




Department of  
Local Government, Sport  
and Cultural Industries

# Local Government Reforms: Full Reform Proposals

## WALGA Responses




# Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>1.1 Early Intervention Powers</b>			
<ul style="list-style-type: none"> <li>• 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"> <li>○ Suspend or dismiss councils</li> <li>○ Appoint Commissioners</li> <li>○ Suspend or order remedial action (such as training) for individual councillors.</li> </ul> </li> <li>• The Act also provides the Director General with the power to:               <ul style="list-style-type: none"> <li>○ Conduct Authorised Inquiries</li> <li>○ Refer allegations of serious or recurrent breaches to the State Administrative Tribunal</li> <li>○ Commence prosecution for an offence under the Act.</li> </ul> </li> <li>• Authorised Inquiries are a costly and relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate).</li> <li>• The Inspector would receive minor and serious complaints about elected members.</li> <li>• The Inspector would oversee complaints relating to local government Chief Executive Officers (CEOs).</li> <li>• Local Governments would still be responsible for dealing with minor behavioural complaints.</li> <li>• The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified.</li> <li>• 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.</li> <li>• The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism.</li> <li>• The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations.</li> </ul>	<p>No major changes to the central concepts. Work to develop and refine detail is ongoing.</p>	

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>The Inspector would be supported by a panel of Local Government Monitors (see item 1.2).</li> <li>The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3).</li> <li>Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4).</li> <li>These reforms would be supported by new powers to more quickly resolve issues within local government.</li> </ul>		✓
<b>WALGA Response</b> Support Items 1.1 to 1.3, but requests the Minister to explore alternate mechanisms for resolving local level complaints.			-
<b>1.2 Local Government Monitors</b>			
<ul style="list-style-type: none"> <li>There are currently no legislative powers for the provision of monitors/temporary advisors.</li> <li>The DLGSC provides support and guidance to local governments, however, there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases.</li> </ul>	<ul style="list-style-type: none"> <li>A panel of Local Government Monitors would be established.</li> <li>Monitors could be appointed by the Inspector to go into a local government and try to resolve problems.</li> <li>The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence.</li> <li>Monitors would be qualified specialists, such as:               <ul style="list-style-type: none"> <li>Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators</li> <li>Dispute resolution experts - to address the breakdown of professional working relationships</li> <li>Certified Practising Accountants and other financial specialists to assist with financial management and reporting issues</li> <li>Governance specialists and lawyers - to assist councils to resolve legal issues</li> <li>Human Resource and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction.</li> </ul> </li> </ul>	No major changes to the central concepts. Work to develop and refine detail is ongoing.	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
	<ul style="list-style-type: none"> <li>Only the Inspector would have the power to appoint Monitors.</li> <li>Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose.</li> </ul>		✓
<b>WALGA Response</b> Support Items 1.1 to 1.3, but requests the Minister to explore alternate mechanisms for resolving local level complaints.			-
<b>1.3 Conduct Panel</b>			
<ul style="list-style-type: none"> <li>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.</li> <li>Currently, the Panel makes findings of alleged breaches based on written submissions.</li> <li>The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed.</li> </ul>	<ul style="list-style-type: none"> <li>The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel.</li> <li>The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel.</li> <li>The Inspector would provide evidence to the Conduct Panel for adjudication.</li> <li>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.</li> <li>For very serious or repeated breaches of the <i>Local Government Act 1995</i> (the Act), the Conduct Panel would have the power to recommend prosecution through the courts.</li> <li>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.</li> </ul>	No major changes to the central concepts. Work to develop and refine detail is ongoing.	✓
<b>WALGA Response</b> Support Items 1.1 to 1.3, but requests the Minister to explore alternate mechanisms for resolving local level complaints.			-

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>1.4 Review of Penalties</b>			
<ul style="list-style-type: none"> <li>There are currently limited penalties in the Act for certain types of non-compliance with the Act.</li> </ul>	<ul style="list-style-type: none"> <li>Penalties for breaching the Act are proposed to be strengthened.</li> <li>It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Act or Regulations on more than one occasion.</li> <li>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).</li> <li>It is proposed that a councillor who is suspended multiple times may become disqualified from office.</li> <li>Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances.</li> </ul>	<p><b>Disqualifications</b></p> <p>It is further proposed to establish a provision that results in a person automatically becoming disqualified for 10 years from being an elected member at any local government in WA if they have been suspended three times (by either the Conduct Panel, State Administrative Tribunal or Minister).</p>	
<b>1.5 Red Card Referrals</b>			
<ul style="list-style-type: none"> <li>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.</li> <li>Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings.</li> </ul>	<ul style="list-style-type: none"> <li>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).</li> <li>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"> <li>Require the Presiding Member to issue a clear first warning.</li> <li>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.</li> </ul> </li> </ul>	<p><b>Red Cards Not Progressed</b></p> <p>'Red Card Resolutions' will not be progressed. However, it is proposed that the new Meeting Procedure Regulations will have clear powers for Presiding Members to maintain order at meetings.</p>	<p style="text-align: center;">-</p>

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>A councillor issued with a red card will still vote but must not speak or move motions.</li> <li>If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting.</li> <li>Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector.</li> <li>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.</li> </ul>		✓
<b>WALGA Response:</b> Supported initial proposal, subject to a provision permitting council members to call a point of order to overrule the presiding member by an absolute majority.			-
<b>1.6 Vexatious Complaint Referrals</b>			
<ul style="list-style-type: none"> <li>No current provisions.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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 decide that the complainant is being unreasonable, and that they will no longer respond.</li> <li>A person who is deemed an unreasonable complainant can appeal to the Inspector.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓
<b>WALGA Response</b> Supported, subject to the legislation including the ability of a person to lodge an appeal with the Inspector.			✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>1.7 Other Minor Reforms</b>			
<ul style="list-style-type: none"> <li>Other minor reforms are being considered to enhance the oversight of local government.</li> <li>Ministerial Circulars have traditionally been used to guide the local government sector.</li> </ul>	<ul style="list-style-type: none"> <li>Potential other reforms to strengthen guidance for local governments are being considered.</li> <li>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 Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed.</li> <li>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.</li> </ul>	<p><b>Primary and Annual Returns</b> Based on submissions, reforms to Annual and Primary Returns will add new penalties for non-compliance, and powers for the Inspector to compel any person to correct a potential error or omission on their return.</p>	✓

## Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>2.1 Resource Sharing</b>			
<ul style="list-style-type: none"> <li>The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs.</li> <li>Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing.</li> </ul>	<ul style="list-style-type: none"> <li>Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees.</li> <li>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.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓
<b>2.2 Standardisation of Crossovers</b>			
<ul style="list-style-type: none"> <li>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.</li> <li>This can create confusion and complexity for homeowners and small businesses in the construction sector.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this.</li> <li>The DLGSC will work with the sector to develop standardised design and construction standards.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓



CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>2.3 Introduce Innovation Provisions</b>			
<ul style="list-style-type: none"> <li>Currently, the Act has very limited provisions to allow for innovations and responses to emergencies (such as the Shire of Bruce Rock Supermarket).</li> </ul>	<ul style="list-style-type: none"> <li>New provisions are proposed to allow exemptions from certain requirements of the Act for: <ul style="list-style-type: none"> <li>Short-term trials and pilot projects</li> <li>Urgent responses to emergencies.</li> </ul> </li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓
<b>2.4 Streamline Local Laws</b>			
<ul style="list-style-type: none"> <li>Local laws are required to be reviewed every eight years.</li> <li>The review of local laws (especially when they are standard) has been identified as a burden for the sector.</li> <li>Inconsistency between local laws is frustrating for residents and business stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that local laws would only need to be reviewed by the local government every 15 years.</li> <li>Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable.</li> <li>Local governments adopting Model Local Laws will have reduced advertising requirements.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓
<b>2.5 Simplifying Approvals for Small Business and Community Events</b>			
<ul style="list-style-type: none"> <li>Inconsistency between local laws and approvals processes for events, street activation and initiatives by local businesses is frustrating for business and local communities.</li> </ul>	<ul style="list-style-type: none"> <li>Proposed reforms would introduce greater consistency for approvals for: <ul style="list-style-type: none"> <li>alfresco and outdoor dining</li> <li>minor small business signage rules</li> <li>running community events.</li> </ul> </li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓
<b>2.6 Standardised Meeting Procedures, Including Public Question Time</b>			
<ul style="list-style-type: none"> <li>Local governments currently prepare individual standing order local laws.</li> <li>The Act and regulations require local governments to allocate time at meetings for questions from the public.</li> <li>Inconsistency among the meeting procedures between local governments is a common source of complaints.</li> </ul>	<ul style="list-style-type: none"> <li>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 Western Australia.</li> <li>Regulations would introduce standard requirements for public question time and the procedures for meetings generally.</li> </ul>	<b>Electors' Meetings</b> Further minor changes to Electors Meetings are proposed to: <ul style="list-style-type: none"> <li>Increase the number of electors required to call an Electors' Special Meeting to 300 (from 100) or five per cent of the number of electors (whichever is less).</li> </ul>	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
	<ul style="list-style-type: none"> <li>Members of the public across all local governments would have the same opportunities to address council and ask questions.</li> </ul>	<ul style="list-style-type: none"> <li>Allow a Presiding Member to refuse to hold a second Electors' Special Meeting if the matter raised has already been considered at a Special Electors' Meeting within the last 12 months (the local government would still have to refer the matter for inclusion on the agenda of the next Council Meeting)</li> <li>The new meeting procedures regulations will also apply to Electors' meetings, including the annual electors' meeting. This will enable the Presiding Member to maintain order while ensuring members of the public have a clear right to ask questions.</li> </ul>	✓
<p><b>WALGA Response:</b> Section 5.28 of the Local Government Act 1995 should be amended to increase the number of electors required to request a meeting to 500, or 5 percent of electors, whichever is fewer. For Local Governments with total electors of less than 500, the requirement should be a minimum of 25 percent of electors.  <b>Will seek clarity on whether a statutory prohibition will be embedded in the legislation, whether it is intended that a Presiding Member will have discretion.</b></p>			✓
<p><b>2.7 Regional Subsidiaries</b></p>			
<ul style="list-style-type: none"> <li>Initiatives by multiple local governments may be managed through formal Regional Councils or less formal "organisations of councils" such as NEWROC and WESROC.</li> <li>These initiatives typically have to be managed by a lead local government.</li> <li>In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries.</li> <li>Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>.</li> <li>So far, no Regional Subsidiary has been formed.</li> </ul>	<ul style="list-style-type: none"> <li>Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> <li>enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments</li> <li>provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds</li> <li>where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk</li> <li>Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments.</li> </ul> </li> </ul>	<p><b>Financial Reporting</b> Streamlined financial reporting requirements will be extended for regional subsidiaries, so they only need to comply with band 3 and 4 model financial statement provisions.</p> <p><b>Borrowing for Projects</b> It is proposed to amend the Act to enable regional subsidiaries to borrow money for capital projects to achieve the purpose specified in the regional subsidiaries charter (subject to conditions, including within prescribed borrowing limits).</p>	✓
<p><b>WALGA Response</b> Supported, subject to the use of a Charter as the primary governance and regulatory instrument.</p>			✓

# Theme 3: Greater Transparency & Accountability

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>3.1 Recordings and Live-Streaming of All Council Meetings</b>			
<ul style="list-style-type: none"> <li>• Currently, local governments are only required to make written minutes of meetings.</li> <li>• While there is no legal requirement for live streaming or video or audio recording of council meetings, many local governments now stream and record their meetings.</li> <li>• Issues relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments.</li> <li>• Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors<sup>1</sup> such as:               <ul style="list-style-type: none"> <li>○ Growth and development</li> <li>○ Strategic planning issues</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed that all local governments will be required to record meetings.</li> <li>• Band 1 and 2 local governments would be required to live-stream meetings and make video recordings available as public archives.</li> <li>• 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.</li> <li>• Band 1 and 2 local governments would be required to live-stream meetings and make video recordings available as public archives.</li> <li>• Several local governments already use platforms such as YouTube, Microsoft Teams and Vimeo to stream and publish meeting recordings.</li> <li>• Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used.</li> <li>• Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum.</li> </ul>	<p><b>Limited Exemptions</b></p> <p>It is proposed to allow for minor exemptions to the requirement for live-streaming in defined scenarios (for instance, for a council holding a meeting outside of council chambers, and with the prior written consent of the Inspector).</p>	✓

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

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<ul style="list-style-type: none"> <li>○ Demands and diversity of services provided to the community</li> <li>○ Total expenditure</li> <li>○ Population</li> <li>○ Staffing levels.</li> </ul>	<ul style="list-style-type: none"> <li>● These local governments would still be encouraged to Livestream or video record meetings.</li> <li>● 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 DLGSC for archiving.</li> </ul>		✓
<b>WALGA Response:</b> Support live streaming of OCM and SCMs of Band 1-2 LGs and audio recordings for Band 3-4 LGs. Do not support archiving the recordings of confidential matters by the Dept.			✓
<b>3.2 Recording All Votes in Council Minutes</b>			
<ul style="list-style-type: none"> <li>● 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.</li> <li>● The existing provision does not mandate transparency.</li> </ul>	<ul style="list-style-type: none"> <li>● To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions be required to be published in the council minutes to identify those for, against, on leave, absent or who left the chamber.</li> <li>● Regulations would prescribe how votes are to be consistently minuted.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓
<b>3.3 Clearer Guidance for Meeting Items that may be Confidential</b>			
<ul style="list-style-type: none"> <li>● The Act currently provides broad definitions of what type of matters may be discussed as a confidential item.</li> <li>● There is limited potential for the review of issues managed as confidential items under the current legislation.</li> </ul>	<ul style="list-style-type: none"> <li>● 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.</li> <li>● 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.</li> <li>● Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector.</li> <li>● All confidential items would be required to be audio recorded, with those recordings submitted to DLGSC.</li> </ul>	<b>Specific Provisions</b> Proposed provisions for managing confidential items at council meetings (and preventing councils from unreasonably using confidentiality provisions to avoid public scrutiny) have been refined to: <ul style="list-style-type: none"> <li>● clarify that only a limited part of a meeting specific to confidential information (e.g., receiving legal advice) may be closed</li> </ul>	-

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
		<ul style="list-style-type: none"> <li>• specify that certain matters (town planning and development applications, budgeting, major land transactions, leases of local government property) must be held in full public view</li> <li>• Specify that certain matters (CEO appointment, management of behavioural complaints about elected members, local government cybersecurity) must be held confidentially</li> <li>• Require that any other matters proposed to be considered confidentially will require the prior approval of the Inspector.</li> </ul>	-
<b>WALGA Response:</b> WALGA generally supported the proposals, however, the involvement of the Inspector was unanticipated. Our advocacy will encourage the prescription of confidential matters (third party information such as IP, CIC contracts, etc) without reference to the Inspector.			-
<b>3.4 Additional Online Registers</b>			
<ul style="list-style-type: none"> <li>• Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online.</li> <li>• Regular online publication of information can substitute for certain material in annual reports.</li> <li>• Consistency in online reporting across the sector will provide ratepayers with better information.</li> </ul>	<ul style="list-style-type: none"> <li>• It is proposed to require local governments to report specific information in online registers on the local government's website. Regulations would prescribe the information to be included. The following new registers, each updated quarterly, are proposed:               <ul style="list-style-type: none"> <li>○ <b>Lease Register</b> to capture information about the leases the local government is a party to (either as lessor or lessee)</li> <li>○ <b>Community Grants Register</b> to outline all grants and funding provided by the local government</li> </ul> </li> </ul>	<p>To clarify, the online register of contracts is only for the supply of goods and services and will not include direct employment contracts. To clarify, information about the identity of individual residential tenants of housing owned by the local government will not be required to be published on the online lease register.</p>	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<ul style="list-style-type: none"> <li>These registers supplement the simplification of financial statements in Theme 6.</li> </ul>	<ul style="list-style-type: none"> <li><b>Interests Disclosure Register</b> that collates all disclosures made by elected members about their interests related to matters considered by council</li> <li><b>Applicant Contribution Register</b> accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking</li> <li><b>Contracts Register</b> that discloses all contracts above</li> </ul>		✓
<b>3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published</b>			
<ul style="list-style-type: none"> <li>It is a requirement of the Act that CEO performance reviews are conducted annually.</li> <li>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.</li> <li>Additional performance criteria can be used for performance review by agreement between both parties.</li> </ul>	<ul style="list-style-type: none"> <li>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"> <li>Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period)</li> <li>The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period)</li> <li>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).</li> </ul> </li> </ul>	<p><b>Limited Exemptions</b> It is proposed that a provision is included to allow councils to seek the Inspector's approval not to publish a specific CEO KPI, if there is a clear public interest reason for doing so.</p>	-
<p><b>WALGA Response</b> Conditionally support the reporting of CEO KPIs consistent with the strategic direction and operational function of the LG, subject to exemptions for publishing KPIs of a confidential nature.</p> <p><b>Do not support the results of performance reviews being published.</b></p>			-


# Theme 4: Stronger Local Democracy and Community Engagement

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>4.1 Community and Stakeholder Engagement Charters</b>			
<ul style="list-style-type: none"> <li>There is currently no requirement for local governments to have a specific engagement charter or policy.</li> <li>Many local governments have introduced charters or policies for how they will engage with their community.</li> <li>Other Australian States have introduced a specific requirement for engagement charters.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>A model Charter would be published to assist local governments who wish to adopt a standard form.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓
<b>4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)</b>			
<ul style="list-style-type: none"> <li>Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers.</li> <li>These surveys provide valuable data on the performance of local governments.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Results would be required to be reported publicly at a council meeting and published on the local government's website.</li> <li>All local governments would be required to publish a response to the results.</li> </ul>	<b>Standardised Questions</b> Based on requests from ratepayers, it is proposed that some standard questions be pre-defined in Regulation to allow for the comparison of results between local governments.	✓
<b>WALGA Response</b> Support the conduct of community, rather than ratepayer, satisfaction surveys.			✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>4.3 Introduction of Preferential Voting</b>			
<ul style="list-style-type: none"> <li>The current voting method for local government elections is first-past-the-post.</li> <li>The existing first-past-the-post does not allow for electors to express more than one preference.</li> <li>The candidate with the most votes wins, even if that candidate does not have a majority.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Preferential voting is proposed to be adopted as the method to replace the current first past the post system in local government elections.</li> <li>In preferential voting, voters number candidates in order of their preferences.</li> <li>Preferential voting is used in State and Commonwealth elections in Western Australia and other states. This provides voters with more choice and control over who they elect.</li> <li>All other states use a form of preferential voting for local government.</li> </ul>	<p><b>Optional Preferential Voting</b> Optional preferential voting is proposed, to ensure that electors may lodge a valid vote without numbering all candidates, if they wish to vote in that way.</p>	-
<p><b>WALGA Response</b> Oppose preferential voting in favour of first past the post. However, if FPTP is not retained, then optional preferential voting is preferred.</p>			-
<b>4.4 Public Vote to Elect the Mayor and President</b>			
<ul style="list-style-type: none"> <li>The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: <ul style="list-style-type: none"> <li>by the electors of the district through a public vote; or</li> <li>by the council as a resolution at a council meeting.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Mayors and Presidents of all local governments perform an important public leadership role within their local communities.</li> <li>Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4.</li> <li>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.</li> <li>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.</li> </ul>	No major changes. Work to develop and refine detail is ongoing. Transitional arrangements are under consideration.	x
<p><b>WALGA Response</b> Oppose this proposal and support retaining the current provision, that the election of Mayors/Presidents be at the discretion of each Local Government.</p>			x



CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>4.5 Tiered Limits on the Number of Councillors</b>			
<ul style="list-style-type: none"> <li>The number of councillors (between 5 and 15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board and approved by the Minister.</li> <li>The Panel Report recommended electoral reforms to improve representativeness.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed to limit the number of councillors based on the population of the entire local government.</li> <li>Some smaller local governments have already been moving to have smaller councils to reduce costs for ratepayers.</li> <li>The <a href="#">Local Government Panel Report</a> proposed for a population of: <ul style="list-style-type: none"> <li>up to 5,000 – five councillors (including the President)</li> <li>between 5,000 and 75,000 – five to nine councillors (including the Mayor/President)</li> <li>above 75,000 – nine to fifteen councillors (including Mayor).</li> </ul> </li> </ul>	<p><b>Change for Smaller Local Governments</b> Based on requests from impacted councils, it is proposed to adjust this to allow local governments with a population of up to 5,000 people to decide to have 5, 6 or 7 councillors.</p>	✓
<b>4.6 No Wards for Small Councils (Band 3 and 4 Councils only)</b>			
<ul style="list-style-type: none"> <li>A local government can make an application to be divided into wards with councillors elected to those wards.</li> <li>Only about 10% of band 3 and 4 local governments currently have wards.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that the use of wards for councils in bands 3 and 4 is abolished.</li> <li>Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election.</li> <li>In smaller local governments, the population of wards can be very small.</li> <li>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.</li> <li>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.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing. Transitional arrangements are under consideration.</p>	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility</b>			
<ul style="list-style-type: none"> <li>• A person with a lease in a local government district is eligible to nominate as a candidate in that district.</li> <li>• A person with a lease in a local government district is eligible to apply to vote in that district.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The City of Perth Inquiry Report identified sham leases as an issue.</li> <li>• Electoral rules are proposed to be strengthened: <ul style="list-style-type: none"> <li>○ A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council</li> <li>○ 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</li> <li>○ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council.</li> </ul> </li> <li>• 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.</li> <li>• 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.</li> </ul>	<p>Further work is being progressed to ensure the integrity of enrolment on the owner and occupier rolls for local government elections, including:</p> <ul style="list-style-type: none"> <li>• further definition to minimum lease requirements to exclude sham leases (while ensuring legitimate businesses are represented);</li> <li>• guidance to standardise evidence requirements for claiming eligibility based on a property lease or ownership; and</li> <li>• minor amendments to clarify and standardise disclosure and decision-making related to electoral gifts.</li> </ul>	

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>4.8 Reform of Candidate Profiles</b>			
<ul style="list-style-type: none"> <li>Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words.</li> </ul>	<ul style="list-style-type: none"> <li>Further work will be undertaken to evaluate how longer candidate profiles could be accommodated.</li> <li>Longer candidate profiles would provide more information to electors, potentially through publishing profiles online.</li> <li>It is important to have sufficient information available to assist electors to make informed decisions when casting their vote.</li> </ul>	<p>No major change to the proposal, though candidate profiles are likely to be published online, rather than on ballot papers.</p>	✓
<b>4.9 Other Minor Electoral Reforms</b>			
<ul style="list-style-type: none"> <li>Other minor reforms are proposed to improve local government elections.</li> </ul>	<ul style="list-style-type: none"> <li>Reforms are proposed to include: <ul style="list-style-type: none"> <li>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 fewer than 10 votes a recount will always be required)</li> <li>The introduction of more specific rules concerning local government council candidates' use of electoral rolls.</li> </ul> </li> </ul>	<p><b>Recounts</b> It is proposed to provide candidates, or their nominated scrutineers, with a specific avenue to request a recount immediately at the counting of votes, if a set percentage margin in the count is within a limit to be prescribed in regulations.</p> <p><b>Filling Extraordinary Vacancies Following Elections</b> Based on input from the sector, it is proposed to create a new power to allow vacancies on councils arising up to twelve months after an election to be filled by the next highest-polling candidate.</p> <p><b>Election Timeframes</b> It is necessary to extend timeframes for elections in the Act to account for slower postal services.</p>	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
		<p><b>Electronic/Online Voting</b> It is proposed to amend the Act to allow for the future implementation of electronic voting in elections (when the technology is deemed suitable). Regulations would then need to be developed.</p> <p><b>Extended Leave from Meetings</b> Based on advocacy from the sector, it is proposed to provide a right for elected representatives to take up to six months' leave if they become a parent or guardian. Similarly, they may take up to six months of medical leave with a medical certificate.</p>	✓

# Theme 5: Clear Roles and Responsibilities

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>5.1 Introduce Principles in the Act</b>			
<ul style="list-style-type: none"> <li>The Act does not currently outline specific principles.</li> <li>The Act contains a short “Content and Intent” section only.</li> <li>The Panel Report recommended greater articulation of principles</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed to include new principles in the Act, including:               <ul style="list-style-type: none"> <li>The recognition of Aboriginal Western Australians</li> <li>Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal)</li> <li>Community Engagement</li> <li>Financial Management.</li> </ul> </li> </ul>	No major changes. Work to develop details and refine exact phrasing/wording is ongoing.	✓
<b>5.2 Greater Role Clarity</b>			
<ul style="list-style-type: none"> <li>The Act provides for the role of council, councillor, mayor or president and CEO.</li> <li>The role of the council is to:               <ul style="list-style-type: none"> <li>govern the local government’s affairs</li> <li>be responsible for the performance of the local government’s functions.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The <a href="#">Local Government Act Review Panel</a> recommended that roles and responsibilities of elected members and senior staff be better defined in law.</li> <li>It is proposed that these roles and responsibilities are further defined in the legislation.</li> <li>These proposed roles will be open to further consultation and input.</li> <li>These roles would be further strengthened through Council Communications Agreements (see item 5.3).</li> </ul>	See below	✓
	<p><b>5.2.1 - Mayor or President Role</b></p> <ul style="list-style-type: none"> <li>It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President.</li> <li>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"> <li>Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council</li> </ul> </li> </ul>	<p>Minor changes in wording to provide that the presiding member is to exemplify respectful conduct.</p> <p>Work to develop details and refine exact phrasing/wording is ongoing.</p>	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
	<ul style="list-style-type: none"> <li>○ Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act</li> <li>○ Developing and maintaining professional working relationships between councillors and the CEO</li> <li>○ Performing civic and ceremonial duties on behalf of the local government</li> <li>○ Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government.</li> </ul>		✓
	<p><b>5.2.2 – Council Role</b></p> <ul style="list-style-type: none"> <li>● 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.</li> <li>● While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> <li>○ Making significant decisions and determining policies through democratic deliberation at council meetings</li> <li>○ Ensuring the local government is adequately resourced to deliver the local government's operations, services and functions – including all functions that support informed decision-making by council</li> <li>○ Providing a safe working environment for the CEO</li> <li>○ Providing strategic direction to the CEO</li> <li>○ Monitoring and reviewing the performance of the local government.</li> </ul> </li> </ul>	No major changes. Work to develop details and refine exact phrasing/wording is ongoing.	✓
	<p><b>5.2.3 – Elected Member (Councillor) Role</b></p> <ul style="list-style-type: none"> <li>● It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors.</li> </ul>	No major changes. Work to develop details and refine exact phrasing/wording is ongoing.	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
	<ul style="list-style-type: none"> <li>● 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"> <li>○ Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including councillors elected for a particular ward)</li> <li>○ Positively and fairly contributing and applying their knowledge, skill, and judgement to the democratic decision-making process of council</li> <li>○ Applying relevant law and policy in contributing to the decision-making of the council</li> <li>○ Engaging in the effective planning and review of the local government's resources, and the performance of its operations, services, and functions</li> <li>○ Communicating the decisions and resolutions of council to stakeholders and the public</li> <li>○ Developing and maintaining professional working relationships with all other councillors and the CEO</li> <li>○ Maintaining and developing their knowledge and skills relevant to local government</li> <li>○ Facilitating public engagement with local government.</li> </ul> </li> <li>● 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.</li> </ul>		✓
	<p><b>5.2.4 – CEO Role</b></p> <ul style="list-style-type: none"> <li>● The Act requires local governments to employ a CEO to run the local government administration and implement the decisions of council.</li> </ul>	No major changes. Work to develop details and refine exact phrasing/wording is ongoing.	-

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
	<ul style="list-style-type: none"> <li>● To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs.</li> <li>● 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"> <li>○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions</li> <li>○ Facilitating the implementation of council decisions</li> <li>○ Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council</li> <li>○ Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council</li> <li>○ Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3)</li> <li>○ Overseeing the compliance of the operations of the local government with State and Commonwealth legislation on behalf of the council</li> <li>○ Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council.</li> </ul> </li> </ul>		✓
<b>WALGA Response: Item 5.2.4</b> Supported, subject to including reference that the CEO is responsible for the recruitment and performance management of all staff as indicated in the current Act and Regulations.			-
<b>5.3 Council Communication Agreements</b>			
<ul style="list-style-type: none"> <li>● 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's functions.</li> </ul>	<ul style="list-style-type: none"> <li>● In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided.</li> </ul>		✓




CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<ul style="list-style-type: none"> <li>The availability of information is sometimes a source of conflict within local governments.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO.</li> <li>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.</li> <li>A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific alternative agreement within a certain timeframe following any election.</li> </ul>	<p><b>Default Agreement</b></p> <p>The default agreement (to be developed in consultation with the sector) will start at the commencement of election caretaker periods. The CEO and an absolute majority of council must agree for an arrangement other than the default to apply. The agreement will specify how information should be requested and received. Provisions about the information elected members can access would be unchanged.</p>	✓
<b>5.4 Local Governments May Pay Superannuation Contributions for Elected Members</b>			
<ul style="list-style-type: none"> <li>Elected members are eligible to receive sitting fees or an annual allowance.</li> <li>Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund.</li> <li>Councils should be reflective and representative of the people living within the district.</li> <li>Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Superannuation is widely recognised as an important entitlement to provide long term financial security.</li> <li>Other states have already moved to allow councils to make superannuation contributions for councillors.</li> <li>Allowing council to provide superannuation is an 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.</li> </ul>	<p><b>Councils to Determine Whether to Pay Additional Superannuation Allowance</b></p> <p>No change, confirming councils will be able to decide whether to pay superannuation. This is based on the model recently introduced in New South Wales.</p>	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>5.5 Local Governments May Establish Education Allowances</b>			
<ul style="list-style-type: none"> <li>Local government elected members must complete mandatory training.</li> <li>There is no specific allowance for undertaking further education.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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 provide professional development opportunities for councillors.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>	✓
<b>5.6 Standardised Election Caretaker period</b>			
<ul style="list-style-type: none"> <li>There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures.</li> <li>This is commonly a point of public confusion.</li> </ul>	<ul style="list-style-type: none"> <li>A State-wide caretaker period for local governments is proposed.</li> <li>All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> <li>Councils do not make major decisions with criteria to be developed defining 'major'</li> <li>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 campaign activities.</li> <li>There are consistent election conduct rules for all candidates.</li> </ul> </li> </ul>	<p><b>Limited Exemptions</b> It is proposed to include minor exemptions to allow councils to make specific decisions essential to ongoing operation of the local government during the caretaker period.</p>	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>5.7 Remove WALGA from the Act</b>			
<ul style="list-style-type: none"> <li>The Western Australian Local Government Association (WALGA) is constituted under the Act</li> <li>The Local Government Panel Report and the Select Committee Report included this recommendation.</li> </ul>	<ul style="list-style-type: none"> <li>The <a href="#">Local Government Panel Report</a> recommended that WALGA not be constituted under the Act.</li> <li>Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.	-
<b>WALGA Response:</b> Supported, subject to WALGA undertaking further due diligence on the broader implications on the proposal and subsequent consultation with the sector. Any proposed reforms should ensure that the LGA retain statutory provisions for LGIS and PSP Program, and no disadvantage to WALGA's capacity to provide services and represent the sector.			-
<b>5.8 CEO Recruitment</b>			
<ul style="list-style-type: none"> <li>Recent amendments introduced provisions to standardise CEO recruitment.</li> <li>The recruitment of a CEO is a very important decision by a local government.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that DLGSC establishes a panel of approved members to perform the role of the independent person on CEO recruitment panels.</li> <li>Councils will be able to select an independent person from the approved list.</li> <li>Councils will still be able to appoint people outside of the panel with the approval of the Inspector.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓
<b>WALGA Response:</b> Supported on the proviso that no cost is associated with the use of the approved panel.			✓

# Theme 6: Improved Financial Management and Reporting

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>6.1 Model Financial Statements and Tiered Financial Reporting</b>			
<ul style="list-style-type: none"> <li>The financial statements published in the Annual Report are the main financial reporting currently published by local governments.</li> <li>Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments.</li> <li>The Office of the Auditor General has identified opportunities to improve financial reporting, make statements clearer and reduce unnecessary complexity.</li> <li>Recognising the difference in the complexity between 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.</li> <li>It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils and simpler, clearer financial statements for bands 3 and 4.</li> </ul>	<p>No significant changes.</p> <p>Work on the Model Financial Statements is ongoing. It is expected that the new Model Financial Statements will be in place for the 2022-23 financial year.</p>	

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process.</li> </ul>		✓
<b>6.2 Simplify Strategic and Financial Planning</b>			
<ul style="list-style-type: none"> <li>• Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations.</li> <li>• There is also the Integrated Planning and Reporting (IPR) framework.</li> <li>• While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments.</li> </ul>	<ul style="list-style-type: none"> <li>• Clear information about the finances of local government enables informed public and ratepayer engagement and input to decision-making.</li> <li>• The framework for financial planning should be based around information being clear, transparent and easy for all ratepayers and members of the public to understand.</li> <li>• 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.</li> <li>• Local governments would be required to adopt a standard set of plans, and there will be templates published by DLGSC for use or adaptation by local governments.</li> <li>• It is proposed that the plans that are required are: <ul style="list-style-type: none"> <li>○ 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 DLGSC</li> <li>○ Simplified Asset Management Plans to consistently forecast costs of maintaining the local government's assets.</li> </ul> </li> </ul>	<p><b>Borrowing Against Freehold Land</b> A further amendment is proposed to allow a local government to borrow against the freehold (private/zoned) land it owns. Otherwise, no major changes. Work to develop and refine detail is ongoing.</p>	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
	<ul style="list-style-type: none"> <li>○ A new plan will be required at least every 10 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</li> <li>○ 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</li> <li>○ A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long-Term Financial Plan) providing a forecast to ratepayers (updated at least every four years)</li> <li>○ 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.</li> </ul>		✓
<b>6.3 Rates and Revenue Policy</b>			
<ul style="list-style-type: none"> <li>● Local governments are not required to have a rates and revenue policy.</li> </ul>	<ul style="list-style-type: none"> <li>● 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.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<ul style="list-style-type: none"> <li>Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs, especially for the repair of infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services.</li> <li>The Policy would need to reflect the Asset Management Plan and the Long-Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs.</li> <li>A template would be published for use or adaptation by all local governments.</li> <li>The <a href="#">Local Government Panel Report</a> included this recommendation.</li> </ul>		✓
<b>6.4 Monthly Reporting of Credit Card Statements</b>			
<ul style="list-style-type: none"> <li>No legislative requirement.</li> <li>Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds.</li> </ul>	<ul style="list-style-type: none"> <li>The statements of a local government's credit cards used by local government employees will be required to be tabled at council meetings on a monthly basis.</li> <li>This provides oversight of incidental local government spending.</li> </ul>	No major changes. Work to develop and refine detail is ongoing.	✓
<b>6.5 Amended Financial Ratios</b>			
<ul style="list-style-type: none"> <li>Local governments are required to report seven ratios in their annual financial statements.</li> <li>These are reported on the MyCouncil website.</li> <li>These ratios are intended to provide an indication of the financial health of every local government.</li> </ul>	<ul style="list-style-type: none"> <li>Financial ratios will be reviewed in detail, building on work already underway by DLGSC.</li> <li>The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful.</li> </ul>	Further work on this is ongoing.	✓

CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>6.6 Audit Committees</b>			
<ul style="list-style-type: none"> <li>Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members.</li> <li>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.</li> <li>The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Audit Committees would also need to consider proactive risk management.</li> <li>To reduce costs it is proposed that local governments should be able to establish shared Regional Audit Committees.</li> <li>The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson.</li> </ul>	<p><b>No Requirement for Majority of Independent Members (only Independent Chair)</b> Recognising the practical difficulty in recruiting independent people expressed by several local governments, the requirement for Audit Committees to have a majority of independent members will not be progressed. However, the requirement for an independent chairperson remains.</p> <p><b>Local Governments May Renumerate Independent Committee Members</b> The Act will be amended to allow local governments to pay fees to committee members within Salaries and Allowances Tribunal limits.</p>	<p style="text-align: center;">✓</p>
<p><b>WALGA Response:</b></p> <ul style="list-style-type: none"> <li>Support the role of the OAG as the responsible entity for independent oversight of LG audits.</li> <li>Support Audit Committees with an Elected Member majority (YES)</li> <li>Support proposal to establish shared regional Audit Committees</li> <li>Support the appointment of an independent member as Audit Committee Chair to remain at the discretion of each LG</li> <li>Support the payment of meeting fees or defined reimbursements to independent Audit Committee Members. (YES)</li> </ul>			<p style="text-align: center;">-</p>



CURRENT PROVISIONS	ORIGINAL PROPOSAL	AMENDED PROPOSAL	WALGA
<b>6.7 Building Upgrade Finance</b>			
<ul style="list-style-type: none"> <li>The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance building improvements.</li> <li>This is not currently provided for under the Act.</li> <li>The Local Government Panel Report included this recommendation.</li> </ul>	<ul style="list-style-type: none"> <li>Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures.</li> <li>This would allow local governments to lend funds to improve buildings within their district.</li> <li>Limits and checks and balances would be established to ensure that financial risks are proactively managed.</li> </ul>	<p><b>Clarification – Lending Terms</b>            No major changes, but it should be clarified that financial institutions may provide the principal funds for the loan. Local governments would then collect repayments via rates notices (and pass on funds to any external lender) and would be able to foreclose on the land to recover debts using existing <i>Local Government Act 1995</i> provisions in the event of default by the borrower.            Work to develop and refine detail is ongoing.</p>	✓
<b>6.8 Cost of Waste Service to be Specified on Rates Notices</b>			
<ul style="list-style-type: none"> <li>No requirement for separation of waste charges on rates notice.</li> <li>Disclosure will increase ratepayer awareness of waste costs.</li> <li>The Review Panel Report included this recommendation.</li> </ul>	<ul style="list-style-type: none"> <li>It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service).</li> <li>This would provide transparency and awareness of costs for ratepayers.</li> </ul>	<p>No major changes. Work to develop and refine detail is ongoing.</p>	✓