

Local Government Reform Elected Member Submission

Note: The position presented in this submission paper is based on the majority of Elected Member responses.

Supporting documents provided with survey:

1. [DLGSC - Local Government Reform - Summary of Proposed Reforms](#)
2. [Local Government Reform Review Panel - Final Report](#)
3. [Local Government Reform – Summary of WALGA Submission](#)
4. [CCS407 - CGG Submission Local Government Act 1995 Review](#)
5. [CCS545 - CGG Submission Local Government Review Panel](#)
6. Reform Response Table - Member Consultation (Final)

Proposed Reform	Purpose	Previous CGG Submission / Administration comment	Agree/Disagree	Comments/Questions
<p>Q1 The Inspector</p> <p>Establish a Chief Inspector of Local government (The Inspector) - supported by an Office of the Inspector (the Inspectorate)</p>	<p>The Inspector may:</p> <ul style="list-style-type: none"> • Receive minor and serious complaints about elected members; • Oversee complaints relating to CEO's; • Investigate and Intervene in local governments with identified issues; • Assess, triage, refer, investigate with regard to various public interest criteria; • Implement minor penalties; and • Issue notices and order a local government (LG) to address non-compliance with the Local Government Act 1995 (the Act) and Regulations. 		Agree with proposed reform	The council has responsibility to investigate complaints relating to the CEO, however support from the inspector would assist. There are concerns that there is no formal process to refute complaints.
<p>Q2 Local Government Monitors</p> <p>Panel of Local Government Monitors to be established (Specialists – experienced former mayors, CEO's, accountants, dispute resolution experts)</p>	<p>Monitors:-</p> <ul style="list-style-type: none"> • Appointed by Inspector to go into LG's and resolve problems; • Proactively fix problems; and • Can be requested by an LG for a particular purpose (by appointment). 		Agree with proposed reform	Professional assistance in the resolution of problems will be beneficial provided there are guidelines for the level of involvement and authority.
<p>Q3 Conduct Panel</p> <p>Replace Local Government Standards Panel with a new Conduct Panel</p>	<p>The Conduct panel may:</p> <ul style="list-style-type: none"> • Adjudicate evidence provided by the Inspector; • Impose stronger penalties (including suspend councillors for up to three months – with appeal mechanism); and • Recommend prosecution for serious or repeated breaches of the Act. 	Amend the Act to simplify the process of making a complaint so that a complaint of a minor or serious breach is made to the Director General who will decide how the complaint should be dealt with (Report CCS407).	Agree with councils previous submission/ administrative comment	The process must align with the reforms suggested in Question 1 and 2.

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Q4 Penalties Strengthened Penalties for breaches of the Local Government Act and Regulations.	New penalties: <ul style="list-style-type: none"> • Suspension of councillors for up to three months for breaches of the Act or Regulations (on more than one occasion); • Disqualified councillors not eligible to attend meetings, receive fees or allowances, use title or email address; • A councillor suspended multiple times will be disqualified; • Disqualified councillors not eligible to attend meetings, receive fees or allowances, use title or email address; and • Councillors who do not complete mandatory training will not receive fees or allowances. 		Agree with proposed reform	Require clarification on the number of suspensions of a council member which will effect disqualification. Although accountability is important the penalties appear harsh for a minor breach.
Q5 Standing Orders/ Meeting Procedures	<ul style="list-style-type: none"> • Standing orders to be standardised and consistent across WA; • Recordings of meetings to be published; • Presiding members may 'red card' any attendee, including a councillor: <ul style="list-style-type: none"> ○ Issue a warning. ○ If disruptions continue request the person to be silent for the remainder of the meeting. ○ Instruct the person to leave if disruption continues. • Regulations to introduce standard procedures for meetings. 	Revise to explicitly state that the rules concerning revoking or changing decisions do not apply after the decision is implemented.	Agree with proposed reform noting councils previous submission/ administrative comment	Request clarification on definition of a meeting.

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Q6 Public Question Time	<ul style="list-style-type: none"> Standardised rules for public question time, across the state; and Regulations to contain provisions for question time. 	<ul style="list-style-type: none"> Provide options for the use of technology at the Council's discretion; Greater prescription in the act to provide clear and consistent rules for public question time; Ensure limits in place to limit repeat statements and presentations; and Provide a period of time for the public to address council without asking a question (clear and consistent rules) (Report CCS407) 	Agree with proposed reform per councils previous submission/ administrative comment	Council member electronic attendance at meetings to be a standard option if the member is travelling or unwell.
Q7 Recording Meetings	<p>All LG's will be required to record meetings.</p> <ul style="list-style-type: none"> Larger LG's (band 1 & 2) required to livestream (includes CGG); Exceptions for meetings held outside the usual council chambers; Recordings to be published at the same time as the minutes; and Recordings of confidential items to be submitted to the DLGSC. For archiving. 	The City currently livestreams council meetings and records the livestream.	Agree with proposed reform per councils previous submission/ administrative comment	Please confirm minimum standard required for recordings.
Q8 Recording Votes	<ul style="list-style-type: none"> The votes of individual council members are to be published in the council minutes, with identification of council members who are on leave, absent or have left the chamber; and 	The City currently has the capability to record and publish the votes of individual council members in the council minutes.	Agree with proposed reform per councils previous submission/	The City currently records the votes of individual council members.

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	<ul style="list-style-type: none"> Regulations will prescribe how votes are to be minuted 		administrative comment	
Q9 Confidential Items	<ul style="list-style-type: none"> Confidential items to be used only in limited specific circumstances; The Act will be more specific in prescribing items that may be confidential, and those to remain open to the public; and The inspector may give prior written consent for an item prescribed as non-confidential to be held as a confidential item. 	Provide greater clarity in legislation to emphasise the distinction between confidential motions and confidential minutes.	Agree with proposed reform per councils previous submission/ administrative comment	Further clarification requested
Q10 Vexatious Complaints	<ul style="list-style-type: none"> CEO will have the power to refer repeated vexatious complaints from a person, to the Inspectorate. The Inspectorate may rule the complaint vexatious. 	Give local governments discretion to manage complaints that the local government considers to be frivolous, vexatious etc. in accordance with policies of the local government (Report CCS407)	Agree with the intent of the proposed reform noting councils previous and updated submission/ administrative comments	A mechanism to seek resolution for vexatious complaints is required. Council could make a referral to the inspectorate however it would be preferable for a local government to manage their own complaints.
Q11 Minor Reforms	<ul style="list-style-type: none"> Sector wide guidance notices published by the Inspector or the Minister, to give specific direction on how LG's should meet the requirements of the Act or Regulations. 		Agree with proposed reform	Guidance notices will assist however specific direction will restrict the flexibility of local government. Clarification requested on the intent.
Q12 Share Resources – CEO	Share resources including CEO and senior officers.		Agree in part with proposed reform	Large local governments may assist smaller local governments and share resources for example library services. Sharing senior staff

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				is not supported due to resourcing costs, staff management issues, potential conflicts of interest.
Q13 CEO – KPIs	<ul style="list-style-type: none"> KPI for CEOs to be published in the council minutes, when agreed to; and KPIs and results to be published in the minutes of the performance review meeting. CEO's written comments may be provided and included. 		Agree with proposed reform. (Note: resulting feedback was effectively split on agreeing or disagreeing). Commentary provided was more from those elected members that disagreed.	Whilst publication of CEO KPI's and CEO comments would provide transparency the KPIs are a confidential agreement between employer and employee and therefore it would be preferable that they are dealt with in confidence internally. The existing performance review model works well.
Q14 Standardisation of Crossovers	<ul style="list-style-type: none"> Amend Local Government (Uniform Local Provisions) Regulations to standardise process for approving crossovers. 		Agree with proposed reform	A standardised process is supported and will assist smaller local governments.
Q15 Exemption from Act provisions	<p>New provisions to allow exemptions from certain provisions of the Act for :</p> <ul style="list-style-type: none"> Short-term trials; Pilot projects; and Urgent responses to emergencies. 		Agree with proposed reform	Flexibility will enable opportunities and facilitate urgent response to emergencies
Q16 Regional Subsidiaries	<p>Work is continuing – to consider how regional subsidiaries can best be established to:</p> <ul style="list-style-type: none"> Enable the provision of a clear and defined public benefit; Provide for flexibility and innovation; Ensure transparency and accountability; 	Support the principal of regional collaboration on an agreed and non- mandatory basis (Report CCS545)	Agree with councils previous submission/ administrative comment	There are no responses.

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	<ul style="list-style-type: none"> Financing of initiatives by regional subsidiaries; and Ensure employees of regional subsidiaries have the same employment conditions as those employed directly by the LG. 			
Q17 Local Laws	<ul style="list-style-type: none"> Local laws would be reviewed every 15 years; Local laws would automatically lapse if not reviewed; and Consistency for approvals of outdoor dining, signage for small business, and community events – under the provisions of local laws. 	<ul style="list-style-type: none"> Review of local law to be undertaken only when the local government believes it is appropriate in response to changing circumstances; and Introduce State enacted regulations which act as local laws (Report CCS407) 	Agree with proposed reform noting councils previous and current submission/ administrative comment	Current Local Law process and workflow need revising. Having the Joint Standing Committee feedback after gazettal does not work. The Committee's feedback should come before final endorsement of Council and gazettal of the Local Law.
Q18 Online Registers	<p>New registers to be published online and updated quarterly:</p> <ul style="list-style-type: none"> Lease register – All leases LG party to (either as lessor or lessee); Community grants register- all grants and funding provided by LG; and Interests Disclosure Register (elected member disclosures). 		Agree with proposed reform	Transparency will benefit ratepayers however quarterly updates will require additional resources to deliver. There were concerns raised regarding the publication of the lease register and council member disclosures in relation to the protection of personal information.
Q19 Community and Stakeholder Charter	Community and Stakeholder Charter which sets out how LG will communicate process and decisions about the community - (a model charter will be provided).	<ul style="list-style-type: none"> Rather than introduce the requirement for a community engagement charter, require a community 	Disagree with proposed reform per councils previous submission/	Integrated Planning and reporting is a good framework.

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		<p>engagement policy, to include engagement principles and a public participation spectrum;</p> <ul style="list-style-type: none"> • Introduce a framework to provide context to plan and implement procedures (Report CCS407); and • Council has an existing community engagement policy (Report CCS545) 	administrative comment	
Q20 Ratepayer Satisfaction Survey	<ul style="list-style-type: none"> • All large LGs hold an independently managed ratepayer satisfaction survey every four years; and • Results reported publicly at a council meeting and published on the LG website, with a response to the results. 		Disagree with proposed reform	This would require additional resources for a potential low community response rate based on elector participation at elections. The City currently has many mechanisms for community engagement.
Q21 Preferential Voting	<ul style="list-style-type: none"> • Preferential voting to be adopted for council elections. 	Retain first past the post system (Report CCS545).	Disagree with proposed reform per councils previous and current submission/ administrative comment	Preferential voting would be administratively complex.
Q22 Election of Mayor or President	<ul style="list-style-type: none"> • Large LGs to have an elector elected Mayor or President. 	The City currently has an elector elected Mayor.	Agree with proposed reform per councils	Mayor to be elected by electors

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			previous submission/ administrative comment	
Q23 Limits to Number of Councillors	<ul style="list-style-type: none"> Number of councillors to be limited based on the population of the LG district. <ul style="list-style-type: none"> Population of between 5,000 and 75,000 –five to nine councillors (including the Mayor/ President); and Above 75,000 – nine to fifteen councillors (including Mayor). 	Link population to councillor numbers (Report CCS407). Based on the recent ward and representation review - oppose the recommendation for the number of councillors to be limited based on the population (Report CCS545)	Disagree with proposed reform per councils previous submission/ administrative comment	Local governments to retain the final say on council representation. The geographical region must be considered as well as population.
Q24 Ward Boundaries	<ul style="list-style-type: none"> Wards to be abolished for smaller LGs (band 3 and 4). 	Set a minimum population threshold before a local government could introduce wards to create greater consistency in local government representation (Report CCS407).	Agree in principle to proposed reform per councils previous and current submission/ administrative comment	Wards should only be abolished if a local government has a very small population and geographic area. Wards may be beneficial for small populations with a large landmass.
Q25 Candidate and Voter Eligibility	<ul style="list-style-type: none"> Electoral rules to be strengthened – a minimum 12 months lease to register to vote or run for council, including for a registered business; Clarification of the minimum criteria for leases eligible to register a person to vote, or run for council; Home based businesses not eligible to register a person to vote or run for council, as residents are eligible voters for the address; and 	<ul style="list-style-type: none"> Disqualify form eligibility to run for council a person who has been convicted under planning and building legislation in the previous 5 years (Report CCS407). Owners and occupiers pay rates on their property and should 	Agree with proposed reform per councils previous submission/ administrative comment	There are no responses.

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	<ul style="list-style-type: none"> The basis of eligibility for each candidate to be published. 	have a right to vote in a modern democratic electoral system (Report CCS545).		
Q26 Candidate Profiles	Work to be undertaken to evaluate how to accommodate longer candidate profiles.	Require candidates to provide additional information in their candidate profile (Report CCS407).	Agree with proposed reform	Full profile could be published on the website with an abridged version on the ballot paper.
Q27 Vote recounts	Standard processes for vote recounts to be introduced.		Agree with proposed reform	
Q28 Candidate use of electoral rolls	Introduction of specific rules concerning local government council candidate's use of electoral rolls.		Agree with proposed reform	Clear guidelines and specific rules already exist.
Q29 Mayor or President	Responsible for: <ul style="list-style-type: none"> Speaking on behalf of the whole council and the LG, at all times being consistent with the resolutions of council; Presiding at council meetings; Developing and maintaining professional working relationships between councillors and the CEO; Performing civic and ceremonial duties on behalf of the local government; and Working effectively with the CEO and councillors – oversight of delivery of services/operations/ initiatives and functions of the local government. 	Support the recommendation of the Local Government Review Panel with no obvious changes to what is already in the role (Report CCS545.)	Agree with proposed reform per councils previous submission/ administrative comment	There are no responses.

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Q30 Elected Member	<p>Responsible for:</p> <ul style="list-style-type: none"> • Considering and representing, fairly and without bias the current and future interests of all people who live, work, or visit the district; • Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council; • Applying relevant law and policy in contributing to the decision-making of the council; • Engaging in the effective forward planning and review of the LGs' 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 LG; and • Facilitating public engagement with LG. <p>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.</p>	Changes to the current statements of roles and responsibilities – conditionally supported dependent on greater detail being provided (Report CCS545).	Agree with proposed reform	Clearly defined roles will only assist in accountability and efficiency.

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Q31 Superannuation Contributions for Elected Members	The council may decide, through a vote of council, to pay superannuation contributions to elected members.		Disagree with proposed reform	Although there is a case for superannuation it may blur the line between employee and elected member. Existing councillor fees and allowances are sufficient.
Q32 Training	LGs 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. Council may decide on a policy for education expenses, or may decide not to make this option available to elected members.		Agree with proposed reform	Councillor training is beneficial for a local government.
Q33 Caretaker period	A state wide caretaker period for local governments is proposed. All LGs 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.; and • There are consistent election conduct rules for all candidates. 	No support for a caretaker policy, previously as there were no penalties for effective enforcement (Report CCS545).	Disagree with proposed reform per councils previous and current submission/ administrative comment	No benefit to delaying the decision making process, the reform is of limited practical use.
Q34 CEO recruitment	It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels.	Support the recommendation for additional oversight in recruitment, and representation on the selection panel	Agree with proposed reform	An independent panel member is supported.

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	<ul style="list-style-type: none"> Councils will be able to select an independent person from the approved list; and Councils will still be able to appoint people outside of the panel with the approval of the Inspector. 	(Report CCS545).		
Q35 CEO	<p>Responsible for:</p> <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; Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council; and Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council. 	Changes to the current statements of roles and responsibilities – conditionally supported dependent on greater detail being provided (Report CCS545)	Agree with proposed reform per councils previous submission/ administrative comment	

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Q36 Council Communication Agreements	<p>LGs to have Council Communications Agreements between the council and the CEO. The agreements would specify:</p> <ul style="list-style-type: none"> • The information to be provided to councillors; • How the information would be provided; and • Timeframes for the provision of information. <p>Default agreement will come into force if the council and CEO do not make a specific other agreement.</p>		Agree with proposed reform	May assist with reducing councillor helpdesk enquiries.
Q37 Model Financial Statements	<p>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 – Reporting to include:</p> <ul style="list-style-type: none"> • Standard templates for Annual Financial Statements for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4. 	<ul style="list-style-type: none"> • The ratios and methodologies should be consistent (Report CCS407); and • The format of the annual budget and financial report should be prescribed for consistency across local government – general intent supported (Report CCS545). 	Agree with proposed reform per councils previous submission/ administrative comment	Standards and consistency will be beneficial.
Q38 Financial Planning	<p>LGs would be required to adopt a standard set of plans - there will be templates published by the DLGSC for use or adaption by local governments.</p> <p>It is proposed that the plans that are required are:</p> <ul style="list-style-type: none"> • Simplified Council Plans that replace existing Strategic Community Plans and set 	<p>Plans need to be:</p> <ul style="list-style-type: none"> • Understandable; • Easily communicated; • Appropriate for the size of the organisation; • Understood by the administration, council and community; and 	Agree with proposed reform per councils previous submission/ administrative comment	There are no responses.

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	<p>high-level objectives, with a new plan required at least every eight years. These will be short-form plans;</p> <ul style="list-style-type: none"> • 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); and • Simplified Long Term Financial Plans will outline any long term financial management and sustainability issues, and any investments and debts. These plans will be required to be reviewed in detail at least every four years. 	<ul style="list-style-type: none"> • Realistic and take into account available resources. <p>A level of flexibility is required, set minimum standards and guidelines (Report CCS407)</p>		
Q39 Service Proposals and Project Proposals	<p>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.</p> <p>These will become Service Plans and Project Plans added to the yearly budget if approved by council to provide clear transparency for what the functions and initiatives of the local government cost to deliver.</p>		Agree with proposed reform	This will provide succinct, transparent information for reporting and measurement of delivery.
Q40 Rates and Revenue Policy	<p>A 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. The policy would be required to :</p>	<p>A revenue and rating strategy would not be a separate document but would form part of or be a component of the Long</p>	Agree in principle per councils previous submission/	<p>A policy may form part of the integrated financial elements of the long term financial plan (LTFP). However the strategy and</p>

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	<ul style="list-style-type: none"> • Provide ratepayers with a forecast of future costs of providing local government service; and • Reflect the Asset Management Plan and the Long Term Financial Plan - providing a forecast of what rates would need to be, to cover unavoidable costs. 	Term Financial Plan (Report CCS407)	administrative comment	plan within the LTFP are essential.
Q41 Monthly credit card reporting	The statements of a LG's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis.	Provide a list of accounts as confidential information Report (CCS407). The City currently provides credit card statements as confidential information.	Agree per councils previous submission/ administrative comment	This information is currently reported to the council.
Q42 Amended Financial Ratios	Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful.		Agree with proposed reform	Would like to review the final proposal prior to implementation. The ratios need to be an input from long term financial plan modelling.
Q43 Audit Committees	<p>Proposed changes to Audit Committees:</p> <ul style="list-style-type: none"> • The Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the LG; • Audit Committees would also need to consider proactive risk management; • To reduce costs, it is proposed that LGs should be able to establish shared Regional Audit Committees; and • The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson. 	<ul style="list-style-type: none"> • Opposed to local governments reporting to an unelected semi-quasi council; • If the majority of the committee are independent members this reduces the role of councillors; • It is near impossible to obtain at least one external member to sit 	Disagree with the proposed reform per councils previous submission/ administrative comment	Not opposed to a professional independent review of discrepancies if required.

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		<p>on the audit committee; and</p> <ul style="list-style-type: none"> The cost to council to have a majority of independent and qualified panellists would be significant (Report CCS545). 		
Q44 Building Upgrade Finance	LGs will be able to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. This would allow LGs to lend funds to improve buildings within their district, with the appropriated checks and balances established to proactively manage financial risk.	The City does not support the building upgrade finance scheme (Report CCS407).	Disagree with proposed reform per councils previous and current submission/ administrative comment	This is a role for State or Federal governments.
Q45 Cost of Waste Services	Waste charges are required to be separately shown on rate notices (for all properties which receive a waste service).	The City currently lists the waste charges separately on the rate notice.	Agree with proposed reform per councils previous submission/ administrative comment	There are no responses.
Q46 Remove WALGA from the Act	Removing WALGA from the Act will provide clarity that WALGA is not a State Government entity.		Agree with proposed reform	There are no responses.
Q47 Other comments	Do you have any additional comments to add regarding the proposed legislative changes to the Local Government Act?		N/A	Request further consultation when the reform comments are compiled. Sharing resources with smaller local governments and clearly defined roles are supported.

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Q48 Other comments	Do you have any additional changes which you would like to see made to the Local Government Act?		N/A	Councillor representation should be assessed by the community. Request electoral reform to fill council vacancies which occur outside of the ordinary election period.