Department of
Local Government, Sport
and Cultural Industries

GOVERNMENT OF
WESTERN AUSTRALIA

Local Government Reform – Summary of Proposed Reforms

Comments added by

West Australian Local Government Reform Alliance

Local Government Reform – Consultation on Proposed Reforms

Local government benefits all Western Australians. It is critical that local government works with:

- a culture of openness to innovation and change
- continuous focus on the effective delivery of services
- respectful and constructive policy debate and democratic decision-making
- an environment of transparency and accountability to ensure effective public engagement on important community decisions.

Since first coming to office in 2017, the McGowan Government has already progressed reforms to improve specific aspects of local government performance. This reform process has been highly politically speculative, lacking scientific rigor, academic knowledge or professional design. This includes new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities.

Process Omissions and Reform Proposal Failures

1. It is notable that throughout the WA Local Government Act Reform process, there has never been an attempt by the DLGSC, Ministers or State Government to examine or clarify what "achieved outcome" would define "Local Government". This means any reforms promulgated cannot be measured for achievement of the Ministers announced theme purposes.
2. Directionless speculation is confirmed in the single fact that in as short a period as 25-years, major reform of legislation is now being touted despite and on top of their having received a multitude of piecemeal unevidenced amendments made during its life. Subsequent election event evidence adds to confirmation of failure of those amendments to deliver their touted outcome.
3. Still there is no guarantee nor evidence available that the proposed speculative reforms against that undefined "thing called local government" will achieve anything other than increased cost and further dysfunction?
4. **There is no inclusion within this process of post introduction, measuring, analysis or rectification of failed law prescriptions.**
5. The proposed reforms listed in the following table have not been cross checked to remove confusion, contradiction, conflict or crossover application of roles, duties, responsibilities or business structural imperatives. As a result, installation of the proposed reforms will generate a fresh set of conflicts and disputes.
6. Flow on discriminatory impacts from proposed reforms have not been considered or addressed.

Based on the significant volume of research and consultation undertaken over the past five years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago. The package is based on six major themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

The use of the term "research" suggests some form of quantitative or qualitative analysis had been undertaken. There is no evidence of such an occurrence provided in any of the reform process documentation to date.

The above "major theme" - *4. Stronger local democracy and community engagement*: mischievously misrepresent the delivered intent of the listed proposed reforms, as a good many of the proposed reforms in the table following, either excise "*democracy and community engagement*" from existing capability or impose predetermined rules upon future community democratic interests.

A large focus on the new reform is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to more quickly address problems and dysfunction within local governments.

Management Oversight Risk Tree (MORT) analysis applied to WA local government examples, expressly identifies, purported dysfunction in local government cannot exist without underlying dysfunction existing in the laws that create administer and enforce local government. The WA Local Government Act has not been analysed for nor addressed its own inherent dysfunction.

The proposed system for early intervention has been developed based on similar legislation in place in other jurisdictions, including Victoria and Queensland.

Copy-cat application without sound risk analysis will import the dysfunction of the source jurisdiction.

This will deliver significant benefits for small business, residents and ratepayers, industry, elected members and professionals working in the sector. No objective nor subjective analysis is provided to qualify this bold statement.

Local Government Reforms

These reforms are based on extensive consultation undertaken over the last five years, and have been developed considering:

- The Local Government Review Panel Final Report (mid 2020)
- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The Victorian Local Government Act 2020 and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions
- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

This listings in this section contradicts above claims and confirm that no community or community organisation consultation or submissions was included in designing the basis for the proposed reforms.

Consultation

Comments on these proposed reforms are invited. Comments can be made against each proposed reform in this document. For details on how to make a submission, please visit www.dlgsc.wa.gov.au/lgactreform.

Contradiction and Inconsistency

Most if not all of the proposed reforms contain contradictions or inconsistencies with at least one other of the 6 Major Reform Themes.

Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
1.1 Early Intervention Powers		
• The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to: ○ Suspend or dismiss councils ○ Appoint Commissioners ○ Suspend or, order remedial action (such as training) for individual councillors. • The Act also provides the Director General with the power to: ○ Conduct Authorised Inquiries ○ Refer allegations of serious or recurrent breaches to the State Administrative Tribunal ○ Commence prosecution for an offence under the Act. • Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. • The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the	• It is proposed to establish a Chief Inspector of Local Government (the **Inspector**), supported by an Office of the Local Government Inspector (the **Inspectorate**). • The Inspector would receive minor and serious complaints about elected members. • The Inspector would oversee complaints relating to local government CEOs. • Local Governments would still be responsible for dealing with minor behavioural complaints. • The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. • The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the *Corruption, Crime and Misconduct Act 2003*, the *Occupational Safety and Health Act 1984*, the *Building Act 2011*, and other legislation. • The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. • The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. • The Inspector would be supported by a panel of **Local Government Monitors** (see item 1.2). • The existing Local Government Standards Panel would be replaced with a new **Conduct Panel** (see item 1.3).	• While section 1.3 subsections (2) & (3) of the current Act remain unenforceable, even this proposal is guaranteed to fail. • Mandating Section 1.3 (2) & (3) would make redundant the majority if not all of this reform proposal. • There is very little in this proposed reform that cannot already be achieve under Part 5 of the existing Act. • The suggestion to establish an inspectorate is a clear admission the underlying legislation is problematic. Failure to repair the underlying legislation, would in any case, cause a high workload for the inspectorate. • Establishing an inspectorate without due diligence in Regulatory Impact Analysis is delivering political ideology devoid of evidentiary support. • Establishment of an inspectorate is adding an unreasonable cost burden to ratepayers. • The establishment of inspectors and monitors identifies an intent to bully or oppress. • Setting standards externally to the local community encourages disputation, non-conformance and impedes democratic process. • Externally applied impositions and penalties are incapable of causing resolution. The best achievable outcome from externally applied impositions and penalties is the forcing “underground” of disunity.

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
establishment of a specific office for local government oversight. Community and Community organisation views and recommendations had not been considered when this reform was proposed. Authorised enquires are political propaganda excluding measure for Community benefit.	• **Penalties** for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). • These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6).	
1.2 Local Government Monitors		
• There are currently no legislative powers for the provision of monitors/ temporary advisors. • The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. • There is nothing in this proposed reform that cannot already be achieved under Part 5 of the existing Act. • Advice provided by DLGSC is politically tainted, limited to select parties and devoid of recommendation to provide for community benefit. The reported oversight advisory failings found	• A panel of **Local Government Monitors** would be established. • Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. • The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. • Monitors would be qualified specialists, such as: ○ Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators ○ Dispute resolution experts - to address the breakdown of professional working relationships ○ Certified Practicing Accountants and other financial specialists - to assist with financial management and reporting issues ○ Governance specialists and lawyers - to assist councils resolve legal issues ○ HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction.	• This reform is redundant as the existing Act. already provides at Part 5 the ability of Council to establish community sourced monitors and advisors. • At most the Part 5 provisions could be mandated rather than their existing voluntary selection. • The concept of external inspectors or monitors contradicts and countermands the Ministers' design theme promise for "Stronger local democracy and community engagement" • There are few local government districts which do not include qualified specialists willing and able to join appropriate Part 5 Committees maintaining community benefit focus against the listed suggestions. • The following case studies are inappropriate examples and lend evidence to the inherent failure of the proposal to benefit the community.

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
by the recent Casino Royal commission are evident across the functional performance of the DLGSC	• Only the Inspector would have the power to appoint Monitors. • Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. **Monitor Case Study 1 – Financial Management** The Inspector receives information that a local government is not collecting rates correctly under the *Local Government Act 1995*. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers. **Monitor Case Study 2 – Dispute Resolution** The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council. The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council's code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.	Case 1 indicates criminal negligence on the part of the Councillors, Council and CEO. Under this scenario there is a systemic failure to understand the law, regulations and standard accounting practices. To focus solely on the issuing of notices leaves the parties open to potential criminal prosecution. Case 2 identifies the inspector to be acting in bias when in fact the issue is clearly a systemic failure of Council to facilitate informed decision making. Mediation between councillors while preventing the council from undertaking "informed" debate and "informed" decision making, has no ability to deliver resolution to this exampled case. Resolution of the underlying causation factor is the only competent solution available. • Disputation of this type usually occurs where common law standards are overridden by imposed legislated politically motivated standards.

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
1.3 Conduct Panel		
• The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour. • Currently, the Panel makes findings about alleged breaches based on written submissions. • The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed.	• The Standards Panel is proposed to be replaced with a new Local Government **Conduct Panel**. • The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. • The Inspector would provide evidence to the Conduct Panel for adjudication. • The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism. • For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. • Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision.	• If the underlying issue, causing a purported unwelcome behaviour, is not in the first instance examined and resolved to a measured community benefit, then any standards or conduct panel adjudication on any person has no substantive value other than as a mark of bullying. • The Standards Panel has proved to be cumbersome, costly, and biased. The Standards Panel provides only technical closure while remaining generally incapable of delivering community benefiting resolution to the original disagreement or disputation. • The behaviour of the Panel itself has also faced challenge and community criticism. • The concept of an external panel for conduct or behaviour standards is itself antagonistic. • The concept of external Conduct or Standards panels contradicts and countermands the Ministers' design theme promise for "*Stronger local democracy and community engagement*"
1.4 Review of Penalties		
• There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. • It is not an intelligent use of resources to sustain a system or program which delivers harm	• Penalties for breaching the Local Government Act are proposed to be strengthened. • It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. • Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able	• Bullies are the fools who need penalty rules. • This proposed reform will aggravate disunity and should be limited to causing measure and delivery to community benefit. • History confirms the use of external adjudication and penalty caused great harm without measure to community benefit.

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
through encouragement of vexatious pleasure. • Penalties are the fools' and bullies' means to purchase acceptance of a harmful non-compliance in place of any responsible attempt to actually acquire beneficial compliance.	to attend meetings, or use their official office (such as their title or council email address). • It is proposed that a councillor who is suspended multiple times may become disqualified from office. • Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances.	• The parties delivering this reform proposal do not hold the necessary qualification or knowledge to advise on a punitive regime. • Sociopaths and psychopaths will use offence adjudication and punitive ascription systems to profit their own power and status. • Others in society are more likely to withdraw and either remove their contribution or use underground resources to disseminate harm.
1.5 Rapid Red Card Resolutions		

• Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws.
• Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings.
• Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings.
	• It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1).
	• It is proposed that Presiding Members have the power to "red card" any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would:
	  ○ Require the Presiding Member to issue a clear first warning
	  ○ If the disruptions continue, the Presiding Member will have the power to "red card" that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions
	  ○ If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting.
	• Any Presiding Member who uses the "red card" or ejection power will be required to notify the Inspector.
	• Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not
		• Standing orders should be guided in policy and not prescribed in rigid law.
		• Prescribed standing orders impede open and free debate and drive inefficiency of process.
		• The proposed red card reform is a methodology capable of misuse to corrupt full and informed debate and decision making carrying with it potential to exacerbate disputation.
		• This proposal disguises an underlying fault in the management system for Council. Placing priority onto covering up a systemic fault by applying a personal penalty control encourages corruption of power. There are tens of thousands of Boards and Committees across Australia that function perfectly well without this proposed threat over their constituencies lending evidence of system fault if it is so critically important to Council.

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	followed the law in using these powers, penalties can be imposed through a review by the Inspector.	
1.6 Vexatious Complaint Referrals		
• No current provisions. • The Act already provides a requirement for Public Question Time at council meetings. • There are sufficient provisions in the 1995 Act to enable both Councils and CEOs to establish complaint and disputation resolution programs. • Poor DLGSC advice and a fault in existing legislation allows CEOs to close complaints and then ignore complainants prior to and in the absence of making any honest effort to resolve the matters of the complaint despite knowing the matters could be easily and simply resolved.	• Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government's operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. • Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person's query. • It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious.	• It is unheard of that a repeat complainant had an unresolvable matter. • The proposed reform is designed to sponsor and protect corrupt behaviour of CEOs and other employees without delivering any measurable benefit to community. • This proposed reform contradicts and countermands the Minister's design theme promise for "Stronger local democracy and community engagement" • Vexatious complaint is a term created by recalcitrant CEOs to divert attention from their own failings or refusals to act with integrity. • Volumes of evidence lend factual support that acts, actions, the failure to act responsibly with integrity or without prejudice by CEOs or other employed staff directly cause and drive purported vexatious complaints.
1.6 AAA Conflict and Dispute Resolution		
• Current provisions in legislation, regulation and Local Law are excessively complex, uncoordinated and internally contradictory. • Historically, current provisions have failed to deliver community or local government benefit while causing huge cost in reputation,	• The proposed reforms noted in 1.1 through 1.6 deliver an increased complexity in commitment to "big brother" bullying". • The above proposed reforms distract focus from addressing and resolving underlying causation mechanisms inherent in the 1995 Act and its subsequent amendments. • Behavioural management science dictates that the above proposals if implemented will cause new and	• Adopting the alternate proposed reforms in this paper will cause the above disputation matters reduce to minor inconveniences.

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
resources, disruption and finance.	additional complaints and further disputation without removing existing complaints and disputation.	
1.7 Minor Other Reforms		
• Other minor reforms are being considered to enhance the oversight of local government. • Ministerial Circulars have traditionally been used to provide guidance to the local government sector.	• Potential other reforms to strengthen guidance for local governments are being considered. • For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. • It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations.	• Without at least the endorsement of a peak representative body for residents and ratepayers, the proposed reform to strengthen guidance of local government contradicts and countermands the Minister's design theme promise for "*Stronger local democracy and community engagement*"

Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.1 Resource Sharing		
• The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs. • Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing.	• Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees. • Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1.	• Current legislative provisions do not prohibit resource *sharing.* • *Specifying such provisions will inhibit effective, innovative and efficient resource allocation and sharing.* • *This is properly a matter for Councils to determine and agree.* • *At most,* community developed Model guidelines could be developed.
2.2 Standardisation of Crossovers		
• Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences. • This can create confusion and complexity for homeowners and small businesses in the construction sector.	• It is proposed to amend the *Local Government (Uniform Local Provisions) Regulations 1996* to standardise the process for approving crossovers for residential properties and residential developments on local roads. • A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this. • The DLGSC will work with the sector to develop standardised design and construction standards.	• The Minister and DLGSC have already received community developed Model Policy guiding how similar matters should be managed. • The noted regulations should be rescinded and replaced with community developed Model Policy and detailed management guidance manuals.
2.3 Introduce Innovation Provisions		
• The *Local Government Act 1995* currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket).	• New provisions are proposed to allow exemptions from certain requirements of the *Local Government Act 1995*, for: ○ Short-term trials and pilot projects ○ Urgent responses to emergencies.	• Innovation is constrained because “local government” is legislated as a “body corporate” and not as the Council. • Exemptions from the Act would not be required if the Council were legislated to be the local Government with authority to direct

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		the "body corporate" consistent with a board as described by the Corporations Act.
2.4 Streamline Local Laws		
• Local laws are required to be reviewed every eight years. • The review of local laws (especially when they are standard) has been identified as a burden for the sector. • Inconsistency between local laws is frustrating for residents and business stakeholders.	• It is proposed that local laws would only need to be reviewed by the local government every 15 years. • Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable. • Local governments adopting Model Local Laws will have reduced advertising requirements. • A law has no community benefit value unless those to whom it is to apply know the law and agree to be bound by it. • The current and proposed reforms to local law support and encourage local government corruption.	• A majority vote of the electors of a district should be required to authorise all local law. • Existing and proposed local law reforms contradicts and countermand the Minister's design theme promise for "*Stronger local democracy and community engagement*"
2.5 Simplifying Approvals for Small Business and Community Events		
• Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities.	• Proposed reforms would introduce greater consistency for approvals for: ○ alfresco and outdoor dining ○ minor small business signage rules ○ running community events.	• This proposed prescriptive reform contradicts and countermands the Minister's design theme promise for "*Stronger local democracy and community engagement*" Such matters should be addressed through community developed Model Policy and LG business management manuals and not through restrictive prescription.
2.6 Standardised Meeting Procedures, Including Public Question Time		
• Local governments currently prepare individual standing order local laws.	• To provide greater clarity for ratepayers and applicants for decisions made by council, it is	• Existing and proposed reform to community access to Council contradicts and

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
• The *Local Government Act 1995* and regulations require local governments to allocate time at meetings for questions from the public. • Inconsistency among the meeting procedures between local governments is a common source of complaints.	proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State. • Regulations would introduce standard requirements for public question time, and the procedures for meetings generally. • Members of the public across all local governments would have the same opportunities to address council and ask questions. • Council should be required to uphold motions passed at an elector general meeting just as a board is required to uphold motions of a shareholders meeting.	countermands the Minister's design theme promise for "*Stronger local democracy and community engagement*". • Councils should hold community information and engagement sessions prior to and independent from ordinary council meetings. • Elector general meetings should be held at least quarterly. • A resident or ratepayer should have ability to place a motion directly onto the agenda of a Council meeting and Council should be required to consider, debate, and make an informed decision, on that motion just as if it were any other motion.
2.7 Regional Subsidiaries		
• Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal "organisations of councils", such as NEWROC and WESROC. • These initiatives typically have to be managed by a lead local government. • In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the *Local Government (Regional Subsidiaries) Regulations 2017.* • So far, no Regional Subsidiary has been formed.	• Work is continuing to consider how Regional Subsidiaries can be best established to: ○ Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments ○ Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds ○ Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk ○ Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments.	• Governance and administration are core functions of local government. Delivery of commercial services in monopoly, is not properly a core function of a local government and local government should be encouraged to contract these out to private commercial businesses. • Regional-subsidiaries cannot deliver cost or efficiency savings above those of private commercial businesses. • This reform proposal corrupts local government purpose by influencing salary paid to CEOs and senior staff. • This proposed reform does not propose benefit to any of the six major theme promises of the Minister.

Theme 3: Greater Transparency & Accountability

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		
• Currently, local governments are only required to make written minutes of meetings. • While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings. • Complaints relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments. • Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors[1] such as: ○ Growth and development ○ Strategic planning issues ○ Demands and diversity of services provided to the community ○ Total expenditure ○ Population ○ Staffing levels.	• It is proposed that all local governments will be required to record meetings. • Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. • Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment. • Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. • Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings. • Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used. • Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings. • All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items	• Public Council meetings are currently problematic for safety of elected members. Potential for identification prevents open debate for fear of becoming a target of persons opposed to the debate presented. • In the spirit of the Chatham House rule, Councillors and invited speakers, speaking in Council should be provided the same protection as State Politicians speaking in the State Parliament. • Without that protection, full, frank and open debate is not possible. • If and when systematic failures to mandatorily comply with section 1.3 (2)&(3) of the Current Act are addressed the method and extent of Council Meeting recording will become redundant.

[1] See page 3 of the 2018 Salaries and Allowance Tribunal Determination

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	would also need to be submitted to the DLGSC for archiving.	
3.2 Recording All Votes in Council Minutes		
• A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting. • The existing provision does not mandate transparency.	• To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber. • Regulations would prescribe how votes are to be consistently minuted. • This proposal represents a double standard but should reflect Corporations Act standards.	• Recording individual votes will still not measure transparency of decision making. • Failure of the existing Act. to ensure Councillors are able to obtain balanced and sufficient information from which source the Councillor knows they can rely currently prevents open, frank and accurate debate. Most current Council decisions are in intentionally biased, a guess or with inadequate knowledge.
3.3 Clearer Guidance for Meeting Items that may be Confidential		
• The Act currently provides broad definitions of what type of matters may be discussed as a confidential item. • There is limited potential for review of issues managed as confidential items under the current legislation.	• Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances. • It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public. • Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector. • All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC.	• Clarifying the definition of “confidential” is supported. However, that should include, time period, personal information and commercial in confidence matters. • Discussion at such meetings should be kept open while only the confidential information itself be redacted. • Decision on confidentiality should be relegated to a Part 5, Governance committee and not an inspector. • Confidential records to be held by the DLGSC is a cost not a benefit.
3.4 Additional Online Registers		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS

• Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online.
• Consistent online publication of information can substitute for certain material in annual reports.
• Consistency in online reporting across the sector will provide ratepayers with better information.
• These registers supplement the simplification of financial statements in Theme 6.
	• It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included.
	
	The following new registers, each updated quarterly, are proposed:
	
	○ **Lease Register** to capture information about the leases the local government is party to (either as lessor or lessee)
	○ **Community Grants Register** to outline all grants and funding provided by the local government
	○ **Interests Disclosure Register** which collates all disclosures made by elected members about their interests related to matters considered by council
	○ **Applicant Contribution Register** accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking
	○ **Contracts Register** that discloses all contracts above $100,000.
		• The proposals within this part while supported in principle are grossly inadequate for useful comment.
		• Before a mandate for online storage is made, such storage itself needs to be defined for:
		  • user friendliness
		  • speed of accessibility
		  • accuracy of search function
		  • engagement
		  • contact and feedback facility
		  • community blogs
		  • visitor metrics
		  • security from hacking and spam
		• Local governments should be encouraged to create online fora for community engagement in development of annual reports, implementation plans, community plans and strategic plans.

3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published		
• It is a requirement of the *Local Government Act 1995* that CEO performance reviews are conducted annually. • The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria.	• To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: ○ Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) ○ The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period)	KPIs should include mandating the following. 1. Endeavours for better decision-making; 2. Increase in community participation in the decisions; 3. Increase in community participation in the affairs of local governments;

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
• Additional performance criteria can be used for performance review by agreement between both parties.	○ The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs). • To avoid bias, if the CEO has the right to make comment, then so must the community have a similar right to argue for or against a stated KPI measurement.	4. Undelivered accountability to communities; 5. Change to efficiency and effective function delivery; 6. Demonstrated of use of best endeavours; 7. Undelivered needs of current and future generations; 8. Integration across environmental protection, social advancement and economic prosperity. 9. Clarity, consistency, simplicity and freedom from conflict across its laws, regulations, policies and plans.

Theme 4: Stronger Local Democracy and Community Engagement

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.1 Community and Stakeholder Engagement Charters		
• There is currently no requirement for local governments to have a specific engagement charter or policy. • Many local governments have introduced charters or policies for how they will engage with their community. • Other States have introduced a specific requirement for engagement charters. • Although there is no prescription of engagement between local government and community there is sufficient within the current Act to forcefully argue that failure to hold a charter, policy or management plan for such engagement is a clear deviation from the prescribed intent of the Act and of the Act's provisions generally.	• It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community. • A model Charter would be published to assist local governments who wish to adopt a standard form.	• Unless the "Model Charter is produced by the community, this proposal contradicts and countermands the Ministers' design theme promise for "*Stronger local democracy and community engagement*" by suggesting such charter would be imposed upon the community
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)		
• Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers. • These surveys provide valuable data on the performance of local governments. • Dissatisfaction surveys should be managed by a Part 5 Performance oversight Committee.	• It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey. • Results would be required to be reported publicly at a council meeting and published on the local government's website. • All local governments would be required to publish a response to the results.	• The proper purpose of a satisfaction survey is to identify areas for improvement. • Current surveys are conducted to justify acts of bullying or nonfeasance and do not include an element of community benefit. • It would be more accurate to require 'dissatisfaction' surveys to be conducted for the express purpose of measuring

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		improvement to community benefit.
4.3 Introduction of Preferential Voting		
• The current voting method for local government elections is first past the post. • The existing first-past-the-post does not allow for electors to express more than one preference. • The candidate with the most votes wins, even if that candidate does not have a majority. • Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice.	• Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections. • In preferential voting, voters number candidates in order of their preferences. • Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect. • All other states use a form of preferential voting for local government.	• Given the current election process biases political party or other large vested interest groups, neither method delivers community benefit over the other. • Preferential voting is fairer only where compulsory voting is held. • A fair election will only occur where private advertising is banned and all candidates rely equally on a templated biography. • Electronic voting will enhance engagement with voters.
4.4 Public Vote to Elect the Mayor and President		

• The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either:
  ○ by the electors of the district through a public vote; or
  ○ by the council as a resolution at a council meeting.
	• Mayors and Presidents of all local governments perform an important public leadership role within their local communities.
	• Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4.
	• Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system.
	• A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and
		• The current role of the Mayor is heavily compromised by systemic faults in both the current legislation and proposed reforms. The current legislation nonsensically requires the same leadership be provided by both the Mayor and the Councillors.
		• The CEO while selected by Council, should similarly not be appointed unless endorsed by a majority vote of district electors.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	President in recent years, including City of Stirling and City of Rockingham.	
4.5 Tiered Limits on the Number of Councillors		
• The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister. • The Panel Report recommended electoral reforms to improve representativeness.	• It is proposed to limit the number of councillors based on the population of the entire local government. • Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers. • The Local Government Panel Report proposed: ○ For a population of up to 5,000 – five councillors (including the President) ○ population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) ○ population of above 75,000 – nine to fifteen councillors (including Mayor).	• The proposal is unnecessarily complex causing management issues. • There is a minimum number of persons who make a viable quorum for democratic decision making. That number should be set as a minimum for all local governments up to a designated population size. • Above that population size an additional councillor for each x,000 population or part thereof should be required.
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)		
• A local government can make an application to be divided into wards, with councillors elected to those wards. • Only about 10% of band 3 and 4 local governments currently have wards.	• It is proposed that the use of wards for councils in bands 3 and 4 is abolished. • Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election. • In smaller local governments, the population of wards can be very small. • These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes. • There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards.	• Prescribing who should and should not have wards adds unnecessary complexity to legislation or regulation. • Below a set population, the electors should decide as they are the ones who would be required to pay the cost.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility		

• A person with a lease in a local government district is eligible to nominate as a candidate in that district.
• A person with a lease in a local government district is eligible to apply to vote in that district.
• The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors.
	• Reforms are proposed to prevent the use of "sham leases" in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council.
	• The City of Perth Inquiry Report identified sham leases as an issue.
	• Electoral rules are proposed to be strengthened:
	  ○ A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council.
	  ○ Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address.
	  ○ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council.
	• The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases.
	• The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors.
		• The proposal is unnecessarily complex and would prove too difficult to police.
		• A person should only be eligible to be a councillor or to vote while they owned property, remained resident or held a continuing lease within the district. This would include any application period.
		• Where a local government has Wards the above eligibility conditions should apply to that Ward.
		• Sham eligibilities currently enable non-Ward people to hold Councillor positions where they do not reside, own property or lease property. This disenfranchises and discourages local participation.

4.8 Reform of Candidate Profiles		
• Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words.	• Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. • Longer candidate profiles would provide more information to electors, potentially through publishing profiles online. • It is important to have sufficient information available to assist electors make informed decisions when casting their vote.	• Candidate profiles should be two A4 pages maximum. • Private advertising should be banned. • Electronic engagement should be adopted.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.9 Minor Other Electoral Reforms		
• Other minor reforms are proposed to improve local government elections.	• Minor other electoral reforms are proposed to include: ○ The introduction of standard processes for vote re-counts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required) ○ The introduction of more specific rules concerning local government council candidates' use of electoral rolls.	• If private advertising is banned electoral rolls cease to be useful. • When electronic voting is introduced vote recounting becomes redundant.

Theme 5: Clear Roles and Responsibilities

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.1 Introduce Principles in the Act		
• The Act does not currently outline specific principles. • The Act contains a short "Content and Intent" section only. • The Panel Report recommended greater articulation of principles	• It is proposed to include new principles in the Act, including: ○ The recognition of Aboriginal Western Australians ○ Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal) ○ Community Engagement ○ Financial Management.	• Each Council should have at least one Aboriginal Councillor. Where a Council does not have an Aboriginal person elected as an ordinary Councillor, that Council should be required create an ordinary Councillor position and co-opt an eligible Aboriginal from the district. This position to become redundant on the election of an Aboriginal as an ordinary Councillor. • Tiering of local government is a nonsense. • The Electoral Commission should be authorised to determine local government boundaries in similar manner to the setting of political seat boundaries. • Mandating Sections 1.3 (2)&(3) as KPIs for interpretation of all other provisions of the Act will deliver far more community value than introduce a raft of new principles. And will maintain a greater simplicity.
5.2 Greater Role Clarity		
• The Act provides for the role of council, councillor, mayor or president and CEO. • The role of the council is to: ○ govern the local government's affairs ○ be responsible for the performance of the local government's functions. Parallel legislation already delivers similar descriptions of Board and Committee roles.	• The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law. • It is proposed that these roles and responsibilities are further defined in the legislation. • These proposed roles will be open to further consultation and input.	• Clarity is lost through system fault in the Act which creates and drives conflict and confusion between "local government", Council and employed administrators and other parallel legislation. • The current Constitution of "local government" carries no corporation structural competence.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
Including detailed legislated roles here only serves to add unnecessary confusion. It would be far more appropriate to deliver role detail through community developed Model Policy and Model Business Management Manuals. Both which can then reference common practice role descriptors and not be limited to constrictive legislated prescription.	• These roles would be further strengthened through **Council Communications Agreements** (see item 5.3).	• Until that systemic fault is corrected any addition to the legislation will fail to achieve benefit. • Communications Agreements are proposed as being necessary because existing faults in the Act prevent normal 'Board-Corporation' communications from taking place. • Given the dearth of genuine community consultation to date, there is little or no confidence among community representative bodies that these proposed reforms will deliver community benefiting reform.

	5.2.1 - Mayor or President Role
	
	• It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President.
	• While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for:
	  ○ Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council
	  ○ Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act
	  ○ Developing and maintaining professional working relationships between councillors and the CEO
		• Parallel legislation already delivers similar descriptions of Board and Committee roles. Including detailed legislated roles here only serves to add unnecessary confusion.
		• This Role description in legislation should be simplified to and not exceed:
		  ○ The signature of the Mayor/President, confirms the majority position of the council.
		  ○ Except where delegated, the Mayor/President:
		  ○ Chairs Council meetings but does not take part in deliberations
		  ○ Directs the CEO with respect to Council decision, policy, standards, positions and resource requirements
		  ○ Represents Council at civic and public ceremonies or events, government meetings, inquiries and negotiations
		  ○ Supports councillors

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	○ Performing civic and ceremonial duties on behalf of the local government ○ Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government.	○ Authorises media release communications on behalf of Council. ○ Undertakes leadership skills development training • Any other matters should be described in community developed Model Policy or Model Business Management Manuals.
	5.2.2 - Council Role • It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: ○ Making significant decisions and determining policies through democratic deliberation at council meetings ○ Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council ○ Providing a safe working environment for the CEO; ○ Providing strategic direction to the CEO; ○ Monitoring and reviewing the performance of the local government.	• Parallel legislation already delivers similar descriptions of Board and Committee roles. Including detailed legislated roles here only serves to add unnecessary confusion. • This Role description in legislation should be simplified to and not exceed: • The Council: ○ Decides the direction and business of the Local Government (Planning) ○ A Council may not make a decision until all Councillors are satisfied they have enough information to make an unbiased informed decision on that matter ○ Decides the protocols and standards the Local Government will be held to account in its business and engagements (Policy) ○ Decides the hierarchical organisational structure of the local government ○ Oversights performance (Business Delivery) ○ Oversights assurance of complaint and disputation resolution (Governance) ○ Oversights local government, public and workplace health and safety ○ Resources councillors

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		○ Engages respectfully with Electors. ○ Undertakes debate and decision-making skills training • Any other detailed matters should be described in community developed Model Policy or Model Business Management Manuals.
	5.2.3 - Elected Member (Councillor) Role • It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for: ○ Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward) ○ Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council ○ Applying relevant law and policy in contributing to the decision-making of the council ○ Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions	• Parallel legislation already delivers similar descriptions of Board and Committee roles. Including detailed legislated roles here only serves to add unnecessary confusion. • Much of the proposed wording is unmeasurable confusing waffle. • This Role description in legislation should be simplified to and not exceed: • Councillors: ○ Must be able to demonstrate the integrity of information they rely on when making "informed" decisions in Council ○ Engage frequently and respectfully with Electors ○ Debate openly with Electors, the views and directions in discussion in Council ○ Present Electors views in Council and not the personal views of the Councillor ○ Be guided by the decisions of Electors at Elector General Meetings ○ Debate openly, local government public and workplace health and safety ○ Undertake relevant law, oversight, negotiation, and representation skills training

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	○ Communicating the decisions and resolutions of council to stakeholders and the public ○ Developing and maintaining professional working relationships with all other councillors and the CEO ○ Maintaining and developing their knowledge and skills relevant to local government ○ Facilitating public engagement with local government. • It is proposed that elected members should not be able to use their title (e.g. "Councillor", "Mayor", or "President") and associated resources of their office (such as email address) unless they are performing their role in their official capacity.	○ Should be responsible for reporting to Council, the matters of Part 5 Committees • Any other detailed matters should be described in community developed Model Policy or Model Business Management Manuals.
	5.2.4 - CEO Role • The *Local Government Act 1995* requires local governments to employ a CEO to run the local government administration and implement the decisions of council. • To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for: ○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions	• Parallel legislation already delivers similar descriptions for CEO - Board relationships. Including detailed legislated roles here only serves to add unnecessary confusion. • Much of the proposed wording is unmeasurable confusing waffle devoid of sound business management structure. • This Role description in legislation should be simplified to and not exceed: • CEO: ○ Takes direction from the Mayor/President in respect to Council decisions, policy, standards, positions and resource requirements ○ Facilitates Councillors access to unbiased, verifiable information and

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	○ Facilitating the implementation of council decisions ○ Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council ○ Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council ○ Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) ○ Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council ○ Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council.	expert advice necessary for "informed" decision making ○ Manages employment ○ Oversights contract/subcontract delivery ○ Manages implementation of Council endorsed plans and other business decisions ○ Coordinates, facilitates and resources the establishment, maintenance and business of Part 5 community committees ○ Facilitates management of, local government public and workplace health and safety ○ Facilitates compliance with laws applicable too or applied by the local government and its officers • Any other detailed matters should be described in community developed Model Policy or Model Business Management Manuals.
5.3 Council Communication Agreements		
• The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions. • The availability of information is sometimes a source of conflict within local governments.	• In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided. • It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO. • These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be	• Conflict arises under the current Act because of built in business structure and authority failures. • Communications Agreements of themselves, do not have any inherent capacity to prevent conflict. • Resolving those failures using above noted methods makes Communication Agreements redundant.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	provided, and the timeframes for when it will be provided. • A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election.	• In any case, resolution should be directed to methodologies covered by the Corporations Act. • It is hypocritical for DLGSC to be formulating petty templates when they do not recognise the value of community developed Model Policy and Model Business Management Manuals.
5.4 Local Governments May Pay Superannuation Contributions for Elected Members		
• Elected members are eligible to receive sitting fees or an annual allowance. • Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. • Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils.	• It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances. • Superannuation is widely recognised as an important entitlement to provide long term financial security. • Other states have already moved to allow councils to make superannuation contributions for councillors. • Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. • Providing superannuation to councillors recognises that the commitment to elected office can reduce a person's opportunity to undertake employment and earn superannuation contributions.	• It is inappropriate to be discussing superannuation payments when current elected persons are discouraged from representing their electors on top of their election being open to influence of party political and religious groups. • Suggesting superannuation represents any form of equality is dishonest and misleading. • How are those persons eligible for election yet who do not have superannuation and are not entitled to receive superannuation, to be treated in equity? • Long term financial security should not be a consideration as that would require long term incumbency which prevents equitable community access to elected positions. • A conscientious candidate will commit similar amounts of time to community service as does an elected Councillor. The proposed reform arguments apply equally to candidates, so the proposal is introducing inequitable discriminatory practice.
5.5 Local Governments May Establish Education Allowances		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
• Local government elected members must complete mandatory training. • There is no specific allowance for undertaking further education.	• Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council. • Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members. • Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government. • Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors.	• Current mandated training is ill considered, providing additional ratepayer cost, additional commitment from elected persons, while delivering no measurable benefit nor measurable change from pre implementation circumstances. • Mandated training delivers cost without benefit and is open to corruption of purpose. • The types of qualification education being proposed could only exist where Community engagement is being strangled to facilitate long term incumbency. • If education expenses are to be given to elected persons, then to be equitable education allowances must be also be given to person who where candidates at an election. • A conscientious candidate will commit similar amounts of time to community service as does an elected Councillor. The proposed reform arguments apply equally to candidates, so the proposed reform introduces inequitable discriminatory practice.
5.6 Standardised Election Caretaker period		
• There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. • This is commonly a point of public confusion.	• A statewide caretaker period for local governments is proposed. • All local governments across the State would have the same clearly defined election period, during which: ○ Councils do not make major decisions with criteria to be developed defining ‘major’	• Although a mandated caretaker period is advisable for corruption reduction, the proposed reform is manifestly inadequate as it does not take into consideration legislated requirements for ending and commencing terms of Council.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	○ Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. ○ There are consistent election conduct rules for all candidates.	• Prior to an election a caretaker period should, for consistency, reflect State and Commonwealth restriction. • Post-election a mandated caretaker period should be enacted to enable an unconstrained review: ○ and constitution of Part 5 committees ○ and endorsement of Policy and Local laws ○ of performance and governance ○ of any plans for the following year • There should be a mandated limit of two consecutive terms for any elected office
5.7 Remove WALGA from the Act		
• The Western Australian Local Government Association (WALGA) is constituted under the *Local Government Act 1995.* • The Local Government Panel Report and the Select Committee Report included this recommendation.	• The Local Government Panel Report recommended that WALGA not be constituted under the *Local Government Act 1995*. • Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity. • WALGA is a classic example of practices given legislated protection to purposefully obstruct community participation in the decisions and affairs of local governments.	• WALGA cannot be seen as a non-government agency while it carries any preferential mention in the Act. • Given that WALGA has historically represented the commercial side of local government under a legislated discriminatory bias preference; inequity will remain until such time as a balancing Resident and Ratepayer peak body is constituted, funded and resourced to the same degree.
5.8 CEO Recruitment		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
• Recent amendments introduced provisions to standardise CEO recruitment. • The recruitment of a CEO is a very important decision by a local government.	• It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. • Councils will be able to select an independent person from the approved list. • Councils will still be able to appoint people outside of the panel with the approval of the Inspector.	• This proposed reform is a thinly veiled attempt to increase departmental employment without delivering benefit to government or community. • Part 5 Committees are available for this purpose and failing to support their use for this purpose is a further intent to prevent community participation in the decisions and affairs of local government.

Theme 6: Improved Financial Management and Reporting

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.1 Model Financial Statements and Tiered Financial Reporting		
• The financial statements published in the Annual Report is the main financial reporting currently published by local governments. • Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity. • The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information.	• The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government. • It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects. • Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments. • The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity. • Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments. • It is proposed to establish standard templates for **Annual Financial Statements** for band 1	• Once again excessive complexity is proposed. • It would be far simpler to mandate that local government finances and registers be electronically managed and secure password access by residents and ratepayers be provided. Subject, of course, to commercial in confidence and personal information being excluded from access. • Reporting should be linked to annual turnover. Linking to local government size is inefficient and does not cater to changes in financial values. • Electronic financial management has efficiency and resource benefits by facilitating business accounting linkages. • The existing legislative provision for Part 5 Committees delivers capacity to provide best oversight and efficiency in financial management and reporting.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	and 2 councils, and simpler, clearer financial statements for band 3 and 4. • **Online Registers**, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments. • **Simpler Strategic and Financial Planning** (item 6.2) would also improve the budgeting process.	
6.2 Simplify Strategic and Financial Planning		
• Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations. • There is also the Integrated Planning and Reporting (IPR) framework. • While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments.	• Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making. • The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public. • In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers. • Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments. • It is proposed that the plans that are required are: ○ Simplified **Council Plans** that replace existing Strategic Community Plans and	• It is not possible to have "clear" information about the "*finances of local government*" when the outcomes attributable to that finance are not measured. That product measure being benefit to community. • These item 6.2 proposals will generate conflict and complaint as they legislate benefit to employed and commercial interests while further extending disenfranchising of community from participation in the decisions and affairs of local governments. of Deliverance measurable benefit to communities has been excluded from these proposals. • Despite the IPR guidelines requiring a partnering of local government and community, that partnering is not measured nor reported to the community. • DLGSC list 25 resource documents identifying the complexity of local government IPR. • **These proposed reforms example practices given legislated protection to purposefully obstruct community participation in the**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC ○ Simplified **Asset Management Plans** to consistently forecast costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape ○ Simplified **Long Term Financial Plans** will outline any long term financial management and sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years ○ A new **Rates and Revenue Policy** (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years) ○ The use of simple, one-page **Service Proposals** and **Project Proposals** that outline what proposed services or initiatives will cost, to be made available through council meetings. These will	**decisions and affairs of local governments. In doing so These proposed reforms will generate complaint and disputation without delivering benefit to the community.** • The existing legislative provision for Part 5 Committees delivers capacity to provide greatest integration and efficiency in financial management and planning.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	become **Service Plans** and **Project Plans** added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local government cost to deliver. Templates will be available for use by local governments.	
6.3 Rates and Revenue Policy		
• Local governments are not required to have a rates and revenue policy. • Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure.	• The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure. • A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services. • The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs. • A template would be published for use or adaption by all local governments. • The Local Government Panel Report included this recommendation.	• Again, the proposed reforms offer an inequitable "bits and pieces" policy in place of comprehensive, wholistic community developed Model Policy. • Current Rates and Revenue collections are forcibly imposed upon the community to the exclusion of competition. Competition should be mandated to reduce unfair rates imposts. • Existing local government rates and revenue collection legislation conflicts with National Competition Policy Guidelines through dictating monopolistic business practice establishment with associated autocratic fee designation. • In the interest of fairness any proposed Rates and Revenue Policy must be endorsed by a majority vote of ratepayers if it is to minimize aggravation and disputation.
6.4 Monthly Reporting of Credit Card Statements		
• No legislative requirement. • Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds.	• The statements of a local government's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis.	• This proposal is easily covered by community developed Model Financial Management Policy without the need for additional legislation.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	• This provides oversight of incidental local government spending.	
6.5 Amended Financial Ratios		
•	• Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. • The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful.	• To hold substantive value, this proposal must be understandable to all interested community members.
6.6 Audit Committees		
• Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members. • The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act. • The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management.	• To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government. • Audit Committees would also need to consider proactive risk management. • To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees. • The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson.	• Such committees should be Part 5 Committees established by and responsible for reporting to Council.
6.7 Building Upgrade Finance		
• The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements.	• Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures.	• Overhead power lines are a major public safety issue. Conversion to underground reticulation is usually charged to householders. This discriminates a double standard on residents

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
• This is not currently provided for under the Act. • The Local Government Panel Report included this recommendation.	• This would allow local governments to lend funds to improve buildings within their district. • Limits and checks and balances would be established to ensure that financial risks are proactively managed.	with underground power and those with overhead wires. • Associate cost from likely disputation is far more an issue than financial risk. Fairness, public safety, community access and residual community benefit hold far greater value to risk management. Incentive through rate discounting offers would be fairer.
6.8 Cost of Waste Service to be Specified on Rates Notices		
• No requirement for separation of waste changes on rates notice. • Disclosure will increase ratepayer awareness of waste costs. • The Review Panel Report included this recommendation.	• It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service). • This would provide transparency and awareness of costs for ratepayers. • Just as household can choose gas and power suppliers so should households be free to choose waste collection suppliers.	• Waste services by local governments is a selective service and not core business. Local government management of waste services is uncompetitive, inefficient and environmentally damaging far beyond reasonable control or management by local government. • Competitive large-scale contractors and State sponsored environmentally sensitive treatments should be pursued to remove this from local government functions.