



**AUSTRALIAN LOCAL
GOVERNMENT WOMEN'S
ASSOCIATION**
WESTERN AUSTRALIAN BRANCH

Submission to the Local Government Act Reform

Introduction

The Australian Local Government Women's Association Western Australia Branch (WAWA's) is the peak body representing the interests of women in local government – either as officers or elected members. The Association seeks to assist in furthering women's knowledge, understanding and participation in the function of local government.



Established in 2002



124 Members



50 Local Governments



4 Life Members



1,157 Newsletter Subscribers



768 Facebook Followers

Submission

As the peak women's group in Local Government, we need to ensure that the proposed Local Government Act reforms are not going to negatively impact nor discourage women in their roles either now, or in the future. ALGWA WA members were invited to provide their feedback on the proposed reforms via phone, email and in person at an event facilitated by Lynne Craigie OAM.

The summation of points raised by ALGWA WA members are included in the submission comments.



Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
1.1 Early Intervention Powers		
<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 establishment of a specific office for local government oversight. 	<ul style="list-style-type: none"> 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 <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i></p> <p><i>For implementation, the Inspectors need to be apolitical and independent, preferably not a Ministerial appointee. They would also need a legal and governance background with preferred experience in Local Government and take a common-sense approach to all matters before them.</i></p> <p><i>The Inspector also needs to have teeth, not be afraid to use their power to address issues and ensure the bar is not set so high that sanctions are ineffective and never implemented.</i></p> <p><i>The cost of an Inspector needs to be covered by the State via the Department, without impact on Local Government budgets.</i></p> <p><i>Further information is required on who the Inspector is accountable to and how will they be monitored? What would the complaints process be if there is an issue with the Inspector? What is the appeals process and who would this go to?</i></p>



CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> 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). 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		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i></p> <p><i>For implementation, Monitors need to be independent, apolitical, and preferably not Ministerial appointments.</i></p> <p><i>Panel members need to be diverse and inclusive, and qualified in their area of expertise.</i></p> <p><i>Conflicts of interest arising from Monitor's previous or existing relationships with Local Governments and</i></p>



CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Dispute resolution experts - to address the breakdown of professional working relationships ○ Certified Practising 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. ● 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. <p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. 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.</p>	<p><i>their employees must be appropriately documented and managed, avoiding appointments of Monitors to Local Governments where a conflict of interest may apply.</i></p>



CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>Monitor Case Study 2 – Dispute Resolution</p> <p>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.</p> <p>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.</p>	
1.3 Conduct Panel		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i></p> <p><i>It is well known that Standards Panel complaints have been misused in Local Government, with 72% of the 175 complaints lodged in 2020-21 being either found with no breach, were withdrawn, or suspended, or</i></p>



CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<ul style="list-style-type: none"> 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. 	<p><i>refused. Only 28% of complaints lodged had found a breach actually occurred.*</i></p> <p><i>The complaints system framework needs to be clarified and Local Government Complaints Officers granted a level of responsibility to vet complaints and reject complaints that are not warranted or are vexatious in nature. Currently some LG officers put all complaints through to the Standards Panel without vetting first, which not only wastes the panel's time but also incurs a cost to the Local Government.</i></p> <p><i>If the Standards Panel identifies a Local Government that is not vetting complaints properly and allows a high level of complaints that are not in breach or are refused, the Standards Panel needs to be granted the power to refer that Local Government to the Inspector for a governance review.</i></p> <p><i>The Standards Panel also needs to also have the powers and responsibility to deal with minor conduct breaches to take the onus off Council being the complainant, judge, jury, and executioner of their peers, and to ensure that there is no misuse of this power by politicising conduct complaints and inhibiting Councillors from being able to fulfil their role.</i></p> <p><i>Confidentiality provisions of a Standards Panel complaints needs to be amended to allow the accused Elected member the ability to seek legal</i></p>



CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p><i>representation and assistance from a support person/s. Currently the confidentiality clause is isolating and inhibits accused Ems from seeking advice.</i></p> <p><i>*Ref: Local Government Standards Panel – Annual Report 2020-21</i></p>
1.4 Review of Penalties		
<ul style="list-style-type: none"> There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> 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 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform noting the following:</i></p> <p><i>For implementation the quantification for penalties to apply must not be set so high that sanctions are ineffective and never implemented.</i></p> <p><i>If a Councillor is suspended, they should also forfeit their sitting fees and allowances</i></p>
1.5 Rapid Red Card Resolutions		



CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 followed the law in using these powers, penalties can be imposed through a review by the Inspector. 	<p><i>The Australian Local Government Women's Association WA Branch agrees that Standing Orders should be standardized.</i></p> <p><i>Standing orders should already have provisions for the presiding member to:</i></p> <ul style="list-style-type: none"> <i>preserve order</i> <i>prevent disturbances in meetings from members of the public</i> <i>demand an apology when a member's conduct is offensive</i> <i>adjourn meetings to regain order</i> <p><i>Standing Orders also should have provisions for points of order which any member can raise to cover:</i></p> <ul style="list-style-type: none"> <i>the matter being discussed isn't before Council</i> <i>Presentation of factually incorrect information</i> <i>Offensive or insulting language</i> <i>Violation of policy or law which would now incorporate the Code of Conduct</i> <p><i>We do not agree with the implementation of a 'red card' system.</i></p> <p><i>Rather than implementing a new 'red card' system, mandatory training should be provided to Presiding Members, Deputies and committee chairs on how and when to apply Standing Orders in meetings.</i></p>



CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<i>The 'red card' system is widely used in various sports, the implementation of this system in Local Government would be demeaning, damaging and detrimental to the reputation of Local Government. It would further politicise Council and reduce the stature and governance of Council meetings, likening them to a game of rugby between opposing sides.</i>
1.6 Vexatious Complaint Referrals		
<ul style="list-style-type: none"> No current provisions. The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> 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. 	<i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i>
1.7 Minor Other Reforms		



CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none">• 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.	<ul style="list-style-type: none">• 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.	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i></p>



Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.1 Resource Sharing		
<ul style="list-style-type: none">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.	<ul style="list-style-type: none">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.	<i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i>
2.2 Standardisation of Crossovers		
<ul style="list-style-type: none">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.	<ul style="list-style-type: none">It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> 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.	<i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i>
2.3 Introduce Innovation Provisions		



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket). 	<ul style="list-style-type: none"> New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for: <ul style="list-style-type: none"> Short-term trials and pilot projects Urgent responses to emergencies. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i></p>
2.4 Streamline Local Laws		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch does not agree with this reform.</i></p> <p><i>A 'one size fits all' approach for local laws would stop them from being 'local' laws.</i></p> <p><i>A better approach would be to adopt standardisation of some of the core local laws, whilst still allowing for localisation in accordance with bandings.</i></p> <p><i>Any changes to Local Laws should not be enacted by a Local government until they have been approved in Parliament.</i></p> <p><i>For complete transparency, public consultation and engagement should be undertaken on draft 'core' local laws prior to being enshrined in legislative regulations.</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.5 Simplifying Approvals for Small Business and Community Events		
<ul style="list-style-type: none"> Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities. 	<ul style="list-style-type: none"> Proposed reforms would introduce greater consistency for approvals for: <ul style="list-style-type: none"> alfresco and outdoor dining minor small business signage rules running community events. 	<p><i>The Australian Local Government Women's Association WA Branch does not agree with this reform, as there has not been enough information provided to make an informed decision.</i></p> <p><i>A 'one size fits all' approach is not supported.</i></p> <p><i>Guidance notes will need to be provided.</i></p>
2.6 Standardised Meeting Procedures, Including Public Question Time		
<ul style="list-style-type: none"> Local governments currently prepare individual standing order local laws. The <i>Local Government Act 1995</i> 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. 	<ul style="list-style-type: none"> To provide greater clarity for ratepayers and applicants for decisions made by council, it is 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. 	<p><i>The Australian Local Government Women's Association WA Branch does not agree with meeting procedures and standing orders being standardised.</i></p> <p><i>Development of core guidelines for meeting procedures and standing orders would be preferred rather than standardization.</i></p> <p><i>As previously mentioned, presiding members and their deputies need greater training on how to administer the existing Standing Orders, especially for Public Question Time.</i></p> <p><i>The Australian Local Government Women's Association WA Branch agrees with standard requirements for public question time.</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p><i>Some Presiding Members have stopped Public Question time after a set time or number of questions, essentially silencing the public by not allowing them an opportunity to be heard.</i></p> <p><i>The public deserves the right to ask ANY question to Council, regardless of whether the item is on the agenda or not, and an adequate time frame to allow all members of the public to ask their questions to Council must be in place.</i></p> <p><i>Questions asked to the Council and answers given should be published in the Council minutes.</i></p>
2.7 Regional Subsidiaries		
<ul style="list-style-type: none"> 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 <i>Local Government (Regional Subsidiaries) Regulations 2017</i>. So far, no Regional Subsidiary has been formed. 	<ul style="list-style-type: none"> Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch <u>does not agree</u> with Regional Subsidiaries, as there has not been enough information provided to make an informed decision.</i></p> <p><i>There is a concern from regional members that Regional Subsidiaries could be used in future as a precursor to justify Local Government amalgamations.</i></p> <p><i>More information on the risk of regional subsidiaries borrowing money to finance initiatives and how the risk would be managed is required, along with how these bodies would provide efficiency and profitability for the member Local Governments.</i></p>



Theme 3: Greater Transparency & Accountability

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		
<ul style="list-style-type: none">• 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 factors¹ such as:<ul style="list-style-type: none">○ Growth and development○ Strategic planning issues○ Demands and diversity of services provided to the community○ Total expenditure○ Population○ Staffing levels.	<ul style="list-style-type: none">• 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	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i></p> <p><i>The regulations need to include a provision preventing editing of sound and image of all meeting recordings.</i></p> <p><i>The regulations also need an opt-in provision for those Councils which may wish to separately record confidential or 'behind closed doors' discussions.</i></p>

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



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>minimum. These local governments would still be encouraged to livestream or video record meetings.</p> <ul style="list-style-type: none"> All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving. 	
3.2 Recording All Votes in Council Minutes		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i></p> <p><i>It is further suggested to extend this to Council sub-committee meetings also, such as audit & risk.</i></p>
3.3 Clearer Guidance for Meeting Items that may be Confidential		



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i></p> <p><i>There also needs to be harsher penalties for those who breach confidentiality.</i></p>
3.4 Additional Online Registers		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. <p>The following new registers, each updated quarterly, are proposed:</p> <ul style="list-style-type: none"> 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 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform with a request that these additional proposed registers be considered:</i></p> <ul style="list-style-type: none"> Decisions Register – a single reference point to document the motions that have been put forward to Council and what decisions were made, to be listed on the Council website. To find a previous decision on a matter is hard especially if you don't know the date of the decision as you need to troll through each individual meeting minutes to find it. Some longstanding positions of Council are at risk of being overturned without following due process



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>members about their interests related to matters considered by council</p> <ul style="list-style-type: none"> ○ 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. 	<p><i>of revoking the existing position as it may not be known or cannot be found.</i></p> <ul style="list-style-type: none"> • Developer Contact Register – <i>to capture the time spent by officers on consulting on individual development applications to identify the time and cost spend on each application and determine whether a charge-back system should be adopted for cost recovery. This register would also provide complete transparency for planning items that come to Council and avoid a lot of community angst over upcoming developments.</i>
3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published		
<ul style="list-style-type: none"> • It is a requirement of the <i>Local Government Act 1995</i> 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. • Additional performance criteria can be used for performance review by agreement between both parties. 	<ul style="list-style-type: none"> • To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: <ul style="list-style-type: none"> ○ 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) ○ 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). 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform subject to the following amendments:</i></p> <ul style="list-style-type: none"> • <i>Tier 1 & 2 Local Government CEOs should have their KPIs published due to their high remuneration levels.</i> • <i>Tier 3 & 4 Local Governments have an option to opt-in for CEO KPI publishing by a majority vote, as it could become a barrier for smaller Local Governments to attract competent staff.</i> • <i>Development of a CEO KPI guidelines be formed to ensure that KPIs aren't made too broad or bland, and to ensure that they are achievable and measurable.</i>



Theme 4: Stronger Local Democracy and Community Engagement

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.1 Community and Stakeholder Engagement Charters		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform subject to the following amendments:</i></p> <ul style="list-style-type: none"> <i>A complete block-out period for community consultation and engagement is mandated for the December and January period.</i> <i>Advocacy for a review of community consultation in planning provisions also mandating the block-out period, increasing the minimum area for consultation on a development application from 100m to 500m (metro) and 2km (country), and ensure that consultation exemptions on development applications are minimised.</i>
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i></p> <p><i>The surveys should be available on the Local Government website.</i></p> <p><i>Survey questions should align to the Local Government's Strategic Community Plan (SCP)</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>objectives to effectively measure community satisfaction on this plan.</p> <p>A report to Council be prepared prior to the survey commencing outlining the survey questions that will be asked and defining the links to the SCP for EM approval.</p> <p>Survey results linked to the CEO KPIs.</p>
4.3 Introduction of Preferential Voting		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch does not agree with this reform.</i></p> <p><i>Whilst we acknowledge that first-past-the-post voting system has been identified as a barrier for women being elected to Council* we acknowledge the implementation of preferential voting can also become a barrier.</i></p> <p><i>The expense of standing for election has been identified as a barrier for women's involvement in Local Government.* Under this proposal, candidates will need to produce more election resources such as how to vote cards, increasing the overall cost of campaigning.</i></p> <p><i>Donkey votes will preference those drawn first in the ballot draw, which can create an unfair result if a candidate is drawn last. This creates another barrier for women with an unfavourable draw.</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p><i>Currently less than 30% of the population are voting in Local Government elections, meaning even with implementing preferential voting, the majority of the community are still not getting involved. This is not likely to increase until voting is mandatory.</i></p> <p><i>Preferential voting politicizes Council through negotiations of preference deals between candidates and can be detrimental to non-party aligned and independent candidates. It is likely that party politics will become more involved in Local Government elections through preferential voting.</i></p> <p><i>Votes will be harder to count, and elections will take longer as the results will be harder to quantify. This will also impact on recounts.</i></p> <p><i>The complexity and cost of running a preferential election will impact smaller Local Governments that currently run their own elections.</i></p> <p><i>The Australian Local Government Women's Association WA Branch also recommends the following electoral reforms for Local Government:</i></p> <ul style="list-style-type: none"><i>Compulsory voting which has been identified as a measure to increase the participation of women in politics.* It will increase the voter participation rate and ensure that those elected are truly representing a majority.</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<ul style="list-style-type: none"> • Removal of postal voting - <i>this system has been continually abused and is now becoming ineffective due to service delivery issues within Australia Post. In the 2021 WA Local Government Elections, people were charged with stealing ballots from mailboxes, and some members of the community reported not receiving their ballot papers in the mail until after the election. There were also incidents of voter fraud. The timeframe for postal voting has also been severely impacted by reduced Australia Post service levels and would need to be significantly increased if postal voting is to be continued in future.</i> • Reinstatement of in person voting - <i>these can generate a greater interest for voters, increase voter turnout and benefit communities through hosting election day fundraising events.</i> • Online voting – <i>an investigation and potential implementation of online voting for Local Governments in tier 1 and 2 Councils. If the census can be done online, then surely there is capacity for future online voting.</i> • Voter Education - <i>an extensive voter education program focussed on increasing participation in Local Government elections.</i> <p><i>*2018 Churchill Fellowship Report by Coral Ross</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.4 Public Vote to Elect the Mayor and President		
<ul style="list-style-type: none"> The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: <ul style="list-style-type: none"> by the electors of the district through a public vote; or by the council as a resolution at a council meeting. 	<ul style="list-style-type: none"> 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 President in recent years, including City of Stirling and City of Rockingham. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with the public election of Mayors for Tier 1 & 2 Local Governments; however, it is noted that this will increase the campaigning costs for those women who nominate for Mayor/Shire President which could become a barrier for attracting more women into these roles.</i></p> <p><i>It is also recommended that a compulsory training schedule be developed specifically for Mayors/Presidents that focuses on providing leadership, developing high performing teams, implementing Standing Orders, and governance.</i></p>
4.5 Tiered Limits on the Number of Councillors		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> For a population of up to 5,000 – five councillors (including the President) 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform subject to the following notations:</i></p> <ul style="list-style-type: none"> <i>Having the minimum number of Councillors as 5 for population up to 5,000 may not be enough for sound decision making.</i> <i>Even with these changes, some smaller regional councils may not be able to fulfill all Council positions.</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ 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). 	
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)		
<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform subject to the following amendments:</i></p> <ul style="list-style-type: none"> • <i>All Tier 1 & 2 Councils are to implement wards</i> • <i>A consistent approach to size and scale must be taken to develop the wards such as equal population ratios. Currently, the ward system across the WA Metro area is inconsistent, some Local Governments have only a few thousand voters with 2 Councillors per ward, where other Local Governments have 20,000 voters with 3 Councillors per ward.</i> <p><i>We acknowledge that larger metro Councils with no wards in place has increased the barriers for women being elected to Council in those areas for the following reasons:</i></p> <ul style="list-style-type: none"> • <i>Candidates must canvass a larger area to gain the number of votes necessary, increasing campaigning costs and resources required</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<ul style="list-style-type: none"> there is generally a higher number of candidates for the non-ward Councils compared to wards, which makes it harder for women to compete in the noise for votes it can cause candidates to run together on tickets, which increases the risk for deals to be done and factions formed between candidates. These factions can then be followed through to Council if the ticket is successful.
4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women’s Association WA Branch agrees in principle with this reform.</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ 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. 	
4.8 Reform of Candidate Profiles		
<ul style="list-style-type: none"> • Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words. 	<ul style="list-style-type: none"> • 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform subject to the following amendments:</i></p> <ul style="list-style-type: none"> • <i>A commitment to an increase in the character limit for candidate profiles to fill the A4 candidate profile page</i> • <i>Contact details for the candidate including phone and email address are made compulsory on the candidate profile and not included in the character limit. Social media links can also be included but not mandatory</i>
4.9 Minor Other Electoral Reforms		



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> Other minor reforms are proposed to improve local government elections. 	<ul style="list-style-type: none"> Minor other electoral reforms are proposed to include: <ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform subject to the following amendments:</i></p> <ul style="list-style-type: none"> <i>Clear contact details for the candidate including phone and email address are made compulsory on all election signage</i> <i>A strategy be formed for the better policing of the electoral rules during local government elections including authorisation of materials, placement of signage, gift and donation recording.</i> <i>Harsher penalties be developed for non-compliance with electoral rules including potentially suspending a nominee for recurring breaches.</i> <i>Automatic recounts of election results where a result is under 100 votes (or a ratio of % of votes received in smaller Local Governments)</i>



Theme 5: Clear Roles and Responsibilities

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.1 Introduce Principles in the Act		
<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> It is proposed to include new principles in the Act, including: <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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform.</i></p>
5.2 Greater Role Clarity		
<ul style="list-style-type: none"> The Act provides for the role of council, councillor, mayor or president and CEO. The role of the council is to: <ul style="list-style-type: none"> govern the local government's affairs be responsible for the performance of the local government's functions. 	<ul style="list-style-type: none"> 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. These roles would be further strengthened through Council Communications Agreements (see item 5.3). 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform subject to the following amendments:</i></p> <ul style="list-style-type: none"> <i>It is an expectation by Council that Mayors and Deputy Mayors form the leadership team for Council, which needs defining.</i>
	5.2.1 - Mayor or President Role	<ul style="list-style-type: none"> <i>The role of Deputy Mayor / Deputy Shire President including any prescribed duties is clearly defined and the extra allowance for this role be quantified and justified.</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 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. 	<ul style="list-style-type: none"> <i>The term of Deputy Mayor / Deputy Shire President be reviewed. Some Local Governments have a 2 year term, other have a 1 year term to allow for leadership development within the Council.</i> <i>The Deputy Mayor / Deputy Shire President needs to undertake the same training as a Mayor/Shire President so they have the knowledge to perform in the capacity of Mayor should the circumstance arise.</i>
	<p>5.2.2 - Council Role</p> <ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> <i>There needs to be clearer guidelines created regarding Council's Delegated Authorities and the 'acting through' provision. The role of Council is to make decisions, however if Elected Members have delegated specific decision-making authorities to the CEO, they have given up part of this responsibility. There needs to be clear definitions and guidelines of what is and is not appropriate to delegate.</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>to generally outline that the Council is responsible for:</p> <ul style="list-style-type: none"> o Making significant decisions and determining policies through democratic deliberation at council meetings o 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 o Providing a safe working environment for the CEO; o Providing strategic direction to the CEO; o Monitoring and reviewing the performance of the local government. 	<ul style="list-style-type: none"> • <i>There also needs to be clear defined guidelines established on monitoring the Local Government's performance, as there is a heavy reliance on the satisfaction surveys as the main measurement tool.</i>
	<p>5.2.3 - Elected Member (Councillor) Role</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> o 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) o Positively and fairly contribute and apply their knowledge, skill, and judgement to the 	<ul style="list-style-type: none"> • <i>There is an expectation that all Elected Members will contribute fairly, however this isn't always the case. Some Elected Members take on additional work through committee and reference groups, however others do the bare minimum. How will this be addressed?</i> • <i>It is expected that Ems will participate at meetings, however here is no penalty for non-attendance of Elected Members at Council meetings (unless they miss 3 in a row). Councillors are paid a sitting fee regardless of whether they attend or not. There have been instances where an EM will miss 2 meetings and come to the third to meet the minimum legislative requirements.</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>democratic decision-making process of council</p> <ul style="list-style-type: none"> ○ 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 ○ 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. <ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • <i>Elected Members are also entitled to duty of care and a safe working environment.</i>
	<p>5.2.4 - CEO Role</p> <ul style="list-style-type: none"> • The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council. 	<p><i>The maximum term of tenure for a CEO at a single Local Government needs to be reviewed.</i></p> <p><i>Currently, due to the confidentiality of CEO termination settlements, any behavioural or performance issues are not captured, which could be</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions ○ 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. 	<p><i>a problem if that CEO applies for another CEO role in a different Local Government. Consideration needs be given to the development of a centralised CEO report, which records any behavioural or performance issues for each CEO, and can be accessed for consideration in future appointments with other Local Governments. This could be done through licensed Local Government Recruitment Agents to stop the churn of poor performing CEOs within the sector.</i></p> <p><i>Elected Members are also entitled to a safe working environment.</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.3 Council Communication Agreements		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform subject to the following amendments:</i></p> <ul style="list-style-type: none"> <i>That these communications agreements do not prevent Elected Members from requesting and receiving documents from the City, nor give powers to the CEO to withhold any information from Elected Members.</i> <i>That a register of communications between Developers and City officers/Elected Members be established for the purpose of transparency and accountability.</i>
5.4 Local Governments May Pay Superannuation Contributions for Elected Members		
<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with the Superannuation Contribution reform subject to the following amendments:</i></p> <ul style="list-style-type: none"> <i>That the direction to pay Superannuation to ALL Elected Members comes as a sector-wide directive of the State Government, and it is not left for individual Councils to decide and</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
participation of gender and age diverse people on councils.	<ul style="list-style-type: none"> 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. 	<p><i>potentially reject, potentially creating inequity.</i></p> <ul style="list-style-type: none"> <i>Any Superannuation must be paid in addition to the current sitting fee allowance, not deducted from it.</i> <p><i>Under the current structure, Elected Members deduct their own tax and super from their sitting fees, as this is not done by the Local Governments as Elected Members are not classified as employees.</i></p> <p><i>When including these deductions, it further increases the disparity of appropriate remuneration for the time and commitment Elected Members spend on Council.</i></p> <p><i>Some women who become Elected Members rely on this remuneration as their main source of income, as they balance raising families with duties of Council and quickly find there is not much time left to also commit to a full time job. This can create a budget gap for women who become Elected Members and is viewed as a barrier for getting more women on Councils.</i></p> <p><i>Across the country, Elected Members in other states are paid significantly better than here in WA. For example, in QLD, the min remuneration paid to an Elected Member is \$55k pa, compared to WA which is approx \$2k pa.</i></p> <p><i>Same job, but huge pay gap!</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p><i>The Australian Local Government Women's Association WA Branch also recommends the following reforms:</i></p> <ul style="list-style-type: none"> • <i>That all Local Governments are directed by the State Government to deduct tax from the sitting fee prior to it being paid to Elected Members and forward it to the ATO as they do for employees.</i> • <i>Advocate for a review of Elected Member sitting fees throughout WA with a view to increase the base rate across the board. The rate of remuneration needs to adequately reflect the time worked by Elected Members through representing the City/Shire on numerous internal and external committees and reference groups; attending Council briefings and workshops, attending community events, participating in industry events and all other duties expected of an Elected member.</i>
5.5 Local Governments May Establish Education Allowances		
<ul style="list-style-type: none"> • Local government elected members must complete mandatory training. • There is no specific allowance for undertaking further education. 	<ul style="list-style-type: none"> • 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with this reform subject to the following amendments:</i></p> <ul style="list-style-type: none"> • <i>A training framework be developed for Elected Members that is additional to the Diploma of</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> 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. 	<p><i>Local Government that includes leadership and governance</i></p> <ul style="list-style-type: none"> <i>a CPD points system be established for Local Government and minimum CPD points be established per year as a KPI for Elected Members</i> <i>Sector wide recognition of prior learning</i>
5.6 Standardised Election Caretaker period		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> Councils do not make major decisions with criteria to be developed defining 'major' 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees in principle with a standardised election caretaker period subject to the following amendments:</i></p> <ul style="list-style-type: none"> <i>That there is a limit on or a block-out period for the acceptance of Development Applications submitted during this time</i> <i>That there is a blanket block-out period for public consultation and engagement during this time</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.7 Remove WALGA from the Act		
<ul style="list-style-type: none"> The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>. The Local Government Panel Report and the Select Committee Report included this recommendation. 	<ul style="list-style-type: none"> The Local Government Panel Report recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>. Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity. 	<p><i>The Australian Local Government Women's Association WA Branch agrees with removing WALGA from the Act.</i></p>
5.8 CEO Recruitment		
<ul style="list-style-type: none"> Recent amendments introduced provisions to standardise CEO recruitment. The recruitment of a CEO is a very important decision by a local government. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees with Councils being able to appoint someone independent person to be involved with CEO recruitment with approval from the Inspector.</i></p> <p><i>However, we do not agree with the approved panel, as more information is required to make an informed decision on this.</i></p> <p><i>More information on the establishment of the panel is required such as who would be appropriate, their qualifications, whether they would be internal or external to Local Government, who is appointing them, who they are accountable to, how they will be remunerated for their time, how potential conflicts of interest may be managed etc.</i></p>



Theme 6: Improved Financial Management and Reporting

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.1 Model Financial Statements and Tiered Financial Reporting		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees with this reform with the following notations:</i></p> <ul style="list-style-type: none"> <i>Currently recurring grants are unable to be budgeted. All grants should be included in the budget with an explanation note, including WANDRA.</i> <i>The financial report be published annually on the City's website</i> <i>The implementation of the Auditor General's Best Practice Guide</i> <i>Asset valuations impact ratios</i> <i>Internal asset valuations need to be done by independent valuers</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> It is proposed to establish standard templates for Annual Financial Statements for band 1 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		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees with this reform with the following notations for consideration:</i></p> <ul style="list-style-type: none"> <i>The reporting cycle of Local Government is too complex and onerous, it needs to be more aligned with corporate reporting</i> <i>A transition period be established for implementation</i> <i>Templates be provided based on size and scale of the Local Government</i> <p><i>Council Plans</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> It is proposed that the plans that are required are: <ul style="list-style-type: none"> Simplified Council Plans that replace existing Strategic Community Plans and 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 	<ul style="list-style-type: none"> <i>The community must still have input into the strategic objectives that guide the SCP or 'Council Plans'</i> <i>Better measurement systems be established for the SCP or 'Council Plans' objectives which would allow better reporting on success and implementation</i> <i>Potential alignment of Local Government SCP or 'Council Plans' objectives with Federal and State Government objectives</i> <p>Asset Management Plans</p> <ul style="list-style-type: none"> <i>Will be hard to predict the value and timeframes for any future 'gifted' assets in growth Councils</i> <p>Long Term Financial Plans</p> <ul style="list-style-type: none"> <i>Review of Long-Term Financial Plans where the projected increase of rates (%) is more than the average rate (%) increases applied, therefore creating significant budget gaps in future years.</i> <i>Compulsory reviews of all project costings listed in the LTFP within a set timeframe, so that costings are updated to reflect current market rates and potential budget gaps are identified and addressed early.</i> <i>Project accounting be implemented for all projects.</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>ratepayers (updated at least every four years)</p> <ul style="list-style-type: none"> ○ 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 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. 	<ul style="list-style-type: none"> • <i>Legacy projects in DCPs and LTFPs are extremely hard to change, especially when community needs have changed.</i> • <i>A reduction of the LTFP projections to a timeframe of 6 years</i> <p>Rates and Revenue Policy</p> <ul style="list-style-type: none"> • <i>Rate adjustments need to be realistic and reflective of external environmental factors</i> • <i>CPI consideration given</i> • <i>Consideration of rate capping, so Local Governments plan to work realistically within the budgets they have without always relying on increasing rates</i> • <i>Consideration for Local Governments to create other income revenue streams to reduce reliance on rate increases.</i> <p>Other Considerations:</p> <ul style="list-style-type: none"> • <i>Implementation of prescribed organisational efficiency reviews for all Local Governments every 4 years</i> • <i>Before any strategies are renewed, a report be generated on objectives in the plan that were not achieved including reasons and details on any budget adjustments for those items.</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<ul style="list-style-type: none"> • Identification of hidden costs such as consultants and contractor costs, especially as these highlight potential workforce skills gaps. • Consultants and contractor costs captured in workforce budgets • Benchmarking of workforce budgets with other equivalent Local Governments across WA and Australia wide • Consideration for appointment of in-house lawyers in larger Councils to reduce the huge legal costs incurred by a Local Government • CEO contract payout terms reduced to 6 months rather than the prescribed 12 months. • CEO contract payouts (deeds of settlement) not confidential and clearly identifiable in the budget • Recruitment costs and commissions for staff placements reviewed and revealed
6.3 Rates and Revenue Policy		
<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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 	<p><i>The Australian Local Government Women's Association WA Branch agrees with this reform with the following notations for consideration:</i></p> <ul style="list-style-type: none"> • <i>for unimproved land, the State Government set the rate value (%) based on the size of the land for consistency</i>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs.</p> <ul style="list-style-type: none"> A template would be published for use or adaption by all local governments. The Local Government Panel Report included this recommendation. 	
6.4 Monthly Reporting of Credit Card Statements		
<ul style="list-style-type: none"> No legislative requirement. Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds. 	<ul style="list-style-type: none"> 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 provides oversight of incidental local government spending. 	<p><i>The Australian Local Government Women's Association WA Branch agrees with the monthly reporting of credit card statements with the following notations for consideration:</i></p> <ul style="list-style-type: none"> <i>Standardised guidelines be created for the use of Credit Cards, fuel cards, store cards and other cards owned by Local Governments and used by employees</i> <i>The reports also include any fuel cards, taxi cards and store cards owned by the City and used by employees</i> <i>The reports contain detailed explanations on each expenditure item including who approved it</i>
6.5 Amended Financial Ratios		
<ul style="list-style-type: none"> Local governments are required to report seven ratios in their annual financial statements. These are reported on the MyCouncil website. 	<ul style="list-style-type: none"> 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 	<p><i>The Australian Local Government Women's Association WA Branch supports the review of financial ratios.</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> These ratios are intended to provide an indication of the financial health of every local government. 	<p>results are accurate and useful.</p>	
6.6 Audit Committees		
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. 	<p><i>The Australian Local Government Women's Association WA Branch agrees that independent person/s should be appointed to Audit committees through a formal appointment, with consideration for size and scale of the Local Government.</i></p> <p><i>The contract of the independent person must include a provision to uphold the Local Government Code of Conduct.</i></p> <p><i>We do not agree that the independent person be the chair of the Audit committee. The role of a chair / presiding member is to keep order through the Standing Orders and guide debate. By appointing them as chair, it may impact the role of the independent member to have oversight of the business of the meeting and limit their participation in debate.</i></p> <p><i>We also do not agree that majority of the Audit committee be independent persons instead of Elected Members. The Act prescribes the role of an Elected Member is to represent the interests of electors, ratepayers, and residents of the district. Independent members do not represent the interests of ratepayers.</i></p>



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p><i>There is already disparity in JDAP, where the community representation via Elected Members is less than the industry professionals which causes community angst.</i></p> <p><i>However, we do agree that more than one independent member can be appointed to the audit committee, if the majority remains with Elected Members and that the cost is adequately budgeted.</i></p> <p><i>We also strongly recommend the implementation of the Auditor General's Best Practice guidelines, and that a closed session of the Audit Committee meeting be allocated in the meeting agenda which temporarily removes the City staff and allows a discussion between the Auditor and Audit Committee prior to the motions being debated.</i></p>
6.7 Building Upgrade Finance		
<ul style="list-style-type: none"> The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements. This is not currently provided for under the Act. The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. 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. 	<p><i>The Australian Local Government Women's Association WA Branch does not agree that Local Governments become lenders due to the high level of risk this entails.</i></p> <p><i>Any loan requests should be directed to the Department of Treasury.</i></p>
6.8 Cost of Waste Service to be Specified on Rates Notices		



CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none">• 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.	<ul style="list-style-type: none">• 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.	<i>The Australian Local Government Women's Association WA Branch agrees in principle with the cost of waste services</i>



Other items not covered in the proposed reforms

Legal protections and duty of care for Elected Members

- *Provision of D&O insurance and access to advice for Elected Members*
- *Clear guidelines be established for the process and policy for legal matters that may arise between an Elected Member and the City Admin, to include provisions for reimbursements of legal fees for Elected Members*
- *Independent mediation to occur PRIOR to any legal action taken against Elected Members*
- *Protection for Elected Members from being sued or liable for what is said in Chamber debates.*

Further industry consultation on implementation measures

- *Several the reform items require more information on how these measures will be implemented. As not all LGAs are the same size or scale, there needs to be further communication and engagement with the sector on how the implementation of these reforms will be done, and the timeframes to transition.*

Conclusion

We thank the Minister for Local Government - Hon John Carey MLA for allowing the opportunity for ALGWA WA to make a submission on these reforms on behalf of our members. It is important that any reforms are viewed from a women's perspective to ensure that there are no unintended consequences nor any new barriers that inhibit female participation in Local Government.

We also thank Lynne Craigie OAM for her guidance and facilitation of our in person event, our wonderful life members Marion Blair OAM and Janet Davidson OAM JP for their feedback and for the WAWA committee and members for participating in this submission.

Contact

For any queries on this submission, please contact the ALGWA WA President, Councillor Chontelle Stone [REDACTED]