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21<sup>st</sup> February 2021

Department of Local Government Sport and Cultural Industries  
Gordon Stephenson House  
140 William Street  
PO Box 8349  
PERTH BUSINESS CENTRE WA 6849

## **DLGSC LOCAL GOVERNMENT REFORM SUBMISSION**

**Name: Joanne Pritchard.**

**I have worked in State and Local Government for 17 years and I was a previous Local Government Councillor at the Shire of Roebourne.**

Western Australian Local Government spend more than \$4 billion a year, employs 17,000 staff and administers approximately \$45 billion in assets.

### **WE ASK THAT:**

- 1. The Western Australian State Parliament PRODUCE A GREEN BILL as the information that was provided for public comment on the new WA Local Government Act was severely deficient in content on what was being added, deleted and amended.**
- 2. The WA Auditor General's budget MUST BE INCREASED to allow the Auditor General to audit the performance of all Local Government in Western Australia. It will ensure that Western Australian continue to operate in the best interests of ALL Western Australian's in making it free from fraud and corruption.**
- 3. WALGA [Western Australian Local Government Association] MUST BE REMOVED FROM THE WA LOCAL GOVERNMENT ACT.**
- 4. The Minister for Local Government develops a Performance Reporting Framework [similar to the Victorian Local Government]. The Victorian Reporting Framework has 58 Key Performance Indicators and a governance and management checklist of 24 items which is independently audited by Victorian Office of the Auditor General.**

**No one in society is above the law  
Not the King nor his subjects,  
Not the Government or the Governed.**

King John [1166 -1216]

**The Magna Carter is a foundation stone  
Of Constitutional and Parliamentary Government.  
That is why it is on display at Parliament House Canberra.**

1.2.8 Three goals can be identified as necessary to safeguard the credibility of our democracy and to provide an acceptable foundation for public trust and confidence in our system of government. These goals are:

- (a) government must be conducted openly;
- (b) public officials and agencies must be made accountable for their actions;  
and,
- (c) there must be integrity both in the processes of government and in the conduct to be expected of public officials.

WA Royal Commission into Commercial Activities of Government and Other Matters [1992]. WA Inc. [Chapter 1 pg 10,11]

### **The Seven Deadly Sins of Corruption**

1. GREED.
2. POWER.
3. INFLUENCE.
4. IGNORANCE.
5. INPUNITY.
6. COMPLACENCY.
7. POOR GOVERNANCE.

Corruption and Crime Commission of Western Australia [2016] - YouTube Video.

<https://www.youtube.com/watch?v=XvpJe6mSrcs>

**Western Australian Department of Local Government, Sport and Cultural Industries. [DLGSC].**

In recent years DLGSC budgets have been cut from \$17 million in 2017/18, to \$14.4 million in 2019/20.

The DLGSC's budget needs to be adequately increased to fulfil its regulatory function under the Local Government Act WA [1995].

The Corruption and Crime Commission [CCC] of Western Australia report – 'Misconduct Intelligence Assessment of the Western Australian Public Sector [2015] clearly shows that the Dept of Local Government and Communities [pages 31-32] are in the **MEDIUM TO HIGH RISK FOR CORRUPTION AND MISCONDUCT.**

**3.6.3 Department of Local Government and Communities**

[108] DLGC focuses on compliance and building the strategic capacity of Local Governments, which can present challenges with DLGC having a dual role as both regulator and facilitator. There is great diversity between Local Governments (size, capacity, demographic profile etc.) and with more than two-thirds of the 140 Local Governments in remote or regional areas oversight by DLGC can be difficult.

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[109] The DLGC outsourced business model results in it managing significant funding for non-government organisations, including not-for-profit organisations, and administering Royalties for Regions funding to regional Local Governments.

[110] Within its operating environment DLGC experiences particular vulnerabilities and issues related to:

- (a) an outsourced business model; and
- (b) having a dual role as both sector regulator and facilitator.

[111] Particular corruption and misconduct risk areas identified for DLGC include:

- (a) procurement and contract management;
- (b) major projects, infrastructure, and building and works;
- (c) conflicts of interest, and gifts and benefits;
- (d) relationships to industry; and
- (e) regulation and inspection (that is, of child care centres).

The Corruption and Crime Commission [CCC] of Western Australia – Report on a Matter of Governance at the Shire of Dowerin [10 Oct 2016] clearly shows there are deeply embedded weaknesses in DLGSC.

#### Deeply embedded weaknesses

[203] While Mr Jolly noted that had there been a timelier follow-up the Department would have been in a better position to be able to ascertain the extent to which Dowerin's response satisfactorily addressed the issues:

*We need to keep in mind, of course, that dealing with rural shires, and as I think has already been identified in the evidence that's been provided to the Commission at previous hearings, there are some deeply imbedded weaknesses in the structure of local government in Western Australia. Part of those go to size and scale and capability. The sorts of issues that you are seeing at Dowerin in terms of their performance -- Dowerin is, in fact, a mendicant council. Its greatest source of revenue is from grant funding,*

*and that is similar to a lot of other rural local governments. There are some significant capacity issues across the sector generally.*<sup>137</sup>

<sup>137</sup> Transcript of Public Examination on Friday, 2 September 2016, p26.

**Below:** Office of the Auditor of Western Australia General Report – **Regulation and Support of Local Government Sector [30 April 2021]**. It clearly shows that **DLGSC is not fulfilling its regulatory function under the Local Government Act WA [1995]**.

#### Audit conclusion

We recognise that there has been a significant LG reform agenda in recent years. However, the Department is not providing efficient and effective regulation and support to the LG sector and lacks fundamental aspects of a good regulatory framework.

It is not effectively using the information it has available to assess the risk of non-compliance in the LG sector or to identify the areas where support is most required. Internally the Department is not addressing risks to its own delivery of regulatory and support services, some of which were identified as having significant gaps in a 2018 internal audit report and remain unresolved. It does not have a plan that links its regulatory and support activities for LG entities into achieving its overall objectives for the sector and does not have targets and measures in place to track its delivery and performance.

This means that the Department's regulatory intervention is largely reactive to emerging issues, rather than preventing breakdowns in governance. Not providing timely advice or effective capability-building increases the risk that LG entities will not provide good government and services to their communities.



## **Local Government Review Panel recommendations - on the new WA Local Government Act.**

The Western Australian State Parliament needs to **PRODUCE A GREEN BILL** as the information that was provided for public comment on the new WA Local Government Act was severely deficient in content on what was being added, deleted and amended.

1. The Panel recommends that the new Act be structured and drafted in such a way as to highlight the key strategic elements set out in Part A of this report, and that further consideration be given to the 'two Acts' options presented in Part A, at least as a transitional measure.

2. The Panel recommends the following statement of intent (vision) for a new Act:

*An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.*

3. The Panel recommends the adoption of the following objectives for a new Act:

- a. Democratic and accountable local government that recognises the diversity of and within Western Australia's communities.
- b. Recognition of the specific needs and culture of Western Australia's Aboriginal people.
- c. Promotion and improvement of the community's economic, social and environmental well-being.
- d. An adaptive and forward-looking legislative framework, which supports and enables councils to provide local leadership for the whole community, and to collaborate with each other and with other key stakeholders at a regional level.
- e. Open and transparent community participation in the decisions and affairs of local governments.
- f. Enhanced capability of the local government sector, with a focus on continuous improvement and sustainability.
- g. Efficient and effective service delivery and regulation that is responsive to current and future community needs.

4. The Panel recommends an Act that is considerably shorter, less prescriptive and minimises the use of regulations by establishing clear principles, robust processes, model charters, guidelines and templates.

5. The Panel recognises the diversity of local governments in Western Australia and supports a new Act which is responsive to this but does not recommend the adoption of a multi-tiered legislative framework.

6. The Panel recommends the inclusion of a statement of the role and principal functions of local governments that makes it clear their basic statutory responsibilities, retaining the overall power of general competency in the current Local Government Act.

## **Local Government Review Panel recommendations - on the new WA Local Government Act.**

7. The Panel recommends that the following overarching guiding principles are included in the new Act:

To ensure the system of local government is sustainable, accountable, collaborative and capable, councils should:

- a. Provide democratic and effective representation, leadership, planning and decision-making;
- b. Be transparent and accountable for decisions and omissions;
- c. Be flexible, adaptive and responsive to the diverse interests and needs of their local communities, including the traditional owners of the land;
- d. Consider the long term and cumulative effects of actions on future generations;
- e. Ensure that, as a general rule, all relevant information is released publicly, readily available and easy to understand;
- f. Provide services in an equitable manner that is responsive and accessible to the diverse needs of the community;
- g. Seek to continuously improve service delivery to the community in response to performance monitoring;
- h. Collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services and integrated planning, while maintaining local representation of communities and facilitating community benefit; and
- i. Participate with other councils and with the State and Federal government in planning and delivery of services, setting public policy and achieving regional, State and Federal objectives.

12. The Panel recommends that the new Act should promote and mandate expanded regional cooperation between local governments by:

- a. Making increased collaboration a specific objective and principle.
- b. Providing an improved model of joint (regional) subsidiaries that can be used for strategic planning, resource sharing, shared services delivery and commercial enterprises (see also Recommendations 14 and 39).
- c. Requiring regional cooperation as part of IPR (see also Recommendation 35).

15. The Panel recommends that the new Act include a set of principles for intergovernmental relations that make clear local government's role and obligations as part of the broader system of government, and that underpin a range of ongoing arrangements such as the State Local Government Partnership.

16. The Panel recommends that the new Act recognises the unique status of Aboriginal people as traditional owners of the land and ensures that they are empowered to engage in decision-making in their local communities.



## **Local Government Review Panel recommendations - on the new WA Local Government Act.**

**24. Provision in the new Act for electronic/online voting to be introduced in the future once the integrity of the process can be assured (including allowing for a pilot).**

**28. The Panel recommends significant changes in the Act to the current statements of roles and responsibilities for mayors/presidents, councillors and CEOs and that the Act should include a new statement of responsibilities for the 'council' which captures the roles and responsibilities of all councillors acting collectively as the council.**

The revised statements of roles and responsibilities seek to address more clearly the following issues:

- Community leadership
- Strategic planning
- Continuous improvement
- Executive function (for mayors/presidents)
- Guiding the CEO (for mayors/presidents)
- Training

**33. The Panel recommends that the following community engagement principles should be included in the new Act:**

- a. Councils actively engage with their local communities;
- b. Councils are responsive to the needs, interests and aspirations of individuals and groups within its community;
- c. Community engagement processes have clearly defined objectives and scope;
- d. Participants in community engagement have access to objective, relevant and timely information to inform their participation;
- e. Participants in community engagement are representative of the persons and groups affected by the matter that is the subject of the community engagement;
- f. Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement; and
- g. Participants in community engagement are informed of the ways in which the community engagement process will influence council decision-making.

The Panel considers the community key to the effective functioning of the local government, with the local government being there for and to respond to the community. It is therefore vital that all segments of the community are heard and can participate in decision-making.

**Local Government Review Panel recommendations - on the new WA Local Government Act.**

58. The Panel recommends the Minister should have the power to direct local governments and make declarations in respect to the Local Government Act during a declared state of emergency.

65. The Panel also identified the following operational matters to be considered when drafting the new Act:

- a. The powers of entry in the current Local Government Act should be retained.
- b. The current evidence requirements in legal proceedings should be retained, however the requirement for the CEO to certify the documents should be removed. This should be delegated and the range of items that can be certified expanded after consultation with local governments.
- c. The new Act should be updated to reflect the modern signing of contracts.
- d. A more streamlined ability to dispose of impounded goods needs to be developed for the new Act.
- e. The new Act should enable councillors and members of the community (in the case of public questions and deputations) to remotely participate in council and committee meetings.
- f. Employment entitlements for local government employees should be transferrable across all three levels of Government.



Below is the Local Government Reform Panel's recommendation 35. that the Annual Electors Meeting be replaced with a Community Meeting.

The Annual Electors Meetings [or Annual General Meeting [AGM] holds an Incorporated Association, A public listed company, and a Local Government Council accountable to its members, shareholders, residents and ratepayers **and is important for maintaining GOOD GOVERNANCE.**

How is this in the LG Reform Panels own words "**Democratic and Accountable Local Government**"? "**A renewed focus on Integrity**" "**More Effective Community Engagement**" "**Open and transparent community participation**"?

The Annual meeting of Electors is required to be held once every financial year for the purpose of discussing the Annual Report and any other General Business.

It is only at the Elector's Meeting or a Special Elector's [Or an AGM - Annual General Meeting] where residents/ratepayers, shareholders, members can raise motions or resolutions. You cannot raise motions at a Community Meeting.

**SECTION 5.27 OF THE WA LOCAL GOVERNMENT ACT [1995] SHOULD STILL REMAIN IN THE ACT AND BE COMPULSORY.**

35. The Panel recommends the Annual Electors' Meeting is replaced by an Annual Community Meeting whereby:
- a. As a minimum, councils provide information on their achievements and future prospects;
  - b. Councils report on the local government's financial performance and performance against relevant Council Plans;
  - c. Both the mayor/president and the Chair of the Audit Committee address the meeting;
  - d. There is ample time for questions; and
  - e. Wider community participation is encouraged through different delivery mechanisms.

**Below:** WALGA's Submission - WALGA Local Government Act Review Principles  
[WALGA Final Submission Select Committee into Local Government September  
2019] Pg 22.



### **COUNCIL MEETINGS**

#### **Electors' General Meeting: Section 5.27**

<b>Position Statement</b>	Section 5.27 of the Local Government Act 1995 should be amended so that Electors' General Meetings are not compulsory.
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**Background**                      There is adequate provision in the Local Government Act for the public to participate in Local Government matters and access information by attending meetings, participating in public question time, lodging petitions, and requesting special electors' meetings.

**State Council Resolution**    March 2019 – 06.3/2019  
December 2017 – 121.6/2017  
February 2011 – 09.1/2011

**Below: WALGA Submission - WALGA Local Government Act Review Principles [WALGA Final Submission Select Committee into Local Government September 2019] Pg 22.**

**SECTION 5.28 OF THE WA LOCAL GOVERNMENT ACT [1995] SHOULD STILL REMAIN IN THE ACT: AS 100 ELECTORS OR 5% OF ELECTORS.**

**100 Electors/Shareholders or 5% is the same as ASIC – Australian Securities & Investments Commission use in their Annual General Meetings for shareholders.**

Special Electors' Meeting: Section 5.28	
Position Statement	<p>That Section 5.28(1)(a) be amended:</p> <p>(a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and</p> <p>(b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.</p> <p>For Local Governments with total electors of less than 500, then the requirement be a minimum of 25% of electors.</p>
State Council Resolution	March 2019 – 06.3/2019 December 2017 – 123.6/2017



### 1.1 Early Intervention Powers.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION. [Chief Inspector, LG Monitors Panel]**

### 1.2 Local Government Monitors

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 1.3 Conduct Panel

I disagree with this Proposal 1.3. **I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

WALGA notes in their submission that the Conduct Panel costs would be borne by Local Government?

### 1.4 Review of Penalties

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 1.5 Rapid Red Card Resolutions

I disagree with this Proposal 1.5. **I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 1.6 Vexatious Complaints Referrals

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 1.7 Other Minor Reforms

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 2.1 Resource Sharing

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

**2.2 Standardisation of Crossovers.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS  
ASSOCIATION (LGEMA) INC POSITION.**

**2.3 Introduce Innovation Provisions.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS  
ASSOCIATION (LGEMA) INC POSITION.**

**2.4 Streamline Local Laws.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION  
(LGEMA) INC POSITION.**

**Local Laws MUST be able to be scrutinised by Parliaments'  
Legislation Committee.**

**Below: WALGA Submission. Pg 27 WALGA Local Government Act Review  
Principles [WALGA Final Submission Select Committee into Local Government  
September 2019]**

## LOCAL LAWS

Local Laws	
Position Statement	WALGA Procedure for making local laws – Local Governments' local laws generally affect those persons within its district. The requirement to give statewide notice under subsection (3) should be reviewed and consideration being given to Local Governments only being required to advertise the proposed local law by way of local public notice.
Position Statement	Eliminate the requirement to consult on Local Laws when a model is used.
Position Statement	Periodic review of local laws – consideration be given to review of this section and whether it could be deleted. Local Governments through administering local laws will determine when it is necessary to amend or revoke a local law in terms of meeting its needs for its inhabitants of its district. Other State legislation is not bound by such periodic reviews, albeit recognising such matters in subsidiary legislation are not as complex as matters prescribed in statute.
Position Statement	Introduce certification of Local Laws by a legal practitioner in place of scrutiny by Parliament's Delegated Legislation Committee.

State Council Resolution March 2019 -06.3/2019

## 2.5 Simplifying Approvals for Small Business and Community Events.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

## 2.6 Standardised Meeting Procedures, Including Public Question Time.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

## 2.7 Regional Subsidiaries

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**



### **3.1 Recordings and Live streaming of all Councils Meetings.**

Public Question Time and Deputations are not currently being recorded by the City of Rockingham as their Policy 'Recording and Streaming Council Meetings' does not allow it. This policy needs to be amended to make sure that the all items on the Council Agenda [excluding confidential items] are live streamed.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS  
ASSOCIATION (LGEMA) INC POSITION.**

### **3.2 Recording All Votes in Council Meetings.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS  
ASSOCIATION (LGEMA) INC POSITION.**

### **3.3 Clearer Guidance for Meeting items that may be Confidential.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS  
ASSOCIATION (LGEMA) INC POSITION.**

### **3.4 Additional Online Registers.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS  
ASSOCIATION (LGEMA) INC POSITION.**

### **3.5 CEO KPI's be published.**

The CEO's base rate of pay and itemised allowances should be published in their City/Town/Shire Annual Report. It is good financial management to know the full employment costs of the CEO.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS  
ASSOCIATION (LGEMA) INC POSITION.**

### **4.1 Community Engagement and Stakeholder Engagement Charters.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS  
ASSOCIATION (LGEMA) INC POSITION.**

## **4.2 Ratepayer Satisfaction Surveys.**

**Ratepayer Satisfaction Surveys must be done every year** as it helps Council identify which of its services or activities need to be improved. It also provides an insight into the community's view on Council's overall performance and involves community consultation. **The Panel's suggestion of surveys being done every 4 years is TOO LATE!**

Community Surveys such as online surveys and in paper for should be made available for ALL residents and ratepayers of a Local Government to participate in.

Currently the City of Rockingham randomly selects 2000 email addresses (from rate roll?) and 2000 postal addresses (from where?).

In 2020, the City of Rockingham conducted a Customer Satisfaction Survey to:

- Evaluate communication and engagement with the City
- Measure usage, importance and performance of selected services and facilities

The City of Rockingham designed the questionnaire, then printed and distributed survey invitations to 4,000 randomly selected households; 2,000 by post and 2,000 by email. The online survey was programmed and hosted by the City of Rockingham using the SurveyMonkey platform.

**The State Government of Western Australia must review the way Customer Satisfaction Surveys are done in Western Australia and look into the way that Victoria conduct their Community Satisfaction surveys.**

Victorian Local Government Benchmarking - Community Satisfaction Survey.

[https://www.localgovernment.vic.gov.au/data/assets/pdf\\_file/0029/169571/CSS-2021-State-wide-Report-Final002.pdf](https://www.localgovernment.vic.gov.au/data/assets/pdf_file/0029/169571/CSS-2021-State-wide-Report-Final002.pdf)

## Background and objectives



The Victorian Community Satisfaction Survey (CSS) creates a vital interface between councils and their communities.

Held annually, the CSS asks the opinions of local people about the place they live, work and play and provides confidence for councils in their efforts and abilities.

Now in its twenty-second year, this survey provides insight into the community's views on:

- councils' overall performance, with benchmarking against State-wide and council group results
- value for money in services and infrastructure
- community consultation and engagement
- decisions made in the interest of the community
- customer service, local infrastructure, facilities, services and
- overall council direction.

When coupled with previous data, the survey provides a reliable historical source of the community's views since 1998. A selection of results from the last ten years shows that councils in Victoria continue to provide services that meet the public's expectations.

### Serving Victoria for 22 years

Each year the CSS data is used to develop this State-wide report which contains all of the aggregated results, analysis and data. Moreover, with 22 years of results, the CSS offers councils a long-term measure of how they are performing – essential for councils that work over the long term to provide valuable services and infrastructure to their communities.

Participation in the State-wide Local Government Community Satisfaction Survey is optional.

Participating councils have various choices as to the content of the questionnaire and the sample size to be surveyed, depending on their individual strategic, financial and other considerations.

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### 4.3 Introduction of Preferential Voting.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 4.4 Public Vote to Elect Mayor Or President.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 4.5 Tiered Limits on Number of Councillors.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 4.6 No Wards for Small Councils.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 4.7 Electoral Reform Clear Lease Requirements for Candidate and Voter Eligibility.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 4.8 Reform of Candidate Profiles.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

### 4.9 Minor Other Electoral Reforms.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

5.1 Introduce Principles in the Act.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

5.2 Greater Role Clarity.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

5.2 Local Government.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

5.2.1 Mayor or President Role [Roles CEO Remuneration EM Payments].

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

5.2.2 Council Role.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

5.2.3. Elected Member (Councillor Role).

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

5.2.4 CEO Role.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

5.3 Council Communication Agreements.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

5.4 Local Governments May Pay Superannuation to Elected Members.

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

## **5.5 Local Government May Establish Education Allowances.**

### **I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

## **5.6 Standardised Election Caretaker Period.**

The CEO is to ensure that Elected Members, Employees, Contractors are aware of the Caretaker Mode with at least 30 days notice prior to the starting of the Caretaker Mode.

### **I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

## **5.7 Remove Western Australian Local Government [WALGA] from the Local Government Act.**

### **I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

Current WALGA CEO Nick Sloan has links to known lobbyist while working for the Western Australian Government.

Extract from *Hansard*  
[ASSEMBLY - Tuesday, 12 October 2010]  
p 7507a-7507a  
Mr Mark McGowan; Mr Terry Waldron

#### MINISTERIAL OFFICERS — CONTACT WITH PAUL EVERINGHAM

3902. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming; Minister Assisting the Minister for Health

Could the Minister advise if his Chief of Staff, or any other ministerial staff, have had any contact with Mr Paul Everingham, or a representative of Mr Everingham's company, since 1 September 2009; and

- (a) if yes, which ministerial staff met with Mr Everingham or the representative of the company;
- (b) if yes, what were the dates of the contact(s) or meeting(s);
- (c) if yes, what was the nature or subject of discussion during the contact(s) or meeting(s); and
- (d) if yes, were other people present during the contact(s) or meeting(s); and
  - (i) if yes, what were the names of the people present?

Mr T.K. WALDRON replied:

Yes

- (a) Michael Cutler  
Nick Sloan
- (b) Michael Cutler — 10/02/10  
Nick Sloan — 30/07/10 and 16/08/10
- (c) Michael Cutler — Telephone contact from Jason Marocchi to offer tickets to Western Force game on 12/02/10  
  
Nick Sloan — Telephone contact from Jason Marocchi to coordinate meeting time  
  
Meeting with Jason Marocchi on behalf of Fosters Group, WA Sports Federation and Allia Venue Management regarding alcohol promotion and advertising in sport; operation and management of nib Stadium (formerly Perth Oval)
- (d) No
  - (i) Not Applicable

**Extract from *Hansard***

[ASSEMBLY — Tuesday, 21 February 2012]

p116b-116b

Mr Mark McGowan; Mr Terry Waldron

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**MINISTERIAL OFFICES — CONTACT WITH FAY DUDA**

6849. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming

Could the Minister advise if any officer in the Minister's office has had contact with registered lobbyist Ms Fay Duda, or a representative of Ms Duda's company, since 1 January 2011; and

- (a) if yes,
  - (i) what is the name of the officer(s) who had the contact;
  - (ii) what were the dates of the contact(s) or meeting(s);
  - (iii) what was the nature or subject of discussion during the contact(s) meeting(s);
  - (iv) were other people present during the contact(s) or meeting(s); and
  - (v) what were the names of all people present?

Mr T.K. WALDRON replied :

- (a) Contact by email
  - (i) Nick Sloan
  - (ii) 5 October 2011
  - (iii) Organise a meeting time
  - (iv) No
  - (v) Not Applicable



**Extract from *Hansard***  
[ASSEMBLY — Tuesday, 21 February 2012]  
p122b-122b  
Mr Mark McGowan; Mr Terry Waldron

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MINISTERIAL OFFICES — CONTACT WITH DEAN SMITH

6866. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming

Could the Minister advise if any officer in the Minister's office has had contact with registered lobbyist Mr Dean Smith, or a representative of Mr Smith's company, since 1 January 2011; and

- (a) if yes,
  - (i) what is the name of the officer(s) who had the contact;
  - (ii) what were the dates of the contact(s) or meeting(s);
  - (iii) what was the nature or subject of discussion during the contact(s) meeting(s);
  - (iv) were other people present during the contact(s) or meeting(s); and
  - (v) what were the names of all people present?

Mr T.K. WALDRON replied:

- (a) Contact by email
  - (i) Michael Cutler, Nick Sloan
  - (ii) 4 October 2011
  - (iii) Request for meeting
  - (iv) No
- (v) Not Applicable

**Extract from *Hansard***  
[ASSEMBLY — Tuesday, 21 February 2012]  
p129b-129b  
Mr Mark McGowan; Mr Terry Waldron

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MINISTERIAL OFFICES — CONTACT WITH PAUL EVERINGHAM

6883. Mr M. McGowan to the Minister for Sport and Recreation; Racing and Gaming

Could the Minister advise if any officer in the Minister's office has had contact with Mr Paul Everingham, or a representative of Mr Everingham's company, since 1 January 2011; and

- (a) if yes,
  - (i) what is the name of the officer(s) who had the contact;
  - (ii) what were the dates of the contact(s) or meeting(s);
  - (iii) what was the nature or subject of discussion during the contact(s) meeting(s);
  - (iv) were other people present during the contact(s) or meeting(s); and
  - (v) what were the names of all people present?

Mr T.K. WALDRON replied:

- (a) Telephone contact
  - (i) Nick Sloan
  - (ii) 11 January 2011
  - (iii) Review of funding for cycling and cycling related activities in Western Australia
  - (iv) Not Applicable
  - (v) Not Applicable

**Extract from *Hansard***

[COUNCIL — Thursday, 24 October 2013]  
p5472c-5472c  
Hon Samantha Rowe; Hon Peter Collier

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**NIB STADIUM — GRA EVERINGHAM**

**734. Hon SAMANTHA ROWE to the Leader of the House representing the Minister for Sport and Recreation:**

I refer to the negotiations over heads of agreement of nib Stadium with the Town of Vincent and Allia Venue Management.

- (1) Can the Minister for Sport and Recreation confirm whether he or any staff member or placement within the minister's offices had any contact or meetings with representatives of registered lobbyist GRA Everingham about these negotiations?
- (2) If yes to (1), what were the dates of the contacts or meetings and what were the names of the people present at the meetings?
- (3) Can the minister confirm whether he had any informal contact with representatives of GRA Everingham about these negotiations?

**Hon PETER COLLIER replied:**

I thank the honourable member for some notice of this question.

- (1) Yes.
- (2) Nick Sloan and Jason Marocchi from GRA Everingham on 30 July 2010 and 16 August 2010.
- (3) The minister may, from time to time, have met Mr Everingham or representatives of GRA Everingham in a social capacity. However, there have been no formal meetings relating to government business.

**5.8 CEO Recruitment.**

I disagree with this Proposal 5.8. **I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

**6.1 Model Financial Statements and Tiered Financial Reporting.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

**6.2 Simplify Strategic and Financial Planning.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

**6.3 Rates and Revenue Policy.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

**6.4 Monthly Reporting of Credit Card statement.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

**6.5 Amended Financial Ratios.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

**6.6 Audit Committees.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

Below: WALGA Submission - WALGA Local Government Act Review Principles [WALGA Final Submission Select Committee into Local Government September 2019] pg 21.

Clearly WALGA have not read the WA “Local Government Operational Guidelines Number 09 [Revised September 2013] Audit in Local Government”. THIS IS ALARMING!!!! as WALGA is in charge of training of many Local Governments elected members in Western Australia.

The last amendment to the Regulations occurred in 2001 and a full review is essential.

**State Council Resolution** March 2019 – 06.3/2019  
December 2017 – 123.6/2017

Audit Committee	
Position Statement	Remove the requirement to hold a separate Audit Committee meeting if all Elected Members are appointed to the Audit Committee.

**State Council Resolution** March 2019 – 06.3/2019

#### **6.7 Building Upgrade Finance.**

I disagree with this Proposal 6.7. **I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**

#### **6.8 Cost of Waste Services to be specified on Rates Notices.**

**I SUPPORT LOCAL GOVERNMENT ELECTED MEMBERS ASSOCIATION (LGEMA) INC POSITION.**



## OTHER COMMENTS – & LOCAL GOVERNMENT REVIEW PANEL RECOMMENDATIONS:

I believe WALGA [Western Australian Local Government and LGPRO have been given an unfair advantage in their submissions with being given approx 4 years notice compared to the general public of 15.2 weeks . I note that it was advertised during the busy Christmas Holiday period.

Below is the Local Government Reform Panel's recommendation 38. That is the Local Government as minimum, local governments must provide a minimum level of service.

In the LG Reform Panels own words **“Efficient and Effective service delivery”** and **“Seek to continuously improve service delivery”**. This can only be delivered with setting key performance indicators and actively measuring the outcomes.

### **Minimum Service Levels**

38. The Panel recommends:

- a. As a minimum, local governments must seek to identify and provide, or offer, to all its citizens, a minimum level of services to meet statutory obligations.
- b. The Minister should have the power to direct a local government if it fails to provide or offer these services.
- c. The new Act should incorporate financial sustainability principles which also link to the IPR framework.
- d. Local government services and programs should be aligned to the IPR framework.
- e. Local governments conduct regular reviews of services and service levels including community consultation.

The Victorian Local Government Performance Report Framework LGPRF is a mandatory system developed by Local Government Victoria to ensure all Victorian Councils are measuring and reporting their performance in a consistent way.

The benefits are:

- Comprehensive picture of performance.
- Meaningful comparisons
- Benchmarking is an extremely effective tool for the observation, analysis and reporting of performance over a given time frame. Benchmarks help local governments to establish the key performance drivers for their strategic plan and set realistic objectives for themselves that will define the future.
- Finance and Performance's are independently audited by the Victorian Auditor General which helps to identify performance trends.

## Financial audits

Our financial audits check the financial statements that agencies produce to assess whether they fairly present the financial position, cash flows and results of their operations for the year, in accordance with relevant financial reporting frameworks and standards. Each year we audit around 550 financial statements and around 108 performance statements of public sector agencies, including government departments, public bodies, government business enterprises, superannuation funds, health services, universities, TAFE institutes, water corporations, local councils, and the financial accounts of the state of Victoria, and 108 audit opinions on the performance statements of agencies

The financial audit group also conducts a review of the state's Estimated Financial Statements and our review opinion is included in the state's Budget Papers.

## Performance audits

Our performance audits can include any of these 550 public sector agencies and private or not-for-profit providers of public sector services or functions, and grant recipients. These audits assess whether agencies are meeting their aims effectively, using their resources economically and efficiently, and complying with relevant legislation. Performance audits extend beyond the examination of the financial affairs and transactions of a government agency to encompass wider management issues of significance to the community.

# How Victoria's councils performed this year



13 December, 2021

**The Performance Reporting Framework includes 58 measures and a governance and management checklist of 24 items.**

**From community consultation to bin collection, new benchmarking data from Local Government Victoria has provided an insight into the performance of the state's councils for 2020 and 2021.**

The [Performance Reporting Framework](#) from the [Know Your Council](#) website includes 58 measures and a governance and management checklist of 24 items.

The data show residents in the Hepburn Shire, in central Victoria, are the least satisfied with how their council has made decisions for the community.

The recent data shows that it performed the lowest in regards to community satisfaction on Council performance in making decisions in the interests of the community.

Out of a rating of 100, it scored 44, which is an increase of six from the previous year, according to the data set.

South Gippsland Shire and Macedon Ranges Shire were also at the bottom of the list, with a score of 46 and 47 respectively.

South Gippsland Shire recently elected its first council, after being in administration for two years after the council was dismissed in 2019.

Topping the list was Monash City, with a score of 71, followed by Maribyrnong City (69) and Wyndham City (68.3).

## **Engaging the community**

When it came to community satisfaction on the consultation and engagement efforts of the council, Latrobe City did not do so well, with a score of 58 out of a 100.

This includes consulting and engaging directly with the community on key local issues requiring decisions by council.

However, Latrobe City's overall performance rating has increased over the past year, according to the data set.

Maribyrnong City and Monash City performed well in this category, both having a score of 70, followed by Wyndham City, with a score of 69.2.

Residents of Yarriambiack Shire and Golden Plains Shire were dissatisfied with the condition of their sealed local roads, both with a score of 39 out of 100.

At the top of the list was Monash City, with a score of 75, and Boroondara City, with a score of 74.

## **Missed bins on collection day**

Hobsons Bay City had the highest rate of bins missed on bin collection day, missing 22.04 bins per 10,000 scheduled kerbside collections.

According to the data set, this large number is due to the change in its waste and recycling service in February 2020.

Council implemented a weekly food and green waste service, fortnightly garbage service, four-weekly glass service and kept its fortnightly recycling collection.

“The changes continue to impact the community and this continues to lead to increased missed bin requests,” the data set said.

“The change in the schedule to weekly food and green waste and fortnightly garbage collections magnified this.”

The top performer was Hindmarsh Shire (0.09), which only missed two bins in 2020 and 2021, compared to the 14 in the previous year.

Following closely behind it was Glenelg Shire (0.538) and Yarriambiack Shire (0.64).

## **Council meetings**

Councillor attendance at official meetings varied across the board, with Cardinia Shire having the worst attendance and Whitehorse City the best.

However the results reflected that only eight Cardinia councillors were available for an extended period instead of the original nine elected councillors following the death of a councillor in April 2021.

Councils were also rated out of ten on the relative socio-economic disadvantage of the municipality, as reported by the Australian Bureau of Statistics.

Several councils had a score of one, including Brimbank City, which is the second most disadvantaged municipality in Greater Melbourne and the third most disadvantaged in Victoria, according to the data set.

Stonnington City, Surf Coast Shire and Borough of Queenscliffe were among the eight councils that scored 10.

Mandatory performance reporting has been in place for local governments in Victoria since the 2014 and 2015 local government annual budgeting and reporting cycle.

<https://www.governmentnews.com.au/how-victorias-councils-performed-this-year/>



Below is the Local Government Reform Panel's recommendation 11. An additional legislative option for local governments to establish community boards.

11. The Panel recommends an additional legislative option for local governments to establish community boards.

### **THERE ARE NO COMMUNITY BOARDS IN AUSTRALIA!**

The reform process in local government in New Zealand involved relatively limited consultation processes especially with the wider community.

Source: Review of Current Local Government Reform Processes in Australia and New Zealand. [March 2013] Pg 34. ACELG & LGSA.

Community Board members are paid positions in New Zealand.

Below is the Local Government Reform Panel's recommendation 28.

28. The Panel recommends significant changes in the Act to the current statements of roles and responsibilities for mayors/presidents, councillors and CEOs and that the Act should include a new statement of responsibilities for the 'council' which captures the roles and responsibilities of all councillors acting collectively as the council.

The revised statements of roles and responsibilities seek to address more clearly the following issues:

- Community leadership
- Strategic planning
- Continuous improvement
- Executive function (for mayors/presidents)
- Guiding the CEO (for mayors/presidents)
- Training

**The Western Australian State Parliament has no Act which states that Parliamentarian's roles and responsibilities that they should 'act collectively as a Government'.**

**The Parliament debates public policy, passes laws, provides and checks the Government and most of all represents the people who put them there.**

**Local Government's are the same – Not everyone agrees! That is democracy.**

**May those who enter this open door govern with  
justice, reason and equal favour to all.**

**May they do so in humility and without self  
interest.**

**May they think and act nationally.**

**May they speak with the voice of those who sent  
them here.**

**THE VOICE OF THE PEOPLE!**

*Stanley Melbourne Bruce - Australian Prime Minister 1923-1929*

**Official Opening of Parliament House - 9 May 1917**