

From: Governance [REDACTED]
Sent: Tuesday, 11 January 2022 10:49 AM
To: DLGSC Act Review
Cc: Governance
Subject: City of Fremantle Submission - Local Government Reform Proposals 2021

Categories: Jen

Good morning

Please find the City of Fremantle Council submission below, as decided at the Ordinary Meeting of Council held on 15 December 2021. The minutes of this meeting can be viewed [here](#).

1. Council supports local government reform in principle, while noting that:
 - a. reform should not add more time/process/cost to the work of the administration but simplify processes and systems.
 - b. local government must be further consulted in the development of proposed policy provisions before implementation.

Theme one - Earlier intervention, effective regulation and stronger penalties
Early Intervention Powers and Local Government Monitors
2. Council welcomes the simplification of regulatory process and greater transparency, but there are concerns with the centralisation of power to a State Government appointed and un-elected inspectorate. More information and a clearer understanding, of how 'Early Intervention Powers', 'Local Government Monitors' and other related reforms will be implemented, is needed before council can form an informed response or position.
Conduct Panel
3. Council supports, as outlined in 1.4 below, the strengthening of penalties relating to elected member behaviour however more information is required before council can form a position on the introduction of a new 'conduct panel' as it is not clear how this panel differs from the current one or will provide an improved service to users.
Review of Penalties
4. Council Supports the strengthening of those penalties relating to Local Government Act breaches by elected member.
Rapid Red Card Resolutions
5. Council cannot form a position on 'red card resolutions' as it is not clear how this system will accomplish simplification, clarity or better control than the provisions already included in most meeting procedures and code of conduct policy provisions.
Vexatious Complaint Referrals
6. Council cannot form a position on 'vexatious complaint referrals' as it is not clear how this process of referral will clarify or simplify the process of determining that a complainant is vexatious. It also appears to have the potential to unreasonably lengthen an already potentially tense situation.
Minor Other Reforms

7. Council cannot form a position on 'guidance notes' as it is not clear how this system will provide an improvement over the existing 'guidelines' that are already provided by the DLGSC.

Refer to Council's position on 1.1 Early Intervention Powers and 1.2 Local Government Monitors regarding an inspector being given powers to issue notices.

Theme two - Reducing red tape, increasing consistency and simplicity

Resource Sharing

8. Council supports reform to allow local governments to share CEO's and offer remuneration in certain circumstances.

Standardisation of Crossovers

9. Council supports standardised approval processes that simplify and clarify requirements for crossovers.

10. Council does not support any standardisation measures that do not take into account and support the preservation of heritage and other unique approval requests.

Introduce Innovation Provisions

11. Council supports reform to allow local governments to trial/pilot projects and emergency responses.

Streamline Local Laws

12. As previously outlined, in Phase 1- 27 September 2017 and Phase 2 – 30 January 2019 council submissions in response to the most recent review of the Local Government Act 1995, Council supports the reduction of red tape.

Simplifying Approvals for Small Business and Community Events

13. Council supports the standardisation and simplification of approvals in principle but would like to be further consulted in the development of standard procedures.

Standardised Meeting Procedures, Including Public Question Time

14. Council supports the standardisation and simplification of approvals in principle but would like to be further consulted in the development of standard procedures.

Regional Subsidiaries

15. Council supports the standardisation and simplification of approvals in principle but would like to be further consulted in the development of standard procedures.

Theme three - Greater transparency and accountability

Recordings and Live-Streaming of All Council Meetings

16. Council supports recording and livestreaming its meetings and has already adopted policy position to accomplish this.

Recording All Votes in Council Minutes

17. Council supports recording all votes in Council minutes and has already been capturing that information for more than 15 years.

Clearer Guidance for Meeting Items that may be Confidential

18. Council supports clearer guidance on what meeting items may be considered confidential and the provision of an approval process to classify items as confidential outside of provisions where necessary.

Additional Online Registers

19. Council supports additional information in the form of 'online register' being published to its website.

Chief Executive Officer Key Performance Indicators (KPIs) be Published

20. Council:
- opposes the publication of its CEO's Key Performance Indicators as over and above what is reasonable for public scrutiny of an employee's employment contract. Accountability for the CEO's performance lies with Council, not the community.
 - notes, this would be particularly problematic in small communities and/or where the CEO lives locally and would make it difficult for Council to include KPIs that are related to performance issues.

Theme four - Stronger local democracy and community engagement
Community and Stakeholder Engagement Charters
21. Council supports the adoption of a community and stakeholder engagement charter that benefits the community's understanding of the LG's processes and decisions.
Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)
22. Council supports the requirement for local governments to undertake ratepayer satisfaction surveys.
Introduction of Preferential Voting
23. Council continues to support Optional preferential voting, as outlined in its submissions to Phase 1- 27 September 2017 and Phase 2 – 30 January 2019 of the most recent review of the Local Government Act 1995. It should be noted that optional preferential voting was also the recommendation of the Local Government Review Panel.
Public Vote to Elect the Mayor and President
24. Council supports the election of a local government's Mayor by its electors.
Tiered limits on the number of Councillors
25. Council does not have enough information to form a position on the 'tiered limits of number of councillors. More information is needed to understand the application of the proposed reform relating to how the number of elected members is determined within the individual ranges given. For instance, is it intended that there will be bands within each tier?
No Wards for small councils (bands 3 & 4)
26. Council supports the proposal to remove Wards from smaller local government to provide less complex voting and a fairer distribution of votes.
Electoral Reform – Clear Lease Requirements for Candidate and Voter
27. Council strongly supports the introduction of tightened rules that provide clear lease requirements for candidate nomination and elector enrolment provisions.
Reform of Candidate Profiles
28. Council supports longer candidate profiles being provided during elections to allow electors to form more informed positions before committing their votes.
Minor other electoral reforms
29. Council supports: <ul style="list-style-type: none"> • Standard processes for re-counts • Clearer rules on candidates use of Electoral Rolls and reiterates its previous support for the introduction of online voting.
Theme five - Clear roles and responsibilities
Introduce Principles in the Act
30. Council supports the introduction of principles relating to the following areas into the Act: <ul style="list-style-type: none"> • 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.
Greater Role Clarity
31. Council supports greater role clarity for: <ul style="list-style-type: none"> • Mayor or President • Council • Councillor • CEO
Council Communication Agreements

32. Council supports the introduction of council communication agreements for clearer guidelines on communication expectations between council and the CEO.
Local Governments May Pay Superannuation Contributions for Elected Members
33. Council supports the introduction of the ability to pay elected members superannuation contributions.
Local Governments May Establish Education Allowances
34. Council strongly supports the provisions of expanded and more appropriate professional development for elected members to undertake training that better equips them to undertake the role.
Standardised Election Caretaker period
35. Council supports a standardised caretaker period and policy in principle, however, highly recommends the incorporation of appropriate exemption processes.

Remove WALGA from the Act
36. Council supports removing WALGA from the Act to provide clarity that it is not a State Government entity.
CEO Recruitment
37. Council supports the introduction of a pre-approved panel of independent members for appointment to its CEO recruitment panel.

Theme six - Improved financial management and reporting.
Model Financial Statements and Tiered Financial Reporting
38. Council supports clarity in financial reporting and the introduction of standardised statements and tiered financial reporting requirements intended to help achieve this. Council also supports the provision of online registers to promote clarity and transparency in financial reporting.
Simplify Strategic and Financial Planning
39. Council supports simpler and more streamlined strategic and financial planning requirements for local governments.
Rates and Revenue Policy
40. Council supports the implementation of policy and procedure that better forecasts future costs for providing local government services and what rates may be required to properly manage the local governments assets.
Monthly Reporting of Credit Card Statements
41. Council supports monthly reporting of credit card statements and notes that these statements are already provided by the City.
Amended Financial Ratios
42. Council supports the review of financial ratios calculation and indicators to better reflect the accurate underlying financial position of the local government.
Audit Committees
43. Council does not support the management of this committee being taken out of the control of local government. Local governments must take responsibility for and engaging with its audit and risk committees.
Building upgrade finance
44. Council supports the provision of loans to third parties for building upgrade in principle but would need to understand the proposed limits and criteria in details to be able to form a firm position.
Cost of Waste Service to be Specified on Rates Notice
45. Council supports the cost of waste services being specified on rates notices subject to provision being made so that the current pensioner rebate can also be applied to the waste service charges.

Kind regards

Anne-Marie Bartlett
Governance Officer

