

Response to Consultation Paper.

Defining Roles

Q1: The preference is for the current definition or a similar definition to the Victorian example.

Q2: Agree with the current definition. Needs to be considered carefully as the role of a CEO in a large metropolitan Council will be different to that of a CEO in a smaller regional Council.

Q3: It needs to be maintained that Councils role is Strategic, not operational.

Q4: No suggestions.

Q5: While it is essential that the Council and the administration need to be able to have a relationship, it is imperative that the Council is not allowed to direct the administration towards a decision or an action as this may be different to that action being considered by the officer or administration. When a recommendation is made to Council for action, it must be solely from the officer and not swayed in a certain direction by a member.

Competencies of an Elected Member

Q6: Council agrees with the list provided in the discussion paper. Some items should be included in an induction and completed as soon as possible. These include:

- the role of an elected member
- meeting procedures
- knowledge of the Local Government Act and other legislation
- understanding financial reports

The additional courses listed could be completed in time.

Consideration of Town Planning and approvals may be more practical for larger Shires as this is not required much in smaller shires where "*just in time*" training may be more practicable.

Q7: Courses will need to vary. As an example, planning is a major issue in Metro Councils, but not much consideration in a smaller rural Council. Courses also need to be appropriate for the members that are attending.

Funding Training

Q8: Costs should be subsidised by state government. Training should also be made available through video link and after hours to allow for greater participation, especially for remote members.

Q9: Yes for the establishment of a training fund and yes for the contribution to be based on the local government revenue or category of Shire similar to Salaries and Allowances.

Mandatory Training

Q10: Training should be mandatory, but structured to relevancy of Council.

Q11: An Induction in the basics would certainly make it easier. It will also give them an idea of what to expect and what they can do / will be doing. The WALGA information for elected members prior to the 2017 elections would be ideal for all members considering nominating for Council.

Q12: Yes, but a competency test may assist to ensure member is on the right track.

Q13: Pending on the number of units and availability. We suggest that it is not too onerous as it will discourage participation as a member. 2 years is suggested.

Continued Professional Development

Q14: Would be highly recommended, once again, pending availability.

Q15: Any form of conference attendance, i.e. WALGA Conference / AGM, videoconference training.

Q16: While members support training, it is the impact of travel and taking time off work that impacts their ability to attend the training. Even if it is held in a regional centre, it is still disruptive to their work. It is recommended that consideration be given to video link training and training after hours to allow for greater participation, especially for remote members.

Code of Conduct

Q17: No. Standards should be consistent with all local governments, otherwise it is difficult to manage.

Q18: The Shire of Koorda is happy with the current system with a Code of Conduct required and a template form WALGA. This allows for a general similarity between local governments

Q19: Code of Conduct should be enforced by the Local Government, but a severe or repetitive breach should be referred to the Standards Panel or a peer panel.

Rules of Conduct

Q20: Yes, it needs to be easier to use and determine.

Q21: As suggested in discussion paper.

Q22: Should be kept to 6 months for complaints

Disciplinary framework

Q23: May be difficult to judge/prove if something has impaired the integrity of the Council.

Q24: If adopted, agree with suggestion in discussion paper.

Q25: Yes, this may also start to get candidates in the mind set of the rules should they get elected.

Q26: Yes, as they could still use the information for their own benefit or the detriment of others.

Q27: Yes. Staff are exposed to many of the workings of the Shire which could be used to the detriment of the Council.

Q28: Yes, just in case the complaint is a vexatious complaint with no basis of fact. In such a case, the fact that a complaint has been made would cast suspicion on the member, employee or Council as a whole.

Local Government Standards Panel

Q29: The model would allow for greater interpretation by the Committee which may differ pending on the committee, however it would allow the standards to be set by the peers.

Q30: Consideration of minor breeches and short term suspension.

Q31: Any major or repeated items that will harm the integrity of the Council.

Q32: Elected Members, People with Local Government Experience.

Q33: the Standards Panel or Department of Local Government.

Q34: 3

Q35: Yes.

Elected Member Non Compliance

Q36: Review by a group of peers for minor matters. Standards Committee for more serious items.

Q37: No items to suggest

Q38: Both.

Q39: Yes to ensure that the correct decision and action has been made.

Prohibition from attending meetings

Q40: Yes, to enforce actions.

Q41: 1-2 Months

Q42: No.

Compensation

Q43: May be difficult to prove and likely to create more problems with the determination and appeals.

Q44: Unknown.

Complaint Administration Fee

Q45: Yes, may stop vexatious complaints, but may also stop legitimate complaints. Fee should be reimbursed if complaint justified.

Q46: May do, pending on the fee amount.

Q47: Yes, may stop frivolous and vexatious complaints.

Q48: Could even be a bond and if the complaint is substantiated, then the fee returned.

Q49: Can be refunded, this may encourage actual complaints.

Cost Recovery

Q50: Pending on the cost.

Publication of complaints

Q51: Yes, it may prove to be educational information to other members. Matter should be dealt with behind closed doors, not in public forum.

Q52: It would show that the matter has been completed and may deter similar action, but it may also bring further damage to the Councils reputation by spreading the information, especially if it was only a minor breach. A discrete report behind closed doors would be preferable.

Elected Members Interest

Q53: Only if the member is a minor member without a determining role or office bearer in the organisation. If they are an officer bearer or have a determining role, it would not allow for a clear and indiscriminate decision.

Q54: Yes.

Improving Behaviour

Q55: It would depend on the item being considered and the role of the member with the group. If it is a major development and the member is on a board position, then it would not seem to be without an interest to the general public. But if the matter is only minor then an impartiality interest declaration may suffice or allow the Council to determine if the member should be allowed to stay.

Recruitment of CEO

Q56: Yes, it would allow an external third party to review the recruitment and may also allow for some “additional/industry knowledge” to assist the council in its determination.

Q57: The use of a recruitment service, while it does not guarantee anything, may assist the Council in its determination.

Q58: It may assist, but will also create a drag on the PSC and is not necessary if other assistance can be sought.

Q59: Yes, a third party should assist.

Q60: This is difficult to determine as there is no guarantee for the success of the CEO. Qualifications and or knowledge of local government does not guarantee the capacity of the CEO and may prohibit other CEO's who could also perform the job very successfully as we have seen in the past.

Acting CEO's

Q61: No. Makes it too rigid.

Q62: A short term vacancy (where the CEO will return) should be determined by the CEO and the Council. A longer term vacancy should have assistance for the Council.

Q63: The Shire of Koorda uses and recommends a recruitment service to assist with the process.

CEO Performance Review

Q64: Review should be completed with the Council and with some assistance from a third party.

Q65: Criteria should be determined by the Council with a third party (mandatory)

Q66: Reviews should be annual, but if there are items of concern, they should be dealt with immediately.

Q67: Option 1, but does not have to be PSC. This does allow for some objectivity with the review and may offer the Council assistance if required.

Q68: No suggestions.

CEO Contract – termination / extension.

Q69: Difficult to say, but may stop people getting on Council just to sack the CEO.

Q70: No suggestion given.

Q71: No period. If the current Council is happy with the CEO's performance, then it should not be an issue. It may be difficult pending on the changes after an election for the members to have a proper insight into the CEO's performance.

Staff Performance

Q72: No, current system works fine.

Q73: Major offences that have meant gaol time has been served, especially for finance matters, pending on the position applied for.

Strengthening Administration

Q74: No suggestions.

Remedial Intervention

Q75: Could be any of the options. It also depends on the availability of the person, their qualifications and also the Council in question. As an example, it may be easier to get someone for a smaller rural Council than a major metro council.

Q76: Should be able to direct the local government and assist in improving the situation.

Q77: Should be a joint venture between the Council and the Department. This may show a unified front on the matter and a clear message that both want the situation to improve.

Q78: All the powers of Council and maybe some administrative if required (limited).

Remedial Process

Q79: Yes, it would allow for the local government having issues to get assistance in a manner that may be causing the poor performance without creating a major incident.

Q80: Consideration of the person and the Council they will be assisting. As an example, the persons experiences need to be relevant to the Council they will be assisting.

Q81: No further suggestions.

Transfer between state and local government

Q82: The Shire agrees with this idea.

Q83: It would allow greater sharing of knowledge between state and local government if staff can transfer easily.

Q84: no other suggestions.

Gifts

Q85: Council agrees with the new framework.

Q86: N/a

Q87: Council agrees with \$500

Q88: N/a

Q89: No. As long as gifts are declared, there is no need to prohibit them. A lot of businesses in rural areas do give gifts to members due to person business dealings. If they are prohibited in doing this as the person is a Councillor, it may dissuade people from Council.

Q90: N/a

Personal Gifts

Q91: Yes, but may be difficult to determine in some cases. Discretionary disclosure would assist in these cases.

Q92: Gifts for a significant personal event, i.e. birthday, wedding, etc.

Q93: Exemptions to extended family should be exempt, not just immediate family. May also consider close friends.

Q94: Families may include the transfer of property as a succession plan. This may be for a sizeable amount and is just part of the family plan. Also extended family may give significant gifts for items such as weddings, etc and should be exempt from disclosure.

Also, in small towns like Koorda, the community is very close and for significant events, do give gifts to members or staff strictly on a personal basis. These should be exempt from disclosure.

Q95: No suggestions

Public Notices

Q96: Print and electronic (including social media). A lot more people will get the information through electronic means and social media than from print where it may be a small notice in a large newspaper. People will not find the notice if they are not aware of it, but it can be shared through social media.

Q97: Electronic. State wide usually means an advert in the West Australian that most people will not read unless they know it is there. A website with the department for all notices would be easier access for residents to monitor and watch for notices.

Q98: None known.

Q99: None known.

Q100:

Provision	Documents	In person only	Website only	Both	Neither
Section 5.53	Annual Report			x	
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.				x
Section 5.87	Discretionary disclosures generally	x			
Section 5.82	Gifts (already required to be on the website)	x			
Section 5.83	Disclosure of travel contributions (already required to be on the website)	x			

Elections Regulations 30H	Electoral gifts register		x
Section 5.98A	Allowance for deputy mayor or deputy president	x	
Section 5.100	Payments for certain committee members	x	
Functions and General Regulations 17	Tenders register	x	
Section 5.94 & Administrati on Regulations 29	Register of delegations to committees, CEO and employees	x	
	Minutes of council, committee and elector meetings		x
	Future plan for the district		x
	Annual Budget		x
	Notice papers and agendas of meetings		x
	Reports tabled at a council or committee meeting		x
	Complaints register (concerning elected members)	x	
	Contracts of employment of the CEO and other senior local		x

government employees

Schedule of fees and charges		X
Proposed local laws		X
Gazetted Local laws (and other law that has been adopted by the district)		X
Rates record	X	
Electoral roll	X	

Q101: No suggestions

Q102: None Known

Q103: Council is rarely requested for copies of the Annual Report or Minutes and Agendas. We have not received requests for other documents.

Q104: No suggestions.

Information to Public

Q105: Option 3, allows the Council to self determine what it will show.

Q106:

Proposal	Should this be made available: No, optional, required?
Live streaming video of council meetings on local government website	no
Diversity data on council membership and employees	no
Elected member attendance rates at council meetings	yes
Elected member representation at external meetings/events	no
Gender equity ratios for staff	no

Proposal	Should this be made available: No, optional, required?
salaries	
Complaints made to the local government and actions taken	no
Performance reviews of CEO and senior employees	no
Website to provide information on differential rate categories	yes
District maps and ward boundaries	yes
Adverse findings of the Standards Panel, State Administrative Tribunal or Corruption and Crime Commission.	Yes - only if major and warranted.
Financial and non-financial benefits register	yes

Q107: No suggestions

Q108: No suggestions

Red Tape

Q109: Attendance at meetings through teleconference. The issue is very specific with when it can be done and not practical. Members should be able to attend meetings through teleconference with minimal conditions.

Q110: no suggestions

Special Majority

Q111: Yes, it is very rarely used.

Senior Employees

Q112: No, the CEO is responsible, otherwise it could be considered that Council is performing an administrative role.

Q113: No, a lot of Shires have done away with designated senior employees already.

Accounting Standard AASB124

Q114: Yes, the additional requirements provided no useful information but added to the administrative work.

Disposal of Property

Q115: \$100,000 and all vehicles should be allowed to be traded rather than considered separate irrespective of value.

Q116: Plant should be exempt as it needs to be allowed to be traded on items to get a better trade rather than treated as a separate item.

Q117: Happy for it to remain as is.

Q118: If local governments are not seeking the best price, then they need to question their processes, irrespective of the price.

Q119: no suggestions other than it may have a set of guiding principles which could be tiered for local government as per salaries and allowances.

Reducing Red Tape

Q120: No suggestions.

Regional Subsidiaries

Q121: preferred Option is Option 2.

Q122: Yes

Q123: To allow for greater actions to be taken and not create a financial issues for a member Council.

Q124: Possibly only done through Treasury Department.

Q125: No suggestions

LG Act Review

Q126: Schedule 2.2 of the Local Government Act 1995:

6. Local government with wards to review periodically

- (1) A local government the district of which is divided into wards is to carry out reviews of —
 - (a) its ward boundaries; and
 - (b) the number of offices of councillor for each ward,

from time to time so that not more than 8 years elapse between successive reviews.

- (2) A local government the district of which is not divided into wards **may carry out** reviews as to —
- (a) whether or not the district should be divided into wards; and
 - (b) if so —
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of councillor there should be for each ward,
- from time to time so that not more than 8 years elapse between successive reviews.**

It is a little ambiguous as it states that local governments not divided into wards “may” carry out reviews, but “so that not more than 8 years elapse between successive reviews” confuses it. Wording “from time to time so that not more than 8 years elapse between successive reviews” needs to be removed.