



Department of
**Local Government, Sport
and Cultural Industries**



Local Government Act 1995 review
Agile • Smart • Inclusive

Local Government Act 1995 Review

Agile • Smart • Inclusive – Local governments for the future

Phase 1: Consultation Paper

8 November 2017

Name: Jenna Ledgerwood

1. Relationships between council and administration

Introductory questions

- 1) Would you like your submission to remain anonymous?
No
- 2) Postcode:
6012
- 3) Who are you submitting on behalf of?
Yourself
- 4) Local government name:
- 5) Organisation name
- 6) Are you a:
Elected member

Defining the roles of council and administration: Guidance questions

- 7) How should a council's role be defined? What should the definition include?
 - To participate in council meetings, policy development, and decision-making, for the benefit of the local government area
 - A member of a council has no direct authority over an employee of the council with respect to the way in which the employee performs his or her duties
 - To participate in the deliberations and civic activities of the council
 - To keep the council's objectives and policies under review to ensure that they are appropriate and effective
 - To keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review
- 8) How should the role of the CEO and administration be defined?

- 9) What other comments would you like to make on the roles of council and administration?
- 10) Are there any areas where the separation of powers is particularly unclear?
Yes
- 11) How do you propose that these are improved?

Staff have to have the same accountability that is required of Councillors

Improving relationships between council and administration: Guidance question

- 12) Do you have any other suggestions or comments on this topic?

2. Training

2.1 Competencies required to be an elected member

Elected member competencies: Guidance questions

- 13) What competencies (skills and knowledge) do you think an elected member requires to perform their role?

I am a firm believer that prior to any Councillor being able to vote on any issue, they should have to pass the 4 basic classes taught by WALGA.

- 14) Do these vary between local governments?

No

- 15) If so, in what way?

2.2 Funding training

Funding training: Guidance questions

- 16) Who should pay for the costs of training (course fees, travel, other costs)?

This is obviously a contentious issue for low income Councils and not for the larger very well funded Councils. Perhaps assistance for those Councils who budgets are constrained by delivering services (only) to their areas should be supported by Government.

- 17) If councils are required to pay for training, should a training fund be established to reduce the financial impact for small and regional local governments?

Yes

- 18) Should contribution to such a fund be based on local government revenue or some other measure?

Revenue and services required.

Do you have any other suggestions or comments on this topic?

2.3 Mandatory training

Mandatory training: Guidance questions

19) Should elected member training be mandatory?

Yes

20) Why or why not?

From my own experience although very comfortable in the Corporate world, Local government is very different and requires a skill level of its own. I believe in the future Councillors will be required to have a Diploma or a degree to make the long lasting decisions required for any Local Government.

21) Should candidates be required to undertake some preliminary training to better understand the role of an elected member?

Yes

22) Should this be Compulsory?

Yes

23) Should prior learning or service be recognised in place of completing training for elected members?

Yes

24) If yes, how would this work?

The same as University credits for knowledge, experience and accreditation.

25) What period should apply for elected members to complete essential training after their election?

Basic training should be completed within 3 Council meetings.

2.4 Continuing professional development

Continuing professional development: Guidance questions

- 26) Should ongoing professional development be undertaken by elected members?

Yes

- 27) If so, what form should this take?

Any Councillor having served 5 years should have to undertake refresher course.

Training: Guidance question

- 28) Do you have any other suggestions or comments on training?

3. The behaviour of elected members

3.1 Current Situation

Codes of conduct: Guidance questions

29) Should standards of conduct/behaviour differ between local governments?

No

30) Please explain.

Respect, honesty, integrity and ethics have no boundaries therefore one code should apply to all

Which option do you prefer for codes of conduct and why?

Unless the Code of Conduct is enforceable with staff as it currently is with Elected members there is no point to a code as all Elected members swear an oath and are covered by the ACT.

31) How should a code of conduct be enforced?

If the Code of Conduct is to be enforced it must have a neutral arbitrator to manage if required. There is the potential to isolate and alienate some Councillors when differences of personalities are involved.

3.2 Regulation of elected member conduct: rules of conduct

Streamlined rules of conduct: Guidance questions

32) Do you support streamlined Rules of Conduct regulations?

Yes

33) Why?

Many of the complaints are trivial and minor and vindictive, a streamlined approach would allow those types of complaints to not be received.

34) If the rules were streamlined, which elements should be retained?

The streamlined suggestions cover all the important topics.

35) Do you support a reduction in the time frame in which complaints can be made?

Yes

36) Is three months adequate?

Yes

Revised disciplinary framework: Guidance questions

37) Do you support an outcome-based framework for elected members?

Yes

38) Why or why not?

39) What specific behaviours should an outcomes based framework target?

Yes

3.3 Other matters recommended in the 2015-16 review

Application of the Rules of Conduct: Guidance question

- 40) Should the rules of conduct that govern behaviour of elected members be extended to all candidates in council elections?

No

- 41) Please explain.

I believe in transparency and complaints usually take so long to be resolved.

Offence Provisions: Guidance questions

- 42) Should the offence covering improper use of information be extended to former members of council for a period of twelve months?

Yes

- 43) Why?

Councillors are privy to a lot of information with developers and Council plans. Financial gain and other rewards should be curtailed with penalties for improper use of confidential information.

- 44) Should this restriction apply to former employees?

Yes

- 45) Please explain?

same rules should apply.

Confidentiality: Guidance question

- 46) Is it appropriate to require the existence and details of a complaint to remain confidential until the matter is resolved?

No

- 47) Why?

I believe in transparency and complaints usually take so long to be resolved.

3.4 Reforms to the Local Government Standards Panel and the means to review alleged breaches of the Rules of Conduct Regulations

Sector conduct review committees: Guidance questions

48) What do you see as the benefits and disadvantages of this model?

I do not support the current model. All members should be from out of State due to the inherent nature of Local Government and the gossip that is around.

49) What powers should the Conduct Review Committee have?

those suggested should work well

50) In your opinion what matters should go directly to the Standards Panel?

None, unless the matter is criminal in which case it should go to the CCC

51) Who should be able to be a member of a panel: elected members, people with local government experience, independent stakeholders?

Independent stakeholders

52) Who should select the members for the pool?

Ministers office

53) How many members should there be on the Review Committee?

five

54) Are the proposed actions for the Review Committee appropriate?

Yes

55) If not, what do you propose?

Review of elected member non-compliance: Guidance questions

56) Which of the options for dealing with complaints do you prefer? Why?

Option Two but not with members from surrounding Councils due to the Zone committee relationship and conversations

57) Are there any other options that could be considered?

I took my complaint to FairWork Australia. I was very satisfied with the impartiality, balance and the considered mediation. My fellow Councillor did feel she was given the same treatment with the current Minor Breach system.

58) Who should be able to request a review of a decision: the person the subject of the complaint, the complainant or both?

Both

3.5 Sanctions and other Standard Panel matters

Mediation: Guidance question

59) Do you support the inclusion of mediation as a sanction for the Panel?

Yes

60) Why or why not?

I am a believer that if one is charged with the responsibility of being a Councillor then one should be mature and capable of mediation.

Prohibition from attending council meetings: Guidance questions

- 61) Do you support the Panel being able to prohibit elected members from attending council meetings?

No

- 62) Why or why not?

This could possibly be used to gain advantage with voting numbers.

How many meetings should the Panel be able to order the elected member not attend?

- 63) Should the elected member be eligible for sitting fees and allowances in these circumstances?

- 64) Why

Compensation to the local government: Guidance questions

- 65) Do you support the Panel being able to award financial compensation to the local government?

No

- 66) Why or why not?

- 67) What should the maximum amount be?

cost of the administration fee

Complaint administrative fee: Guidance questions

68) Do you support this option?

Yes

69) Why or why not?

It would help deter some of the frivolous

70) Do you believe that a complaint administrative fee would deter complainants from lodging a complaint?

Yes

71) Is this appropriate?

Yes

72) Would a complaint administrative fee be appropriate for a sector conduct review committee model?

Yes

73) Why or why not?

74) What would be an appropriate fee for lodging a complaint?

\$250 and if hardship is demonstrated this could be waived.

75) Should the administrative fee be refunded with a finding of minor breach or should it be retained by the Department to offset costs?

No

76) Why or why not?

Time spent, the cost to the Department although not recovered fully would support the paper trail.

Cost recovery to local government: Guidance questions

77) Do you support the cost of the panel proceedings being paid by a member found to be in breach?

No

78) Why or why not?

Publication of complaints in the annual report: Guidance question

79) Do you support the tabling of the decision report at the Ordinary Council Meeting?

Yes

80) Why or why not?

Transparency

Tabling decision report at Ordinary Council Meeting: Guidance question

81) Do you support this option?

Yes

82) Why or why not?

Transparency and Ratepayers should know the behaviour of who is representing them

3.6 Elected member interests

Elected member interests: Guidance questions

83) Should not-for-profit organisation members participate in council decisions affecting that organisation?

No

84) Why or why not?

I am become very aware that Councillors who are members gain great favour when Council supports these organisations with decisions in their favour

85) Would your response be the same if the elected member was an office holder in the organisation?

Yes

Improving the behaviour of elected members: Guidance question

86) Do you have any other suggestions or comments on this topic?

I believe that there is no such thing as impartial, members of any organisation that stands to gain through Council decisions also are financial winners i.e. lower fees for membership for all when Council pays, time saved as no fund raising is required b

4. Local government administration

4.1 Recruitment and selection of local government Chief Executive Officers

Recruitment and selection of local government CEOs: Guidance questions

87) Would councils benefit from assistance with CEO recruitment and selection?

Yes

88) Why?

Many Councillors are not aware of the pitfalls of a mistake in choosing and very few have any HR accreditation.

89) How could the recruitment and selection of local government CEOs be improved?

There is not enough time.

90) Should the Public Sector Commission be involved in CEO recruitment and selection?

Yes

91) If so, how?

CEOs for Local Government should be chosen/selected in exactly the same way that Senior management for Government are hired.

92) Should other experts be involved in CEO recruitment and selection?

Yes

93) If so, who and how?

HR experts and Behavioural Analysts

- 94) What competencies, attributes and qualifications should a CEO have?

MBA , Leadership. Financial and good understanding of the Local Government Legislation

4.2 Acting Chief Executive Officers

Acting CEOs: Guidance questions

- 95) Should the process of appointing an acting CEO be covered in legislation?

Yes

- 96) Why or why not?

- 97) If so, who should appoint the CEO when there is a short term temporary vacancy (covering sick or annual leave for example)?

The Council

- 98) Who should appoint the CEO if there will be vacancy for an extended period (for example, while a recruitment process is to be undertaken)?

The Council and supported by PSC

4.3 Performance review of local government Chief Executive Officers

Performance review of local government CEOs: Guidance questions

- 99) Who should be involved in CEO performance reviews?

All Councillors and a Third Party

100) What should the criteria be for reviewing a CEO's performance?

KPIs

101) How often should CEO performance be reviewed?

every 6 months . Annually in todays fast moving world is far too long.

102) Which of the above options do you prefer?

Number 3 Local Government standard

103) Why?

No

104) Is there an alternative model that could be considered?

4.4 Extension or termination of the Chief Executive Officer contract immediately before or following an election

Termination or extension of CEO contract around an election: Guidance questions

105) Would a 'cooling off' period before a council can terminate the CEO following an election assist strengthening productive relationships between council and administration?

Yes

106) What length should such a cooling off period be?

9 months. 6 months is enough in Corporate however it is usually 9 month sin local Government as everything is so much slower

107) For what period before an election should there be a restriction on a council from extending a CEO contract?

3 Months, the existing Councillors know the CEO and his capabilities and I doubt this would change if the time was extended to 6 months

108) Should there be any exceptions to this?

4.5 Public expectations of staff performance

Public expectations of staff performance: Guidance questions

109) Is greater oversight required over local government selection and recruitment of staff?

Yes

110) Should certain offences or other criteria exclude a person from being employed in a local government?

Yes

111) If so, what?

Criminal

Strengthening local government administration: Guidance question

112) Do you have any other suggestions or comments on this topic?

The Administration has to be more accountable to the Ratepayers, currently there is disparity on occasions with what is provided and what is acceptable in a normal business environment

5. Supporting local governments in challenging times

Remedial intervention: Guidance questions

113) Should the appointed person be a departmental employee, a local government officer or an external party?

Departmental employee

114) Why?

Should intervention be required it would suggest that the internal working relationship requires a reset

115) Should the appointed person be able to direct the local government or would their role be restricted to advice and support?

Direct the local government

116) Please explain.

Business has to continue.

117) Who should pay for the appointed person?

The Council

118) Why?

Powers of appointed person: Guidance question

119) What powers should an appointed person have?

All the powers of the CEO including recommendations to Council and arranging training where required.

Remedial action process: Guidance questions

120) Do you think the proposed approach would improve the provision of good governance in Western Australia?

Yes

121) Please explain.

Some Councils have not followed the processes for good governance and this would be helpful

122) What issues need to be considered in appointing a person?

Nepotism

Supporting local governments in challenging times: Guidance question

123) Do you have any other suggestions or comments on this topic?

6. Making it easier to move between State and local government employment

Transferability of employees: Guidance questions

124) Should local and State government employees be able to carry over the recognition of service and leave if they move between State and local government?

125)

126) What would be the benefits if local and State government employees could move seamlessly via transfer and secondment?

Better choice of Employee

Making it easier to move between State and local government employment: Guidance question

127) Do you have any other suggestions or comments on this topic?

7. Gifts

7.1 Simplifying the gift provisions

A new framework for disclosing gifts: Guidance questions

128) Is the new framework for disclosing gifts appropriate?

Yes

129) If not, why?

130) Is the threshold of \$500 appropriate?

Yes

131) If no, why?

I support the WALGA recommendation

132) Should certain gifts – or gifts from particular classes or people – be prohibited?

133) Why or why not?

134) If yes, what gifts should be prohibited?

Excluding gifts received in a personal capacity: Guidance questions

135) Should gifts received in a personal capacity be exempt from disclosure?

Yes

136) If yes, how could 'personal capacity' be defined?

See WALGA recommendation

137) Should there be any other exemptions from the requirement to disclose a gift over the threshold?

138) If so, what should these be? Please justify your proposal.

Gifts: Guidance question

139) Do you have any other suggestions or comments on this topic?

8. Access to information

8.1 Public notices

Public notices: Guidance questions

140) Which general option do you prefer for making local public notices available?

Option 6

Why?

This would reach as many as possible

141) Should the requirements for any notice in the Supplementary Information - Public Notices be changed?

Yes

142) Please list and explain the reasons for the proposed change.

143) Could any of the notices in the Supplementary information be published on alternative websites?

144) Please provide details

8.2 Information available for public inspection

Information available for public inspection: Guidance questions

145) Using the following table, advise how you think information should be made available:

Provision	Documents	In person only	Website only	Both	Neither
Section 5.53	Annual Report Both Both				
Section 5.75 & 5.76	Primary and Annual returns – for Elected members Includes – sources of income Trusts Debts Property holdings. Interests and positions in corporations. Both				
Section 5.87	Discretionary disclosures generally Both				
Section 5.82	Gifts (already required to be on the website) Both				
Section 5.83	Disclosure of travel contributions (already required to be on the website) Both				
Elections Regulations 30H	Electoral gifts register Both				
Section 5.98A	Allowance for deputy mayor or deputy president				

	Both
Section 5.100	Payments for certain committee members Both
Functions and General Regulations 17	Tenders register Both
Section 5.94 & Administration Regulations 29	Register of delegations to committees, CEO and employees Both
	Minutes of council, committee and elector meetings Both
	Future plan for the district Both
	Annual Budget Both
	Notice papers and agendas of meetings Both
	Reports tabled at a council or committee meeting Both
	Complaints register (concerning elected members) Both

Contracts of employment of the CEO and other senior local government employees	Both
Schedule of fees and charges	Both
Proposed local laws	Both
Gazetted Local laws (and other law that has been adopted by the district)	Both
Rates record	Both
Electoral roll	Neither

Note: There is no intention to amend the current limitations imposed by section 5.95 of the Act which limits the disclosure of certain information.

146) Should the additional information that is available to the public in other jurisdictions be available here?

Yes

147) If so which items?

148) How should they be made available: in person, website only or both?

149) Is there additional information that you believe should be made publicly available? Please detail.

- 150) For Local Governments: How often do you receive requests from members of the public to see this information?
- 151) What resources do you estimate are involved in providing access in person (hours of staff time and hourly rate)?

Access to information: Guidance question

- 152) Do you have any other suggestions or comments on this topic?

9. Available information

9.1 Expanding the information provided to the public

Expanding the information provided to the public: Guidance questions

153) Which of these options do you prefer?

Option 2: Additional reporting requirement

154) Why?

Transparency and current lack of trust with government in general. Trust is gained if people FEEL there is nothing to hide and they are able to have access to the decisions being made on their behalf. Obviously this does not include In Confidence materia

155) In the table below, please indicate whether you think the information should be made available, and if so, whether this should be required or at the discretion of the local government:

Proposal	Should this be made available: No, optional, required?
Live streaming video of council meetings on local government website	Optional
Diversity data on council membership and employees	Optional
Elected member attendance rates at council meetings	Required
Elected member representation at external meetings/events	Required
Gender equity ratios for staff salaries	Optional
Complaints made to the local government and actions taken	Required
Performance reviews of CEO and senior employees	Required

Proposal	Should this be made available: No, optional, required?
Website to provide information on differential rate categories	Required
District maps and ward boundaries	Required
Adverse findings of the Standards Panel, State Administrative Tribunal or Corruption and Crime Commission.	Required
Financial and non-financial benefits register	Required

156) What other information do you think should be made available?

Expanding the information available to the public: Guidance question

157) Do you have any other suggestions or comments on this topic?

Defining red tape: Guidance questions

158) Which regulatory measures within the Act should be removed or amended to reduce the burden on local governments? Please provide detailed analysis with your suggestions.

a) Briefly describe the red tape problem you have identified.

I

b) What is the impact of this problem? Please quantify if possible.

c) What solutions can you suggest to solve this red tape problem?

159) Which regulatory measures within the Act should be removed or amended to reduce the burden on the community? Please provide detailed analysis with your suggestions.

a) Briefly describe the red tape problem you have identified.

b) What is the impact of this problem? Please quantify if possible.

c) What solutions can you suggest to solve this red tape problem?

10.1 Potential red tape reductions

Special majority: Guidance question

160) Should the provisions for a special majority be removed?

161) Why or why not?

Senior employees: Guidance questions

- 162) Is it appropriate that council have a role in the appointment, dismissal or performance management of any employees other than the CEO? Why or why not?

I believe that the Council should be represented at the interviews this ensures the Council supports the person chosen for the role. I do not however believe that the performance management of that person should be done by the Council

- 163) Is it necessary for some employees to be designated as senior employees?

Yes

- 164) If so, what criteria should define which employees are senior employees?

Council Policy

Exemption from accounting standard AASB124 - Related party disclosures: Guidance questions

- 165) Are the existing related party disclosure provisions in the Act sufficient without the additional requirements introduced by AASB 124?
- 166) Why or why not?

Disposal of property: Guidance questions

- 167) The threshold for trade-ins was set originally to \$50,000 in 1996 and raised to \$75,000 in 2015. Should that threshold be raised higher,
- Yes
- 168) if so how high?

That depends on the value of the equipment.

169) Should the threshold remain at \$75,000 but with separate exemptions for specific types of equipment, for example plant?

Yes

170) The general \$20,000 threshold was put in place in 1996 and has not been amended. Should the threshold be raised higher than \$20,000?

No

171) If so, what should it be and why?

172) Would raising these thresholds create an unacceptable risk that the items would not be disposed of to achieve the best price for the local government?

Yes

173) Is there an alternative model for managing the disposal of property? Please explain.

Reducing red tape: Guidance question

174) Do you have any other suggestions or comments on this topic?

11.1 Risks and benefits of borrowing

Regional subsidiaries: Guidance questions

175) Which option do you prefer?

Option 3: Regional subsidiaries are permitted to borrow from financial institutions

176) Should regional subsidiaries be allowed to borrow money other than from the member councils?

Option 3: Regional subsidiaries are permitted to borrow from financial institutions

177) Why or why not?

Our Council used Treasury to borrow money and is locked into a disgraceful contract. Other Councils and other financial institutions may well have better lending and repayment choices.

178) If a regional subsidiary is given the power to borrow directly, what provisions should be put in place to mitigate the risks?

Regional subsidiaries: Guidance question

179) Do you have any other suggestions or comments on this topic, including on any other aspect of the *Local Government (Regional Subsidiaries) Regulations 2017*?

Local Government Act review: Guidance question

180) You are invited to make comment and put forward suggestions for change on other matters which have not been covered in this paper.

I believe that every working person in Australia is protected by the bullying laws. This is certainly not true for Councillors and I am of the opinion that this needs to be ratified