



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**

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Phase 1: Consultation Paper

8 November 2017

Name: Sally Kenton

# 1. Relationships between council and administration

## Introductory questions

- 1) Would you like your submission to remain anonymous?  
No
- 2) Postcode:  
6025
- 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?  
  
The Tasmanian example provides a comprehensive definition of the Council's role however I would amend "To appoint and monitor the performance of the general manager" to read "To monitor the performance of the general manager/CEO." Reasons are given further in the submission.
- 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?

Council members rely on the accuracy and quality of the administrative arm's information. Thus it is really that arm that has the power in council. I believe that it is not the councillors who make the decisions, it is the CEO and his/her staff who have control of the information presented.

Reduce the number of metropolitan Councils. This will lead to greater cost efficiency, policy consistency and accountability. There are too many variations in how individual metropolitan councils and CEOs operate.

Strengthen the community consultation requirements. Elected members should be engaged in preparing, or at least reviewing consultation documents to ensure transparency. Currently these are not reviewed by councillors prior to distribution and the administrative arm owns the entire process.

Decrease the responsibilities of local government. State Government is putting too much power into the hands of people who are not as accountable as our State public officers and politicians.

Ensure the investment, business and property interests, and any political party membership is declared for all councillors, the CEO and directors.

### **Improving relationships between council and administration: Guidance question**

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

Having an independently appointed CEO should eliminate the possibility of undue influence in administrative matters from elected members. Allow elected members to make press statements about council matters without approval from the Mayor or CEO. Of course one would insist that such statements are not directed at personnel but the issue/s to hand. Surely councillors should be able to publicise their concerns or agreement with proposals particularly those of a controversial nature.

## 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?

The role of Local Government and the role and legal responsibilities of the councillor should be essential induction training for all candidates.

The fact that most elected members are not "employed" in the role hampers the amount of time they have available and I note that responsible councillors in our LG, striving to meet their committee and council responsibilities, find themselves quite overloaded already. Therefore training programs should concentrate on ensuring new councillors are provided with a high standard of induction.

- 14) Do these vary between local governments?

Yes

- 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)?

WALGA should provide the training using funds allocated to them by the State 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?

See above

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?

To raise the standard of elected member competency across the state. It should not be selective.

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?

If the elected member has been a state or federal politician, or has previously served on a council in recent years, basic candidate induction and start up training should be optional. I do not believe other professional occupations qualify for exemption from basic training.

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

3 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?

It should be available and this should be a phased process with units determined by WALGA. Priority should be given to topics that are complex, such as planning and development, and trainers should include experts in their field.

### Training: Guidance question

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

Furthering one's knowledge is good for everyone. Elected member turnover should not be factor in determining whether training is worthwhile.

### 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.

There is no reason why individual LGs should have discretion regards the Code of Conduct. It should be uniform and it should be meaningful, not the "glossy document" we have in our LG where there is no requirement to adhere to the Code!

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

Codes of Conduct are required, are uniform across all LGs and breaches covered by legislation. This provides clarity on expectations of members, and is legally enforceable.

31) How should a code of conduct be enforced?

Legislation with breaches reported by members, Local Government employees or community members.

#### 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?

I only support this if the CEO appointment and tenure is not the responsibility of that council. If that was the case, I agree that this option is suitable as it places the emphasis on conduct that is essential for good

governance. I think the focus covers the conduct that I have found wanting in our LG in the recent past.

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

All as suggested in Option 1. Although I have concerns about how local disputes can be managed well at local level. There does need to be some external support mechanism for elected members who are in dispute with other elected members or staff. Without some intervention they can seriously impact decisions and the right of members to hold their own views, and if disputes drag on it results in council factions. Bullying occurs and can be public but little is done to support those involved.

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?

No

38) Why or why not?

The CEO is subject to personal pressures and this affects impartiality. I do not believe conduct rules which cover good governance such as those outlined in "streamlining" are adequately dealt with at local level. The fact that council currently employs and can terminate a CEO, influences the latter's handling of breaches.

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

No



### 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?

Yes

- 41) Please explain.

It remains just a complaint until the complaint is resolved. Trial by media or trial by rumour is unfair and the Scaffidi case highlighted that. While I do not support her actions, she is entitled to a fair go and the focus in the media was scandal mongering. More reasoned articles, on both sides, were not given the same prominence.

#### 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?

Because inside knowledge could be used to benefit property developers or companies tendering for services, or to undermine the reputations of employees, elected members and confidence in the council process.

- 44) Should this restriction apply to former employees?

Yes

- 45) Please explain?

Because they too can use the information to benefit friends and family or undermine those currently engaged with the council.

#### Confidentiality: Guidance question

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

Yes

- 47) Why?

It remains just a complaint until the complaint is resolved. Trial by media or trial by rumour is unfair and the Scaffidi case highlighted that. While I do not support her actions, she is entitled to a fair go and the focus in the media was scandal mongering. More reasoned articles, on both sides, were not given the same prominence.

### 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?

Local Government is a closed circle and breaches should not be reviewed by colleagues. Independent reviewers are impartial and do not owe favours nor are in fear of repercussions. Therefore such a committee would only be beneficial if the panel was comprised of people independent of the council and parties involved. Only one member of the committee should be from another LG. The complaints officer should have a referring role only.

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

To investigate and report their findings with the power to refer to the Standards Panel if necessary. If it is considered workable, the panel could recommend particular action for all parties with the requirement that if not resolved to the satisfaction of all parties, the issue would go to the Standards Panel.

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

All breaches of law (including those contained in the Local Government Act).

- 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?

State Government as in Queensland example.

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

Minimum of three.

- 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?

State Administrative Tribunal.

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

- 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?

### **Prohibition from attending council meetings: Guidance questions**

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

Yes

62) Why or why not?

How many meetings should the Panel be able to order the elected member not attend? This depends on the nature of the breach.

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

No

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?

The prospect could deter valid complaints.

67) What should the maximum amount be?

## Complaint administrative fee: Guidance questions

68) Do you support this option?

No

69) Why or why not?

One should not have to be considering financial factors in deciding whether to submit a complaint.

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

Yes

71) Is this appropriate?

No

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

No

73) Why or why not?

As previously mentioned it would be a deterrent. I do not think it should stand in the way of bringing breaches of Rules of Conduct to light.

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

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

76) Why or why not?

## 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 and accountability. I would be happy if the personal identification is redacted though.

### **Tabling decision report at Ordinary Council Meeting: Guidance question**

81) Do you support this option?

Yes

82) Why or why not?

Again the identification of individuals should not be public however the public does need to know which issues have arisen and the outcome.

## **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?

For the reasons outlined by the intro above. Many projects involve community groups to which elected members belong and a declaration of "impartiality interest" and a vote by other elected members as to participation is sufficient.

- 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?

Bullying of elected members or members of the public has been both witnessed and experienced by me as a community member. The Rules of Conduct should be adhered to and the behaviour reported to an independent body. This is why I believe an independent Standards Panel is essential, and why elected members need a support mechanism for reporting and dealing with such issues. The Complaints Officer in the LG can also be subject to such behaviour and under pressure to dismiss a complaint.

## 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?

Elected members are unlikely to have the skills to manage a quality recruitment and may not be impartial.

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

By replacing LG selection panels with an independent panel. This panel could include an elected member, a community member, must include a public sector officer, and should include a WALGA representative (not from the CEO's LG body. All should have recruitment experience and be bound by confidentiality clauses.

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

Yes

- 91) If so, how?

Appoint a qualified officer to direct the panel, to provide recruitment expertise, and to ensure the recruitment process meets a high standard.

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

Yes

- 93) If so, who and how?



As suggested in third point above.

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

Impartial, ethical, local government administration qualification, managerial experience, negotiation and consultation skills, financial qualifications.

## 4.2 Acting Chief Executive Officers

### Acting CEOs: Guidance questions

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

No

96) Why or why not?

It should not be an issue for a short term vacancy for the CEO to nominate or suggest someone from within his staff to take on the role. This then enables business to continue as usual since a short term position is unlikely to result in major changes to normal operations.

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

The organisation should identify a suitable person on the existing staff and train them in the role of Acting CEO throughout the year rather than wait until the vacancy occurs.

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 public sector commission's recruitment manager.

## 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?

The Mayor (representing the elected members) and a member of WALGA who is not part of the CEO's LG body. One would expect each to seek input on CEO performance from relevant individuals (directors on the CEO's staff/elected members)

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

Formal annual appraisal only. No other criteria

101) How often should CEO performance be reviewed?

Annually.

102) Which of the above options do you prefer?

Annually as issues with performance should be dealt with as they arise in the normal course of employment and this is where the Mayor has a major role to play. If performance issues are not a legal or moral breach requiring external intervention, then informal discussion is the only course of action. Performance issues should not be "saved up" for the annual appraisal. I don't believe it is necessary to be too prescriptive with performance, it is about working together for a common goal and sorting out differences and clarifying expectations as time goes on and when circumstances arise. Issues with rules of conduct or criminality is not within the scope of a performance review.

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?

No

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

There should be no provision for a council to terminate the CEO therefore "cooling off" is irrelevant.

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

Again the extension should be automatic unless termination is sought through an independent arbiter or arbiters.

- 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?

Any criminal conviction

## **Strengthening local government administration: Guidance question**

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

I do not believe that councils should be able to terminate a CEO. Quite possibly the reason for termination would be political. The only legitimate reasons for termination are poor performance, a serious breach of conduct, or criminality. In each situation, a public sector commission panel, should be the arbiter.

I do not believe that local government administrations should be taking on responsibility for complex issues that are really the province of state government. An example is land rezoning. Individual councils are not equipped to deal with this in an equitable manner and the result is inconsistency and poor planning decisions. The rezoning requirements for infill targets were determined by the State Government. The latter should follow through and ensure the distribution of zones is equitable and supported by good planning policy on advice from experts, not local planning staff.

## 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?

Impartiality and expertise

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.

There is too much power at local government level and the state government has been passing on more responsibility without monitoring the quality of the local government outcomes and general activities.

117) Who should pay for the appointed person?

The state government

118) Why?

The state government are passing on responsibilities that have traditionally been theirs and there is a need to ensure that the community is not being given a sub-standard service as a result of inexperience, under-resourcing or corruption within a local government body.

### Powers of appointed person: Guidance question

119) What powers should an appointed person have?

To insist on full co-operation from LG staff and elected members (access to documentation, the right to interview any member of council or staff whenever required)

Make recommendations to, the state department of local government

Implement changes deemed necessary by that department

### **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.

The state government should be accountable for the actions and performance of local government bodies. Local governments are not under the same scrutiny and are less transparent in their operations which is an issue with the increasing responsibilities and independence.

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

The appointee must have integrity and have no connection with the LG involved.

### **Supporting local governments in challenging times: Guidance question**

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

Challenging times seems to be a euphemism for overloading Local Governments with complex responsibilities. The state government should be meeting their challenges not offloading them.

## 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?

### **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?

No

129) If not, why?

The only workable policy must be "no gifts" from any business, community or government group. Why tickets to the Hopman Cup is an appropriate offering to a staff member or elected member beggars belief.

130) Is the threshold of \$500 appropriate?

No

131) If no, why?

No gifts

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

Yes

133) Why or why not?

Elected members of any government are servants of the nation or state. It is not appropriate for them to receive any gifts or services from industries, businesses or groups with a connection to Council activities (even indirect connections) without compromising their position.

134) If yes, what gifts should be prohibited?

All

#### **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?

Commonsense should apply if the gift is given by a family member or a partner or close friend providing the give is not connected to a business or community group or works within local government. If they do, then it should be disclosed regardless of value.

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?

Gifts are an obvious area where corruption can occur but how can local government elected members and staff be restrained from exchanges of favour when money and goods are not involved. What about services and promotion of particular tenders where the connection is well hidden?

## 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 7

Why?

Most of us prefer electronic information and it is easier to access however some people do not use that service so it should be available in both formats.

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.

The racing, gaming and liquor department could publish the licence information instead of the LG. Currently they do not give any of the details regarding the terms and conditions of that licence.

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

Yes

144) Please provide details

The racing, gaming and liquor department could publish the licence information instead of the LG. Currently they do not give any of the details regarding the terms and conditions of that licence.

## 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?

Wouldn't that be automatically available if all LG bodies had websites with the information? I don't think the other jurisdictions should have to bear the expense of providing print options for people who are not within their jurisdiction.

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

Required

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

See next page Additional Information

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?

Access to information is a significant issue. Our council uses the community paper for local notices however it is not readily available in print format (not delivered) and the newspaper website is awkward to use.

Having more information on the website also reduces misconceptions and makes for greater transparency of LG activities.

## 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?

Having certain information required to be in the public view, as opposed to just being available for inspection, will increase transparency and influence behaviours for the better.

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	Optional
Elected member attendance rates at council meetings	Optional
Elected member representation at external meetings/events	Optional
Gender equity ratios for staff salaries	Optional
Complaints made to the local government and actions taken	Required
Performance reviews of CEO and senior employees	Not 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?

Planning applications and planning approvals

Public open space bookings by community groups who make a seasonal and regular booking (not necessary for one-off events for individual community users). Information provided should include times and days and if the group with regular bookings plans a one-off event, such as an Open Day, this should be made available as well.

Alcohol licences and the terms and conditions of those licences where the LG is the owner of the property (e.g. restricted club licences used by sporting groups at a community facility).

## Expanding the information available to the public: Guidance question

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

The extent to which our Local Government body favours organised sporting groups above other recreational users has resulted in some poor decisions within Council, decisions that negate the needs of and impact on the rest of the community. Getting information on what is available for hire, which groups have bookings, and who has alcohol licences is difficult.



Much greater transparency is needed. In fact, there needs to be more facility for online interaction such as a venues booking system.

## 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.

None

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?

The CEO is the most senior permanent employee and should have the right to manage appointments and appointees without Council involvement.

- 163) Is it necessary for some employees to be designated as senior employees?
- 164) If so, what criteria should define which employees are senior employees?

### **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?

Yes

- 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,

No

- 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?

No

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?

I am very concerned at the standards of some aspects of operation within our LG body already and firmly believe they do not have the skills to manage community expectations across all areas of responsibility. This so-called "red tape" is necessary as I believe the State Government should have more control of Local Government and unless this third tier of government operates as do the two higher bodies, and councillors are elected by compulsory voting and are paid to be full time representatives, then they should be fully answerable on all counts.

## 11.1 Risks and benefits of borrowing

### Regional subsidiaries: Guidance questions

175) Which option do you prefer?

Option 1: Status quo

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

Option 1: Status quo

177) Why or why not?

I don't think there should be yet another tier/layer of government. I believe we have too many local governments. Amalgamate them!

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.

Reduce the number of local government bodies and reduce their responsibilities.