



# AGENDA ATTACHMENTS

## Finance, Policy, Operations and Legislation Committee

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Wednesday, 23 January 2019, 6.00 pm

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**FPOL1901-1 ACCEPTANCE OF TENDER - FCC529/18 - SUPPLY AND  
INSTALL NEW CCTV INFRASTRUCTURE AND UPGRADE  
EXISTING**

**ATTACHMENT 1 – TENDER SCORING MATRIX**

	Relevant Experience	Key Personnel Skills & Resources	Methodology	Sustainability	Occupational Health and Safety	Price	Total Score
<b>Tenderer</b>	15	10	30	5	10	30	100
Downer NGT	14	9	20	3	8	23	77
Engie - Desa	7	5	10	2	7	30	61
Zenien	14	8	26	4	7	22	81

## **ATTACHMENT 2 – PRICING MATRIX**

Confidential Attachment – Under separate cover

## **FPOL1901-2 PETITION AGAINST REMOVAL OF PARKING BAYS IN MARKET STREET**

### **ATTACHMENT 1 - COMMUNITY ENGAGEMENT REPORT**

## **Market Street parking amendments: Community Engagement Report**

August 2018

### **Introduction**

The purpose of the engagement was to seek feedback from business owners and property owners in the immediate vicinity of the Manning Building development on how the re-instatement of the awning and subsequent removal of parking bays and loading zone would impact them.

### **Community engagement approach**

Engagement was undertaken from 13 July to 5 August 2018.

An email was sent to 25 businesses and 10 property owners containing a feedback form inviting responses. An additional 4 feedback forms were distributed in person where an email could not be sourced.

Businesses and properties selected for engagement were those on both sides of Market Street between High Street and South Terrace, as well as a number of properties immediately surrounding this area.

The feedback form contained the following:

- project background
- description of the impact the Manning Building development will have on parking
- details on how to provide feedback
- details on what happens to the recipient's feedback
- feedback section with specific questions about the project and a general comments section

Where a phone number was available for the main contact a follow up call was also made to check whether the recipient had received the email.

Subsequent follow up phone calls, emails and in-store visits were made to encourage submission of feedback.

Feedback was received via email.

### **Summary of responses**

A total of 11 responses were received, 9 from businesses and 2 from property owners.

All but one of the submissions were opposed to the idea of removing parking and loading bays from Market Street.

### Parking bays

There was concern that the removal of the four fifteen minute bays would have a direct negative impact through loss of customers not being able to access the various businesses.

The main reason given was that Fremantle had a lack of short term free parking available in the city centre that could be used by customers for quick shopping purposes.

A number of responses indicated that a quick drop off/pick up type of service is an important part of their retail offer and the removal of these bays would impact their sales.

### Loading zone

Feedback suggested the removal of the loading zone would negatively impact businesses.

The following reasons were cited:

- Other loading zones are too far away or are in inconvenient locations impacting delivery times and potentially resulting in damage to goods
- Other loading zones are already well used and so may not be able to cope with the extra demand

There was also some uncertainty around the proposed dedicated loading area accessed at the rear of the Manning Building via Paddy Troy Mall.

## **Responses received**

Note: Responses have been edited to remove spelling and grammatical errors without changing the substance of the feedback.

**What impact would the removal of the Market Street loading zone have on your business?**

### Business 1

Currently there are several shops, not only on Market Street, but also within the High Street mall area, High Street, and Bannister Street that share this loading zone, including cash delivery vehicles. Removal of this loading zone will require couriers to travel further, with trolleys and, at times, heavy goods through pedestrian traffic. As our goods are of relatively high value, and can be fragile in nature, loading zones further afield has a very high potential for our freight to not arrive either timely, or in a marketable state. It should also be questioned if the Council has conducted a thorough and consultative risk assessment regarding the removal of the loading zone about the impact on not only the couriers, but also the impact upon the great pedestrian movement. Removal of this loading zone also contradicts the City of Fremantle's Local area traffic management policy Reference SG27, which states

“The City of Fremantle is committed to establishing an environment in local streets where residents do not feel threatened or intimidated by traffic”. Removal of this loading zone provides a safe and marked location for couriers – removal does not fit with this commitment.

### **Business 2**

The 15min loading bays are essential to my business as my customers use this for pickup and drop offs. The only problem I have had with the bays is that there is not enough and I have had complaints from customers that needed to use these bays to drop off to our store.

The loading zone is the only loading zone between the post office and the markets. The removal of these facilities from Market Street will have a devastating effect on my business. In today’s climate we are already fighting to survive. Fremantle is quickly losing its mix of variety independent retailers to Bars, Coffee and restaurants.

### **Business 3**

It is already very difficult for Couriers to find loading zones in our area. The one in Bannister Street is very often utilized by deliveries for the restaurants on the Strip and the one in High Street is always occupied and very often causing a hazard for people trying to cross at the lights with prams and wheelchairs.

### **Business 4**

The loading zone is the only loading zone between High St and the Fremantle Market (Market Street – South Terrace). Without this loading zone which is been used very heavily deliveries to Market Street, the mall, South Terrace cappuccino strip and surrounding stores including the new development will be greatly affected. The 15min bay are never empty with the public using this facility to its maximum. We along would have 2 to 3 customer per day using this facility for pick-ups. As the council is already aware the biggest problem that we as retailers in Fremantle have is customers complaining about the lack of suitable parking and no free parking. By reducing these bays and loading zones this will compound the already major problem Fremantle has. We ask the council to provide more of this type of parking in the city centre and not reduce what we have.

### **Business 5**

As I load stock in cartons several times a week the removal would mean I would need to find alternate loading in High or Bannister street and these are seldom empty, placing loading zone in Paddy Troy Lane won’t make it any easier .Talking to the courier drivers, they agree that loading zones are always full and the Market Street zone gives them quick access to most stores in Market Street and South Terrace and also services all the cafes on South Terrace and shops on William Street.

### **Business 6**

We need the loading zone for at least 6 months of the year when we have our major deliveries.

Loading zones on High Street and Bannister Street are not appropriate as they are too far away. The delivery loads are often quite heavy/bulky, with the deliverymen

already having to make multiple trips. This would be unfair and strenuous on the drivers who are under strict time schedules. The drivers would also have to compete more for loading bays with delivery couriers from other stores closer to High/Bannister St.

### **Business 7**

Our major concern with the parking proposal was the removal of the loading bays as both myself and neighbour have stock deliveries. This appears to be covered with the relocation of these bays around the back of the buildings.

### **Business 8**

We have couriers doing deliveries 2-3 times each day and this is going to have a big impact on where they can stop. We already lost the loading bays on Market Street when this was made pedestrianised.

### **Property owner 1**

As the owner of the above premises I feel the impact would be very much on my Tenant in operating a business now and in the future. Businesses need loading zones to be able to have ready access for delivery and pick up services.

### **Property owner 2**

Loading zones are essential for deliveries and need to be located in easy get to places as they are now.

Having them tucked away in hard to get at places like Paddy Troy Mall will result in problems for businesses that don't back on to and have delivery doors on Paddy Troy.

The distribution of loading zones is at present adequate, though 2 seem to have gone from William St due to construction, and probably won't be returned, but to reduce any more would be folly.

**What impact would the removal of the four Market Street visitor bays will have on your business?**

### **Business 1**

Since this proposal was identified customers visiting our store have been questioned about their use of these parking bays. More than 60% of our customers identify that when these bays are free (which if the council decided to visit and watch), which is very rare, they do use them. When asked what they identify as one of the biggest issues they face in visiting this business precinct is the lack of parking, with many saying the [sic] park in whatever bay they can find, and 'make the dash to drop off film or pick up, and hope they get back before getting a ticket'. Removal of these bays will have a major impact upon our core business, developing film and printing photos, as our customer interaction for each transaction is no more than 5 minutes. No business along this area will benefit from the removal of the parking bays. Removal of the bays to simply allow a minority of shops to have alfresco areas does not make good business sense for this area.

A review of the number of vacant areas and areas for lease would show that with limited parking the area is not progressing.

### **Business 2**

Financial impact would be massive if the 15min bay were removed or relocated and with the loss of the loading zone. We are struggling now with the impact of the economy, lack of parking, rents and internet sales (which are more convenient than trying to find a parking bay).

### **Business 3**

Removal of the visitor bays would most definitely have a strong impact on our business. Many customers use the 15 minute parking bays to pick up laybys or to spend a few minutes looking at our ranges, then find longer term parking (If they are lucky!) and return. Parking is always challenging in Fremantle and every day we receive negative feedback from customers. To take away these 4 bays would be adding insult to injury.

### **Business 4**

Financial impact would be massive on the 15min bay loses [sic] and on the loading zone our couriers would be forced to use High Street. There is already a problem with crowding at the lights of High Street and Market Street which will be more compounded by Trolleys and deliver rakes [sic] try to negotiate that corner.

### **Business 5**

The free 15 bays in Market Street are seldom vacant and regularly used by regular customers for pick up and drop off of goods ,the elderly find it very useful and handy as they do not have to walk too far to get to my store.

Parking is at a premium in Fremantle removing these bays will just make it more difficult to get to my store.

### **Business 6**

It would be a major impact, our store often receives customers who park in front and pop in. More often than not, these customers would end up buying a pair of shoes. This occurrence happens at least once a day. Thus we would lose business by eliminating customer parking bays.

The proposed 6 bays in Paddy Troy Lane – will they be free bays? If so, would need to increase amount of time to 30 mins from 15 mins. It is located behind most shops in the Manning Building so patrons would have to walk further. Additionally, it reduces exposure of our store, as it is not visible from Paddy Troy Lane – potential customers might not think to visit us.

### **Business 8**

The visitor bays are where our customers stop when they come to collect their contact lenses and spectacles, it's hard enough trying to get a short term parking bay in Fremantle that doesn't cost a fortune. We have lost so many customers over the years due to lack of parking in Fremantle, something needs to be done.

**Property owner 1**

The main complaint already about Fremantle is lack of parking. These four parking bays are a necessity for the shops in that section of Market Street.

**Property owner 2**

I would be most concerned to see the 15 min parking bays removed, as they are beneficial to businesses in that immediate area for quick pick-ups and drop offs by and for customers.

Do you have any suggestions on how other parking in the surrounding area could be adjusted to accommodate for the loss of the loading zone and visitor bays?

**Business 1**

No. What is the council's suggestion to improve parking in the immediate area, in addition to retention of these parking and loading bays.

The council cannot simply remove these areas without provision in the immediate area.

**Business 2**

If there is the opportunity to have more (not losing the current) bays 15min no charge we would greatly help our business sales.

**Business 3**

No. Do you?

**Business 4**

We do definitely need more short term free parking over and above the current we have on Market Street. The proximity to the cappuccino strip and the retail stores on Market Street make these bays irreplaceable.

**Business 5**

The parking bays in surrounding streets are being turned into spaces for cafes bicycles and gardens the city has lost a lot of car bays in the past few years, I think a lot of these bays should be reactivated

**Business 6**

Offering an hour of free parking on surrounding streets (e.g. Pakenham St, Bannister St, High St.) The introduction of 1-hour free parking would not only be beneficial to us, but other businesses in this area.

**Business 8**

There needs to be some free parking bays in town for the people coming in just to do quick collections etc

**Business 9**

It would be very wise to allocate spaces for additional loading zones in Bannister Street.

Recently a traffic inspector has been violently abused as, de facto, there is no room to park also for deliveries.

Bannister Street is already exceptionally busy as it is, another couple of loading zones will be very helpful for all the area businesses.

### **Property owner 1**

No suggestions, as parking is already very limited in this particular area

What impacts, both positive and negative, do you anticipate the improvement of the Manning Building and urban realm on Market Street will have on your business?

### **Business 1**

Positive impact: Great foot traffic

Negative impact: loss of loading zone and free parking which our customers utilise.

Negative impact: loss of clear zones for foot traffic with alfresco areas

Negative impact: No consultative risk assessment on loss of parking and loading zone other than this document. New WHS laws being implemented in WA ensure that all persons are responsible for safety and management; removal of these bays puts couriers at risk, and increases the risk to pedestrians.

### **Business 2**

The loss of any 15min parking bays or the loading zone will affect my business financially. This will compound on already existing trying time retailing in Fremantle.

### **Business 3**

If in fact the tenancies along Market were to be restricted to retail use only then I think there would be a positive impact. However if they are leased for restaurant or bar use then I would definitely envisage a negative impact on surrounding retail businesses, I feel extending verandas to the street would cut any shops off from the road (i.e. passing traffic) but of course would be ideal for alfresco restaurant use and suspect this is the agenda of the developer.

### **Business 4**

The loss of any 15min parking bays or the load zone will affect my business substantially financially. As for the build project itself I have not seen any plans to be able to comment.

### **Business 5**

I think the verandas can be replaced with post and still have room for the bays and parking South Terrace is the perfect example ,the verandas go out only half way out to the road. The Market Street bays/loading zones should be lowered to road level the posts for the verandas put on the footpath . The current verandas do not have or need posts! These parking bays /loading zones are irreplaceable to my business.

### **Business 6**

We (and surrounding stores) would lose a lot of customers who only need to visit stores briefly. Especially if the proposed plans were put in place, it would remove

and limit convenient parking spots, and would reduce the amount of free parking bays, which are vital for Fremantle businesses.

The other negative would be the removal of loading bays. Increase travel for deliveries of heavy loads from approx. 5 metres to approximately 300m.

One positive would be a face-lift of the building, a new façade might attract new customers or regular (curious) customers also the increased side walk access as sometimes Market Street can get very congested with happy strollers.

### **Business 8**

The improvement of the building will be good and up lift the area and possibly bring more customers into town but they need somewhere to park.

### **Additional comments**

### **Business 2**

We are totally against this proposal.

### **Business 4**

This project as I understand it is going to increase the amount of public that will be visiting Fremantle which we need greatly. But what we can't have is losing the public we already have because we have made it too inconvenient for them to frequent the Market Street , South Terrace area.

### **Business 7**

The other concern is the amount of product placed out on the footpath by a couple of shops, which seems excessive and will this increase when the footpath is widened? This I think would invalidate the improvements.

## **ATTACHMENT 2 - OFFICER REPORT TO FPOL 12 SEPTEMBER 2018**

### **FPOL1809-3 POTENTIAL IMPROVEMENTS TO THE URBAN REALM ADJACENT TO THE MANNING BUILDING**

**Meeting Date:** 12 September 2018  
**Responsible Officer:** Manager Economic Development & Marketing  
**Decision Making Authority:** Committee  
**Agenda Attachments:** Community Engagement report  
Feedback form

#### **SUMMARY**

The purpose of this report is to provide the council with feedback from the business community regarding the request by the property owners of the Manning Building to remove the 15 minute short term visitor parking bays and loading zone adjacent to the property on Market Street. The purpose of the request is to enable improvements to the urban realm by re-instating the awning and increasing the width of the footpath.

Overall feedback received had a majority against the idea of removing the short term parking bays and loading zone. The report sets out other considerations regarding the proposal.

This report recommends that the Finance, Policy, Operations and Legislation committee acting under delegation 1.1 endorse the removal of the parking bays and loading zone situated outside of the Manning Building on Market Street, to allow for the re-instatement of the awning.

#### **BACKGROUND**

The development application for 135 High Street Mall involved a request by the applicant to remove the current short term parking and loading zones on the eastern side of Market Street, between High Street and South Terrace. This request was supported in principle by council but is subject to further council approval.

The current parking configuration is four fifteen-minute time restricted non-fee payable bays (8.00am-6.00pm) and a loading zone of 20 metres (8.00am-6.00pm).

The development application was approved by the Metro South West Joint Development Assessment Panel on 23 January 2018 (ref: MSWJDAP/149).

At the Finance, Policy, Operations and Legislation Committee dated 9 May 2018, Committee resolved to:

- 1.1 request officers initiate a consultation process with the businesses surrounding the Manning Building to understand the likely impact that the removal of the parking bays and loading zone will have, and report those findings back to the next appropriate meeting of council.

## FINANCIAL IMPLICATIONS

The cost of the removal of bays is to be borne by the adjoining property owner undertaking the development.

## LEGAL IMPLICATIONS

The City manages all on-street parking.

## CONSULTATION

Officers engaged surrounding businesses and property owners to enable them to share their feedback on the proposal to remove the parking bays and loading zone on Market Street.

Please refer to FPOL1809-3 Attachment 1 for full report on the community engagement that was carried out.

## OFFICER COMMENT

The renewal of the Manning Building is a positive demonstration of the continuing revitalisation of the Fremantle city centre in conjunction with other large scale developments such as Kings Square.

The proposed reinstatement of the awning and its impacts on the streetscape can be summarised by the following points.

### Urban Design

Awnings and verandahs contribute to Fremantle's public realm and public life. They provide a weather protected environment against sun, rain and wind that encourage welcoming entries, window shopping, outdoor trading and dining which can all lead to increases in passing pedestrian traffic.

The Manning Buildings side of Market Street, between High Street and South Terrace, currently has a footpath width of 2.3m between the building façade and the edge of the parking area, delineated by pavers. The footpath is used by the various businesses for signage and product display, thereby decreasing the available footpath to approximately 0.8-0.9m during business hours. This creates a bottleneck for pedestrians and forces them further towards the vehicle bays, creating a safety hazard.

According to the Department of Transport *Planning and designing for pedestrians: guidelines* ("the Guidelines") minimum footpath widths should be as follows:

- 1.2m over short distance (allows one wheelchair)
- 1.8m desirable to allow two wheelchairs to pass

- at least 2.4m in commercial or shopping environments
- 3m-4m in busy CBD pedestrian area

The City's Integrated Transport Strategy (ITS) states that the City will prioritise pedestrians over all other transport modes, with private motor vehicles ranked the lowest form of transport.

The proposed verandah will also allow for an enhancement in lighting to be provided under the awning along the length of the Market Street building frontage, which is expected to improve the perceived safety of the environment for pedestrians as well as the security of the shops.

Awnings and verandahs that create a network of weather protected footpaths that are in line with the Guidelines for minimum footpath widths should be encouraged.

### Heritage

Manning Buildings is included on the Municipal Heritage List and is management category 1B on the Municipal Heritage Inventory. This means that the City of Fremantle has identified this property as being of exceptional cultural heritage significance in its own right within the context of Fremantle and its conservation is required.

The City's Heritage Coordinator assessed that the conservation works submitted in the development application (DAP006/17), including the proposed awnings, will significantly improve the Manning Buildings and their contribution to central Fremantle by:

- Enhancing the quality of the public realm.
- Enhancing or reinstating the positive characteristics of the shops and their shopfronts.
- Conserving original and significant internal and external building fabric, including shopfronts.
- Reinstating original ceiling heights, including where necessary the removal of suspended ceilings.
- Providing views into the shops to give interest to passers-by and to make the buildings' retail offers obvious.

### Pedestrian safety

There is currently a significant amount of interaction between vehicles and pedestrians as vehicles manoeuvre in and out of the parking bays and loading zone.

Risks are exacerbated by the need for vehicles to mount the kerb to position themselves on the raised parking bays and loading zone.

There is no protection for pedestrians from vehicles entering and exiting these bays.

In the Department of Transport's Guidelines, pedestrian networks should be planned to avoid conflicts with vehicular movements where possible. According to section 5.1.2 *Pedestrian Safety and Amenity*, features of paths and streets that encourage walking include:

- Wide paths without obstructions.
- Designing buildings which front onto streets to provide passive surveillance, avoiding car parking or low activity areas immediately adjacent to footpaths.

#### Loss of parking bays

Feedback from the engagement process with surrounding businesses suggests the removal of the four fifteen minute parking bays will have a negative impact on their respective businesses.

Feedback from businesses regarding the parking bays can be summarised as follows:

The free and short term nature of the bays allows customers to easily perform a drop off/pick up type of service, of which a number of businesses suggest is an important part of their offering.

A full summary of the feedback can be found in FPOL1809-3 Attachment 1.

Additional short term free parking within close proximity to the Manning Buildings is provided on High Street, however, it must be noted that many of the bays at the Market Street end of High Street are used for loading zones, permanent alfresco and Police only parking.

Free one hour parking is provided in Paddy Troy Mall, however, this is likely to be returned to pay parking upon the completion of the Kings Square Renewal.

Parking in surrounding streets such as Bannister, Pakenham, Nairn and Collie streets are pay parking, generally 1P or 2P.

The City provides approximately 1,000 on-street parking bays in Fremantle city centre as well as around 2,300 bays in the 28 off-street car parks managed by the City.

#### Loss of loading zone

Feedback from the engagement process with surrounding businesses suggests the removal of the Market Street loading zone will also have a negative impact on their respective businesses.

Feedback can be summarised as follows:

- Concern about deliveries having to travel a further distance from other loading zones to the respective stores, particularly for fragile goods.

- Concern about the availability of other loading zones within the area.
- Some uncertainty about how the proposed new loading areas in Paddy Troy Mall, as part of the Manning Buildings development, would function.

The uncertainty around the proposed new loading area will need to be addressed by the property owner.

A full summary of the feedback can be found in FPOL1809-3 Attachment 1.

Through a desktop assessment the City's Traffic & Design officer assessed that the surrounding loading zones have the capacity to handle the extra demand should the Market Street loading zone be removed. Actual occupancy and future demands are an unknown.

The surrounding loading zones comprise of two loading zones at the Market Street end of High Street, one small loading zone on Bannister Street and one loading zone on Nairn Street.

The Bannister Street loading zone has been assessed in its current state as performing particularly poorly for the following reasons:

- The bay is small.
- It is constrained by a crossover and an intersection (Market Street).
- It is on the wrong side of the road considering most vehicles enter Bannister Street off Market Street and the loading zone is on the north side of the road.

The City's Engineering and Design team have begun investigating alternative arrangements on Bannister Street and are confident that a larger loading zone can be implemented if required.

The addition of a dedicated loading zone at the rear of the Manning Building, accessed by Paddy Troy Mall, as detailed in the development application will be of benefit to the Manning Building tenancies.

The businesses on the other side of Market Street will not be able to use this facility and would rely on the loading zones in Nairn Street, Bannister Street and High Street.

### Summary

Taking into account the various aspects outlined above, three options are available for Council's consideration.

1. Refuse the proposed awning and leave the parking bays and loading zones as is.
2. Remove the parking bays and loading zone, to allow for the re-instatement of the awning, and amend parking restrictions on Bannister Street to offset the loss.
3. Remove the parking bays and loading zone, to allow for the re-instatement of the awning, monitor the resulting impacts and consider making modifications if required.

The following considerations should be taken into account when weighing up the options.

**Option 1:** Refuse the proposed awning and leave the parking bays and loading zones as is.

Leaving the parking bays and loading zone in place will be supported by the surrounding businesses who are opposed to the removal of the parking bays and loading zone.

It will result in outcomes that are inferior from an urban design, heritage and pedestrian safety perspective.

Other impacts may include the amendment of the Manning Buildings development application resulting in a less appealing outcome.

**Option 2:** Remove the parking bays and loading zone, to allow for the re-instatement of the awning, and amend parking restrictions on Bannister Street to offset the loss.

There are five pay parking bays on Bannister Street that could be amended to allow free parking to offset the loss of the free parking bays on Market Street.

Further consultation would be required to find the most appropriate time restriction to impose.

This option will result in improved urban design, heritage and pedestrian safety outcomes but will come at a financial cost to the City. It may also have other consequences that would need to be considered, one of which being that free parking would result in higher occupancy of the Bannister Street bays, making it harder to find an available space.

The loss of revenue from the five parking bays on Bannister Street would be approximately \$29,000 ex GST per annum.

**Option 3:** Remove the parking bays and loading zone, to allow for the re-instatement of the awning, monitor the resulting impacts and consider making modifications if required.

This option will result in improved urban design, heritage and pedestrian safety outcomes but may result in negative impacts for the surrounding businesses.

This option may not have the support of the surrounding businesses based on the feedback received.

## VOTING AND OTHER SPECIAL REQUIREMENTS

Simple Majority Required

## **OFFICER'S RECOMMENDATION**

**That the Finance, Policy, Operations and Legislation committee acting under delegation 1.1:**

- 1. Receives the attached report on community engagement regarding the request by the Manning Building owners to remove the customer parking bays and loading zone on Market Street to allow for the re-instatement of the awning.**
- 2. Approves the removal of the parking bays and loading zone, to allow for the re-instatement of the awning, monitor the resulting impacts and consider making modifications if required.**

**FPOL1901-5 FREMANTLE FOUNDATION FUNDING  
ATTACHMENT 1**

City of Fremantle  
Partnership for Support

Fremantle Foundation

December 2018



## What is a Community Foundation?

The idea of a “community foundation” started in 1914 in Cleveland, America. Community Foundations have since spread far and wide, with approximately 1,8000 across the globe. Including USA, Canada, UK, Europe and many developing countries.

Since Cleveland Foundation was established over 100 years ago, community foundations have successfully grown in cities, regions and communities throughout the world because they:

1. Make giving easy
2. Address the key issues of the day
3. Build a growing endowment for future generations

### Named Funds

By encouraging individuals, families or businesses to establish Named Funds underneath a community foundation, more community members can step easily into the world of philanthropy. For Named Fund holders, it's like having your own foundation, but without all the hassles.

### Bequests and General Donations

As community foundations build the trust of the community, they are a perfect option to steward bequests and general donations aimed at the long term support of the place they operate.

Between Named Funds, Bequests and General Donations a community foundation builds significant funds which they manage wisely and grant strategically to vital issues of the day.

### Important investment in the early years

Early investment in community foundations are crucial to their long-term growth. The general rule of thumb internationally is that approximately 10 - 15 years of operational support will lead to a community foundation that can be self-sustainable.

Frederick Harris Goff, lawyer, banker and founder of the Cleveland Foundation was the first to think, what if a person with the means and interest to give said:

*“I want to leave it to be used for the good of the community, but I have no way of knowing what will be the greatest need 50 years from now. Therefore, I place it in your hands to determine what should be done.”*

Now, all around the world donors can have both immediate and long term impact through community foundations.

## **Fremantle Foundation - A vision for a world class Community Foundation**

Fremantle, through time, has always been a significant place.

For the first European visitors it was the starting point for ongoing settlement. As the port developed it became an important place of trade and economy not just for WA and Australia but for the world. Through migration it was the first time many families stepped onto Australian soil sparking the rise of great WA industries like fishing and marine. In the process Fremantle became a gateway for one of the worlds most successful multicultural societies.

Through the Great War and World War II Fremantle Port was pivotal to each campaign. And it was a group of plucky businessman and sailors from Perth and Fremantle that stole the America's cup from the New York Yacht Club.

All the while Fremantle has been a place of cultural and social leadership. This includes being one of the first councils to fly the Indigenous flag, to support Native Title agreements and more recently of course the City of Fremantle has been a leader in the important national discussion around Australia Day.

And for time immemorial, Fremantle or Walyalup (the place of lungs) is a centre of trade, economy and celebration for Noongar people. In the Noongar creation story it is a place just off Fremantle that was where life as we know it began.

So Fremantle plays a special role for Perth, WA and Australia.

It was over a coffee in a South Fremantle café between Peter Bell and Dylan Smith in early 2008 that the idea of the Fremantle Foundation first developed. In 2010 the Fremantle Foundation was born.

Through the Fremantle Foundation, we have the chance to create a world-class community foundation that can serve the Fremantle community for the coming 100 years. And play an important leadership role across Perth and WA in growing a culture of philanthropy our state.

### **Investing in Fremantle Foundation's next stage of growth**

The Fremantle Foundation currently has 53 Named Funds making up \$1.6M in Funds Under Management (FUM). After 8 years of building the Fremantle Foundation is now ready for the next stage of growth.

City of Fremantle's partnership to support our core operations will continue to provide us with the capacity to inspire more Fremantle, Perth and WA families and businesses to give effectively to their community. This will grow our overall FUM and provide a strong position of growth for the coming 100 years.

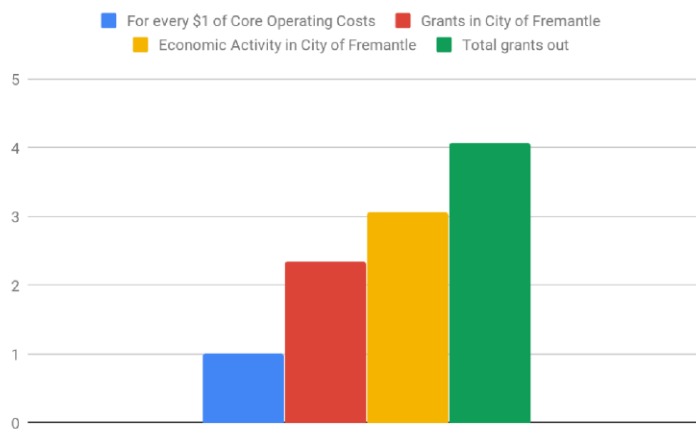
Investing in our core operations will also provide us with the capacity to continue to deliver the special projects that provide real impact in the community.

### Fremantle Foundation - 8 years of growth

History shows, an investment in Fremantle Foundation’s capacity results in huge impact.

To show just how effective the Fremantle Foundation’s operating environment is, below is a graph showing the return on investment for every \$1 of core operating costs in the 2017 financial year.

**Graph 1: Return on investment for every \$1 of Core Operating Costs 2017**



**Notes:**

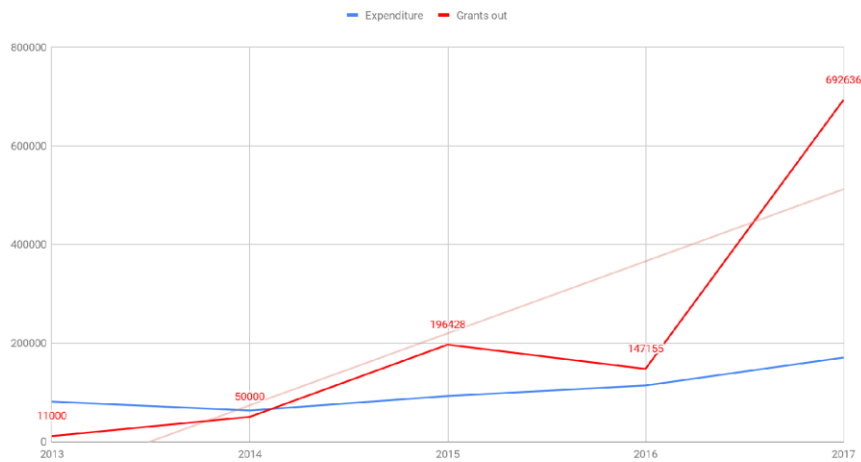
- Core Operating Costs include staff wages and business expenses such as insurance and rent.
- Economic Activity in the City of Fremantle includes the Fremantle Foundation financial turnover for events and activities in the City of Fremantle such as the Fremantle Ball and Impact100 Fremantle.

### Increases in growth from greater capacity

Further investments in the operating environment is also important to increase the impact of the Fremantle Foundation. In the graph below you can see how even small increases in operating capacity (blue line) have led to increases in grants out (red line) since 2013.

**Graph 2: Core Operating Costs vs Grants Out**

Expenditure vs Grants out

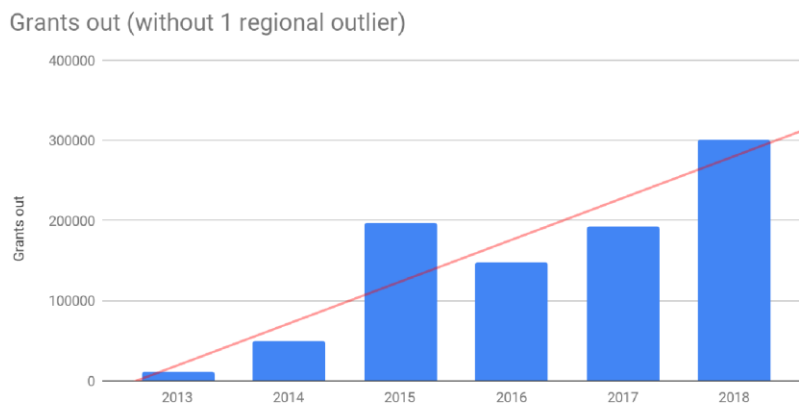


### Continual Growth

Since being established in 2010, the Fremantle Foundation has distributed over \$1.6M into the Fremantle, Perth and WA community.

The graph below shows the continual growth in granting activity, year by year since 2013.

**Graph 3: Grants out since 2013 (without 1 regional outlier)**



### Endowment building

Importantly, since 2010, the Fremantle Foundation has also inspired the growth of an endowment of \$1.6M. This endowment will give continuously to the community into the future and beyond any of our lifetimes.

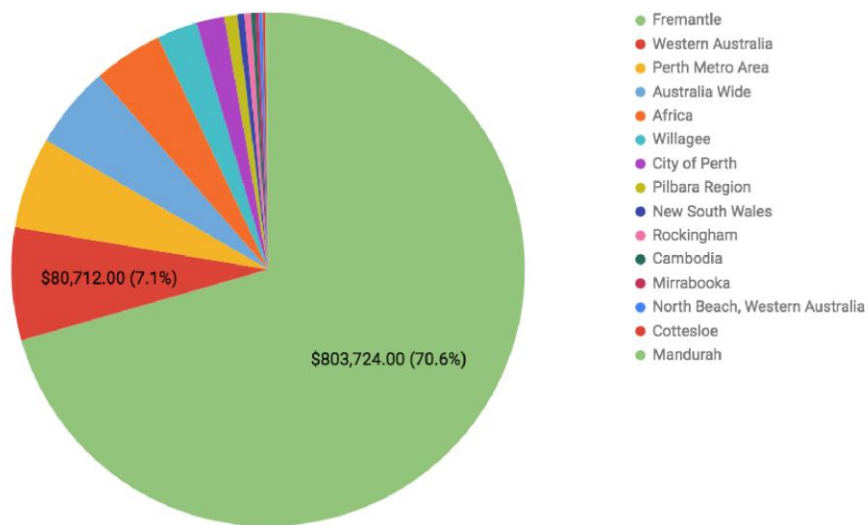
### Grants made to projects in the City of Fremantle

Since beginning in 2010 the Fremantle Foundation has distributed over \$800,000 to projects and organizations in the City of Fremantle.

Taking out one regional outlier, approximately 70% of all grants Fremantle Foundation has made has gone to organisations and projects situated in the City of Fremantle.

Graph 4: Grant distributions by geography (taking out one regional outlier)

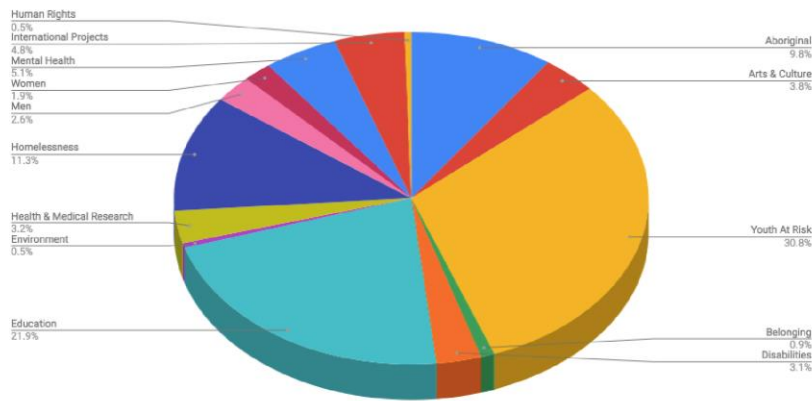
Grant Distribution



### Alignment with City of Fremantle’s strategic plan

A partnership with the Fremantle Foundation will provide the City of Fremantle clear and direct alignment with the Health and Happiness priority set out in the Strategic Community Plan (see below). See Graph 5 below to see how the City of Fremantle’s Outcomes, Objectives and Measures of success line up with the Fremantle Foundations granting history.

Graph 5: Grant distributions by impact area (taking out one regional outlier)



### City of Fremantle - Strategic Community Plan - Health and Happiness

Creating an environment where it is easy for people to lead safe, happy and healthy lives.

<b>Outcome</b>	<b>Fremantle is a welcoming, safe and caring community.</b>
<b>Objective</b>	<ul style="list-style-type: none"> <li>Create an environment where people feel safe.</li> <li>Fremantle’s public spaces encourage people to linger and interact (social connectivity).</li> </ul>
<b>Measure of success</b>	<ul style="list-style-type: none"> <li>Improve community satisfaction of community safety to exceed the industry average.</li> <li>Reduce the amount of anti-social related incidents in CBD.</li> </ul>
<b>Outcome</b>	<b>A city that celebrates and actively supports diversity.</b>
<b>Objective</b>	<ul style="list-style-type: none"> <li>Improve community inclusiveness and participation.</li> </ul>
<b>Measure of success</b>	<ul style="list-style-type: none"> <li>Increased participation in community life for all.</li> </ul>
<b>Outcome</b>	<b>A healthy and active environment for the community to enjoy.</b>
<b>Objective</b>	<ul style="list-style-type: none"> <li>Enhance the health and wellbeing of people who live, work and visit Fremantle.</li> <li>Support formal and informal sporting activities.</li> </ul>
<b>Measure of success</b>	<ul style="list-style-type: none"> <li>Improve community satisfaction of sporting and recreational facilities provided by the City of Fremantle to exceed industry average.</li> <li>Parks and open spaces are within walking distance for all residents.</li> <li>There is a diverse range of parks and open spaces provided.</li> </ul>

There is also correlation to the Places for People priority given the activities of both the Fremantle Foundation and the grantees that we support.

## Special Projects

In keeping with the ideals of community foundations around the world, the Fremantle Foundation also plays an important leadership role through various special projects.

### Special Project: Impact100 Fremantle

In a remarkable show of community spirit and generosity the Impact100 Fremantle group of donors have united to give over \$700,000 to Fremantle charities since 2013.

The group asks for members to contribute \$1,000 annually. Then donations are pooled together to create a game-changing grant of \$100,000. All donors are invited into the decision making process and vote to decide the winner.

Contributing to Fremantle Foundation assists us to continue to facilitate the amazing Impact100 Fremantle initiative.



### Special Project: Fremantle's Vital Signs

In a first for the Fremantle community, in 2017 we created a snapshot of the vital statistics in Fremantle. In Fremantle's Vital Signs we looked at four compelling areas: Gap Between Rich and Poor, Health, Learning and Belonging.

The impact of this report was wide ranging.

Fremantle's Vital Signs was utilized by the Impact100 Fremantle giving group to identify Belonging as a key issue in the Fremantle area. This resulted in \$100,000 being awarded to the Fremantle PCYC for their Breakfast Club. This program provides kids from difficult backgrounds the opportunity to head to school with a full stomach and their brain switched on.

Fremantle's Vital Signs also contributed to an increased focus on Homelessness in Fremantle. This has brought leaders from local council, state politics, business and the community together behind the 20 Lives 20 Homes project. This project aims to raise \$1M to support 20 Fremantle people off the streets and into a house, with important wrap around services.



**Special Project: 20 Lives 20 Homes and the Alliance To End Homelessness WA**

Fremantle Foundation is playing an important role in an unprecedented effort to address homelessness in Fremantle and WA.

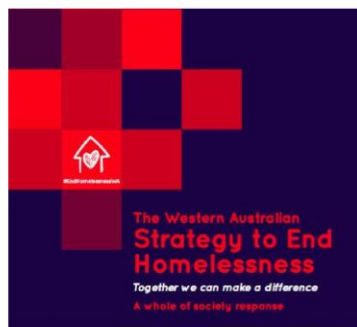
The 20 Lives 20 Homes project is being led in Fremantle by RUAH Community Services and St. Patrick’s Community Support Centre. It will support 20 people who are sleeping rough off the streets and into supported accommodation, with important wrap around services.

The idea of 20 Lives 20 Homes was sparked by a community forum run by the City of Fremantle and a growing effort led by business and political leaders.

Fremantle Foundation has played a role in bringing together donors to support 20 Lives 20 Homes. And to provide effective fund management that allows the project to run as smoothly as possible.

20 Lives 20 Homes is just one of the many initiatives that are being organised by the Alliance to End Homelessness throughout Perth and WA.

And in a first for our state, the End Homelessness WA Fund, held with the Fremantle Foundation, has been established to create a place to “pool” donations together to tackle one of our society's biggest issues.



## Full scope of work

Alongside our special projects are an extensive list of public events and activities.

They include:

1. **Philanthropy Information Session**, offered for free to the public to grow a culture of giving in WA.
2. **Special Guest Speaker Evenings**, offered to inspire more of us to think about philanthropy.
3. **Professional Advisers Workshops**, accredited Continual Professional Development workshops offered to Wealth Advisers, Accountants and Lawyers to assist them to support their clients giving.
4. **Grant Application Workshops**, offered to organisations applying for grants.
5. **Pitching Workshops**, offered to Impact100 Fremantle finalists each year.
6. **Public Site Visits**, where general public are invited to visit a community organisation.
7. **Grant Assessment Meetings**, where donors and the public are invited review grant applications and learn about social impact and good granting practices.
8. **Families in Philanthropy workshops** that support families to step into the world of philanthropy with their children.
9. **Vital Signs Fremantle and Vital Conversations**, a report and event series supported by Lotterywest that provided a “public friendly” social report on the health of Fremantle and facilitated conversations sparked by the report.
10. **Impact100 Fremantle**, Fremantle’s largest giving group, inspiring donors to convene together for greater impact.
11. **As well as larger events** that promote philanthropy and community participation to address social issues including:
  - a. Impact100 Fremantle Launch (annual)
  - b. Impact100 Fremantle Voting and Awards Night (annual)
  - c. Fremantle Ball - (annual)

See attached **Fremantle Foundation Impact Measures** for further information on the scope and growth the Fremantle Foundation.

## Partnership between City of Fremantle and Fremantle Foundation

We are proposing an initial one-year partnership for the amount of \$40,000 which has been quarantined for the Fremantle Foundation in the City of Fremantle budget 2018/19.

We are then proposing a partnership of a further two years.

A strong partnership with the City of Fremantle to support the capacity of the Fremantle Foundation will deliver the following benefits to the community:

- **Address the needs of our time** - By continuing to deliver Fremantle Foundations ongoing granting and special projects that are impacting our community in areas that align effectively with the City of Fremantle's Strategic Community Plan.
- **Make giving easier** – Encouraging strategic giving options that are rewarding and inspiring to continue to grow a culture of giving in Fremantle. And **make giving smarter** by encouraging donors to pool their support and give together.
- **Grow a permanent endowment** – Support the Fremantle Foundation to reach our next set of financial targets which will lead to important levels of ongoing sustainability.

Further benefits to the City of Fremantle from having a thriving Fremantle Foundation include:

- Increased financial support for Fremantle community, reducing the ongoing need for external (outside of Fremantle) funding.
- Cost savings through resource sharing (via projects such as Fremantle's Vital Signs).
- Leveraging donor opportunities that may not otherwise be possible, increasing the community investment in the City of Fremantle (such as 20 Lives 20 Homes).

Throughout Australia's 38 community foundations there are strong examples of local councils supporting their growth and development.

With the Fremantle Foundation 10 year anniversary approaching in late 2020, a partnership with the City of Fremantle will help us to take an important step forward in our growth and development.

**FPOL1901-7 LOCAL GOVERNMENT ACT REVIEW - COUNCIL SUBMISSION TO THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) DISCUSSION PAPER PHASE 2**

**ATTACHMENT 1**

**WALGA ADVOCACY POSITIONS  
LOCAL GOVERNMENT ACT REVIEW**

**LOCAL GOVERNMENT ACT REVIEW PRINCIPLES**

That State Council endorse the following general principles as being fundamental to its response to the review of the Local Government Act:

- (a) Uphold the General Competence Principle currently embodied in the Local Government Act;
- (b) Provide for a flexible, principles-based legislative framework; and
- (c) Promote a size and scale compliance regime

**BENEFICIAL ENTERPRISES**

<b>Position Statement</b>	The Local Government Act 1995 should be amended to enable Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).
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WALGA has been advocating for Local Governments to have the ability to form Beneficial Enterprises (formerly known as Council Controlled Organisations) for approximately ten (10) years.

A Beneficial Enterprises is a standalone arm's length business entity to carry out commercial enterprises and to deliver projects and services for the community. Local Governments would have the ability to create Beneficial Enterprises through the Local Government Act, however the stand alone business entity would be governed by the Corporations Act (ie normal company law).

Beneficial Enterprises provide services and facilities that are not attractive to private investors or where there is market failure. A Beneficial Enterprise cannot carry out a regulatory function of a Local Government.

**Examples**

- Urban regeneration; A Land Development may not be attractive to a private developer, however the ability to develop the land may be beneficial for the Local Government in respect to strategic development/connection of an area. Or may be worth a joint venture with a developer.
- Measures to address economic decline in Regional WA – A small business may not be viable for a private citizen, however maybe considered an essential service for the Local Government. ie Could be the local Pharmacy or local mechanical workshop.

**Benefits of establishing a Beneficial Enterprise include:**

- (a) The ability to employ professional directors and management with experience specific to the commercial objectives of the entity;
- (b) Removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the overarching objectives and strategy;
- (c) The ability to take an overall view of commercial strategy and outcomes rather than having each individual transaction within a complex chain of inter-related decisions being subject to the individual notification and approval requirements of the Local Government Act;

**WALGA ADVOCACY POSITIONS  
LOCAL GOVERNMENT ACT REVIEW**

- (d) The ability to quarantine ratepayers from legal liability and financial risk arising from commercial or investment activities;
- (e) The ability to set clear financial and non-financial performance objectives for the entity to achieve; and
- (f) Greater flexibility to enter into joint venture and partnering relationships with the private sector on conventional commercial terms.

**FINANCIAL MANAGEMENT**

**Tender Threshold**

<b>Position Statement</b>	WALGA supports an increase in the tender threshold to align with the State Government tender threshold of \$250 000, with a timeframe of one financial year for individual vendors.
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**Procurement**

WALGA seeks inclusion of the following position, to permit a procurement activity involving a disposal trade-in activity to qualify as a broad exemption under Regulation 30(3) of the Local Government (Functions and General) Regulations:

<b>Position Statement</b>	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.
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**Imposition of Fees and Charges: Section 6.16**

<b>Position Statement</b>	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.
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**Power to Borrow: Section 6.20**

That Section 6.20(2) of the Local Government Act, requiring one month's public notice of the intent to borrow, be deleted.

**Basis of Rates: Section 6.28**

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 including simplifying and providing consistency in the rating of mining activities.

**Differential General Rates: Section 6.33**

That Section 6.33 of the Local Government Act be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

## WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

### Member Interests - Exemption from AASB 124

Elected Member obligations to declare interest are sufficiently inclusive that WALGA seeks an amendment to create an exemption under Regulation 4 of the Local Government (Financial Management) Regulations relating to AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).

### RATES, FEES AND CHARGES

#### Imposition of Fees and Charges: Section 6.16

<b>Position Statement</b>	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.
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#### Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)

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; and
3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.

#### Rating Exemptions – Rate Equivalency Payments

<b>Position Statement</b>	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.
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#### Rates or Service Charges Recoverable in Court: Section 6.56

<b>Position Statement</b>	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'.
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#### Rating Restrictions – State Agreement Acts

<b>Position Statement</b>	Resource projects covered by State Agreement Acts should be liable for Local Government rates.
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## **WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW**

### **ADMINISTRATIVE EFFICIENCIES**

#### **Control of Certain Unvested Facilities: Section 3.53**

WALGA seeks consideration that Section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

#### **Local Government Grants Commission and Local Government Advisory Board**

WALGA seeks inclusion of a proposal to allow electors of a Local Government affected by any boundary change or amalgamation proposal entitlement to petition the Minister for a binding poll under Schedule 2.1 of the Local Government Act

#### **Schedule 2.1 – Proposal to the Advisory Board, Number of Electors**

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 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

#### **Schedule 2.2 – Proposal to amend names, wards and representation, Number of Electors**

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 10% of electors) to 500 (or 10% of electors) whichever is fewer.

#### **Transferability of employees between State & Local Government (Questions 82-84)**

A General Agreement between State and Local Government should be established to facilitate the transfer of accrued leave entitlements (annual leave, sick leave, superannuation and long service leave) for staff between the two sectors of Government. This will benefit public sector employees and employers by increasing the skills and diversity of the public sector, and lead to improved collaboration between State and Local Government.

#### **Proof in Vehicle Offences may be shifted: Section 9.13(6)**

That Section 9.13 of the Local Government Act be amended by introducing the definition of 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.

### **COMPLAINTS MANAGEMENT**

#### **Querulous, Vexatious and Frivolous Complainants**

The Complaints Management commentary contemplates the issue up to the point of unresolved complaints and then references the Ombudsman resources with regard to unreasonable complainants. WALGA seeks inclusion of commentary and questions relating to Local Governments adopting within their proposed complaints management framework, the capacity to permit a Local Government to declare a member of the public a vexatious or

**WALGA ADVOCACY POSITIONS  
LOCAL GOVERNMENT ACT REVIEW**

frivolous complainant, subject to the declaration relating to the nature of complaint and not to the person.

Amend the *Local Government Act 1995*, to:

- Enable Local Government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the *Parliamentary Commissioner Act 1971*.
- Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government’s decision for third party review.
- Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including:
  - Abuse of process;
  - Harassing or intimidating an individual or an employee of the Local Government in relation to the complaint;
  - Unreasonably interfering with the operations of the Local Government in relation to complaint.

**COUNCIL MEETINGS**

**Electors’ General Meeting: Section 5.27**

<b>Position Statement</b>	Section 5.27 of the Local Government Act 1995 should be amended so that Electors’ General Meetings are not compulsory.
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**Special Electors’ Meeting: Section 5.28**

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.

**Minutes, contents of: Regulation 11**

Regulation 11 should be amended to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.

**Revoking or Changing Decisions: Regulation 10**

That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

**Elected Member attendance at Council meetings by technology**

The current Local Government (Administration) Regulations 1996 allows for attendance by telephone, however only if approved by Council and in a suitable place. A suitable place is then defined as in a townsite as defined in the Land Administration Act 1997. This restricts an Elected Members ability to attend the meeting to a townsite in Western Australia.

## WALGA ADVOCACY POSITIONS LOCAL GOVERNMENT ACT REVIEW

This requirement does not cater for remote locations or the ability to attend via teleconference whilst in another state or overseas. The regulations require amendment to consider allowing attendance at a meeting via technology from any location suitable to a Council.

### INTERVENTIONS

#### **Remedial intervention; Powers of appointed person; Remedial action process**

In respect to remedial intervention, the appointed person should be a Departmental employee with the required qualifications and experience. This provides a connection back to the Department and its requirements.

The appointed person should only have an advice and support role. Funding of the remedial action should be by the Department where the intervention is mandatory. The Local Government to pay where the assistance is requested.

This area relates to the bigger picture of differentiating between Local Governments based on their size and scale. Suitable arrangements to determine a size and scale compliance regime should be prioritized.

### ELECTIONS

#### **Conduct of Postal Elections: Sections 4.20 and 4.61**

Position Statement	The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) <u>and or any other third party provider</u> to conduct postal elections.
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#### **Voluntary Voting: Section 4.65**

Position Statement	Voting in Local Government elections should remain voluntary.
--------------------	---

#### **Method of Election of Mayor/President: Section 2.11**

Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.
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#### **On-Line Voting**

That WALGA continue to investigate online voting and other opportunities to increase voter turnout.

#### **Method of Voting - Schedule 4.1**

Position Statement	Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.
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**WALGA ADVOCACY POSITIONS  
LOCAL GOVERNMENT ACT REVIEW**

**Leave of Absence when Contesting State or Federal Election**

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

- (i) that an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or
- (ii) that an Elected Member take leave of absence 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.

## ATTACHMENT 2

Local Government Act review – City of Fremantle Consultation Paper 2019

### Local Government Act Review – City of Fremantle Consultation Paper 2019

The Minister for Local Government has commenced a process to review the *Local Government Act 1995*. This will involve a two stage process, focussed around modernising Local Government, and delivering for the community.

While the process commenced in 2017, and the first phase amendments will be introduced to Parliament in late 2018/early 2019, the second phase of the Review which includes preparing a new Local Government Act and the preparation of a Green Bill, which is scheduled to occur throughout 2019-20. This will comprise of a complete review of the Local Government Act including policy development and consultation related to all areas of the Act together with a focus on the following subjects;

#### Agile

- Beneficial Enterprises
- Financial Management
- Rates

#### Smart

- Administrative Efficiencies
- Local Laws
- Council Meetings
- Interventions

#### Inclusive

- Community Engagement
- Integrated Planning and Reporting
- Complaints Management
- Elections

### WALGA Feedback Opportunity

WALGA is offering an opportunity for Local Governments to offer submissions, during phase 2 of the Local Government Act review, on any aspect of the 11 themes discussed under the 'Smart, Agile, Inclusive' headings or any other matter of interest.

A response is needed by Friday, 1 February 2019 so that an Agenda Item can be presented to the Zone Meetings leading up to the March 2019 State Council Meeting.

As this submission requires Council endorsement, City of Fremantle Council will have to consider the submission at the January 2019 Ordinary Council Meeting in order to meet the WALGA deadline.

### About the discussion paper

This discussion paper draws on a number of resources upon which WALGA's proposals for Act amendment are based. These resources represent long-standing positions on Act amendments that were developed by the sector and sector representatives.

It is acknowledged that only formally adopted Council advocacy positions can be truly regarded, for the purpose of this discussion paper, as representing the collective views of Local Governments.

Local Government Act review – City of Fremantle Consultation Paper 2019

## 1. Local Government Act Review Principles

### Position Statement

That State Council endorse the following general principles as being fundamental to its response to the review of the Local Government Act:

- (a) Uphold the General Competence Principle currently embodied in the Local Government Act;
- (b) Provide for a flexible, principles-based legislative framework; and
- (c) Promote a size and scale compliance regime.

**Council supports the following general principles in response to the review of the *Local Government Act 1995*:**

- a. Uphold the General Competence Principle currently embodied in the *Local Government Act 1995*.**
- b. Provide for a flexible, principles-based legislative framework and**
- c. Promote a size and scale compliance regime.**

Councillor XXXXXX submission:

Local Government Act review – City of Fremantle Consultation Paper 2019

## 2. Beneficial Enterprises

### Position Statement

The Local Government Act 1995 should be amended to enable Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).

**Council support an amendment to enable Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).**

### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

9. *Supports the Local Government Act 1995 being amended to enable Local Governments to establish Council Controlled Organisations (CCO) - also referred to as 'Local Government Enterprises'.*

Local Government Act review – City of Fremantle Consultation Paper 2019

### 3. Financial Management

#### 3.1 Tender Threshold

##### Position Statement

WALGA supports an increase in the tender threshold to align with the State Government tender threshold of \$250 000, with a timeframe of one financial year for individual vendors.

**Council supports an increase in the tender threshold to align with the State Government tender threshold of \$250 000, with a timeframe of one financial year for individual vendors.**

##### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

10. *Supports an increase in the tender threshold to align with the State Government tender threshold (\$250 000).*

#### 3.2 Procurement

##### Position Statement

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.

**Council support an amendment to regulation 30(3) of the *Local Government Act 1995*, 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.**

Councillor XXXXXX submission:

Local Government Act review – City of Fremantle Consultation Paper 2019

### 3.3 Imposition of Fees and Charges: Section 6.16

#### Position Statement

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.

**Council support that a review to remove the fees and charges from section 6.16 of the *Local Government Act 1995*, and allow Council to be empowered to set fees and charges for Local Government services.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

26. *Supports the amendment to Section 6.16 of the Local Government Act 1995:*
- a. *To limit its scope to relate only to statutory application fees and charges and not consumer items; and*
  - b. *To empower local governments to set their own fees at appropriate cost recovery levels for specific services*

### 3.4 Power to Borrow: Section 6.20

#### Position Statement

That Section 6.20(2) of the Local Government Act, requiring one month's public notice of the intent to borrow, be deleted.

**Council support the deletion of Section 6.20(2) of the *Local Government Act 1995*.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

27. *Supports the reduction of red tape by deleting Section 6.20(2) of the Local Government Act 1995, which requires local governments to give notice of a proposal to borrow that is not included in the annual budget, but does not require the consideration of submissions received.*

Local Government Act review – City of Fremantle Consultation Paper 2019

### 3.5 Basis of Rates: Section 6.28

#### Position Statement

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 including simplifying and providing consistency in the rating of mining activities.

**Council support the review of Section 6.28 of the *Local Government Act 1995* to examine the basis of rates.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

30. *Supports:*

- a. *A review of Section 6.28 of the Local Government Act 1995 to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives.*
- b. *An amendment of Section 6.28 of the Local Government Act 1995 to enable Differential Rating based on the time land remains undeveloped.*

### 3.6 Differential General Rates: Section 6.33

#### Position Statement

That Section 6.33 of the Local Government Act be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

**Council support the review of Section 6.33 of the *Local Government Act 1995*, to be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

31. *Supports the examination of Section 6.33 of the Local Government Act 1995 in consultation with the industry.*

Local Government Act review – City of Fremantle Consultation Paper 2019

### **3.7 Member Interests – Exemption from AASB 124**

#### **Position Statement**

Elected Member obligations to declare interest are sufficiently inclusive that WALGA seeks an amendment to create an exemption under Regulation 4 of the Local Government (Financial Management) Regulations relating to AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).

**Council support the creation of an exemption under Regulation 4 of the Local Government (Financial Management) Regulations relating to AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).**

#### **Existing Council position:**

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

*36. Supports amendment to legislation to provide a mechanism for exemption from the requirements of the Australian Accounting Standards (AAS) in regard to AASB 124 'Related Party Transactions'.*

Local Government Act review – City of Fremantle Consultation Paper 2019

## 4. Rates, Fees and Charges

### 4.1 Imposition of Fees and Charges: Section 6.61

#### **Position Statement**

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

**Council support the review to remove fees and charges from Section 6.61 of the *Local Government Act 1995*, and allow Council to be empowered to set fees and charges for Local Government services**

Councillor XXXXXX submission:

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## 4.2 Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)

### Position Statement

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; and
3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.

### Council supports:

1. **The amendment to the *Local Government Act 1995* 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) **To 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) **To 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; and**
3. **Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the *Local Government Act 1995*.**

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**Existing Council position:**

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

29. *Supports WALGA's policy position regarding charitable purposes as follows:*
- a. *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;*
  - b. *Amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations.*
  - c. *Review and consider amendments to other exempted organisations (including religious and educational organisations) to better reflect contemporary values.*

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### 4.3 Rating Exemptions – Rate Equivalency Payments

#### Position Statement

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.

**Council support an amendment to rate equivalency payments made by LandCorp and other Government Trading Entities requiring them to be made to the relevant Local Governments instead of the State Government.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

34. *Support amendments to legislation so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.*

### 4.4 Rates or Service Charges Recoverable in Court: Section 6.56

#### Position Statement

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'.

**Council support an amendment to Section 6.56 of the *Local Government Act 1995* to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and service charges be recoverable and not be limited by reference to the 'cost of proceedings'.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

33. *Supports the amendment of Section 6.56 of the Local Government Act 1995 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'.*

Local Government Act review – City of Fremantle Consultation Paper 2019

#### **4.5 Rating Restrictions – State Agreement Acts**

##### **Position Statement**

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

**Council supports resource projects covered by State Agreement Acts being liable for Local Government rates.**

##### **Existing Council position:**

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

35. *Support amendments to legislation removing the rates exemption clauses from the pre-July 2012 State Agreement Acts to provide a fairer outcome for all other ratepayers, including the proponents of new resources projects.*

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## 5. Administrative Efficiencies

### 5.1 Control of Certain Unvested Facilities: Section 3.53

#### Position Statement

WALGA seeks consideration that Section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

**Council supports that Section 3.53 of the *Local Government Act 1995* be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

7. *Supports the deletion of Section 3.53 of the Act and the responsibility for facilities located on Crown Land being returned to the State as the appropriate land manager.*

### 5.2 Local Government Grants Commission and Local Government Advisory Board

#### Position Statement

WALGA seeks inclusion of a proposal to allow electors of a Local Government affected by any boundary change or amalgamation proposal entitlement to petition the Minister for a binding poll under Schedule 2.1 of the Local Government Act

**Council supports the proposal to allow electors of a Local Government affected by any boundary change or amalgamation proposal entitlement to petition the Minister for a binding poll under Schedule 2.1 of the *Local Government Act 1995*.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

40. *Supports an amendment to Schedule 2.1 of the Local Government Act 1995 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.*

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### 5.3 Schedule 2.1 – Proposal to the Advisory Board, Number of Electors

#### Position Statement

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 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

**Council support that Schedule 2.1 Clause 2(1)(d) of the *Local Government Act 1995* be amended so that the prescribed number of electors required to put forward a proposal for change be increased from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

41. *Supports an amendment to Schedule 2.1 Clause 2(1)(d) so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 5% of electors) to 500 (or 5% of electors) whichever is fewer.*

### 5.4 Schedule 2.2 – Proposal to amend names, wards and representation, Number of Electors

#### Position Statement

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 10% of electors) to 500 (or 10% of electors) whichever is fewer.

**Council support the amendment of Schedule 2.2 Clause 3(1) of the *Local Government Act 1995* so that the prescribed number of electors required to put forward a submission increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

42. *Supports an amendment to Schedule 2.2 Clause 3(1) 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.*

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### 5.5 Transferability of employees between State & Local Government (Questions 82-84)

#### Position Statement

A General Agreement between State and Local Government should be established to facilitate the transfer of accrued leave entitlements (annual leave, sick leave, superannuation and long service leave) for staff between the two sectors of Government. This will benefit public sector employees and employers by increasing the skills and diversity of the public sector, and lead to improved collaboration between State and Local Government.

**Council support an agreement between State and Local Government to facilitate the transfer of accrued leave entitlements for staff between the two sectors of Government.**

Councillor XXXXXX submission:

### 5.6 Proof in Vehicle Offences may be shifted: Section 9.13(6)

#### Position Statement

That Section 9.13 of the Local Government Act be amended by introducing the definition of 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.

**Council support an amendment to Section 9.13 of the *Local Government Act 1995* to introduce a definition for 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

39. *Supports an amendment to Section 9.13 of the Local Government Act 1995 by introducing the definition of 'responsible person', enabling Local Governments to administer and apply effective provisions associated with vehicle related offences in order to ensure that there is consistent enforcement in regards to vehicle related offences.*

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## 6. Complaints Management

### 6.6 Querulous, Vexatious and Frivolous Complainants

#### Position Statement

The Complaints Management commentary contemplates the issue up to the point of unresolved complaints and then references the Ombudsman resources with regard to unreasonable complainants. WALGA seeks inclusion of commentary and questions relating to Local Governments adopting within their proposed complaints management framework, the capacity to permit a Local Government to declare a member of the public a vexatious or frivolous complainant, subject to the declaration relating to the nature of complaint and not to the person.

**Council support the below amendment to the *Local Government Act 1995*:**

- Enable Local Government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the Parliamentary Commissioner Act 1971.
- Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government's decision for third party review.
- Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including:
  - Abuse of process;
  - Harassing or intimidating an individual or an employee of the Local Government in relation to the complaint;
  - Unreasonably interfering with the operations of the Local Government in relation to complaint.

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**Existing Council position:**

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

21. *Supports amendments to the legislation to allow a Local Government to declare a person a vexatious or frivolous complainant, incorporating the following points:*
  - a. *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);*
  - b. *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');*
  - c. *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;*
  - d. *Establish a process, if necessary, to enable a Local Government to present its case for the alleged*

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## 7. Council Meetings

### 7.1 Electors' General Meeting: Section 5.27

#### Position Statement

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

**Council does not support the amendment to Section 5.27 of the *Local Government Act 1995* so that Electors' General Meetings are not compulsory.**

#### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

*16. Does not support an amendment to Section 5.27 of the Local Government Act 1995 to remove the provision making Elector' General Meetings compulsory.*

### 7.2 Special Electors' Meeting: Section 5.28

#### Position Statement

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.

**Council support that Section 5.28(1) (a) of the *Local Government Act 1995* 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.**

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**Existing Council position:**

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

17. *Support an amendment to Section 5.28(1)(a) of the Local Government Act 1995:*
- 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.*

**7.3 Minutes, contents of: Regulation 11**

**Position Statement**

Regulation 11 should be amended to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.

**Council support an amendment to Regulation 11 to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.**

**Existing Council position:**

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

23. *Council:*
- a. *Notes that this is already the accepted practise at the City of Fremantle, and*
  - b. *Supports an amendment to Regulation 11 of the Local Government (Administration) Regulations 1996 to clarify the requirement to include the reports and information that formed an agenda in the minutes of that meeting.*

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## **7.4 Revoking or Changing Decisions: Regulation 10**

### **Position Statement**

That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

**Council support an amendment to Regulation 10 to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.**

### **Existing Council position:**

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

22. *Supports an amendment to Regulation 10 of the Local Government (Administration) Regulations 1996 to clarify the rights of a Councillor to seek a revocation or change to a Council decision.*

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## 7.5 Elected Member attendance at Council meetings by technology

### Position Statement

The current Local Government (Administration) Regulations 1996 allows for attendance by telephone, however only if approved by Council and in a suitable place. A suitable place is then defined as in a town site as defined in the Land Administration Act 1997. This restricts an Elected Members ability to attend the meeting to a town site in Western Australia.

This requirement does not cater for remote locations or the ability to attend via teleconference whilst in another state or overseas. The regulations require amendment to consider allowing attendance at a meeting via technology from any location suitable to a Council.

**Council support the amendment to the Local Government (Administration) Regulations 1996 to consider allowing attendance at a meeting via technology from any location suitable to a Council.**

Councillor Jon Strachan submission:

I believe the current restrictions on location for a Councillor to attend a meeting remotely, or virtually are inconsistent. I see no problem with a Councillor telecommuting from anywhere in Australia, as long as the connection quality provides for active and reasonable engagement.

I do NOT believe this provision should be available to Councillors outside Australia.

Councillor Doug Thompson submission:

Council support the amendment to the *Local Government (Administration) Regulations 1996* to consider allowing attendance at a meeting via technology from any location suitable to a Council, subject to local governments being provided with the ability to set ground rules in relation to the use of remote attendance by elected members and staff.

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## 8. Interventions

### 8.1 Remedial intervention; Powers of appointed person; Remedial action process

#### Position Statement

In respect to remedial intervention, the appointed person should be a Departmental employee with the required qualifications and experience. This provides a connection back to the Department and its requirements.

The appointed person should only have an advice and support role. Funding of the remedial action should be by the Department where the intervention is mandatory. The Local Government to pay where the assistance is requested. This area relates to the bigger picture of differentiating between Local Governments based on their size and scale. Suitable arrangements to determine a size and scale compliance regime should be prioritized.

**Council supports that suitable arrangements to determine a size and scale compliance regime should be prioritized.**

Councillor Doug Thompson submission:

Council supports:

- That suitable arrangements to determine a size and scale compliance regime should be prioritized, and
- that additional resources be provided to the Department of Local Government to ensure they are able to carry out this support function.

Local Government Act review – City of Fremantle Consultation Paper 2019

## 9. Elections

### 9.1 Conduct of Postal Elections: Sections 4.20 and 4.61

#### Position Statement

The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections.

**Council supports an amendment to sections 4.20 and 4.61 of the *Local Government Act 1995* to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections.**

Councillor Doug Thompson submission:

Council supports an amendment to sections 4.20 and 4.61 of the *Local Government Act 1995* to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections, providing that a pre-qualification outline be introduced to ensure the capacity to provide online voting and the quality of any service provided.

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## 9.2 Voluntary Voting: Section 4.65

### Position Statement

Voting in Local Government elections should remain voluntary.

**Council does not support voting in Local Government elections remaining voluntary.**

### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

14. *Supports the introduction of compulsory voting in local government elections in order to attain consistency in actions and regard as Federal and State election processes.*

## 9.3 Method of Election of Mayor/President: Section 2.11

### Position Statement

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

**Council does not support that an individual local government should be able to determine whether their Mayor or President is elected by Council or by the community.**

### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

3. *Does not support an amendment providing the opportunity to determine whether their Mayor will be elected by the Council or elected by the community.*

## 9.4 On-Line Voting

### Position Statement

That WALGA continue to investigate online voting and other opportunities to increase voter turnout.

**Council supports the Western Australian Local Government Association continuing to investigate online voting and other opportunities that may increase voter turnout.**

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**Existing Council position:**

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

15. *Support exploring the possibility of introducing on-line voting in local government elections providing the costs are not prohibitive.*

**9.5 Method of voting – Schedule 4.1**

**Position Statement**

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

**Council does not support that elections should continue to be conducted utilising the first-past-the-post (FPTP) method of voting.**

**Existing Council position:**

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

43. *Does not agree with WALGA and supports the position that elections should be conducted utilising the preferential method of voting as opposed to the first-past-the-post (FPTP) method of voting.*

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## 9.6 Leave of Absence when Contesting State or Federal Election

### Position Statement

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

- i. that an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or
- ii. that an Elected Member take leave of absence 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.

**Council support an amendment to the *Local Government Act 1995* to require an Elected Member to take leave of absence when contesting a State or Federal election.**

### Existing Council position:

In its submission addressing phase 1 of the Local Government Act review Council moved the following resolution in response to this proposed amendment:

5. *Supports the implementation of provisions requiring Elected Member to stand down from all aspects of their role as a Councillor and not being able to perform the role as specified in Section 2.10 of the Local Government Act when they are contesting a State or Federal election, applying from the issue of Writs*