



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: Robert Sills

1. Relationships between council and administration

Introductory questions

- 1) Would you like your submission to remain anonymous?
No
- 2) Postcode:
6055
- 3) Who are you submitting on behalf of?
Yourself
- 4) Local government name:
- 5) Organisation name
- 6) Are you a:
Other

Defining the roles of council and administration: Guidance questions

- 7) How should a council's role be defined? What should the definition include?

A council's role should be defined as follows: as elected members a council should represent the interests of their electorate to the extent of challenging the decisions and positions of staff in the case of uncertainty or doubt.
- 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?

When voting on planning matters councillors need to avoid be so closely aligned with the CEO and administration as this defeats the purpose, role and independence of their role. This is evident when councillors at the City of Swan routinely vote in blocks presumably under the direction of other councillors and potentially flawed information from the administrative staff.

Improving relationships between council and administration: Guidance question

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

From the perspective of the City of Swan the relationship between council and administration is too close. The separation of powers and accountability need to be better defined and enforced. Any aspiring independent councillor is hamstrung in making any meaningful contribution due to a number of factors including the ongoing parochial mindset, the arrogance of the administration and the lack of challenging the administration based on the assumption that all information supplied to councillors correctly represents the facts especially for planning issues. This is certainly not conducive in upholding the community interests.

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?

Knowledge of governance requirements.

Their own obligations in terms of impartiality, independence.

Basic knowledge of planning and relevant standards. For example standards relating to bushfire prone areas in rural or semi-rural jurisdictions.

- 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)?

Should be borne by the respective City or Shire to drive appropriate and required behaviours, and demonstrate a commitment to being held accountable.

- 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?

Yes. In councils where there is much development rate revenue will increase with the rate of development. This development requires adequate scrutiny by elected members.

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

Training is also required of administrative staff.

The implementation of "Delegated Authority" is a dangerous mechanism when staff lack the appropriate level of training. This is clearly lacking at the City of Swan.

There are documented examples of planning approval being granted to developments that are not compliant with R-codes and Australian standards. It is not the job of members of the public to highlight to administrative staff the applicable R-codes and Australian standard, demonstrating a lack of knowledge and skills to those empowered to advise elected members.

2.3 Mandatory training

Mandatory training: Guidance questions

19) Should elected member training be mandatory?

Yes

20) Why or why not?

To ensure they perform their role to the standards expected by their electorate.

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?

Training can be ticked off against a list of pre-determined exceptions and experience.

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

6 months.

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?

Refresher courses to capture any recent developments or changes to the local government regulations.

Training: Guidance question

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

Without the adequate training of elected members and permanent administrative staff the required standards cannot be upheld.

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.

Certain standards and codes of conduct should not be optional and equally applicable across all local governments. No local government is more or less important than another. To not apply equal codes of conduct will result in these inconsistent standards being exploited and abuse of power.

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

Codes of conduct are required. Local governments must adopt a model code, with certain clauses subject to modification.

The reduced autonomy of local government is worth the increased standards. The long term effects of a lax code of conduct will outlast lower standards. For example a development application approved under a dubious and questionable code of conduct will be permanent long after any specific employee or elected member has moved on.

31) How should a code of conduct be enforced?

Codes of conduct should be enforced from a state level to ensure complete impartiality.

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?

No

33) Why?

A streamlined approach is unlikely to improve the current shortcomings of local government. Until confidence is restored in local government a revised disciplinary framework is the preferred option.

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

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

No

36) Is three months adequate?

No

Revised disciplinary framework: Guidance questions

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

Yes

38) Why or why not?

An outcome-based framework will hold elected members to prescribed KPI's known by elected members before taking role. This will attract the appropriate calibre of candidate and deter any candidates not prepared to be driven by the KPI's.

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.

Local governments appear to be particularly sensitive to bad publicity. The publication of the existence and details of a complaint should encourage staff members to adhere to higher codes of conduct. Currently there is a disjoint between the espoused codes of conduct and the actual codes of conduct by administrative staff.

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?

Enforcement of the provisions should be mandatory to prevent situations where for example, a former council member might represent or be employed by a development company after their development has been approved by a local government. 12 months is a relatively short period of time. 2 or 3 years is more appropriate to capture long term projects.

- 44) Should this restriction apply to former employees?

Yes

- 45) Please explain?

This restriction should be even more applicable to former employees who are privy to confidential information relating to development applications. The current system does not prevent former employees being employed later by the very organisations whose development applications have been reviewed.

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?

Local governments appear to be particularly sensitive to bad publicity. The publication of the existence and details of a complaint should encourage staff members to adhere to higher codes of conduct. Currently there is a disjoint between the espoused codes of conduct and the actual codes of conduct by administrative staff.

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?

The benefits of the model exist in the streamlining provided that full independence can be guaranteed. I believe the disadvantage to be that panel members or peers will be quick to dismiss a complaint in the interests of reducing the workload.

- 49) What powers should the Conduct Review Committee have?

The conduct review committees powers should be limited because at this local level of peer review there is an increase likelihood of finding in favour of the local government due to potential existing associations at a local government level.

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

Matters pertaining to the conduct of staff should go directly to the Standards Panel. Local governments are less likely to be lenient on elected members than staff from within their own ranks. Staff often move

from one local government to another, diluting the effectiveness of a peer review.

- 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?

Members already appointed by the DLGC. No selection should be permitted from staff at a local government level.

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

At least 3. Ideally 5 to maintain impartiality.

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

No

- 55) If not, what do you propose?

If decisions are being made members of surrounding local governments there is too much potential for leniency. In the future the tables may be turned, driving a standard of behaviour that favours leniency and dismissal of complaints.

Review of elected member non-compliance: Guidance questions

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

Ordering a public apology is an appropriate option especially applicable in the current environment of a lack of trust and confidence in local governments. It is extremely frustrating to see local governments portraying themselves compliant and without

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

If found in breach dismissal of the staff member should be considered - an appropriate option in the private sector.

- 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?

No

- 60) Why or why not?

Some matters should not be considered for mediation. A code of conduct and standard of behaviour are not open for negotiation. Mediation implies a grey area when expected codes of conduct should be black and white.

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 power is open to abuse. Even if an Elected Member attends his/her presence can be managed.

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

None.

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

Yes

64) Why

While they remain an elected member they should be granted their entitlements.

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?

A local government that operates to the appropriate standards should not be subject to complaints and should have already made financial provisions to cover such occurrences.

67) What should the maximum amount be?

n/a

Complaint administrative fee: Guidance questions

68) Do you support this option?

No

69) Why or why not?

This will discourage lower income community members from making complaints such as the elderly. These community members are more vulnerable to being exploited and the sort of behaviour worthy of a complaint.

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?

No

73) Why or why not?

For the same reasons. Local government staff and elected members will rely on the fees being an appropriate barrier for complainants to pursue a complaint.

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

A nominal \$50

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

Yes

76) Why or why not?

The administrative fee should be on-charged to the offending local government.

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?

Yes

78) Why or why not?

Encourages a higher code of conduct and improved transparency of local government.

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?

Encourages a higher code of conduct and improved transparency of local government.

Tabling decision report at Ordinary Council Meeting: Guidance question

81) Do you support this option?

Yes

82) Why or why not?

Encourages a higher code of conduct and improved transparency of local government.

3.6 Elected member interests

Elected member interests: Guidance questions

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

Yes

84) Why or why not?

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

No

Improving the behaviour of elected members: Guidance question

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

With the exception of a few elected members, most are ill-equipped to carry out their duties effectively and as a consequence rely on selected information fed to them by administrative staff and the stronger elected members to lead the way. The current state of affairs leaves the process open to the manipulation by the CEO and staff who, while giving the appearance of an impartial and transparent process, the results can be different to the facts. This is evident in the behaviour of block voting and the actions of staff and the CEO going unchallenged.

Elected members must be skilled and empowered to question and challenge the decisions and details of information presented to them.

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?

Through improved insight of private sector standards and expectations of CEO roles equally applicable in the local government sector.

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

Using an external recruiter to benefit from their selection and screening processes. Psychometric testing etc. Background checks - criminal and employment history.

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

No

- 91) If so, how?

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

Yes

- 93) If so, who and how?

Private professional recruitment companies.

Employment psychologists.

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

Financial management.

Degree qualified preferably with MBA or equivalent.

AICD membership or training.

Emotional intelligence, empathy, leadership skills.

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?

This can lead to being converted to a permanent position and as such should be covered by equal standards.

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

External recruitment company.

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)?

External recruitment company.

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?

External parties in addition to the council.

State government representatives - e.g. Director General.

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

Number of complaints received by the DLGC, Ombudsman and other government review agencies.

Efficiency of council meetings including metrics involving public input and participation.

101) How often should CEO performance be reviewed?

At least 12 monthly. Possibly 6 monthly where issues are identified

102) Which of the above options do you prefer?

Preference is for option 1 - using a third party.

At this stage local councils are not equipped or trusted by the public to effectively measure the performance of the CEO. Using a third party will ensure an impartial and unbiased assessment of a CEO's performance.

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?

3 months.

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

6 months.

108) Should there be any exceptions to this?

Yes. When there is solid evidence of misconduct there can be grounds for immediate dismissal with forfeiture of benefits and entitlements.

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?

Fraud, any criminal background.

Strengthening local government administration: Guidance question

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

Generally our local government at the City of Swan has acted receptively and with integrity. However the planning department is in serious need of review and restructuring.

When senior managers ignore repeated requests and only act when presented with irrefutable evidence of non-compliance with planning approvals there is a serious need for review. It is even more alarming when the CEO and mayor simply echo the position of the staff without adequate investigation.

Even when presented with evidence of non-compliance staff have attempted to cover previous inaction and making inaccurate statements to councillors at council meetings. In our situation, to date the planning department has failed to prove a lawful decision has been made and as such requires State Government intervention.

The State Government needs to intervene with respect to the arrogance and lack of transparency conveyed with an over reliance on retrospective approvals and delegated authority. The failure to divulge the history and background of the Midland Oval redevelopment including the growing costs of tens of millions of dollars is further evidence of a reluctance to be transparent.

The City of Swan planning department have made public statements at council meetings, captured in a statutory declaration, stating that retrospective approval is a normal and acceptable process, common in the City of Swan. However they do not explain the process for when the development is uncompliant. From our experience non-compliance is ignored and approval granted regardless. This approach encourages members of the public to develop in whatever form they wish, undermining the entire system.

Delegated authority is an extremely dangerous mechanism especially when dispensed by inexperienced and incompetent staff as we have

experienced. In the past the City of Swan have approved uncompliant developments under delegated authority to be rejected by elected members.

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?

Local government officer

114) Why?

To avoid any conflict of interest through prior interactions with local governments.

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.

Until trust is re-established in local government, they should be obliged to take directions from the appointed person. This may change over time but in the current environment local governments are not in a position to decide their own direction or actions.

117) Who should pay for the appointed person?

The relevant local government.

118) Why?

This will incentivise the respective local government to perform better. It also prevents penalising local governments that are performing well and must contribute to the cost of an ineffective local government.

Powers of appointed person: Guidance question

119) What powers should an appointed person have?

1. The appointed person should have the power to recommend dismissal of staff, councillors and the CEO should wrongdoing be found.
2. The power to order a review where the facts are uncertain.

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.

In the current environment good governance in local government is very poor. The proposed approach can only improve the current environment. However the current parochial nature of local government will mean that external intervention will be met with resistance with officers accustomed to not being challenged for their actions or decisions.

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

Any previous associations with local governments. There is likely to be resistance from any ineffective local governments therefore the individual must be equipped to cut through internal resistance and bureaucracy.

Supporting local governments in challenging times: Guidance question

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

Local governments not only need support of effective staff but the ineffective management needs to held accountable for the unacceptable standards particularly in the planning departments. Any effective staff and elected members are constrained by the I

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?

Bringing in a fresh outlook and breaking the closed cultures of local government.

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?

The more staff are encouraged to move the better. What should be avoided is especially management in local government being in the same role for an extended length of time, blocking talent and flexibility.

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?

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

Yes

133) Why or why not?

Developers and other similar professions should be barred from giving gifts to avoid even the perception of influence over a staff member or elected member.

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?

No

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

When working for local government any concept of personal capacity should never apply.

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

No

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?

No

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 5

Why?

Electronic notices will facilitate more effective distribution of information. Print copies should be an option for those that do not always have access to electronic media such as the elderly members of the community.

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

No

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

WALGA website. DLGC website.

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

Yes

144) Please provide details

WALGA website. DLGC website.

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 Website only Website only | | | | |
| 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. Website only | | | | |
| Section 5.87 | Discretionary disclosures generally Both | | | | |
| Section 5.82 | Gifts (already required to be on the website) Website only | | | | |
| Section 5.83 | Disclosure of travel contributions (already required to be on the website) Website only | | | | |
| Elections Regulations 30H | Electoral gifts register Website only | | | | |

| | |
|--|--|
| Section 5.98A | Allowance for deputy mayor or deputy president Website only |
| Section 5.100 | Payments for certain committee members Website only |
| 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 Website only |
| | Notice papers and agendas of meetings Website only |
| | Reports tabled at a council or committee meeting Website only |

| |
|---|
| Complaints register (concerning elected members) |
| Website only |
| Contracts of employment of the CEO and other senior local government employees |
| Website only |
| Schedule of fees and charges |
| Website only |
| Proposed local laws |
| Website only |
| Gazetted Local laws (and other law that has been adopted by the district) |
| Website only |
| Rates record |
| Website only |
| Electoral roll |
| Both |

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?

No

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?

The planning department of the City of Swan is extremely reluctant to pass over information with respect to supporting planning decisions.

Ratepayers have requested background information and history with respect to the Midland Oval redevelopment.

Info

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?

Local governments need to improve transparency. Under the status quo this is not possible. The City of Swan will not currently allow recording of council meetings with the only option available to record information in statutory declarations. This must

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 | Required |
| Diversity data on council membership and employees | Required |
| Elected member attendance rates at council meetings | Required |
| Elected member representation at external meetings/events | Required |
| Gender equity ratios for staff salaries | Required |
| 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?

Information supporting development decisions and evidence of compliance with the relevant codes.

Expanding the information available to the public: Guidance question

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

Under the current status quo there is very little transparency. Recently a senior manager of the City of Swan claimed that a development was compliant with approved plans despite me providing professionally provided survey reports to the contrary. The

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 have no example.

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

Not applicable.

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

Not applicable.

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?

This is especially applicable when the CEO has been recruited from within as is the case with the City of Swan. It is only natural that over a long period of time for relationships to be established and impartiality lost. From past experience in dealing

- 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?

The designated pay scales should be used to define employees as senior employees as pay scales will be congruent with decision making authority.

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?

No

- 166) Why or why not?

Both should be applicable as the AASB requirements introduce consistency between local governments and private entities, and thus strengthen accountability.

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,
- 168) if so how high?
- 169) Should the threshold remain at \$75,000 but with separate exemptions for specific types of equipment, for example plant?
- 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?
- 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?
- 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 2: Regional subsidiaries are permitted to borrow from Treasury Corporation

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

Option 2: Regional subsidiaries are permitted to borrow from Treasury Corporation

177) Why or why not?

Regional subsidiaries lack the financial knowledge and expertise to be borrowing from other institutions.

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.

This Local Government Act review is a welcome initiative and should improve transparency and bring to light the improvements required in the role of local government. However it is not likely to be the entire solution

and more vigilance by the WA state government in the conduct of local government agencies is required.

The lack of integrity and transparency of our local government planning department has exacerbated other issues for which they have admonished any responsibility and caused a substantial financial and emotional cost to our family. Our claims are completely verifiable through the evidence gathered.

It is particularly frustrating when the portrayal of transparency and integrity is far from the reality.

Better accountability to an external party, namely the DLGC should improve the situation.