Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
1.1 Early Intervention Powers		

• 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:
  ○ Suspend or dismiss councils
  ○ Appoint Commissioners
  ○ Suspend or, order remedial action (such as training) for individual councillors.
• The Act also provides the Director General with the power to:
  ○ Conduct Authorised Inquiries
  ○ Refer allegations of serious or recurrent breaches to the State Administrative Tribunal
  ○ Commence prosecution for an offence under the Act.
• Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government.
• The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight.
	• It is proposed to establish a Chief Inspector of Local Government (the **Inspector**), supported by an Office of the Local Government Inspector (the **Inspectorate**).
	• The Inspector would receive minor and serious complaints about elected members.
	• The Inspector would oversee complaints relating to local government CEOs.
	• Local Governments would still be responsible for dealing with minor behavioural complaints.
	• The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified.
	• The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the *Corruption, Crime and Misconduct Act 2003*, the *Occupational Safety and Health Act 1984*, the *Building Act 2011*, and other legislation.
	• The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism.
	• The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations.
	• The Inspector would be supported by a panel of **Local Government Monitors** (see item 1.2).
	• The existing Local Government Standards Panel would be replaced with a new **Conduct Panel** (see item 1.3).
		Noted.
		
		This measure is intended to improve local government staff and elected member conduct.
		It would be useful to fully understand the reporting and accountability relationships between the Inspector, Minister, Director General, Inspectorate, Conduct Panel and Department of Local Government, together with the level of resourcing available to enable the Inspector and Inspectorate to function effectively.
		
		LG Professionals WA remains opposed to the concept of local governments dealing with minor behavioural complaints as suggested in dot point 4. We feel strongly that this is contrary to best practice and the principle of objectivity. The process of dealing with complaints that arise from breaches of behavioural standards is best dealt with independently.

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	• **Penalties** for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). • These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6).	It is unclear how dot point 3 would work and what type of complaint would give rise to an external investigation?
1.2 Local Government Monitors		
• There are currently no legislative powers for the provision of monitors/ temporary advisors. • The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases.	• A panel of **Local Government Monitors** would be established. • Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. • The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. • Monitors would be qualified specialists, such as: ○ Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators ○ Dispute resolution experts - to address the breakdown of professional working relationships ○ Certified Practicing Accountants and other financial specialists - to assist with financial management and reporting issues ○ Governance specialists and lawyers - to assist councils resolve legal issues ○ HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. • Only the Inspector would have the power to appoint Monitors. • Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. **Monitor Case Study 1 – Financial Management**	**Noted.** Monitors will be activated by the Inspector where a need has been identified based on an investigation of a complaint. Local Governments - *either the Council or the CEO* - can also make a request for assistance, but the parameters for such a request are not yet defined. It is unlikely that monitors will be usable as a general consulting resource, net of their role in conjunction with the Inspectorate. The costs of activating monitors as a consequence of the Inspector's investigations will likely be borne by the LG and will fall outside of the adopted budget parameters. If a CEO determines to request the urgent engagement of a monitor to address a problem, it should be within the scope of the CEO to do

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	The Inspector receives information that a local government is not collecting rates correctly under the *Local Government Act 1995*. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers. **Monitor Case Study 2 – Dispute Resolution** The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council. The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council's code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.	so without the need for an existing budget provision.
1.3 Conduct Panel		
• 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.	• The Standards Panel is proposed to be replaced with a new Local Government **Conduct Panel**. • The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. • The Inspector would provide evidence to the Conduct Panel for adjudication.	**Noted.** It will be important for the Conduct Panel to be able to demonstrate its effectiveness and timeliness.

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
• Currently, the Panel makes findings about alleged breaches based on written submissions. • The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed.	• The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism. • For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. • Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision.	
1.4 Review of Penalties		
• There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act.	• Penalties for breaching the Local Government Act are proposed to be strengthened. • It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. • Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address). • It is proposed that a councillor who is suspended multiple times may become disqualified from office. • Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances.	**Noted.** Clarification required regarding timing of implementation, especially with regards to mandatory training requirements - currently 12 months. Will penalties apply automatically on expiration of deadlines? Discussion with the Minister's Office has clarified that dot point 3 should refer to "Councillors who are suspended" rather than "Councillors who are disqualified".
1.5 Rapid Red Card Resolutions		
• 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	• 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).	**Noted.** The "Red Card" proposal adds emphasis to the power of the

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
powers provided in the local government standing orders local laws. • Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings. • Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings.	• 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: ○ Require the Presiding Member to issue a clear first warning ○ If the disruptions continue, the Presiding Member will have the power to "red card" that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions ○ If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting. • Any Presiding Member who uses the "red card" or ejection power will be required to notify the Inspector. • Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector.	Presiding Member to enforce behavioural standards. Clarification was sought from the Minister on management of poor Presiding Member conduct, and he emphasised that the power for Council to dissent from the Presiding Member's rulings would be part of the model Standing Orders. Whilst poor Presiding Member behaviour should be escalated to the Inspectorate, this will not address behavioural issues at the time that they occur.
1.6 Vexatious Complaint Referrals		
• No current provisions. • The Act already provides a requirement for Public Question Time at council meetings.	• Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government's operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. • Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person's query.	**Noted.** Declaring complaints to be vexatious should in the first instance be determined locally, and then perhaps appealable to the inspectorate. In discussions with the LG Professionals WA Board the Minister was open to exploring this idea further.

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	• It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious.	
1.7 Minor Other Reforms		
• Other minor reforms are being considered to enhance the oversight of local government. • Ministerial Circulars have traditionally been used to provide guidance to the local government sector.	• Potential other reforms to strengthen guidance for local governments are being considered. • For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. • It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations.	**Noted.** Guidance notices and templates should be prepared in consultation with LG Professionals WA and WALGA to ensure operational suitability and adaptability across the range of capacities that exist in the sector. The Minister should not be seen as the author/publisher of any of these guidance resources, as it risks politicising the advice. Initial implementation guidance should come from the Director General and subsequent corrective guidance should come from the Inspector. Any guidance advice should be cognisant of its resourcing implications.

Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.1 Resource Sharing		
• The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs. • Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing.	• Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees. • Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1.	**Supported.** The flexibility for sharing and remunerating CEOs needs to be reflected across all LG staff. Compliance reviews and "Red Tape Reduction" will be necessary across a range of legislation and regulation, not just the Local Government Act, to make resource sharing truly effective. The proposal should be applied to **systems** as much as **staff**. Common systems – *payroll, finance, ICT, etc* – simplifies and enables the joint usage of staff. This proposal should be designed around creating the capacity to establish a fully integrated shared service function between multiple LGs as the ultimate expression of resource sharing. It may also be useful to establish a role for the Inspector in promulgating or terminating arrangements, given the multi-organisational impacts of such decisions.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		The proposal could also link to the innovation proposal and a principle based on sustainability, whereby collaboration between Local Governments *(beyond boundaries and geographic restrictions*) is encouraged.
2.2 Standardisation of Crossovers		
• Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences. • This can create confusion and complexity for homeowners and small businesses in the construction sector.	• It is proposed to amend the *Local Government (Uniform Local Provisions) Regulations 1996* to standardise the process for approving crossovers for residential properties and residential developments on local roads. • A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this. • The DLGSC will work with the sector to develop standardised design and construction standards.	**Noted.** Requirements need to consider metro, peri-urban, rural and remote contexts.
2.3 Introduce Innovation Provisions		
• The *Local Government Act 1995* currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket).	• New provisions are proposed to allow exemptions from certain requirements of the *Local Government Act 1995*, for: ○ Short-term trials and pilot projects ○ Urgent responses to emergencies.	**Supported.** LG Professionals WA encourages the capacity for LGs to explore new and innovative approaches in an experimental environment.
2.4 Streamline Local Laws		
• Local laws are required to be reviewed every eight years.	• It is proposed that local laws would only need to be reviewed by the local government every 15 years.	**Supported.** Model local laws should be scalable to ensure they are

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
• The review of local laws (especially when they are standard) has been identified as a burden for the sector. • Inconsistency between local laws is frustrating for residents and business stakeholders.	• Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable. • Local governments adopting Model Local Laws will have reduced advertising requirements.	appropriate for all local governments.
2.5 Simplifying Approvals for Small Business and Community Events		
• Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities.	• Proposed reforms would introduce greater consistency for approvals for: ○ alfresco and outdoor dining ○ minor small business signage rules ○ running community events.	**Noted.**
2.6 Standardised Meeting Procedures, Including Public Question Time		
• Local governments currently prepare individual standing order local laws. • The *Local Government Act 1995* and regulations require local governments to allocate time at meetings for questions from the public. • Inconsistency among the meeting procedures between local governments is a common source of complaints.	• To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government meetings, including for public question time, are standardised across the State. • Regulations would introduce standard requirements for public question time, and the procedures for meetings generally. • Members of the public across all local governments would have the same opportunities to address council and ask questions.	**Noted.** Standardisation can create a more simplified regulatory environment but can also create "one-size-fits-all" problems across the sector. Whilst meeting procedures can be considered relatively common at a basic level, being able to retain flexibility to adapt to local style and preference is also important.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.7 Regional Subsidiaries		
• Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal "organisations of councils", such as NEWROC and WESROC. • These initiatives typically have to be managed by a lead local government. • In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the *Local Government (Regional Subsidiaries) Regulations 2017.* • So far, no Regional Subsidiary has been formed.	• Work is continuing to consider how Regional Subsidiaries can be best established to: ○ Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments ○ Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds ○ Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk ○ Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments.	**Noted.** Regional subsidiaries should be maximised as vehicles for efficient and effective collective activity. Maximising the flexibility of the structure and at the same time ensuring appropriate accountability and transparency is best achieved through the establishment of specific requirements within the Charter that establishes the Subsidiary, rather than standardised regulation.

Theme 3: Greater Transparency & Accountability

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		

• Currently, local governments are only required to make written minutes of meetings.
• While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings.
• Complaints relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments.
• Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors[1] such as:
  ○ Growth and development
  ○ Strategic planning issues
  ○ Demands and diversity of services provided to the community
  ○ Total expenditure
  ○ Population
  ○ Staffing levels.
	• It is proposed that all local governments will be required to record meetings.
	• Band 1 and 2 local governments would be required to livestream meetings and make video recordings available as public archives.
	• Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment.
	• Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives.
	• Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings.
	• Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used.
	• Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings.
	• All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving.
		Noted.
		
		It is understood that the rationale for this provision is to capture better evidence of discussions and interactions at meetings. The act of recording, storing, and uploading large audio or video files may have resourcing implications for some LGs.
		
		Proposals to record/stream meetings include lesser requirements on tier 3 & 4 LGs.
		
		Further, if meetings are live-streamed, why would such recordings need to wait until the meeting Minutes are published before being published as suggested in dot point 8?

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

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.2 Recording All Votes in Council Minutes		
• A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting. • The existing provision does not mandate transparency.	• To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber. • Regulations would prescribe how votes are to be consistently minuted.	**Noted.** However, the legislation should be empowering. It should prescribe that the votes of each Councillor be identified but the regulations should not go to the minutiae of prescribing exactly how this is minuted.
3.3 Clearer Guidance for Meeting Items that may be Confidential		
• The Act currently provides broad definitions of what type of matters may be discussed as a confidential item. • There is limited potential for review of issues managed as confidential items under the current legislation.	• Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances. • It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public. • Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector. • All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC.	**Noted.** How does dot point 4 relate to the proposal to live-stream at 3.1? If matters are confidential and the public is asked to leave, why does the Department only want audio recordings here for Band 1 & 2 local governments, and not audio-visual recordings? Will the Local Government retain a copy of the confidential audio recordings and thereby keep a complete audio of the full meeting?

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.4 Additional Online Registers		
• Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online. • Consistent online publication of information can substitute for certain material in annual reports. • Consistency in online reporting across the sector will provide ratepayers with better information. • These registers supplement the simplification of financial statements in Theme 6.	• 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: ○ **Lease Register** to capture information about the leases the local government is party to (either as lessor or lessee) ○ **Community Grants Register** to outline all grants and funding provided by the local government ○ **Interests Disclosure Register** which collates all disclosures made by elected members about their interests related to matters considered by council ○ **Applicant Contribution Register** accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking ○ **Contracts Register** that discloses all contracts above $100,000.	**Noted.** Whilst the need for transparency is understood, the number of occurrences for these registers in tier 3 & 4 LGs is likely to be small and therefore the annual publication of these registers at the time of the AGM is considered a more reasonable course of action for smaller local governments. It is presumed that the legislation will require quarterly updates as a minimum. It would be far easier, and more transparent, in larger local governments to update these registers on an ongoing basis. If a local government leases houses to tenants, the Minister has indicated that there is no intention to make these leases public.
3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published		
• It is a requirement of the *Local Government Act 1995* that CEO performance reviews are conducted annually. • The Model Standards for CEO recruitment and selection, performance review and	• To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: ○ Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period)	**Dispute.** The Minister's rationale for this proposal centres on the role of the CEO in implementing the Council's Community Plan,

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
termination require that a local government must review the performance of the CEO against contractual performance criteria. • Additional performance criteria can be used for performance review by agreement between both parties.	○ The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) ○ The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs).	however it is the Council that should be publicly accountable for the achievement of the Community Plan, rather than the CEO. The CEO's accountability is to the Council and therefore the CEO's KPI performance should be treated within an HR context. It may be acceptable to concede to the publication of any KPIs that relate strictly to the Council Community Plan and Corporate Business Plan to ensure there is awareness around the expectations of the CEO in facilitating the achievement of the plans. However, all personal or confidential KPIs together with the performance assessment of the CEO by the Council against those KPIs, and any response by the CEO, should remain within the confidential human resource records of the organisation.

Theme 4: Stronger Local Democracy and Community Engagement

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.1 Community and Stakeholder Engagement Charters		
• There is currently no requirement for local governments to have a specific engagement charter or policy. • Many local governments have introduced charters or policies for how they will engage with their community. • Other States have introduced a specific requirement for engagement charters.	• It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community. • A model Charter would be published to assist local governments who wish to adopt a standard form.	**Noted.** The benefit of Community & Stakeholder Engagement Charters lies in clarity of expectations around engagement and consultation, together with the ability to craft a locally appropriate process. Much of the process in the current Act and Regulations is prescriptive and diminishes the incentive for a policy based approach, making this requirement appear cursory.
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)		
• Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers. • These surveys provide valuable data on the performance of local governments.	• It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently-managed ratepayer satisfaction survey. • Results would be required to be reported publicly at a council meeting and published on the local government's website. • All local governments would be required to publish a response to the results.	**Noted.**
4.3 Introduction of Preferential Voting		
• The current voting method for local government elections is first past the post.	• Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections.	**Noted.**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
• The existing first-past-the-post does not allow for electors to express more than one preference. • The candidate with the most votes wins, even if that candidate does not have a majority. • Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice.	• In preferential voting, voters number candidates in order of their preferences. • Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect. • All other states use a form of preferential voting for local government.	
4.4 Public Vote to Elect the Mayor and President		

• The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either:
  ○ by the electors of the district through a public vote; or
  ○ by the council as a resolution at a council meeting.
	• Mayors and Presidents of all local governments perform an important public leadership role within their local communities.
	• Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4.
	• Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system.
	• A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham.
		Noted.

4.5 Tiered Limits on the Number of Councillors		
• The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister.	• It is proposed to limit the number of councillors based on the population of the entire local government. • Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers.	**Noted.**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
• The Panel Report recommended electoral reforms to improve representativeness.	• The Local Government Panel Report proposed: ○ For a population of up to 5,000 – five councillors (including the President) ○ population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) ○ population of above 75,000 – nine to fifteen councillors (including Mayor).	
4.6 No Wards for Small Councils (Band 3 and 4 Councils only)		
• A local government can make an application to be divided into wards, with councillors elected to those wards. • Only about 10% of band 3 and 4 local governments currently have wards.	• It is proposed that the use of wards for councils in bands 3 and 4 is abolished. • Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government's election. • In smaller local governments, the population of wards can be very small. • These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes. • There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards.	**Noted.**
4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility		
• A person with a lease in a local government district is eligible to nominate as a candidate in that district. • A person with a lease in a local government district is eligible to apply to vote in that district. • The City of Perth Inquiry Report identified a number of instances where dubious lease	• Reforms are proposed to prevent the use of "sham leases" in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council. • The City of Perth Inquiry Report identified sham leases as an issue. • Electoral rules are proposed to be strengthened:	**Noted.**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors.	○ A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council. ○ Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address. ○ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council. • The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home based businesses (where the resident is already eligible) and very small sub-leases. • The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors.	
4.8 Reform of Candidate Profiles		
• Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words.	• Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. • Longer candidate profiles would provide more information to electors, potentially through publishing profiles online. • It is important to have sufficient information available to assist electors make informed decisions when casting their vote.	**Noted.**
4.9 Minor Other Electoral Reforms		
• Other minor reforms are proposed to improve local government elections.	• Minor other electoral reforms are proposed to include: ○ The introduction of standard processes for vote re-counts if there is a very small margin between candidates (e.g. where there is a margin of less than 10 votes a recount will always be required)	**Noted.**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	○ The introduction of more specific rules concerning local government council candidates' use of electoral rolls.	

Theme 5: Clear Roles and Responsibilities

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.1 Introduce Principles in the Act		

• The Act does not currently outline specific principles.
• The Act contains a short "Content and Intent" section only.
• The Panel Report recommended greater articulation of principles
	• It is proposed to include new principles in the Act, including:
	  ○ The recognition of Aboriginal Western Australians
	  ○ Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal)
	  ○ Community Engagement
	  ○ Financial Management.
		Noted.

5.2 Greater Role Clarity		

• The Act provides for the role of council, councillor, mayor or president and CEO.
• The role of the council is to:
  ○ govern the local government's affairs
  ○ be responsible for the performance of the local government's functions.
	• The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law.
	• It is proposed that these roles and responsibilities are further defined in the legislation.
	• These proposed roles will be open to further consultation and input.
	• These roles would be further strengthened through **Council Communications Agreements** (see item 5.3).
		Noted.
		Care needs to be taken to ensure roles do not become too prescriptive.

	5.2.1 - Mayor or President Role
	• It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President.
	• While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for:
	  ○ Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council
	  ○ Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act
		Noted.

<table>
<tr><th>CURRENT REQUIREMENTS</th><th>PROPOSED REFORMS</th><th>COMMENTS</th></tr>
<tr><td></td><td>Developing and maintaining professional working relationships between councillors and the CEO
Performing civic and ceremonial duties on behalf of the local government
Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government.</td><td></td></tr>
<tr><td></td><td>5.2.2 - Council Role
It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President.
While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for:
Making significant decisions and determining policies through democratic deliberation at council meetings
Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council
Providing a safe working environment for the CEO;
Providing strategic direction to the CEO;
Monitoring and reviewing the performance of the local government.</td><td>Noted.

It is pleasing to see reference made to providing a safe working environment for the CEO. The Minister has indicated that the Inspector will have initial responsibility for any investigation relating to this issue.

Legislation will need to detail what happens if a safe working environment is not provided.

The Council Role should also include a specific reference to recruiting and employing the CEO.</td></tr>
<tr><td></td><td>5.2.3 - Elected Member (Councillor) Role
It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors.
While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for:</td><td>Noted.

Also suggest a responsibility to support decisions made by Council, to try to address the issue of Councillors covertly or overtly undermining decisions which they did not individually support.</td></tr>
</table>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	◦ Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward) ◦ Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council ◦ Applying relevant law and policy in contributing to the decision-making of the council ◦ Engaging in the effective forward planning and review of the local governments' resources, and the performance of its operations, services, and functions ◦ Communicating the decisions and resolutions of council to stakeholders and the public ◦ Developing and maintaining professional working relationships with all other councillors and the CEO ◦ Maintaining and developing their knowledge and skills relevant to local government ◦ Facilitating public engagement with local government. • 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.	
	5.2.4 - CEO Role • The *Local Government Act 1995* requires local governments to employ a CEO to run the local government administration and implement the decisions of council. • To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs.	**Noted.** The CEO Role should also include a professional development requirement to maintain and/or improve on the requisite skills required for the role.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	• 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: ○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions ○ Facilitating the implementation of council decisions ○ Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council ○ Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council ○ Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) ○ Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council ○ Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council.	The CEO should be specifically identified as being responsible for the employment and management of all human resources retained by the organisation.
5.3 Council Communication Agreements		
• The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions. • The availability of information is sometimes a source of conflict within local governments.	• In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided. • It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO. • These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided.	**Noted.** Perhaps this requirement should have the status of a formally adopted Council policy and included in the Council Policy Manual, rather than differentiated as an "Agreement"? Our observation is that dealing with the Council is more like dealing with

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	• A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election.	a parliament than dealing with a single Minister.
5.4 Local Governments May Pay Superannuation Contributions for Elected Members		
• Elected members are eligible to receive sitting fees or an annual allowance. • Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. • Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils.	• It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances. • Superannuation is widely recognised as an important entitlement to provide long term financial security. • Other states have already moved to allow councils to make superannuation contributions for councillors. • Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. • Providing superannuation to councillors recognises that the commitment to elected office can reduce a person's opportunity to undertake employment and earn superannuation contributions.	**Noted.**
5.5 Local Governments May Establish Education Allowances		
• Local government elected members must complete mandatory training. • There is no specific allowance for undertaking further education.	• 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. • 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.	**Noted.**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	• Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government. • Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors.	
5.6 Standardised Election Caretaker period		
• There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. • This is commonly a point of public confusion.	• A statewide caretaker period for local governments is proposed. • All local governments across the State would have the same clearly defined election period, during which: ○ Councils do not make major decisions with criteria to be developed defining 'major' ○ Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. ○ There are consistent election conduct rules for all candidates.	**Noted.**
5.7 Remove WALGA from the Act		
• The Western Australian Local Government Association (WALGA) is constituted under the *Local Government Act 1995.* • The Local Government Panel Report and the Select Committee Report included this recommendation.	• The Local Government Panel Report recommended that WALGA not be constituted under the *Local Government Act 1995.* • Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity.	**Noted.**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.8 CEO Recruitment		
• Recent amendments introduced provisions to standardise CEO recruitment. • The recruitment of a CEO is a very important decision by a local government.	• It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. • Councils will be able to select an independent person from the approved list. • Councils will still be able to appoint people outside of the panel with the approval of the Inspector.	**Noted.**

Theme 6: Improved Financial Management and Reporting

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.1 Model Financial Statements and Tiered Financial Reporting		
• The financial statements published in the Annual Report is the main financial reporting currently published by local governments. • Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity. • The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information.	• The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government. • It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects. • Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments. • The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity. • Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments. • It is proposed to establish standard templates for **Annual Financial Statements** for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4. • **Online Registers**, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments.	**Supported.**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	• **Simpler Strategic and Financial Planning** (item 6.2) would also improve the budgeting process.	
6.2 Simplify Strategic and Financial Planning		

• Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations.
• There is also the Integrated Planning and Reporting (IPR) framework.
• While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments.
	• Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making.
	• The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public.
	• In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers.
	• Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments.
	• It is proposed that the plans that are required are:
	  ○ Simplified **Council Plans** that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC
	  ○ Simplified **Asset Management Plans** to consistently forecast costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape
	  ○ Simplified **Long Term Financial Plans** will outline any long term financial management and sustainability
		Supported.
		Whilst it is acknowledged that these are simply proposals at this stage, more detail is needed to understand transitional arrangements to the new strategic plans, how templates will recognise sector diversity, and the value thresholds and structure of Service & Project proposals.
		.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years ○ A new **Rates and Revenue Policy** (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years) ○ 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.	
6.3 Rates and Revenue Policy		
• Local governments are not required to have a rates and revenue policy. • Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure.	• The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure. • A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services. • The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs. • A template would be published for use or adaption by all local governments.	**Noted.**

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	• The Local Government Panel Report included this recommendation.	
6.4 Monthly Reporting of Credit Card Statements		
• No legislative requirement. • Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds.	• The statements of a local government's credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis. • This provides oversight of incidental local government spending.	**Noted.**
6.5 Amended Financial Ratios		
• Local governments are required to report seven ratios in their annual financial statements. • These are reported on the MyCouncil website. • These ratios are intended to provide an indication of the financial health of every local government.	• Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. • The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful.	**Supported.**
6.6 Audit Committees		
• Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members. • The Audit Committee is to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under the Act. • The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management.	• To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government. • Audit Committees would also need to consider proactive risk management. • To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees. • The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson.	**Dispute.** Many local governments will be unable to obtain the services of an increased number of suitably skilled independent members, certainly without substantial cost. In these circumstances an Audit committee with a majority of independent members and an independent Chair seems unrealistic. Regional Audit Committees will introduce additional costs and challenges around travel for elected

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		members and staff and may not allow for adequate consideration of each local government's unique situation. Modern communications technology could facilitate meetings, however reliance on "Zoom" style meetings is marginal in many rural and remote areas of the state. Options for the structure and membership of Audit committees should reflect the operational and locational diversity of the sector. Including a risk management requirement is supported.
6.7 Building Upgrade Finance		
• The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements. • This is not currently provided for under the Act. • The Local Government Panel Report included this recommendation.	• Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. • This would allow local governments to lend funds to improve buildings within their district. • Limits and checks and balances would be established to ensure that financial risks are proactively managed.	**Noted.**
6.8 Cost of Waste Service to be Specified on Rates Notices		
• No requirement for separation of waste changes on rates notice. • Disclosure will increase ratepayer awareness of waste costs.	• It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service).	**Noted.** Given there will be direct comparisons between local governments, it will be

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
• The Review Panel Report included this recommendation.	• This would provide transparency and awareness of costs for ratepayers.	important to ensure that there is a consistent manner of calculation. Any endorsed costing methodology should not be overly prescriptive and should be easy to understand.