Regional Investment Framework				
PA 2.2 Scope current best practice in showcasing investment opportunities and attracting investment				
PA 2.3 Develop opportunities to collaborate within RCAWA and with relevant industry and government bodies on investment attraction strategies				
PA 2.4 Map current priorities and projects on a capital level and identify synergies and collaboration opportunities				

Priority Area 3: Representation

Desired Long-Term Outcome: Regional capitals are represented by a common voice.				
Action	Action Steps	Action Leader	Resources	Timing
PA 3.1 RCAWA meet 6 times per year face-to-face and CEO's meet 6 times per year via teleconference to understand and communicate about, strategic issues and opportunities.	Organise meeting logistics and documentation (pre & post meeting)	Secretariat	Travel and meeting budget	Bi-monthly
	Organise relevant guest/s for each meeting as agreed with RCAWA members	Executive Officer	-	Bi-monthly
	Lead meeting process (face-to-face and teleconference) and follow up on key action items from meeting	Chairperson	-	Monthly
PA 3.2 Prepare and distribute Annual Report to relevant stakeholders	Collate material regarding RCAWA achievements	Executive Officer	-	Early September 2018
	Prepare Chairperson's report	Chairperson	-	Early September 2018
	Prepare Treasurer's report and high level financial overview	Treasurer	-	Early September 2018
	Organise outsourcing of copywriting, desktop publishing & printing (500 copies)	Executive Officer	Estimate \$4,500	Late September 2018
	Distribute to stakeholders at AGM and via other channels	Secretariat & Members	-	Late October 2018
PA 3.3 Implement other ad hoc elements of Communications Plan	Refer to Communications Plan for specific actions	Various	-	Ongoing

12 RCAWA WEBSITE

Date of Report:	6 December 2017
Report Author:	Executive Officer – Paul Rosair
Disclosure of Interest:	Nil
Attachment(s):	Draft Communications Plan

Purpose

To provide update on RCAWA website.

Background

CreativeIQ was commissioned to undertake a low-cost re-development of the RCAWA website to provide a better user experience and improve the technical performance of the website, specifically undertaking the following:

- Admin updates
 - set up back up plugin (including run schedule and link to DropBox);
 - carry out updates;
 - install security plugin and run scan;
 - install SSL certificate; and
 - contact information update.
- Cosmetic Update
 - provide draft layout for approval prior to making changes;
 - provide draft of copy prior to making changes;
 - update fonts/colours/header to match Style Guide,
 - add new content; and
 - develop mobile friendly formatting.

Since commissioning the project, RCAWA elected to revise the organisation’s branding in light of their lack of appropriate logos beyond a low-resolution logo. CreativeIQ was commissioned to undertake a rebranding exercise, in consultation with the Chair and EO.

Discussion

The re-branding has been completed and subsequently the website has been finalized to reflect this. The all items listed above have been completed. The Chairperson, EO and Secretariat have been provided with:

- Logins for website and Dropbox, along with instructions on maintaining and updating website.
- Handbook on managing website.
- Copies of all graphics completed for website, include a few additional banner images which could be utilized if further site content is development (Dropbox link provided, please ensure files are saved to RCAWA system).

In addition to this work, a one-page draft communications plan has been prepared for RCAWA’s consideration as part of the EO role.

The website should have an update run on, at least, a monthly basis – this will ensure your themes and plugins are up-to-date and minimize the risk of hacking attacks. The old website had not been maintained in a long time and there were a number of malicious files which had to be removed when the site was updated. The options (as explained in the original quote) are for:

- RCAWA secretariat to run the update process (relatively simple and instructions provided, but must be scheduled and completed). If an update impacts on the functionality of the website, you may need to pay a developer experienced in WordPress to fix the issue (recommended provider suggested in instructions)
- Outsource to WordPress specialist developer – provider suggested to RCAWA instructions provided with site. Generally, this service is undertaken fortnightly and in the event of functionality issues the developer then provides this repair work as part of the fee (the recommended service provider charges around \$25/month for this service).

The question was raised by RCAWA Secretariat about the option to secure a domain name to reflect the RCAWA name (current domain is waregionalcapitals.com.au). A check of domain registrations suggests that RCAWA for the **.com**, **.com.au** and **.org.au** domains are all available. Domain registration for all three would be around \$50 (annually) depending on the reseller the domain was purchased through. RCAWA would need to commission the website host (Norris and Hyde IT) to undertake this and they would likely have a service charge to make the change and re-direct the current domain (you would need to continue paying for this domain until such time as you felt that people would no longer be referring to this address and/or sending emails to it).

As part of the core EO role, I have prepared a communications plan as part of the original agreement for services. This is **attached** with this document.

Link to Strategic Directions

Governance – Communications Support

Budget Implications

As per quotation previously endorsed by the Alliance

Quote from a WordPress web developer for website maintenance would need to be sought if Secretariat did not have the capacity to undertake this – Kristy Morton Consulting is recommended.

Quote from Norris and Hyde IT would need to be sought if domain change was pursued.

Options

Domain name

- Leave domain in current form.
- Change domain to reflect RCAWA brand name.

Website updating

- Complete in house by Secretariat.
- Outsource to a third party.

RCAWA Resolution

That RCAWA members receive both the Draft Communications Plan and the Draft Action Plan

MOVED: Jason Whiteaker - CEO Shire of Northam

SECONDED: Victoria Brown – Shire President Shire of Esperance

CARRIED



COMMUNICATIONS PLAN

INFORM – ENGAGE – COLLABORATE



**Regional
Capitals
Alliance**

WESTERN AUSTRALIA

Communication Plan Objectives

The purpose of communication efforts undertaken by the Regional Capitals Alliance Western Australia (RCAWA) is to:

- Raise awareness of key stakeholders of the mission and capability of RCAWA;
- Advocate for fair consideration of the needs of regional locations in the State and Federal government decision making in relation to legislation, policy, planning, strategy and investment; and
- Secure stakeholder support for strategic growth and investment in Western Australia’s regional capitals.

Positioning Statement

RCAWA is an Alliance of the ten most populous regional centres in Western Australia and advocates for strategic planning for the growth and investment in Western Australia’s regional capitals. Each capital is considered to have high capability and prospects, well positioned to drive the growth of the state’s population base and economy.

Communication Matrix

Given the current resources of RCAWA, the following communication channels (and target stakeholder group) have been determined as achievable and likely to deliver best effect for the investment of time and funds available.

	Tailored letters & emails	Annual Report	Website	Media Release	Briefings
Ministers (State & Federal)	✓	✓	✓		✓
Government agencies	✓	✓	✓		✓
Other regional local governments	✓	✓	✓		
Media		✓	✓	✓	
Stakeholder organisations	✓	✓	✓		✓
Community			✓		

Communication Priorities and Responsibilities

Communication Channel	Personnel Responsible	Timing	Comments
Tailored letters & Emails	Chairperson & Executive Officer	Ad hoc	Undertaken by Chairperson and Executive Officer.
Annual Report	Chairperson & Executive Officer	Annually	Content outline prepared by Chairperson and Executive Officer. Outsource to copy writer and graphic designer for publication.
Website	Secretariat	Ad hoc	As required outsource updating of content to web developer and, if required, copy writer. Monthly maintenance by Secretariat or outsourced.
Media Release	Chairperson & Executive Officer	Ad hoc	Prepared by Chairperson and Executive Officer, or outsourced as operationally required.
Briefings	Chairperson & Executive Officer	Ad hoc	Undertaken by Chairperson and Executive Officer.

Additional options for consideration

- Establishment and management of social media account/s (if this option pursued, Twitter is suggested)
- Establishment and management of bi-monthly or quarterly e-newsletter.

13 AIRFARE INQUIRY STATUS

Report discussed no resolution required

14 REGIONAL CAPITAL ALLIANCE UPDATE

Report discussed no resolution required

15 MEETING DATES FOR 2018

Date of Report: 28 November 2017
Report Author: CEO – City of Karratha
Disclosure of Interest: Nil
Attachment(s) Nil

Purpose

To set the dates and locations for WARCA meetings in 2017.

Background

During 2017 RCAWA held five (5) meetings and one informal catch up on the following dates.

- 10 February – Perth
- 10 April - Perth
- 3 May – Perth
- 15 June - Perth
- 1 August - Perth
- 14 September - Northam
- 6 December – Perth

In addition, the CEO’s held pre meeting teleconferences.

It is suggested that a similar meeting cycle be established in 2018. The following indicative dates and location have been listed for the purpose of stimulating discussion on potential timing and location/s for meetings:

Date	Location	Comment
8 February	Perth	AGM
12 April	Perth	
14 June	Members to vote	Regional Meeting
1 August	Perth	Coincide with WALGA Local Government week
16 November	Perth	

Link to Strategic Directions

The 2016 WARCA Strategic Directions document included the following Strategy under the heading of information Sharing:

At least one meeting per year to be held at a regional capital with a field visit to be arranged to a local organisation which showcases innovation.

Budget Implications

N/A

Options

N/A

Conclusion

For information/discussion

RCAWA Resolution**That RCAWA set the following meeting dates and locations for 2018:**

Date	Location	Comment
8 February	Perth	AGM
12 April	Perth	
14 June	City of Kalgoorlie-Boulder	Regional Meeting
1 August	Perth	Local Government Week
11 October	Perth	
13 December	Perth	
16 November	Perth	

MOVED: Shane van Styn - Mayor City of Greater-Geraldton
SECONDED: John Walker - Mayor City of Kalgoorlie-Boulder

CARRIED

16 OTHER BUSINESS

RCAWA has been contacted via WALGA to co-ordinate the 2018 Most Accessible Regional Cities Awards (MARCA). RCAWA members have indicated that there are pros and cons of doing this and instruct the Executive Officer to circulate all of the information on MARCA for review/comment. Once all comments are received the Executive Officer will then provide a report to the February RCAWA meeting on the findings

17 CLOSURE & DATE OF NEXT MEETING

The meeting closed at 1pm

The next meeting will be held on Thursday 8 February 2018, at 10.30am location TBA