



City of Stirling Submission

Local Government Act 1995
Review - Phase 2

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1. Introduction

The City of Stirling supports the State Government's objective to reform the *Local Government Act 1995* (the "Act") and appreciates the opportunity to make a submission. For its part, the City involved the release of various consultation papers, holding an elected member workshop, responding to community queries and encouraging invitations for individuals to make submissions to the Department of Local Government, Sport and Cultural Industries.

2. Background

In 2017 the State Government announced a review of the Act. This is the first significant reform of local government conducted in more than two decades. The objective is for Western Australia to have a new modern Act that empowers local governments to better deliver for the community applying the vision for local governments to be Agile, Smart and Inclusive.

The review includes two phases. Local governments and community were invited to make a submission to the Department on Phase 1 in March 2018 and Phase 2 in March 2019. The outcome of the review will result in an enhanced Act, likely to be proclaimed in 2020.

The submission focuses on the Fact Sheets and Detailed Discussion Papers provided by the Department and the comprehensive feedback from elected members. The City's responses either are in "support" or "not supported" or in other cases, there is "The City considers there is insufficient benefit to support change to the current legislation."

3. About the reform

The reform responds to calls from the local government sector and the community to update legislation and modernises the relationship between state and local government sectors to better reflect essential roles and responsibilities.

Phase 2 is based on the themes of Agile, Smart and Inclusive to consider nine key topic areas as outlined in the table below:

Agile	Smart	Inclusive
<ul style="list-style-type: none">• Beneficial Enterprises• Financial Management• Rates, Fees and Charges	<ul style="list-style-type: none">• Administrative Efficiencies – local laws• Council Meetings• Interventions	<ul style="list-style-type: none">• Community engagement – Integrated Planning and Reporting• Complaints Management• Elections

3.1 Agile

Agile includes topics that focus specifically on how local governments can best use their resources to adapt to changing conditions. It is important that they can strike a balance between community, expenditure, the practical limitations of revenue and expenditure and external pressure.

3.2 Smart

Smart includes topics that focus specifically on enabling local governments to better meet the needs and expectations of their communities through being transparent and accountable.

3.3 Inclusive

Inclusive focuses specifically on local governments representing and involving their communities in decision making. As the tier of government closest to the community, there is an expectation that local governments represent the whole community, recognise diversity within their district and are responsive to community needs.

4. City of Stirling position

The City's position is based on the Department Fact Sheets and Detailed Discussion Papers recommended as follows.

DLGSC Position Statement	City of Stirling Position
Financial Management	
<ul style="list-style-type: none"> Align purchasing rules with the State Government. 	<p>Supported.</p> <p>Increasing the tender threshold improves the sectors performance with an alignment to the State requirements.</p>
<ul style="list-style-type: none"> Change the threshold for advertising public tenders. 	<p>Supported.</p> <p>In line with the position above.</p>
<ul style="list-style-type: none"> Modernise rules for investments. 	<p>The City considers there is insufficient benefit to support change to the current legislation.</p>
<ul style="list-style-type: none"> Modernise rules for borrowing. 	<p>The City considers there is insufficient benefit to support change to the current legislation.</p>
Administrative Efficiencies – local laws	
<ul style="list-style-type: none"> Provide more consistency in local laws between districts. 	<p>Supported.</p> <p>The use of model local laws is supported but their mandatory application is opposed due to interference in local content.</p> <p>Supports the principles of “Deemed Local Laws” such as “entry powers”.</p>
<ul style="list-style-type: none"> Require local governments to have their local laws certified by a legal practitioner. 	<p>Not supported as this should be a function resourced by a single source of approval at State Government level.</p>
<ul style="list-style-type: none"> Combine the functions of the Local Government Grants Commission which provides financial assistance grants to local governments across Australia, and the Advisory Board, which makes recommendations to the Minister for 	<p>The City considers there is insufficient benefit to support change to the current legislation.</p>

DLGSC Position Statement	City of Stirling Position
Local Government on proposals to change local government boundaries, wards and councillor numbers.	
<ul style="list-style-type: none"> Remove outdated sections of the Act. 	Supported.
Elections	
<ul style="list-style-type: none"> Electronic voting 	<p>Supported.</p> <p>Develop in line with State and Federal future requirements.</p>
<ul style="list-style-type: none"> Reduce frequency to four years to align with other states. 	<p>Not supported.</p> <p>Current two year split provides stable decision making during the transition from one Council structure to another.</p> <p>Note compulsory voting is also not supported.</p>
<ul style="list-style-type: none"> Review voter eligibility. 	<p>Supported.</p> <p>Example: Review the situation where a non-resident enters into a short term lease of a property within the district for the purpose of being registered on the Owners and Occupiers Roll solely for nominating as a candidate at an election.</p> <p>Advocate the status of a candidate to be a person of good standing.</p>
<ul style="list-style-type: none"> Introduce preferential voting (the person that is most preferred wins – requires numbering candidates by preference when voting) 	Not supported.
<ul style="list-style-type: none"> Set a campaign advertising limit. 	<p>Supported.</p> <p>Implementation could be compromised by complexity in the ability to enforce this requirement.</p>
<ul style="list-style-type: none"> Publish candidate profiles on the local government website. 	<p>Supported.</p> <p>Currently displayed on the City's website as part of the election process.</p>
Council Meetings	
<ul style="list-style-type: none"> Introduce 'public statement time' at council meetings for community members who are not asking question. 	<p>Supported.</p> <p>Need to establish clear guidelines on the matters that can be raised (eg; those items listed on the meeting agenda) within strict time limits.</p>
<ul style="list-style-type: none"> Modernise question time through the use of new technologies. 	<p>Supported.</p> <p>Develop constraints on new technologies, website or video call for effectiveness.</p>

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<ul style="list-style-type: none"> Expand opportunities for council members to attend meetings remotely. 	<p>Supported.</p> <p>Even though legislation is adequate for remote areas and other exceptional circumstances a review is supported to meet current work practices, availability and circumstances.</p>
<ul style="list-style-type: none"> Extend the rules for disclosure of interest. 	<p>Supported.</p> <p>Broadening perceived conflict of interest guidelines would assist with the interpretation and mitigate the risk of non-compliance.</p>
<ul style="list-style-type: none"> Remove the requirement for annual and special electors meetings. 	<p>Not supported.</p> <p>Even though significant numbers of electors do not attend, both meetings provide an effective two way interactive process with Council.</p>
<ul style="list-style-type: none"> Clarify the rules for revoking or changing decisions. 	<p>The City considers there is insufficient benefit to support change to the current legislation.</p>
Interventions	
<ul style="list-style-type: none"> All complaints of a breach of the Act are referred to the department for investigation. 	<p>The City considers there is insufficient benefit to support change to the current legislation.</p>
<ul style="list-style-type: none"> Issue infringement notices for some offices. 	<p>The City considers there is insufficient benefit to support change to the current legislation.</p>
<ul style="list-style-type: none"> Embed an experience and suitably qualified person into council and/or administration to assist with decision making. 	<p>The City considers there is insufficient benefit to support change to the current legislation.</p>
<ul style="list-style-type: none"> Introduce an offence that applies to employees or CEOs who provide false or misleading information to Council. 	<p>The City considers there is insufficient benefit to support change to the current legislation.</p>
<ul style="list-style-type: none"> Introduce an offence for breaches of the tendering requirements. 	<p>The City considers there is insufficient benefit to support change to the current legislation.</p>
Rates, Fees and Charges	
<ul style="list-style-type: none"> Introduce a requirement to develop and consult on a Rates and Revenue Strategy 	<p>Supported.</p> <p>Models need to meet current and future strategy requirements of the sector.</p>
<ul style="list-style-type: none"> Remove or amend exemptions from rates. 	<p>Supported.</p> <p>Exemptions have extended beyond the original intention of the Act, resulting in an escalation of the financial burden shifting to other ratepayers. A thorough review is required to justify and demonstrate fairness of the various rate exemption categories.</p>
<ul style="list-style-type: none"> Standardise rating categories between local governments. 	<p>The City considers there is insufficient benefit to support change to the current</p>

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<ul style="list-style-type: none"> Fees and charges to be set at cost recovery. 	legislation. The City considers there is insufficient benefit to support change to the current legislation.
<ul style="list-style-type: none"> Remove requirements for Ministerial approval of large disparities in rates. 	The City considers there is insufficient benefit to support change to the current legislation.
Beneficial Enterprises	
<ul style="list-style-type: none"> Modernise the legislation to provide local governments with the option to form beneficial enterprises. 	Supported. Need to be reviewed with the emphasis on differentiating between the needs of different local governments and ensuring effective accountability.
<ul style="list-style-type: none"> Local government to develop a business plan to address community expectations and ensure transparency of funding and viability arrangements. 	Supported. Standard compliance plan to be established.
<ul style="list-style-type: none"> Introduce eligibility criteria that a local government must meet before it can establish a beneficial enterprise. 	Supported. Develop an effective governance model for the sector.
Community Engagement – Integrated Planning and Reporting	
<ul style="list-style-type: none"> Better define the role of local government. 	Supported. Amend to meet the current role of Council.
<ul style="list-style-type: none"> Local governments to have a community engagement charter, which includes minimum standards for community engagement. 	Supported in principle but not in the legislation. Meet community expectations as a matter of best practice by continually improving local government efficiency and operational effectiveness.
<ul style="list-style-type: none"> Require councils to adopt social media policies, including appropriate use in community engagement. 	Supported in principle but not in the legislation. Need to be applied as a matter of best practice and review on a regular basis to meet management processes and changing community standards.
Complaints Management	
<ul style="list-style-type: none"> Adoption of the Australian/New Zealand standard for complaints management. 	The City considers there is insufficient benefit to support change to the current legislation.
<ul style="list-style-type: none"> Implementation of a Customer Service Charter to be made publicly available. 	The City considers there is insufficient benefit to support change to the current legislation.
<ul style="list-style-type: none"> Legislative requirement for local governments to adopt a fit for purpose complaints management process. 	The City considers there is insufficient benefit to support change to the current legislation.
<ul style="list-style-type: none"> Internal independent review process for 	The City considers there is insufficient

DLGSC Position Statement	City of Stirling Position
unresolved complaints.	benefit to support change to the current legislation.

5. Council's decision

That Council **ENDORSES** and **FORWARDS** the City of Stirling submission to the Department of Local Government, Sport and Cultural Industries for Phase 2 of the *Local Government Act 1995 REVIEW* by 31 March 2019.