



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

Local Government Reform – Summary of Proposed Reforms

City of Joondalup Submission



Local Government Reform – Consultation on Proposed Reforms

Local government benefits all Western Australians. It is critical that local government works with:

- a culture of openness to innovation and change
- continuous focus on the effective delivery of services
- respectful and constructive policy debate and democratic decision-making
- an environment of transparency and accountability to ensure effective public engagement on important community decisions.

Since first coming to office in 2017, the McGowan Government has already progressed reforms to improve specific aspects of local government performance. This includes new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities.

Based on the significant volume of research and consultation undertaken over the past five years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago. The package is based on six major themes:

1. Earlier intervention, effective regulation and stronger penalties
2. Reducing red tape, increasing consistency and simplicity
3. Greater transparency and accountability
4. Stronger local democracy and community engagement
5. Clear roles and responsibilities
6. Improved financial management and reporting.

A large focus on the new reform is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to more quickly address problems and dysfunction within local governments. The proposed system for early intervention has been developed based on similar legislation in place in other jurisdictions, including Victoria and Queensland.

This will deliver significant benefits for small business, residents and ratepayers, industry, elected members and professionals working in the sector.

Local Government Reforms

These reforms are based on extensive consultation undertaken over the last five years, and have been developed considering:

- The Local Government Review Panel Final Report (mid 2020)
- The City of Perth Inquiry Report (mid 2020)
- Department of Local Government, Sport and Cultural Industries (DLGSC) consultation on Act Reform (2017-2020)
- The Victorian Local Government Act 2020 and other State Acts
- The Parliament's Select Committee Report into Local Government (late 2020)
- Western Australian Local Government Association (WALGA) Submissions
- Direct engagement with local governments
- Correspondence and complaints
- Miscellaneous past reports.

Consultation

Comments on these proposed reforms are invited. Comments can be made against each proposed reform in this document. For details on how to make a submission, please visit www.dlgsc.wa.gov.au/lgactreform.

Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
1.1 Early Intervention Powers		
<ul style="list-style-type: none"> • The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to scrutinise the affairs of local government. The Act provides certain limited powers to: <ul style="list-style-type: none"> ○ Suspend or dismiss councils ○ Appoint Commissioners ○ Suspend or, order remedial action (such as training) for individual councillors. • The Act also provides the Director General with the power to: <ul style="list-style-type: none"> ○ Conduct Authorised Inquiries ○ Refer allegations of serious or recurrent breaches to the State Administrative Tribunal ○ Commence prosecution for an offence under the Act. • Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. • The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight. 	<ul style="list-style-type: none"> • It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate). • The Inspector would receive minor and serious complaints about elected members. • The Inspector would oversee complaints relating to local government CEOs. • Local Governments would still be responsible for dealing with minor behavioural complaints. • The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. • The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. • The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. • The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. • The Inspector would be supported by a panel of Local Government Monitors (see item 1.2). • The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). • Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). 	<p>Current City Position:</p> <p>In the City’s Phase 1 response (CJ012-02/18 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT IN PRINCIPLE the DLGSCI proposal for an improved remedial action process, subject to further information being provided with regard the methodology proposed. 2. SUPPORT the DLGSCI establishing a set of qualification criteria for any person being considered an appointed person to manage a local government remedial action process, including but not limited to that person being suitably qualified and having extensive experience working in the local government sector. 3. DOES NOT SUPPORT the appointed person being a DLGSCI employee to ensure independence and potential bias. 4. SUPPORT the costs of an appointed person being negotiated between the DLGSCI and the local government, however, costs

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	<ul style="list-style-type: none"> These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6). 	<p>being borne by the local government.</p> <p>5. SUPPORT the proposed role of the appointed person being restricted to advice and support including:</p> <ul style="list-style-type: none"> making recommendations to the Council, CEO and the Department mediating between parties arranging for training reviewing, and making recommendations on, practices and procedures. <p>6. AGREE IN PRINCIPLE that the proposed remedial action approach would improve the provision of good government in Western Australia.</p> <p>The City also provided that it SUPPORT access to the Public Sector Commission providing advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers and Public Sector Commission representation on relevant selection panels and committees, solely at the discretion of the local government.</p> <p>In the City’s Phase 2 response</p>

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		<p>(CJ023-03/19 refers) it was additionally agreed that the City of Joondalup DOES NOT SUPPORT an appointed person, engaged for a local government remedial process, from directing administrative functions; being imbedded into a council; or taking over the roles and responsibilities of the Mayor/President.</p> <p>Comment on Current Proposal: The local government sector has advocated for an early intervention process that provides a timely response to potentially disruptive or dysfunctional behaviours.</p> <p>The Proposed Reforms state '<i>Local Governments would still be responsible for dealing with minor behavioural complaints</i>' and as such do not go as far as the sector's recent request for an external oversight model for the independent assessment of local level complaints. The Minister has provided that a review of the minor behavioural complaints regulatory framework is anticipated to be undertaken in the near future.</p>

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		<p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>1.1 Early Intervention Powers</i>. 2. REQUEST the Minister to explore alternate mechanisms for resolving local level complaints. 3. REQUEST the Minister to give consideration to: <ul style="list-style-type: none"> • The Local Government Inspector being funded by the State Government, and the cost of the Local Government Monitors being borne by the Local Government concerned. • Adequately resourcing the DLGSCI to maintain high service levels to the sector. • Providing Local Government access to the Public Sector Commission to provide advice and assistance to local governments in the performance management of local government Chief Executive Officers. • Clarifying the reporting and accountability relationships

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		<p>between the Minister, Inspector, and Director General of the DLGSCI.</p> <ul style="list-style-type: none"> • Clarifying whether an Inspector is proposed to have the power to assume any of the roles and responsibilities of the Mayor/President and/or Council. • Clarifying the type of complaint regarding the CEO that would generate an external investigation.
1.2 Local Government Monitors		
<ul style="list-style-type: none"> • There are currently no legislative powers for the provision of monitors/ temporary advisors. • The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. 	<ul style="list-style-type: none"> • A panel of Local Government Monitors would be established. • Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. • The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. • Monitors would be qualified specialists, such as: <ul style="list-style-type: none"> ○ Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators ○ Dispute resolution experts - to address the breakdown of professional working relationships ○ Certified Practicing Accountants and other financial specialists - to assist with financial management and reporting issues ○ Governance specialists and lawyers - to assist councils resolve legal issues 	<p>Current City Position:</p> <p>In the City's Phase 1 response (CJ012-02/18 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the inclusion of mediation as a sanction available to the Standards Panel. 2. DOES NOT SUPPORT the Standards Panel sanctioning elected members from attending Council meetings. <p>In the City's Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup DOES NOT SUPPORT an</p>

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	<ul style="list-style-type: none"> ○ HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. ● Only the Inspector would have the power to appoint Monitors. ● Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. <p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council’s code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.</p>	<p>appointed person, engaged for a local government remedial process, from directing administrative functions; being imbedded into a council; or taking over the roles and responsibilities of the Mayor/President.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>1.2 Local Government Monitors</i>. 2. REQUEST the Minister to give consideration to clarifying who has the authority to request the intervention of monitors ie: <ul style="list-style-type: none"> ● Is it proposed to allow the CEO or Mayor/President, independent of the elected Council, to request the intervention of monitors? ● Is it proposed to require the Council to resolve to request the intervention of monitors.? 3. REQUEST the Minister to give consideration to clarifying: <ul style="list-style-type: none"> ● Whether monitors are intended to become a general consulting resource available for

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		<p>Local Governments to utilise as required (for specific purposes).</p> <ul style="list-style-type: none"> • Whether the Local Government bears the associated costs of monitors appointed where it does not make the request of the Inspector. <p>4. REQUEST the Minister to give consideration to clarifying what process is to occur when parties to the dispute decline to participate in mediation or there is no resolution from the mediation.</p> <p>5. REQUEST the Minister to include former executives from Band 1 local governments to the list of qualified specialists considered for Monitors.</p>
1.3 Conduct Panel		
<ul style="list-style-type: none"> • The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour. • Currently, the Panel makes findings about alleged breaches based on written submissions. 	<ul style="list-style-type: none"> • The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel. • The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. • The Inspector would provide evidence to the Conduct Panel for adjudication. • The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend 	<p>Current City Position:</p> <p>In the City’s Phase 1 response (CJ012-02/18 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the current system of breaches of the <i>Local Government (Rules of Conduct) Regulations 2007</i> being referred to a Standards Panel.

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<ul style="list-style-type: none"> The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<p>councillors for up to three months, with an appeal mechanism.</p> <ul style="list-style-type: none"> For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision. 	<p>2. SUPPORT the creation of more standards panels (possibly on a regional basis) to minimise the workload on the current Standards Panel.</p> <p>Proposed City of Joondalup Position:</p> <ol style="list-style-type: none"> The City of Joondalup SUPPORT the proposed reforms related to <i>1.3 Conduct Panel</i>. REQUEST the Minister to clarify what very serious or repeated breaches of the Local Government Act would allow the Conduct Panel to recommend prosecution through the courts.
<p>1.4 Review of Penalties</p>		
<ul style="list-style-type: none"> There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> Penalties for breaching the Local Government Act are proposed to be strengthened. It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address). It is proposed that a councillor who is suspended multiple times may become disqualified from office. 	<p>NB: Discussion with the Minister's Office has clarified that dot point 3 should refer to "Councillors who are suspended" rather than "Councillors who are disqualified".</p> <p>Current City Position</p> <p>In the City's Phase 1 response (CJ012-02/18 refers) it was agreed that the City of Joondalup in part DOES NOT SUPPORT the Standards Panel sanctioning</p>

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	<ul style="list-style-type: none"> Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	<p>elected members from attending Council meetings.</p> <p>In the City’s Phase 1 response and 10 October 2017 response (CJ161-10/17 refers) to a WALGA Discussion Paper on the Act Review the Council supported a penalty for non-completion of mandatory training of a reduction in fees and allowances payable.</p> <p>Comment on Current Proposal: WALGA provides that Items 1.4 and 1.5 expand upon its Advocacy Position 2.6.9 - ‘Stand Down Proposal’ which provides as follows: <i>WALGA supports, in principle, a proposal for an individual elected member to be ‘stood down’ from their duties when they are under investigation, have been charged, or when their continued presence prevents Council from properly discharging its functions or affects the Council’s reputation, subject to further policy development work being undertaken. Further policy development of the Stand Down Provisions must involve active consultation with WALGA and specific consideration of the</i></p>

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		<p><i>following issues of concern to the Sector:</i></p> <ol style="list-style-type: none"> <i>1. That the Department of Local Government endeavour to ensure established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and</i> <i>2. That activities associated with the term ‘disruptive behaviour’, presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.</i> <p>The Local Government sector has long-standing advocacy positions supporting stronger penalties as a deterrent to disruptive Council Member behaviours. Clear guidance will be required to ensure there is consistent application of the powers.</p> <p>Proposed City of Joondalup Position:</p>

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		<p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT IN PRINCIPLE the proposed reforms related to <i>1.4 Review of Penalties</i> with the exception that it: <ul style="list-style-type: none"> • DOES NOT SUPPORT the suspension of Councillors from attending Council Meetings. • DOES NOT SUPPORT the prohibition of Councillors using their official office (title and/or council email address), should they be suspended from attending Council meetings. 2. REQUEST the Minister to give consideration to: <ul style="list-style-type: none"> • Ensuring established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; • Providing clarity where activities associated with the term ‘disruptive behaviour’, presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council

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		<p>unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.</p> <ul style="list-style-type: none"> • Providing clarity regarding the timing of implementation, particularly in relation to mandatory training requirements - currently 12 months, and will penalties apply automatically on expiration of deadlines. • Providing clarity on the legal standing of a Council decision if the suspension of a Councillor was found to be unjust.
1.5 Rapid Red Card Resolutions		
<ul style="list-style-type: none"> • Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws. • Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings. 	<ul style="list-style-type: none"> • It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1). • It is proposed that Presiding Members have the power to “red card” any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> ○ Require the Presiding Member to issue a clear first warning 	<p>Current City Position: The City does not have a current position on reform proposal 1.5.</p> <p>Comment on Current Proposal:</p> <ol style="list-style-type: none"> 1. Refer to comments made in relation to reform proposal 1.4. 2. The “Red Card” proposal adds emphasis to the power of the Presiding Member to

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<ul style="list-style-type: none"> Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more quickly resolve problems that occur at council meetings. 	<ul style="list-style-type: none"> If the disruptions continue, the Presiding Member will have the power to “red card” that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting. Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector. Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector. 	<p>enforce behavioural standards.</p> <p>Clarification was sought from the Minister on management of poor Presiding Member conduct, and it was emphasised that the power for Council to dissent from the Presiding Member’s rulings would be part of the model Standing Orders.</p> <p>Whilst poor Presiding Member behaviour should be escalated to the Inspectorate, it is considered that this will not address behavioural issues at the time that they occur.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> SUPPORT IN PRINCIPLE the proposed reforms related to <i>1.5 Rapid Red Card Resolutions</i>. REQUEST the Minister to give consideration to: <ul style="list-style-type: none"> Integrating strengthened behavioural resolution provisions in the model Standing Orders rather than the red card approach.

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		<ul style="list-style-type: none"> • Providing clarity with regard how poor Presiding Member behaviour will be addressed at the time it occurs ie should the Deputy Presiding Member chair any debate on such a decision. • The legal standing of a Council decision if the ejection of a Councillor was found to be unjust.
1.6 Vexatious Complaint Referrals		
<ul style="list-style-type: none"> • No current provisions. • The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> • Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government’s operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. • Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person’s query. • It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person’s complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious. 	<p>Current City Position</p> <p>In the City’s 10 October 2017 response (CJ161-10/17 refers) to a WALGA Discussion Paper on the Act Review the Council:</p> <ul style="list-style-type: none"> • DID NOT SUPPORT WALGA’s position that a statutory provision be considered, permitting a Local Government to declare a person vexatious or frivolous complainant. • SUPPORTED provisions that permit a CEO to determine a person vexatious or frivolous complainant. <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup DOES NOT SUPPORT legislating</p>

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		<p>the adopting of the Australian / New Zealand standard for complaints management as such administrative functions should be determined by a local government, noting the City's complaints management processes are based on this standard.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>1.6 Vexatious Complaint Referrals</i>. 2. REQUEST the Minister to consider granting the power to determine vexatious complaints to the CEO in accordance with an established set of criteria. 3. RREQUEST the Minister to provide clarity whether vexatious queries is contemplated by this reform. The City DOES NOT SUPPORT vexatious queries being included in the reforms and should only be vexatious complaints.
<p>1.7 Minor Other Reforms</p>		

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<ul style="list-style-type: none"> Other minor reforms are being considered to enhance the oversight of local government. Ministerial Circulars have traditionally been used to provide guidance to the local government sector. 	<ul style="list-style-type: none"> Potential other reforms to strengthen guidance for local governments are being considered. For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed. It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations. 	<p>Current City Position: The City does not have a current position on reform proposal 1.7.</p> <p>Comment on Current Proposal: The City of Joondalup has consistently supported the General Competence Principle currently embodied in the Local Government Act 1995 and for provision of a flexible, principles-based legislative framework.</p> <p>Operational guidance from the DLGSCI should lead to consistent understanding and application of statutory provisions by Local Governments.</p> <p>Proposed City of Joondalup Position: The City of Joondalup SUPPORT the proposed reforms related to <i>1.7 Minor Other Reforms</i> subject to the advice coming from the Director General of the DLGSCI as it risks politicising the advice.</p>
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1.1 Early Intervention Powers		
<ul style="list-style-type: none"> The Act provides the means to regulate the conduct of local government staff and council members and sets out powers to 	<ul style="list-style-type: none"> It is proposed to establish a Chief Inspector of Local Government (the Inspector), supported by an Office of the Local Government Inspector (the Inspectorate). 	<p>Current City Position: In the City's Phase 1 response (CJ012-02/18 refers) it was</p>

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<p>scrutinise the affairs of local government. The Act provides certain limited powers to:</p> <ul style="list-style-type: none"> ○ Suspend or dismiss councils ○ Appoint Commissioners ○ Suspend or, order remedial action (such as training) for individual councillors. <ul style="list-style-type: none"> ● The Act also provides the Director General with the power to: <ul style="list-style-type: none"> ○ Conduct Authorised Inquiries ○ Refer allegations of serious or recurrent breaches to the State Administrative Tribunal ○ Commence prosecution for an offence under the Act. ● Authorised Inquiries are a costly and a relatively slow response to significant issues. Authorised Inquiries are currently the only significant tool for addressing significant issues within a local government. ● The Panel Report, City of Perth Inquiry, and the Select Committee Report made various recommendations related to the establishment of a specific office for local government oversight. 	<ul style="list-style-type: none"> ● The Inspector would receive minor and serious complaints about elected members. ● The Inspector would oversee complaints relating to local government CEOs. ● Local Governments would still be responsible for dealing with minor behavioural complaints. ● The Inspector would have powers of a standing inquiry, able to investigate and intervene in any local government where potential issues are identified. ● The Inspector would have the authority to assess, triage, refer, investigate, or close complaints, having regard to various public interest criteria – considering laws such as the <i>Corruption, Crime and Misconduct Act 2003</i>, the <i>Occupational Safety and Health Act 1984</i>, the <i>Building Act 2011</i>, and other legislation. ● The Inspector would have powers to implement minor penalties for less serious breaches of the Act, with an appeal mechanism. ● The Inspector would also have the power to order a local government to address non-compliance with the Act or Regulations. ● The Inspector would be supported by a panel of Local Government Monitors (see item 1.2). ● The existing Local Government Standards Panel would be replaced with a new Conduct Panel (see item 1.3). ● Penalties for breaches to the Local Government Act and Regulations will be reviewed and are proposed to be generally strengthened (see item 1.4). ● These reforms would be supported by new powers to more quickly resolve issues within local government (see items 1.5 and 1.6). 	<p>agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT IN PRINCIPLE the DLGSCI proposal for an improved remedial action process, subject to further information being provided with regard the methodology proposed. 2. SUPPORT the DLGSCI establishing a set of qualification criteria for any person being considered an appointed person to manage a local government remedial action process, including but not limited to that person being suitably qualified and having extensive experience working in the local government sector. 3. DOES NOT SUPPORT the appointed person being a DLGSCI employee to ensure independence and potential bias. 4. SUPPORT the costs of an appointed person being negotiated between the DLGSCI and the local government, however, costs being borne by the local government. 5. SUPPORT the proposed role of the appointed person being restricted to advice and support including:

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		<ul style="list-style-type: none"> ▪ making recommendations to the Council, CEO and the Department ▪ mediating between parties ▪ arranging for training ▪ reviewing, and making recommendations on, practices and procedures. <p>6. AGREE IN PRINCIPLE that the proposed remedial action approach would improve the provision of good government in Western Australia.</p> <p>The City also provided that it SUPPORT access to the Public Sector Commission providing advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers and Public Sector Commission representation on relevant selection panels and committees, solely at the discretion of the local government.</p> <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was additionally agreed that the City of Joondalup DOES NOT SUPPORT an appointed person, engaged for a local government remedial process, from directing</p>

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		<p>administrative functions; being imbedded into a council; or taking over the roles and responsibilities of the Mayor/President.</p> <p>Comment on Current Proposal: The local government sector has advocated for an early intervention process that provides a timely response to potentially disruptive or dysfunctional behaviours.</p> <p>The Proposed Reforms state '<i>Local Governments would still be responsible for dealing with minor behavioural complaints</i>' and as such do not go as far as the sector's recent request for an external oversight model for the independent assessment of local level complaints. The Minister has provided that a review of the minor behavioural complaints regulatory framework is anticipated to be undertaken in the near future.</p> <p>Proposed City of Joondalup Position: The City of Joondalup: 1. SUPPORT the proposed</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>reforms related to <i>1.1 Early Intervention Powers</i>.</p> <p>2. REQUEST the Minister to explore alternate mechanisms for resolving local level complaints.</p> <p>3. REQUEST the Minister to give consideration to:</p> <ul style="list-style-type: none"> • The Local Government Inspector being funded by the State Government, and the cost of the Local Government Monitors being borne by the Local Government concerned. • Adequately resourcing the DLGSCI to maintain high service levels to the sector. • Providing Local Government access to the Public Sector Commission to provide advice and assistance to local governments in the performance management of local government Chief Executive Officers. • Clarifying the reporting and accountability relationships between the Minister, Inspector, and Director General of the DLGSCI. • Clarifying whether an Inspector is proposed to

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>have the power to assume any of the roles and responsibilities of the Mayor/President and/or Council.</p> <ul style="list-style-type: none"> Clarifying the type of complaint regarding the CEO that would generate an external investigation.
1.2 Local Government Monitors		
<ul style="list-style-type: none"> There are currently no legislative powers for the provision of monitors/ temporary advisors. The DLGSC provides support and advice to local governments, however there is no existing mechanism for pre-qualified, specialised assistance to manage complex cases. 	<ul style="list-style-type: none"> A panel of Local Government Monitors would be established. Monitors could be appointed by the Inspector to go into a local government and try to resolve problems. The purpose of Monitors would be to proactively fix problems, rather than to identify blame or collect evidence. Monitors would be qualified specialists, such as: <ul style="list-style-type: none"> Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators Dispute resolution experts - to address the breakdown of professional working relationships Certified Practicing Accountants and other financial specialists - to assist with financial management and reporting issues Governance specialists and lawyers - to assist councils resolve legal issues HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction. Only the Inspector would have the power to appoint Monitors. Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose. 	<p>Current City Position:</p> <p>In the City’s Phase 1 response (CJ012-02/18 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> SUPPORT the inclusion of mediation as a sanction available to the Standards Panel. DOES NOT SUPPORT the Standards Panel sanctioning elected members from attending Council meetings. <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup DOES NOT SUPPORT an appointed person, engaged for a local government remedial process, from directing administrative functions; being imbedded into a council; or taking</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<p>Monitor Case Study 1 – Financial Management</p> <p>The Inspector receives information that a local government is not collecting rates correctly under the <i>Local Government Act 1995</i>. Upon initial review, the Inspector identifies that there may be a problem. The Inspector appoints a Monitor who specialises in financial management in local government. The Monitor visits the local government and identifies that the system used to manage rates is not correctly issuing rates notices. The Monitor works with the local government to rectify the error, and issue corrections to impacted ratepayers.</p> <p>Monitor Case Study 2 – Dispute Resolution</p> <p>The Inspector receives a complaint from one councillor that another councillor is repeatedly publishing derogatory personal attacks against another councillor on social media, and that the issue has not been able to be resolved at the local government level. The Inspector identifies that there has been a relationship breakdown between the two councillors due to a disagreement on council.</p> <p>The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute. Through regular meetings, the councillors agree to a working relationship based on the council’s code of conduct. After the mediation, the Monitor occasionally makes contact with both councillors to ensure there is a cordial working relationship between the councillors.</p>	<p>over the roles and responsibilities of the Mayor/President.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>1.2 Local Government Monitors</i>. 2. REQUEST the Minister to give consideration to clarifying who has the authority to request the intervention of monitors ie: <ul style="list-style-type: none"> • Is it proposed to allow the CEO or Mayor/President, independent of the elected Council, to request the intervention of monitors? • Is it proposed to require the Council to resolve to request the intervention of monitors.? 3. REQUEST the Minister to give consideration to clarifying: <ul style="list-style-type: none"> • Whether monitors are intended to become a general consulting resource available for Local Governments to utilise as required (for specific purposes). • Whether the Local Government bears the

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>associated costs of monitors appointed where it does not make the request of the Inspector.</p> <p>4. REQUEST the Minister to give consideration to clarifying what process is to occur when parties to the dispute decline to participate in mediation or there is no resolution from the mediation.</p> <p>5. REQUEST the Minister to include former executives from Band 1 local governments to the list of qualified specialists considered for Monitors.</p>
1.3 Conduct Panel		
<ul style="list-style-type: none"> The Local Government Standards Panel was established in 2007 to resolve minor breach complaints relatively quickly and provide the sector with guidance and benchmarks about acceptable standards of behaviour. Currently, the Panel makes findings about alleged breaches based on written submissions. The City of Perth Inquiry report made various recommendations that functions of the Local Government Standards Panel be reformed. 	<ul style="list-style-type: none"> The Standards Panel is proposed to be replaced with a new Local Government Conduct Panel. The Conduct Panel would be comprised of suitably qualified and experienced professionals. Sitting councillors will not be eligible to serve on the Conduct Panel. The Inspector would provide evidence to the Conduct Panel for adjudication. The Conduct Panel would have powers to impose stronger penalties – potentially including being able to suspend councillors for up to three months, with an appeal mechanism. For very serious or repeated breaches of the Local Government Act, the Conduct Panel would have the power to recommend prosecution through the courts. 	<p>Current City Position:</p> <p>In the City’s Phase 1 response (CJ012-02/18 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> SUPPORT the current system of breaches of the <i>Local Government (Rules of Conduct) Regulations 2007</i> being referred to a Standards Panel. SUPPORT the creation of more standards panels (possibly on a regional basis)

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> Any person who is subject to a complaint before the Conduct Panel would have the right to address the Conduct Panel before the Panel makes a decision. 	<p>to minimise the workload on the current Standards Panel.</p> <p>Proposed City of Joondalup Position:</p> <ol style="list-style-type: none"> The City of Joondalup SUPPORT the proposed reforms related to <i>1.3 Conduct Panel</i>. REQUEST the Minister to clarify what very serious or repeated breaches of the Local Government Act would allow the Conduct Panel to recommend prosecution through the courts..
<p>1.4 Review of Penalties</p>		
<ul style="list-style-type: none"> There are currently limited penalties in the Act for certain types of non-compliance with the Local Government Act. 	<ul style="list-style-type: none"> Penalties for breaching the Local Government Act are proposed to be strengthened. It is proposed that the suspension of councillors (for up to three months) is established as the main penalty where a councillor breaches the Local Government Act or Regulations on more than one occasion. Councillors who are disqualified would not be eligible for sitting fees or allowances. They will also not be able to attend meetings, or use their official office (such as their title or council email address). It is proposed that a councillor who is suspended multiple times may become disqualified from office. Councillors who do not complete mandatory training within a certain timeframe will also not be able to receive sitting fees or allowances. 	<p>NB: Discussion with the Minister's Office has clarified that dot point 3 should refer to "Councillors who are suspended" rather than "Councillors who are disqualified".</p> <p>Current City Position</p> <p>In the City's Phase 1 response (CJ012-02/18 refers) it was agreed that the City of Joondalup in part DOES NOT SUPPORT the Standards Panel sanctioning elected members from attending Council meetings.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>In the City's Phase 1 response and 10 October 2017 response (CJ161-10/17 refers) to a WALGA Discussion Paper on the Act Review the Council supported a penalty for non-completion of mandatory training of a reduction in fees and allowances payable.</p> <p>Comment on Current Proposal: WALGA provides that Items 1.4 and 1.5 expand upon its Advocacy Position 2.6.9 - 'Stand Down Proposal' which provides as follows:</p> <p><i>WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their duties when they are under investigation, have been charged, or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken. Further policy development of the Stand Down Provisions must involve active consultation with WALGA and specific consideration of the following issues of concern to the Sector:</i></p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>1. <i>That the Department of Local Government endeavour to ensure established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and</i></p> <p>2. <i>That activities associated with the term ‘disruptive behaviour’, presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.</i></p> <p>The Local Government sector has long-standing advocacy positions supporting stronger penalties as a deterrent to disruptive Council Member behaviours. Clear guidance will be required to ensure there is consistent application of the powers.</p> <p>Proposed City of Joondalup Position: The City of Joondalup:</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>1. SUPPORT IN PRINCIPLE the proposed reforms related to <i>1.4 Review of Penalties</i> with the exception that it:</p> <ul style="list-style-type: none"> • DOES NOT SUPPORT the suspension of Councillors from attending Council Meetings. • DOES NOT SUPPORT the prohibition of Councillors using their official office (title and/or council email address), should they be suspended from attending Council meetings. <p>2. REQUEST the Minister to give consideration to:</p> <ul style="list-style-type: none"> • Ensuring established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; • Providing clarity where activities associated with the term ‘disruptive behaviour’, presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.</p> <ul style="list-style-type: none"> • Providing clarity regarding the timing of implementation, particularly in relation to mandatory training requirements - currently 12 months, and will penalties apply automatically on expiration of deadlines.
1.5 Rapid Red Card Resolutions		
<ul style="list-style-type: none"> • Currently, local governments have different local laws and standing orders that govern the way meetings run. Presiding members (Mayors and Presidents) are reliant on the powers provided in the local government standing orders local laws. • Differences between local governments is a source of confusion about the powers that presiding members have to deal with disruptive behaviours at council meetings. • Disruptive behaviour at council meetings is a very common cause of complaints. Having the Presiding Member be able to deal with these problems should more 	<ul style="list-style-type: none"> • It is proposed that Standing Orders are made consistent across Western Australia (see item 2.6). Published recordings of all meetings would also become standard (item 3.1). • It is proposed that Presiding Members have the power to “red card” any attendee (including councillors) who unreasonably and repeatedly interrupt council meetings. This power would: <ul style="list-style-type: none"> ○ Require the Presiding Member to issue a clear first warning ○ If the disruptions continue, the Presiding Member will have the power to “red card” that person, who must be silent for the rest of the meeting. A councillor issued with a red card will still vote, but must not speak or move motions 	<p>Current City Position: The City does not have a current position on reform proposal 1.5.</p> <p>Comment on Current Proposal:</p> <ol style="list-style-type: none"> 1. Refer to comments made in relation to reform proposal 1.4. 2. The “Red Card” proposal adds emphasis to the power of the Presiding Member to enforce behavioural standards. <p>Clarification was sought from the Minister on management</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<p>quickly resolve problems that occur at council meetings.</p>	<ul style="list-style-type: none"> ○ If the person continues to be disruptive, the Presiding Member can instruct that they leave the meeting. ● Any Presiding Member who uses the “red card” or ejection power will be required to notify the Inspector. ● Where an elected member refuses to comply with an instruction to be silent or leave, or where it can be demonstrated that the presiding member has not followed the law in using these powers, penalties can be imposed through a review by the Inspector. 	<p>of poor Presiding Member conduct, and it was emphasised that the power for Council to dissent from the Presiding Member’s rulings would be part of the model Standing Orders.</p> <p>Whilst poor Presiding Member behaviour should be escalated to the Inspectorate, it is considered that this will not address behavioural issues at the time that they occur.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT IN PRINCIPLE the proposed reforms related to <i>1.5 Rapid Red Card Resolutions</i>. 2. REQUEST the Minister to give consideration to: <ul style="list-style-type: none"> ● Integrating strengthened behavioural resolution provisions in the model Standing Orders rather than the red card approach. ● Providing clarity with regard how poor Presiding Member behaviour will be addressed at the time it

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>occurs ie should the Deputy Presiding Member chair any debate on such a decision.</p> <ul style="list-style-type: none"> The legal standing of a Council decision if the ejection of a Councillor was found to be unjust.
1.6 Vexatious Complaint Referrals		
<ul style="list-style-type: none"> No current provisions. The Act already provides a requirement for Public Question Time at council meetings. 	<ul style="list-style-type: none"> Local governments already have a general responsibility to provide ratepayers and members of the public with assistance in responding to queries about the local government's operations. Local governments should resolve queries and complaints in a respectful, transparent and equitable manner. Unfortunately, local government resources can become unreasonably diverted when a person makes repeated vexatious queries, especially after a local government has already provided a substantial response to the person's query. It is proposed that if a person makes repeated complaints to a local government CEO that are vexatious, the CEO will have the power to refer that person's complaints to the Inspectorate, which after assessment of the facts may then rule the complaint vexatious. 	<p>Current City Position</p> <p>In the City's 10 October 2017 response (CJ161-10/17 refers) to a WALGA Discussion Paper on the Act Review the Council:</p> <ul style="list-style-type: none"> DID NOT SUPPORT WALGA's position that a statutory provision be considered, permitting a Local Government to declare a person vexatious or frivolous complainant. SUPPORTED provisions that permit a CEO to determine a person vexatious or frivolous complainant. <p>In the City's Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup DOES NOT SUPPORT legislating the adopting of the Australian / New Zealand standard for complaints management as such administrative functions should be</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
		<p>determined by a local government, noting the City’s complaints management processes are based on this standard.</p> <p>Proposed City of Joondalup Position: The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>1.6 Vexatious Complaint Referrals</i>. 2. REQUEST the Minister to consider granting the power to determine vexatious complaints to the CEO in accordance with an established set of criteria. 3. REQUEST the Minister to provide clarity whether vexatious queries is contemplated by this reform. The City DOES NOT SUPPORT vexatious queries being included in the reforms and should only be vexatious complaints.
1.7 Minor Other Reforms		
<ul style="list-style-type: none"> • Other minor reforms are being considered to enhance the oversight of local government. 	<ul style="list-style-type: none"> • Potential other reforms to strengthen guidance for local governments are being considered. • For example, one option being considered is the potential use of sector-wide guidance notices. Guidance notices could 	<p>Current City Position: The City does not have a current position on reform proposal 1.7.</p>

CURRENT PROVISIONS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> Ministerial Circulars have traditionally been used to provide guidance to the local government sector. 	<p>be published by the Minister or Inspector, to give specific direction for how local governments should meet the requirements of the Local Government Act and Regulations. For instance, the Minister could publish guidance notices to clarify the process for how potential conflicts of interests should be managed.</p> <ul style="list-style-type: none"> It is also proposed (see item 1.1) that the Inspector has the power to issue notices to individual local governments to require them to rectify non-compliance with the Act or Regulations. 	<p>Comment on Current Proposal: The City of Joondalup has consistently supported the General Competence Principle currently embodied in the Local Government Act 1995 and for provision of a flexible, principles-based legislative framework.</p> <p>Operational guidance from the DLGSCI should lead to consistent understanding and application of statutory provisions by Local Governments.</p> <p>Proposed City of Joondalup Position: The City of Joondalup SUPPORT the proposed reforms related to <i>1.7 Minor Other Reforms</i> subject to the advice coming from the Director General of the DLGSCI as it risks politicising the advice.</p>

Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.1 Resource Sharing		
<ul style="list-style-type: none"> The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs. Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing. 	<ul style="list-style-type: none"> Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees. Local governments in bands 2, 3 or 4 would be able to appoint a shared CEO at up to two salary bands above the highest band. For example, a band 3 and a band 4 council sharing a CEO could remunerate to the level of band 1. 	<p>Current City Position: In the City’s 10 October 2017 response (CJ161-10/17 refers) to a WALGA Discussion Paper on the Act Review the Council SUPPORTED WALGA advocating for legislative and regulatory amendments to enable Regional Subsidiaries to:</p> <ul style="list-style-type: none"> Borrow in their own right. Enter into land transactions. Undertake commercial activities. <p>Comment on Current Proposal: The proposed reforms will rely upon statutory provisions that enable and enhance regional collaboration. Recent over-regulation of Regional Subsidiaries in 2016 resulted in no subsidiaries being formed since that time.</p> <p>The flexibility for sharing and remunerating CEOs needs to be reflected across all Local Government staff and systems.</p> <p>Compliance reviews and “Red Tape Reduction” will be necessary across a range of legislation and regulation, not just</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>the Local Government Act 1995, to make resource sharing truly effective.</p> <p>The proposal should be applied to systems as much as staff. Common systems – <i>payroll, finance, ICT, etc</i> – simplifies and enables the joint usage of staff.</p> <p>This proposal should be designed around creating the capacity to establish a fully integrated shared service function between multiple LGs as the ultimate expression of resource sharing.</p> <p>It may also be useful to establish a role for the Inspector in promulgating or terminating arrangements, given the multi-organisational impacts of such decisions.</p> <p>The proposal could also link to the innovation proposal and a principle based on sustainability, whereby collaboration between Local Governments (<i>beyond boundaries and geographic restrictions</i>) is encouraged.</p> <p>It is noted that in the 2020 Local Government Review Panel Report it was recommended that there be only one broader legislative model of collaboration</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>– either regional subsidiaries or regional councils, but not both.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>2.1 Resource Sharing</i>. 2. REQUEST the Minister to give consideration to: <ul style="list-style-type: none"> • Extending the reform proposal to apply to CEOs and all staff, and systems. • Clarifying whether the Government has any intention to implement Recommendation 14 of the 2020 Local Government Review Panel Report to discontinue regional councils.
2.2 Standardisation of Crossovers		
<ul style="list-style-type: none"> • Approvals and standards for crossovers (the section of driveways that run between the kerb and private property) are inconsistent between local government areas, often with very minor differences. • This can create confusion and complexity for homeowners and small businesses in the construction sector. 	<ul style="list-style-type: none"> • It is proposed to amend the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> to standardise the process for approving crossovers for residential properties and residential developments on local roads. • A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this. • The DLGSC will work with the sector to develop standardised design and construction standards. 	<p>Current City Position:</p> <p>The City does not have a current position on reform proposal 2.2.</p> <p>Proposed City of Joondalup position:</p> <p>The City of Joondalup SUPPORT the proposed reforms related to <i>2.2 Standardisation of Crossovers</i>.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
2.3 Introduce Innovation Provisions		
<ul style="list-style-type: none"> The <i>Local Government Act 1995</i> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket). 	<ul style="list-style-type: none"> New provisions are proposed to allow exemptions from certain requirements of the <i>Local Government Act 1995</i>, for: <ul style="list-style-type: none"> Short-term trials and pilot projects Urgent responses to emergencies. 	<p>Current City Position:</p> <p>The City does not have a current position on reform proposal 2.3, however, has consistently SUPPORTED the following general principles as being fundamental to the review of the Local Government Act 1995:</p> <ul style="list-style-type: none"> Uphold the General Competence Principle currently embodied in the Local Government Act 1995. Provide for a flexible, principles-based legislative framework. Promote a size and scale compliance regime. <p>Comment on Current Reform Proposal:</p> <p>Communities have an expectation that all levels of Government apply innovative solutions to complex and emerging issues. Exemptions developed with appropriate checks and balances, particularly where expenditure of public funds are concerned, has the potential to facilitate efficient and effective outcomes.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>Proposed City of Joondalup Position:</p> <ol style="list-style-type: none"> 1. The City of Joondalup SUPPORT the proposed reforms related to 2.3 <i>Introduce Innovation Provisions</i>. 2. REQUEST the Minister to provide further clarity around what exemptions will be allowed for under the Local Government Act.
2.4 Streamline Local Laws		
<ul style="list-style-type: none"> • Local laws are required to be reviewed every eight years. • The review of local laws (especially when they are standard) has been identified as a burden for the sector. • Inconsistency between local laws is frustrating for residents and business stakeholders. 	<ul style="list-style-type: none"> • It is proposed that local laws would only need to be reviewed by the local government every 15 years. • Local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable. • Local governments adopting Model Local Laws will have reduced advertising requirements. 	<p>Current City Position:</p> <p>In the City’s Phase 1 response (CJ012-02/18) it was suggested that consideration be given to a review of s3.12 of the Act to reduce some advertising requirements and whether s3.16 of the Act could be deleted given that local governments through administering local laws will determine when it is necessary to amend or revoke a local law in terms of meeting its needs for its inhabitants of its district.</p> <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed inter alia that the City of Joondalup:</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<ol style="list-style-type: none"> 1. SUPPORT the DLGSCI playing a more active role in developing ‘model local laws’, in consultation with WALGA, Local Government Professionals (WA branch), the State Solicitor’s Office and the Joint Standing Committee on Delegated Legislation. 2. SUPPORT a review of the terms of reference of the Joint Standing Committee on Delegated Legislation to enable greater advice to local governments in drafting and advising local governments on their local laws prior to them being published in the Government Gazette. 3. SUPPORT the removal of the provision relating to the mandatory eight-year review of local laws as local governments are well placed to determine the relevance and needs of their local law framework. 4. NOT SUPPORT the proposal that local laws not reviewed in the timeframe would lapse, meaning that old laws will be automatically removed and no longer applicable and instead become the province of a

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>Local Government Monitor to resolve.</p> <p>5. SUPPORT the removal of the provision relating to the state-wide advertising of a proposed local law as local public notice would suffice.</p> <p>6. REITERATE its support for the DLGSCI examining as part of the review of the Act to differentiate between local governments, to apply regulation, compliance and administration requirements that are reflective of the capacity and needs of local governments.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <p>1. SUPPORT the proposed reforms related to <i>2.4 Streamline Local Laws</i>, subject to retention of 8 year reviews of local laws.</p> <p>2. REQUEST the Minister to give consideration to:</p> <ul style="list-style-type: none"> • Ensuring standardised local laws are scalable for the size of a Local Government (ie minimum standards that can be enhanced at the discretion of the Local Government).

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>3. REQUEST the Minister to include a submission to the Joint Standing Committee on Delegated Legislation requesting a review of the terms of reference of the Joint Standing Committee on Delegated Legislation to enable greater advice to local governments in drafting and advising local governments on their local laws prior to them being published in the Government Gazette.</p>
<p>2.5 Simplifying Approvals for Small Business and Community Events</p>		
<ul style="list-style-type: none"> • Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is frustrating for business and local communities. 	<ul style="list-style-type: none"> • Proposed reforms would introduce greater consistency for approvals for: <ul style="list-style-type: none"> ○ alfresco and outdoor dining ○ minor small business signage rules ○ running community events. 	<p>Current City Position: The City does not have a current position on reform proposal 2.5, although refer to 2.4 above.</p> <p>Proposed City of Joondalup position: The City of Joondalup SUPPORT the proposed reforms related to <i>2.5 Simplifying Approvals for Small Business and Community Events</i>.</p>
<p>2.6 Standardised Meeting Procedures, Including Public Question Time</p>		
<ul style="list-style-type: none"> • Local governments currently prepare individual standing order local laws. • The <i>Local Government Act 1995</i> and regulations require local governments to 	<ul style="list-style-type: none"> • To provide greater clarity for ratepayers and applicants for decisions made by council, it is proposed that the meeting procedures and standing orders for all local government 	<p>Current City Position: In the City's Phase 2 response (CJ023-03/19 refers) it was</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<p>allocate time at meetings for questions from the public.</p> <ul style="list-style-type: none"> Inconsistency among the meeting procedures between local governments is a common source of complaints. 	<p>meetings, including for public question time, are standardised across the State.</p> <ul style="list-style-type: none"> Regulations would introduce standard requirements for public question time, and the procedures for meetings generally. Members of the public across all local governments would have the same opportunities to address council and ask questions. 	<p>agreed inter alia that the City of Joondalup:</p> <ol style="list-style-type: none"> DOES NOT SUPPORT changing the current minimum public question time provisions within the Act, noting it should be left to individual local governments to determine how public question time is to be conducted including the approved communication channels that public questions can be lodged. DOES NOT SUPPORT prescribing additional public question time provisions within the Act, noting the City of Joondalup currently allows public statement time at Council meetings and Briefing Sessions, and it should be left to individual local governments to determine if public statement time is a meeting process to be implemented. DOES NOT SUPPORT rules on how public question time is to be handled at meetings as this level of prescription impedes a local government’s flexibility to manage this appropriately and a “one size fits all” approach would not be

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>in the best interests of local governments</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT the proposed reforms related to <i>2.6 Standardised Meeting Procedures, Including Public Question Time</i> subject to Local Governments being permitted to endorse an approach beyond the minimum requirements in order to best meet its community's particular interests.</p>
2.7 Regional Subsidiaries		
<ul style="list-style-type: none"> • Initiatives by multiple local governments may be managed through formal Regional Councils, or through less formal “organisations of councils”, such as NEWROC and WESROC. • These initiatives typically have to be managed by a lead local government. • In 2016-17, provisions were introduced to allow for the formation of Regional Subsidiaries. Regional Subsidiaries can be formed in line with the <i>Local Government (Regional Subsidiaries) Regulations 2017</i>. • So far, no Regional Subsidiary has been formed. 	<ul style="list-style-type: none"> • Work is continuing to consider how Regional Subsidiaries can be best established to: <ul style="list-style-type: none"> ○ Enable Regional Subsidiaries to provide a clear and defined public benefit for people within member local governments ○ Provide for flexibility and innovation while ensuring appropriate transparency and accountability of ratepayer funds ○ Where appropriate, facilitate financing of initiatives by Regional Subsidiaries within a reasonable and defined limit of risk ○ Ensure all employees of a Regional Subsidiary have the same employment conditions as those directly employed by member local governments. 	<p>Current City Position:</p> <p>In the City's Phase 1 response (CJ012-02/18) it was suggested that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT Option 2 for regional subsidiaries being permitted to borrow from Treasury Corporation. 2. SUPPORT regional subsidiaries being subjected to the same mitigation measures that apply to local governments when borrowing from Treasury Corporation.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>In the City’s Phase 2 response (CJ023-03/19) it was suggested that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT modernising the legislation to provide local governments with the option to form beneficial enterprises. 2. SUPPORT specifying the type of functions and activities local government beneficial enterprises cannot undertake as opposed to those activities that can be performed. 3. SUPPORT having appropriate and meaningful eligibility criteria that a local government must meet before it can establish a beneficial enterprise. 4. SUPPORT local governments being required to develop a business case/plan and model and undertake a public consultation process around the proposed establishment of beneficial enterprises. 5. SUPPORT establishing control and accountability mechanisms for local government beneficial enterprises. <p>Comment on Current Reform Proposal: WALGA provide in its draft</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>submission that under the Regional Subsidiary model, two or more Local Governments are able to establish a regional subsidiary to undertake a shared service function on behalf of its constituent Local Governments. The model provides increased flexibility when compared to the Regional Local Government model because regional subsidiaries are primarily governed and regulated by a charter rather than legislation.</p> <p>While the regional subsidiary model's governance structure is primarily representative, the model also allows independent and commercially focussed directors to be appointed to the board of management.</p> <p>A key advantage of the regional subsidiary model is the use of a charter, as opposed to legislation, as the primary governance and regulatory instrument. Accordingly, the legislative provisions governing the establishment of regional subsidiaries should be light, leaving most of the regulation to the regional subsidiary charter, which can be adapted to suit the</p>

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CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>specific circumstances of each regional subsidiary.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT the proposed reforms related to <i>2.7 Regional Subsidiaries</i>.</p>

Theme 3: Greater Transparency & Accountability

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
3.1 Recordings and Live-Streaming of All Council Meetings		
<ul style="list-style-type: none"> • Currently, local governments are only required to make written minutes of meetings. • While there is no legal requirement for livestreaming or video or audio recording of council meetings, many local governments now stream and record their meetings. • Complaints relating to behaviours and decisions at meetings constitute a large proportion of complaints about local governments. • Local governments are divided into bands with the largest falling in bands 1 and 2, and smaller local governments falling bands 3 and 4. The allocation of local governments into bands is determined by The Salaries and Allowances Tribunal based on factors¹ such as: <ul style="list-style-type: none"> ○ Growth and development ○ Strategic planning issues ○ Demands and diversity of services provided to the community ○ Total expenditure ○ Population ○ Staffing levels. 	<ul style="list-style-type: none"> • It is proposed that all local governments will be required to record meetings. • Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. • Band 1 and 2 are larger local governments are generally located in larger urban areas, with generally very good telecommunications infrastructure, and many already have audio-visual equipment. • Band 1 and 2 local governments would be required to livestream meetings, and make video recordings available as public archives. • Several local governments already use platforms such as YouTube, Microsoft Teams, and Vimeo to stream and publish meeting recordings. • Limited exceptions would be made for meetings held outside the ordinary council chambers, where audio recordings may be used. • Recognising their generally smaller scale, typically smaller operating budget, and potential to be in more remote locations, band 3 and 4 local governments would be required to record and publish audio recordings, at a minimum. These local governments would still be encouraged to livestream or video record meetings. • All council meeting recordings would need to be published at the same time as the meeting minutes. Recordings of all confidential items would also need to be submitted to the DLGSC for archiving. 	<p>Current City Position: In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup DOES NOT SUPPORT legislating the requirement to audio and visual stream proceedings of meetings as this should be left to the discretion of individual local governments in view of the benefits and risks involved, and their individual capacity to do so.</p> <p>Comment on Current Reform Proposal: The City currently streams audio on its website for Council meetings. The Council will consider the benefits of video streaming as a result of a recent petition to the Council at its February 2022 meeting. The cost associated with video and audio streaming should not be discounted, particularly, when considering the minimal number of people that listen to meetings currently. As such it is considered that it remain optional for visual streaming of all Council</p>

¹ See page 3 of the [2018 Salaries and Allowance Tribunal Determination](#)

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>Meetings for Band 1 and 2 local governments.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to audio recordings and audio streaming of all Council Meetings for Band 1 and 2 local governments, subject to it being optional for video recordings and live-video-streaming of all Council Meetings for Band 1 and 2 local governments. 2. REQUEST the Minister to clarify whether this proposed reform applies to Committees with delegated authority (ie open to the public) and confidential items dealt with by Committees.
3.2 Recording All Votes in Council Minutes		
<ul style="list-style-type: none"> • A local government is only required to record which councillor voted for or against a motion in the minutes of that meeting if a request is made by an elected member at the time of the resolution during the meeting. • The existing provision does not mandate transparency. 	<ul style="list-style-type: none"> • To support the transparency of decision-making by councillors, it is proposed that the individual votes cast by all councillors for all council resolutions would be required to be published in the council minutes, and identify those for, against, on leave, absent or who left the chamber. • Regulations would prescribe how votes are to be consistently minuted. 	<p>Current City Position:</p> <p>The City does not have a current position on reform proposal 3.2.</p> <p>Comment on Current Reform Proposal:</p> <p>The City of Joondalup currently records the individual votes cast</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>by all Elected Members for all Council and Committee resolutions and publishes them in the Council/Committee minutes,</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT the proposed reforms related to <i>3.2 Recording All Votes in Council Minutes</i>.</p>
3.3 Clearer Guidance for Meeting Items that may be Confidential		
<ul style="list-style-type: none"> The Act currently provides broad definitions of what type of matters may be discussed as a confidential item. There is limited potential for review of issues managed as confidential items under the current legislation. 	<ul style="list-style-type: none"> Recognising the importance of open and transparent decision-making, it is considered that confidential meetings and confidential meeting items should only be used in limited, specific circumstances. It is proposed to make the Act more specific in prescribing items that may be confidential, and items that should remain open to the public. Items not prescribed as being confidential could still be held as confidential items only with the prior written consent of the Inspector. All confidential items would be required to be audio recorded, with those recordings submitted to the DLGSC. 	<p>Current City Position:</p> <p>The City does not have a current position on reform proposal 3.3.</p> <p>Comment on Current Reform Proposal:</p> <p>The City is very cognisant of the legislative provisions related to confidentiality and applies rigour to ensuring only those items that satisfactorily meet legislative obligations are dealt with confidentially. Should further clarity be required the City will work to meet the provisions.</p> <p>The proposed reform requiring Local Governments to video or audio record Council meetings (Item 3.1) will add to the formal record of proceedings that includes written Minutes. While being supported, the requirement</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>to provide audio recordings of confidential matters to the DLGSC is queried on the basis that written and audio records can be readily accessed from a Local Government if required.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to 3.3 <i>Clearer Guidance for Meeting Items that may be Confidential</i>, except DO NOT SUPPORT the recording of confidential items for submission to DLGSC. 2. REQUEST the Minister to give consideration to amending provisions to require that all confidential to be audio recorded are maintained by the local government and submitted to the DLGSC Inspectorate on request.
<p>3.4 Additional Online Registers</p>		
<ul style="list-style-type: none"> • Local governments are required to provide information to the community through annual reports, council minutes and the publication of information online. • Consistent online publication of information can substitute for certain material in annual reports. 	<ul style="list-style-type: none"> • It is proposed to require local governments to report specific information in online registers on the local government’s website. Regulations would prescribe the information to be included. <p>The following new registers, each updated quarterly, are proposed:</p>	<p>Current City Position:</p> <p>The City does not have a current position on reform proposal 3.4.</p> <p>Comment on Current Reform Proposal:</p> <p>The proposal follows recent</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> • Consistency in online reporting across the sector will provide ratepayers with better information. • These registers supplement the simplification of financial statements in Theme 6. 	<ul style="list-style-type: none"> ○ Lease Register to capture information about the leases the local government is party to (either as lessor or lessee) ○ Community Grants Register to outline all grants and funding provided by the local government ○ Interests Disclosure Register which collates all disclosures made by elected members about their interests related to matters considered by council ○ Applicant Contribution Register accounting for funds collected from applicant contributions, such as cash-in-lieu for public open space and car parking ○ Contracts Register that discloses all contracts above \$100,000. 	<p>legislative amendments that ensure a range of information is published on Local Government websites.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to 3.4 <i>Additional Online Registers</i>. 2. REQUEST the Minister to give consideration to: <ul style="list-style-type: none"> • Providing clarity with regard whether the contracts register excludes contracts of employment. • Providing clarity with regard whether the contracts register excludes contracts that might exceed \$100,000 cumulatively over a specific period of time. • Providing clarity with regard the lease register and whether it applies where the Local Government leases to tenants.
<p>3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published</p>		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> • It is a requirement of the <i>Local Government Act 1995</i> that CEO performance reviews are conducted annually. • The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria. • Additional performance criteria can be used for performance review by agreement between both parties. 	<ul style="list-style-type: none"> • To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: <ul style="list-style-type: none"> ○ Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) ○ The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) ○ The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs). 	<p>Current City Position: The City does not have a current position on reform proposal 3.5.</p> <p>Comment on Current Reform Proposal: As WALGA has provided, in principle, this proposal has some merit and would be particularly effective if all CEO KPIs consistently reflect Strategic Community Plans and Corporate Business Plans of Local Governments, together with KPIs reflective of the CEO’s statutory functions under Section 5.41 of the Act. This approach would inform the community of the CEO’s performance related to the strategic direction and operational function of the Local Government. In practice, the drafting of statutory provisions will require sensitive consideration of certain KPIs ie those relating to issues affecting the workplace or identified risk-based concerns, to reflect the way Audit Committees currently deal with some internal control, risk and legislative compliance issues confidentially. This approach will protect the interests of Local Governments and other parties associated with such KPIs. It would be prudent for exemptions to be provided, based</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>on matters of confidentiality.</p> <p>The proposed reforms and recent Act amendments signal a clear intent to permit closer community involvement and scrutiny of Local Government. However, negative consequences are likely if Local Government Council's responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence KPIs and the performance review process.</p> <p>Additionally, the publication of CEO KPI's will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. It is worth investigating whether the proposed reforms considered whether this factor could impact on the recruitment of CEO's, particularly from outside the Local Government sector.</p> <p>The results of performance reviews should continue to be confidential information between the employer and employee and should not be published and remain within the confidential human resource records of the organisation.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. CONDITIONALLY SUPPORT the proposed reforms related to 3.5 <i>Chief Executive Officer Key Performance Indicators (KPIs) be Published</i> that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential or personal nature. 2. DOES NOT SUPPORT the results of Performance Reviews of CEOs being published. 3. REQUEST the Minister to give consideration to the provision of mandatory training and development programs to assist Elected Members in performance management.

Theme 4: Stronger Local Democracy and Community Engagement

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
4.1 Community and Stakeholder Engagement Charters		
<ul style="list-style-type: none"> • There is currently no requirement for local governments to have a specific engagement charter or policy. • Many local governments have introduced charters or policies for how they will engage with their community. • Other States have introduced a specific requirement for engagement charters. 	<ul style="list-style-type: none"> • It is proposed to introduce a requirement for local governments to prepare a community and stakeholder engagement charter which sets out how local government will communicate processes and decisions with their community. • A model Charter would be published to assist local governments who wish to adopt a standard form. 	<p>Current City Position: In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. DOES NOT SUPPORT legislative change requiring local governments to develop a community engagement charter or a principle-based framework for community engagement as local governments are best placed to determine their specific consultation framework in view of their communities’ desires and wishes 2. SUPPORT capacity building through the development of a model community engagement charter or a principle-based framework to guide best practice community engagement that local governments may adopt/amend depending on their individual circumstances. <p>Comment on Current Reform Proposal: The City has a <i>Community Consultation Policy, Notification of Public Works Policy, Planning Consultation Local Planning Policy</i></p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>and detailed processes and protocols related to community engagement; and a <i>Customer Service Charter</i>.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>4.1 Community and Stakeholder Engagement Charters</i>. 2. REQUEST the Minister to give consideration to the development of guidance notes by the DLGSC, based on standards such as the International Standard for Public Participation practice, in favour of taking a prescriptive approach.
4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)		
<ul style="list-style-type: none"> • Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers. • These surveys provide valuable data on the performance of local governments. 	<ul style="list-style-type: none"> • It is proposed to introduce a requirement that every four years, all local governments in bands 1 and 2 hold an independently managed ratepayer satisfaction survey. • Results would be required to be reported publicly at a council meeting and published on the local government's website. • All local governments would be required to publish a response to the results. 	<p>Current City Position:</p> <p>The City does not have a current position on reform proposal 4.2</p> <p>Comment on Current Reform Proposal:</p> <p>The City usually undertakes a Customer Satisfaction Monitor every two years.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)</i>, subject to a requirement to conduct satisfaction surveys every two years instead of four years (for Band 1 and 2 local governments). 2. REQUEST the Minister to give consideration to the establishment of benchmarking the data for key services.
4.3 Introduction of Preferential Voting		
<ul style="list-style-type: none"> • The current voting method for local government elections is first past the post. • The existing first-past-the-post does not allow for electors to express more than one preference. • The candidate with the most votes wins, even if that candidate does not have a majority. • Preferential voting better captures the precise intentions of voters and as a result may be regarded as a fairer and more representative system. Voters have more specific choice. 	<ul style="list-style-type: none"> • Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections. • In preferential voting, voters number candidates in order of their preferences. • Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect. • All other states use a form of preferential voting for local government. 	<p>Current City Position: At the Council meeting held on 15 February 2022 (item CJ012-02/22 refers) it was resolved that the City of Joondalup SUPPORT the introduction of Preferential Voting, with a preference for it to be optional preferential voting.</p> <p>Comment on Proposed Reform: As WALGA has provided, the introduction of preferential voting will be a return to the system of voting prior to the <i>Local Government Act 1995</i>. The Local Government Advisory Board reported on voting systems in 2006 (<i>Local Government Structural Reform in Western Australia</i>).</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p><i>Ensuring the Future Sustainability of Communities)</i> and provided the following comments in support of both first past the post voting and preferential voting:</p> <p><i>'Comments in support of retaining first past the post include:</i></p> <ul style="list-style-type: none"> • <i>Quick to count. Preferential voting is time consuming to count.</i> • <i>Easily understood.</i> • <i>Removes politics out of campaigning. Preferential will encourage alliances formed for the distribution of preferences and party politics into local government.</i> • <i>Preferential voting allows election rigging through alliances or 'dummy' candidates.</i> • <i>In a preferential system, the person that receives the highest number of first preference votes does not necessarily get elected.'</i> <p><i>'Comments in support of replacing first past the post include:</i></p> <ul style="list-style-type: none"> • <i>Preferential voting is more democratic and removes an area of confusion.</i>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<ul style="list-style-type: none"> • <i>Preferential voting ensures that the most popular candidates are elected who best reflect the will of the voters.</i> • <i>Preferential system should be introduced. In FPP elections, candidates work together to get votes for each other. Preferential would make it more difficult for this practice to take place.</i> • <i>FPP does not adequately reflect the wishes of electors when there are three candidates or more.</i> • <i>FPP is unsuitable when there is more than one vacancy.</i> • <i>Allows for a greater representation from a range of interest groups and prevents domination of elections by mainstream party politics.'</i> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT proposed reform 4.3 <i>Introduction of Preferential Voting</i>, with a preference for it to be optional preferential voting.</p>
4.4 Public Vote to Elect the Mayor and President		
<ul style="list-style-type: none"> • The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either: 	<ul style="list-style-type: none"> • Mayors and Presidents of all local governments perform an important public leadership role within their local communities. 	<p>Current City Position:</p> <p>In the City's Phase 2 response (CJ023-03/19 refers) it was agreed</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> ○ by the electors of the district through a public vote; or ○ by the council as a resolution at a council meeting. 	<ul style="list-style-type: none"> ● Band 1 and 2 local governments generally have larger councils than those in bands 3 and 4. ● Accordingly, it is proposed that the Mayor or President for all band 1 and 2 councils is to be elected through a vote of the electors of the district. Councils in bands 3 and 4 would retain the current system. ● A number of Band 1 and Band 2 councils have already moved towards Public Vote to Elect the Mayor and President in recent years, including City of Stirling and City of Rockingham. 	<p>that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT retaining the option for local governments on which method they may wish to use in electing their mayors or shire presidents, noting the City of Joondalup’s method of filling the Office of Mayor is by direct election by electors of the district. 2. SUPPORT changes to section 2.12A of the Act to allow local governments to determine the question at a poll, and the development of a summary case, in terms of changing the method of voting for a mayor / president from an ‘elector method’ to a ‘council method’ <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT proposed reform <i>4.4 Public Vote to Elect the Mayor and President</i>.</p>
4.5 Tiered Limits on the Number of Councillors		
<ul style="list-style-type: none"> ● The number of councillors (between 5-15 councillors) is decided by each local government, reviewed by the Local Government Advisory Board, and if approved by the Minister. ● The Panel Report recommended electoral reforms to improve representativeness. 	<ul style="list-style-type: none"> ● It is proposed to limit the number of councillors based on the population of the entire local government. ● Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers. ● The Local Government Panel Report proposed: <ul style="list-style-type: none"> ○ For a population of up to 5,000 – five councillors (including the President) 	<p>Current City Position:</p> <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup SUPPORT local governments determining their councillor numbers and representation levels, in consultation with its electors and stakeholders, consistent with the</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President) ○ population of above 75,000 – nine to fifteen councillors (including Mayor). 	<p>current provisions of the Act.</p> <p>Comment on Proposed Reform: As WALGA has provided, the proposed reform to restrict Local Governments with populations under 5,000 to 5 Council Members does not reflect the varied communities of interest within this grouping, either as regional centres; managers of substantial land areas; managers of isolated communities; or culturally diverse communities. Some Local Governments with populations up to 5,000 warrant a greater number of Councillors to effectively share the representative role that Council Members play within their communities.</p> <p>The additional proposed reforms in population categories over 5,000 generally reflect the current Councillor numbers.</p> <p>Proposed City of Joondalup Position: The City of Joondalup SUPPORT proposed reform <i>4.5 Tiered Limits on the Number of Councillors</i> subject to those local governments having a population up to 5,000 being permitted to have between 5 to 7 Council members.</p>
<p>4.6 No Wards for Small Councils (Band 3 and 4 Councils only)</p>		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> • A local government can make an application to be divided into wards, with councillors elected to those wards. • Only about 10% of band 3 and 4 local governments currently have wards. 	<ul style="list-style-type: none"> • It is proposed that the use of wards for councils in bands 3 and 4 is abolished. • Wards increase the complexity of elections, as this requires multiple versions of ballot papers to be prepared for a local government’s election. • In smaller local governments, the population of wards can be very small. • These wards often have councillors elected unopposed, or elect a councillor with a very small number of votes. Some local governments have ward councillors elected with less than 50 votes. • There has been a trend in smaller local governments looking to reduce the use of wards, with only 10 councils in bands 3 and 4 still having wards. 	<p>Current City Position:</p> <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the creation or abolition of local government wards should be a decision of the local government, in consultation with its electors and stakeholders, consistent with the current provisions of the Act. 2. SUPPORT all proposals for establishment and/or review of local government external and internal boundaries being by open and transparent means ensuring the local government and electors are granted the opportunity to be actively involved <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup NOTE proposed reform <i>4.6 No Wards for Small Councils (Band 3 and 4 Councils only)</i>, noting there may be some circumstances in regional councils where wards are still warranted.</p>
<p>4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility</p>		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> • A person with a lease in a local government district is eligible to nominate as a candidate in that district. • A person with a lease in a local government district is eligible to apply to vote in that district. • The City of Perth Inquiry Report identified a number of instances where dubious lease arrangements put to question the validity of candidates in local government elections, and subsequently their legitimacy as councillors. 	<ul style="list-style-type: none"> • Reforms are proposed to prevent the use of “sham leases” in council elections. Sham leases are where a person creates a lease only to be able to vote or run as a candidate for council. • The City of Perth Inquiry Report identified sham leases as an issue. • Electoral rules are proposed to be strengthened: <ul style="list-style-type: none"> ○ A minimum lease period of 12 months will be required for anyone to register a person to vote or run for council. ○ Home based businesses will not be eligible to register a person to vote or run for council, because any residents are already the eligible voter(s) for that address. ○ Clarifying the minimum criteria for leases eligible to register a person to vote or run for council. • The reforms would include minimum lease periods to qualify as a registered business (minimum of 12 months), and the exclusion of home-based businesses (where the resident is already eligible) and very small sub-leases. • The basis of eligibility for each candidate (e.g. type of property and suburb of property) is proposed to be published, including in the candidate pack for electors. 	<p>Current City Position:</p> <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup SUPPORT IN PRINCIPLE a full review of non-resident owner and occupier voting eligibility, including whether voting entitlement applies for corporations, occupiers and other people, and this be facilitated through a more in-depth discussion with the Western Australian community.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT proposed reform <i>4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility</i>.</p>
4.8 Reform of Candidate Profiles		
<ul style="list-style-type: none"> • Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words. 	<ul style="list-style-type: none"> • Further work will be undertaken to evaluate how longer candidate profiles could be accommodated. • Longer candidate profiles would provide more information to electors, potentially through publishing profiles online. • It is important to have sufficient information available to assist electors make informed decisions when casting their vote. 	<p>Current City Position:</p> <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. DOES NOT SUPPORT amendments that require a candidate’s profile to include their profession / primary source of income, or

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>membership to political parties, as voter decisions should be based on the biographical information supplied, as well as any stated or know policies or beliefs</p> <p>2. SUPPORT candidate profiles being published on a local government’s website, noting this practice currently occurs at the City of Joondalup.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT proposed reform <i>4.8 Reform of Candidate Profiles</i>, subject to consideration being given to Returning Officer’s checking veracity of profiles.</p>
4.9 Minor Other Electoral Reforms		
<ul style="list-style-type: none"> Other minor reforms are proposed to improve local government elections. 	<ul style="list-style-type: none"> Minor other electoral reforms are proposed to include: <ul style="list-style-type: none"> The introduction of standard processes for vote re-counts if there is a very small margin between candidates (eg where there is a margin of less than 10 votes a recount will always be required) The introduction of more specific rules concerning local government council candidates’ use of electoral rolls. 	<p>Current City Position:</p> <p>The City does not have a current position on reform proposal 4.9.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT proposed reform <i>4.9 Minor Other Electoral Reforms</i>.</p>

Theme 5: Clear Roles and Responsibilities

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.1 Introduce Principles in the Act		
<ul style="list-style-type: none"> • The Act does not currently outline specific principles. • The Act contains a short “Content and Intent” section only. • The Panel Report recommended greater articulation of principles 	<ul style="list-style-type: none"> • It is proposed to include new principles in the Act, including: <ul style="list-style-type: none"> ○ The recognition of Aboriginal Western Australians ○ Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal) ○ Community Engagement ○ Financial Management. 	<p>Current City Position: In the City’s Phase 1 response (CJ012-02/18 refers) it was agreed that the City of Joondalup SUPPORT the following general principles as being fundamental to the review of the Local Government Act 1995:</p> <ul style="list-style-type: none"> • Uphold the General Competence Principle currently embodied in the Local Government Act 1995. • Provide for a flexible, principles-based legislative framework. • Promote a size and scale compliance regime. <p>Proposed City of Joondalup Position: The City of Joondalup SUPPORT the proposed reforms related to 5.1 <i>Introduce Principles in the Act.</i></p>
5.2 Greater Role Clarity		
<ul style="list-style-type: none"> • The Act provides for the role of council, councillor, mayor or president and CEO. • The role of the council is to: <ul style="list-style-type: none"> ○ govern the local government’s affairs ○ be responsible for the performance of the local government’s functions. 	<ul style="list-style-type: none"> • The Local Government Act Review Panel recommended that roles and responsibilities of elected members and senior staff be better defined in law. • It is proposed that these roles and responsibilities are further defined in the legislation. • These proposed roles will be open to further consultation and input. 	<p>Current City Position: In the City’s Phase 1 response (CJ012-02/18 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT a comprehensive review of the roles of the Council, Mayor/President,

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> • These roles would be further strengthened through Council Communications Agreements (see item 5.3). 	<p>Councillors and the CEO in order that the separation of roles is succinct; definitive and clear not only to the key players but the community to whom the Council / local government serve.</p> <ol style="list-style-type: none"> 2. SUPPORT the current role of the CEO as detailed in the current Act. 3. REQUEST that the DLGSCI engage with the local government sector to ensure there is clarity with regard what defines separation of roles. 4. SUPPORT development of a model Governance Framework and / or a Departmental Operational Guideline that clearly articulates the intent of the legislation in relation to the roles and responsibilities of the Council, Mayor/President, Council and the CEO. 5. SUPPORT the Act being reviewed to provide clarity around the function and role of a local government, and the desired intent as to whether: <ul style="list-style-type: none"> • The function was a broad governance power to be performed by the Council • The function was an administrative (day to day

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>management) power to be performed by the CEO.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>5.2 Greater Role Clarity</i>, providing greater clarity in roles but seeks further engagement with sector. 2. REQUEST the Minister to give consideration to development of a model Governance Framework and/or a Departmental Operational Guideline that clearly articulates the intent of the legislation in relation to roles and responsibilities.
	<p>5.2.1 - Mayor or President Role</p> <ul style="list-style-type: none"> • It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Mayor or President is responsible for: <ul style="list-style-type: none"> ○ Representing and speaking on behalf of the whole council and the local government, at all times being consistent with the resolutions of council ○ Facilitating the democratic decision-making of council by presiding at council meetings in accordance with the Act ○ Developing and maintaining professional working relationships between councillors and the CEO 	<p>As above.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Performing civic and ceremonial duties on behalf of the local government ○ Working effectively with the CEO and councillors in overseeing the delivery of the services, operations, initiatives and functions of the local government. 	
	<p>5.2.2 - Council Role</p> <ul style="list-style-type: none"> • It is proposed to amend the Act to specify the roles and responsibilities of the Council, which is the entity consisting of all of the councillors and led by the Mayor or President. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the Council is responsible for: <ul style="list-style-type: none"> ○ Making significant decisions and determining policies through democratic deliberation at council meetings ○ Ensuring the local government is adequately resourced to deliver the local governments operations, services and functions - including all functions that support informed decision-making by council ○ Providing a safe working environment for the CEO; ○ Providing strategic direction to the CEO; ○ Monitoring and reviewing the performance of the local government. 	<p>As above.</p>
	<p>5.2.3 - Elected Member (Councillor) Role</p> <ul style="list-style-type: none"> • It is proposed to amend the Act to specify the roles and responsibilities of all elected councillors. • While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that every elected councillor is responsible for: <ul style="list-style-type: none"> ○ Considering and representing, fairly and without bias, the current and future interests of all people who live, work and visit the district (including for councillors elected for a particular ward) 	<p>As above.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Positively and fairly contribute and apply their knowledge, skill, and judgement to the democratic decision-making process of council ○ Applying relevant law and policy in contributing to the decision-making of the council ○ Engaging in the effective forward planning and review of the local governments’ resources, and the performance of its operations, services, and functions ○ Communicating the decisions and resolutions of council to stakeholders and the public ○ Developing and maintaining professional working relationships with all other councillors and the CEO ○ Maintaining and developing their knowledge and skills relevant to local government ○ Facilitating public engagement with local government. ● It is proposed that elected members should not be able to use their title (eg “Councillor”, “Mayor”, or “President”) and associated resources of their office (such as email address) unless they are performing their role in their official capacity. 	
	<p>5.2.4 - CEO Role</p> <ul style="list-style-type: none"> ● The <i>Local Government Act 1995</i> requires local governments to employ a CEO to run the local government administration and implement the decisions of council. ● To provide greater clarity, it is proposed to amend the Act to specify the roles and responsibilities of all local government CEOs. ● While input and consultation will inform precise wording, it is proposed that the Act is amended to generally outline that the CEO of a local government is responsible for: <ul style="list-style-type: none"> ○ Coordinating the professional advice and assistance necessary for all elected members to enable the council to perform its decision-making functions 	<p>As above.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> ○ Facilitating the implementation of council decisions ○ Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council ○ Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council ○ Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3) ○ Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council ○ Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council. 	
5.3 Council Communication Agreements		
<ul style="list-style-type: none"> ● The Act provides that council and committee members can have access to any information held by the local government that is relevant to the performance of the member in their functions. ● The availability of information is sometimes a source of conflict within local governments. 	<ul style="list-style-type: none"> ● In State Government, there are written Communication Agreements between Ministers and agencies that set standards for how information and advice will be provided. ● It is proposed that local governments will need to have Council Communications Agreements between the council and the CEO. ● These Council Communication Agreements would clearly specify the information that is to be provided to councillors, how it will be provided, and the timeframes for when it will be provided. ● A template would be published by DLGSC. This default template will come into force if a council and CEO do not make a specific other agreement within a certain timeframe following any election. 	<p>Current City Position: In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup DOES NOT SUPPORT section 5.92 of the Act being amended to include a review mechanism of a decision to deny access to information requested by an elected member.</p> <p>Comment on Current Proposal: The City has an <i>Elected Member Communications Policy</i> which outlines the principles to the appropriate use of and access to communication systems and</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>information managed and retained by the City.</p> <p>Notwithstanding the City's <i>Elected Member Communications Policy</i> the matter of access to information can become contentious in the absence of a clear legislative statement in support of the function the Elected Member is performing. This can place CEOs in the unenviable position of ruling on the availability of a record of the Local Government, when it is also their function under Section 5.41(h) of the Act to <i>'ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law'</i>.</p> <p>Consistent availability of information motivates this proposed reform, and it does not appear that individual Council Communication Agreements will be a means to that end. There is a better case for a uniform approach in the form of a regulated Agreement.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>5.3 Council Communication Agreements</i>.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>2. REQUEST the Minister to provide clarity as to whether s5.92 of the Act is proposed to be amended to include any review mechanism of a decision to deny access to information requested by an elected member.</p>
<p>5.4 Local Governments May Pay Superannuation Contributions for Elected Members</p>		
<ul style="list-style-type: none"> • Elected members are eligible to receive sitting fees or an annual allowance. • Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. • Councils should be reflective and representative of the people living within the district. Local governments should be empowered to remove any barriers to the participation of gender and age diverse people on councils. 	<ul style="list-style-type: none"> • It is proposed that local governments should be able to decide, through a vote of council, to pay superannuation contributions for elected members. These contributions would be additional to existing allowances. • Superannuation is widely recognised as an important entitlement to provide long term financial security. • Other states have already moved to allow councils to make superannuation contributions for councillors. • Allowing council to provide superannuation is important part of encouraging equality for people represented on council – particularly for women and younger people. • Providing superannuation to councillors recognises that the commitment to elected office can reduce a person’s opportunity to undertake employment and earn superannuation contributions. 	<p>Current City Position: The City does not have a current position on reform proposal 5.4. Elected Members recently considered this matter at an information session (following a WALGA circular) and agreed at that time to retain the status quo.</p> <p>Comment on Current Proposal: The proposed discretionary approach will permit Local Governments to exercise general competence powers to make their own determination on paying superannuation to Elected Members.</p> <p>Proposed City of Joondalup Position: The City of Joondalup SUPPORT the proposed reforms related to 5.4 <i>Local Governments May Pay Superannuation Contributions for Elected Members</i>.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
5.5 Local Governments May Establish Education Allowances		
<ul style="list-style-type: none"> Local government elected members must complete mandatory training. There is no specific allowance for undertaking further education. 	<ul style="list-style-type: none"> Local governments will have the option of contributing to the education expenses for councillors, up to a defined maximum value, for tuition costs for further education that is directly related to their role on council. Councils will be able to decide on a policy for education expenses, up to a maximum yearly value for each councillor. Councils may also decide not to make this entitlement available to elected members. Any allowance would only be able to be used for tuition fees for courses, such as training programs, diplomas, and university studies, which relate to local government. Where it is made available, this allowance will help councillors further develop skills to assist with making informed decisions on important questions before council, and also provide professional development opportunities for councillors. 	<p>Current City Position:</p> <p>In the City’s Phase 1 response (CJ012-02/18 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> SUPPORT in the first instance the relevant local government paying for the costs of training and professional development of its elected members. SUPPORT all local governments developing a training and professional development policy/internal protocol and budgetary provision to build the capacity of their elected members and employees however this should not be mandated through legislative change. SUPPORT IN PRINCIPLE the State Government establishing a training fund for elected members and local government officers, for management, leadership, and competency-based training, on the condition that: <ul style="list-style-type: none"> Access to a training fund being available to all local governments Further engagement being undertaken with the local government sector to

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>determine an appropriate funding mechanism to support a training fund.</p> <p>The City of Joondalup also provided that it:</p> <ol style="list-style-type: none"> 1. SUPPORT the DLGSCI developing a core set of competencies (skills and knowledge) considered instrumental for all elected members to undertake their roles adequately. 2. DOES NOT SUPPORT variation of those competencies among local governments due to the inter-relationships local governments have with each other and the need to ensure consistency of approach and greater understanding at regional levels. 3. SUPPORT elected members being provided with appropriate training to encourage strategic leadership and board-like behaviour, recognising, however, that councils are not a board of directors but are an elected representative body. <p>Comment on Current Proposal: The City has an <i>Elected Member Entitlements Policy</i> which includes an established training and</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>professional development allocation to enable Elected Members to develop and maintain skills and knowledge relevant to their role as a representative of the City. It does not include, however, the ability to use the allocation for diplomas or university studies, the latter being particularly expensive.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT the proposed reforms related to 5.5 <i>Local Governments May Establish Education Allowances</i> subject to a maximum contribution toward university studies being determined.</p>
5.6 Standardised Election Caretaker period		
<ul style="list-style-type: none"> • There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures. • This is commonly a point of public confusion. 	<ul style="list-style-type: none"> • A state-wide caretaker period for local governments is proposed. • All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> ○ Councils do not make major decisions with criteria to be developed defining ‘major’ ○ Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities. ○ There are consistent election conduct rules for all candidates. 	<p>Current City Position:</p> <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT local governments developing policy provisions around local government election caretaker periods as opposed to legislative amendments. 2. SUPPORT a definition of “election period” being inserted into the Act to assist with caretaker period provisions and

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>to clarify when certain electoral offences are in effect.</p> <p>Comment on Current Proposal: The City has had an <i>Elections Caretaker Policy</i> since 11 December 2018 (CJ229-12/18 refers).</p> <p>Proposed City of Joondalup Position: The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to 5.6 <i>Standardised Election Caretaker Period</i>. 2. REQUEST the Minister give consideration to ensuring that the definition of ‘major’ takes into account the size and scale of Local Governments ie what might be major for a Band 4 Local Government may not be considered major for a Band 1 Local Government.
<p>5.7 Remove WALGA from the Act</p>		
<ul style="list-style-type: none"> • The Western Australian Local Government Association (WALGA) is constituted under the <i>Local Government Act 1995</i>. • The Local Government Panel Report and the Select Committee Report included this recommendation. 	<ul style="list-style-type: none"> • The Local Government Panel Report recommended that WALGA not be constituted under the <i>Local Government Act 1995</i>. • Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity. 	<p>Current City Position: There is no current City position relating to 5.7.</p> <p>Proposed City of Joondalup Position:</p> <ol style="list-style-type: none"> 1. The City of Joondalup SUPPORTS the WALGA position that it undertake due diligence on the proposal and

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>advise the sector accordingly.</p> <p>2. REQUEST the Minister to recognise the preferred supplier program and mutual insurance coverage from LGIS.</p>
5.8 CEO Recruitment		
<ul style="list-style-type: none"> Recent amendments introduced provisions to standardise CEO recruitment. The recruitment of a CEO is a very important decision by a local government. 	<ul style="list-style-type: none"> It is proposed that DLGSC establishes a panel of approved panel members to perform the role of the independent person on CEO recruitment panels. Councils will be able to select an independent person from the approved list. Councils will still be able to appoint people outside of the panel with the approval of the Inspector. 	<p>Current City Position:</p> <p>At the November 2019 Council meeting (item CJ150-11/19 refers) the Council’s submission on CEO Standards provided that the inclusion of at least one independent person on the selection panel who is not a current elected member or staff member of the local government is NOT SUPPORTED as a mandatory requirement, and such an appointment should be at the sole discretion of the Council, between whom the CEO and Council have an employer relationship.</p> <p>It was suggested that should it be mandated that an independent person(s) be appointed to a selection panel by the Council it is considered the Department needs to give further consideration to:</p> <ul style="list-style-type: none"> The composition of the selection panel (that is the number of members), ensuring that the number of independent persons cannot unduly

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>influence the selection process.</p> <ul style="list-style-type: none"> • The process by which independent persons are nominated and appointed. An independent person by its very definition might require the Council to openly seek EOIs for the appointment and appoint by Council resolution. • Whether the independent person can be appointed as the Presiding Member of the Selection Panel. The City would suggest this would not be appropriate. • How conflicts of interest of current Elected Members with regard to the appointment of independent persons are to be managed. • By what criteria would an independent person demonstrate competence and ability to participate in a recruitment and selection process. Criteria would need to include a demonstration of both training in contemporary recruitment and selection practices and as importantly experience in recruitment and selection at an appropriate level.

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>5.8 CEO Recruitment</i>. 2. REQUEST the Minister give consideration to: <ul style="list-style-type: none"> • The process by which the independent person is nominated and appointed (for both those on the approved panel list and those outside the approved panel list). • Whether the independent person can be appointed as the Presiding Member of the Selection Panel. • How conflicts of interest of current Elected Members with regard to the appointment of an independent person are to be managed. • By what criteria would an independent person demonstrate competence and ability to participate in a recruitment and selection process. Criteria would need to include a demonstration of both training in contemporary

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>recruitment and selection practices and as importantly experience in recruitment and selection at an appropriate level.</p>

Theme 6: Improved Financial Management and Reporting

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
6.1 Model Financial Statements and Tiered Financial Reporting		
<ul style="list-style-type: none"> The financial statements published in the Annual Report is the main financial reporting currently published by local governments. Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity. The Office of the Auditor General has said that some existing reporting requirements are unnecessary or onerous - for instance, information that is not relevant to certain local governments, or that is a duplicate of other published information. 	<ul style="list-style-type: none"> The Minister strongly believes in transparency and accountability in local government. The public rightly expects the highest standards of integrity, good governance, and prudent financial management in local government. It is critically important that clear information about the financial position of local governments is openly available to ratepayers. Financial information also supports community decision-making about local government services and projects. Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments. The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity. Recognising the difference in the complexity of smaller and larger local governments, it is proposed that financial reporting requirements should be tiered – meaning that larger local governments will have greater financial reporting requirements than smaller local governments. 	<p>Current City Position: The City does not have a current position on reform proposal 6.1.</p> <p>Comment on Current Proposal: As WALGA has provided, Items 6.1 and 6.2 generally align with its Advocacy Position 2.6 – Support a size and scale compliance regime and Advocacy Position 2.6.24 – Financial Management and Procurement:</p> <p><i>The Local Government sector:</i></p> <ol style="list-style-type: none"> <i>Requests the Minister for Local Government to direct the Department of Local Government to prepare a Model set of Financial Statements and Annual Budget Statements for the Local Government sector, in consultation with the Office of the Auditor General.</i>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> It is proposed to establish standard templates for Annual Financial Statements for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4. Online Registers, updated quarterly (see item 3.4), would provide faster and greater transparency than current annual reports. Standard templates will be published for use by local governments. Simpler Strategic and Financial Planning (item 6.2) would also improve the budgeting process. 	<p>2. <i>Requests the Department of Local Government to re-assess the amount of detail required to be included in annual financial reports, in particular for small and medium sized entities as suggested by the Office of Auditor General.</i></p> <p>The Sector has a long-standing position for a broad review of the financial management and reporting provisions of the Act, which remain largely unchanged since commencing in 1996.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT the proposed reforms related to <i>6.1 Model Financial Statements and Tiered Financial Reporting.</i></p>
6.2 Simplify Strategic and Financial Planning		
<ul style="list-style-type: none"> Requirements for plans are outlined in the Local Government Financial Management and Administration Regulations. There is also the Integrated Planning and Reporting (IPR) framework. While many councils successfully apply IPR to their budgeting and reporting, IPR may seem complicated or difficult, especially for smaller local governments. 	<ul style="list-style-type: none"> Having clear information about the finances of local government is an important part of enabling informed public and ratepayer engagement and input to decision-making. The framework for financial planning should be based around information being clear, transparent, and easy to understand for all ratepayers and members of the public. In order to provide more consistency and clarity across the State, it is proposed that greater use of templates is introduced to make planning and reporting clearer and simpler, providing greater transparency for ratepayers. 	<p>Current City Position</p> <p>In the City's Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup:</p> <ol style="list-style-type: none"> DOES NOT SUPPORT development of different IPR requirements based on a local government's population, geographical size, local or salary and allowances banding. SUPPORT IPR being given more prominence in the Act and

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<ul style="list-style-type: none"> • Local governments would be required to adopt a standard set of plans, and there will be templates published by the DLGSC for use or adaption by local governments. • It is proposed that the plans that are required are: <ul style="list-style-type: none"> ○ Simplified Council Plans that replace existing Strategic Community Plans and set high-level objectives, with a new plan required at least every eight years. These will be short-form plans, with a template available from the DLGSC ○ Simplified Asset Management Plans to consistently forecast costs of maintaining the local government's assets. A new plan will be required at least every ten years, though local governments should update the plan regularly if the local government gains or disposes of major assets (e.g. land, buildings, or roads). A template will be provided, and methods of valuations will be simplified to reduce red tape ○ Simplified Long Term Financial Plans will outline any long term financial management and sustainability issues, and any investments and debts. A template will be provided, and these plans will be required to be reviewed in detail at least every four years ○ A new Rates and Revenue Policy (see item 6.3) that identifies the approximate value of rates that will need to be collected in future years (referencing the Asset Management Plan and Long Term Financial Plan) – providing a forecast to ratepayers (updated at least every four years) ○ The use of simple, one-page Service Proposals and Project Proposals that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become Service Plans and Project Plans added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of 	<p>redrafting and/or incorporating other sections of the Act into the IPR framework and expanded guidelines.</p> <ol style="list-style-type: none"> 3. SUPPORT a uniform core set of performance indicators for local governments, linked to IPR requirements, and recommends the State Government enter further discussions with the sector to determine a monitoring framework that is of benefit to local governments and the community, and how it can be resourced and implemented. 4. SUPPORT the proposal for the Department to work with State Government agencies to assist in improving the alignment of State Government statutory plans which local governments are required to develop and which local governments could integrate within their IPR. <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. SUPPORT the proposed reforms related to <i>6.2 Simplify Strategic and Financial Planning</i>. 2. REQUEST the Minister to provide clarity with regard: <ul style="list-style-type: none"> • Whether guidance on the framework for Council Plans

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
	<p>the local government cost to deliver. Templates will be available for use by local governments.</p>	<p>will be provided for each Band of Local Government recognising the differing levels of complexity and the desire to have a level of consistency across each Band.</p> <ul style="list-style-type: none"> Why the significant matter of financial sustainability of Local Governments is not specifically addressed in the proposed reforms.
6.3 Rates and Revenue Policy		
<ul style="list-style-type: none"> Local governments are not required to have a rates and revenue policy. Some councils defer rate rises, resulting in the eventual need to drastically raise rates to cover unavoidable costs – especially for the repair of infrastructure. 	<ul style="list-style-type: none"> The Rates and Revenue Policy is proposed to increase transparency for ratepayers by linking rates to basic operating costs and the minimum costs for maintaining essential infrastructure. A Rates and Revenue Policy would be required to provide ratepayers with a forecast of future costs of providing local government services. The Policy would need to reflect the Asset Management Plan and the Long Term Financial Plan (see item 6.2), providing a forecast of what rates would need to be, to cover unavoidable costs. A template would be published for use or adaption by all local governments. The Local Government Panel Report included this recommendation. 	<p>Current City Position</p> <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup SUPPORT introducing a requirement to develop and consult on a Rates and Revenue Strategy in lieu of mandatory public notices for rate setting.</p> <p>Proposed City of Joondalup position:</p> <p>The City of Joondalup:</p> <ol style="list-style-type: none"> SUPPORT the proposed reforms related to <i>6.3 Rates and Revenue Policy</i>. REQUEST the Minister to provide clarity with regard the Policy Framework considering matters raised in the DLGSCI Phase 2 Discussion Paper: <ul style="list-style-type: none"> Revising the framework around the setting of

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>differential rate categories including the thresholds needed for Ministerial approval.</p> <ul style="list-style-type: none"> • Removing or amending exemptions from rates. • Standardising rating categories between local governments. • Imposing fees and charges at cost recovery and including these fees and charges in the Rates and Revenue Strategy as opposed to the annual budget process.
6.4 Monthly Reporting of Credit Card Statements		
<ul style="list-style-type: none"> • No legislative requirement. • Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds. 	<ul style="list-style-type: none"> • The statements of a local government’s credit cards used by local government employees will be required to be tabled at council at meetings on a monthly basis. • This provides oversight of incidental local government spending. 	<p>Current City Position: The City does not have a current position on reform proposal 6.4.</p> <p>Comment on Current Proposal: The City currently presents all statements of credit cards used by local government employees to its Audit and Risk Committee meetings.</p> <p>Proposed City of Joondalup position: The City of Joondalup SUPPORT the proposed reforms related to <i>6.4 Monthly Reporting of Credit Card Statements</i> subject to clarification as to whether statements will be considered confidential.</p>
6.5 Amended Financial Ratios		

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> Local governments are required to report seven ratios in their annual financial statements. These are reported on the MyCouncil website. These ratios are intended to provide an indication of the financial health of every local government. 	<ul style="list-style-type: none"> Financial ratios will be reviewed in detail, building on work already underway by the DLGSC. The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful. 	<p>Current City Position: In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup:</p> <ul style="list-style-type: none"> SUPPORT altering the method of calculation of the financial ratios to uniformly report ratios across Australian local governments. SUPPORT the provision of more context and genuinely comparative benchmarks with the publication of financial ratios. <p>Proposed City of Joondalup Position: The City of Joondalup SUPPORT the proposed reforms related to 6.5 <i>Amended Financial Ratios</i>.</p>
6.6 Audit Committees		
<ul style="list-style-type: none"> Local governments must establish an Audit Committee that has three or more persons, with the majority to be council members. The Audit Committee is to guide and assist the local government in carrying out the local government’s functions in relation to audits conducted under the Act. The Panel Report identified that Audit Committees should be expanded, including to provide improved risk management. 	<ul style="list-style-type: none"> To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government. Audit Committees would also need to consider proactive risk management. To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees. The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson. 	<p>Current City Position: The City does not have a current position on reform proposal 6.6.</p> <p>Comment on Proposed Reform: It is considered that Audit Committees of Local Government should be led and overseen by the Council and have a clearly defined role with an Elected Member majority and chair. WALGA provides that it is the sector’s view that the Council must maintain, and be seen by the community to have, majority involvement and</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>investment in the purpose of an Audit Committee.</p> <p>There is sector support for some independent members on the Audit Committee, however not a majority.</p> <p>The dual effect of the proposed reform is to guarantee a place for a majority of independent persons on Audit Committees, with the additional requirement that an independent person Chair this Committee.</p> <p>Presently, not all Local Government Audit Committees are able to include an independent person. This may be for a variety of reasons not least of which is a lack of suitable, available candidates with the required qualification, skill and experience.</p> <p>It is considered that it would be counter-productive if the proposed reforms led to the appointment of unsuitable independent persons to a skills-based role.</p> <p>There is too little certainty that the imperative question of appropriate representation will be managed as a consequence of the proposed reforms for it to be supported.</p> <p>The proposal for the Audit Committees to consider proactive risk management is supported.</p> <p>Proposed City of Joondalup Position:</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
		<p>The City of Joondalup:</p> <ol style="list-style-type: none"> 1. DOES NOT SUPPORT a majority of independent members, or selection of an independent Chairperson, of the Audit Committee as proposed in reform <i>6.6 Audit Committees</i>. 2. SUPPORT Audit Committees of Local Government with an Elected Member majority including independent members, and with an expanded role to consider proactive risk management issues.
6.7 Building Upgrade Finance		
<ul style="list-style-type: none"> • The local government sector has sought reforms that would enable local governments to provide loans to property owners to finance for building improvements. • This is not currently provided for under the Act. • The Local Government Panel Report included this recommendation. 	<ul style="list-style-type: none"> • Reforms would allow local governments to provide loans to third parties for specific building improvements - such as cladding, heritage and green energy fixtures. • This would allow local governments to lend funds to improve buildings within their district. • Limits and checks and balances would be established to ensure that financial risks are proactively managed. 	<p>Current City Position:</p> <p>In the City’s Phase 2 response (CJ023-03/19 refers) it was agreed that the City of Joondalup DOES NOT OPPOSE establishing the ability to institute building upgrade finance schemes.</p> <p>Proposed City of Joondalup Position:</p> <p>The City of Joondalup SUPPORT the proposed reforms related to <i>6.7 Building Upgrade Finance</i>.</p>
6.8 Cost of Waste Service to be Specified on Rates Notices		
<ul style="list-style-type: none"> • No requirement for separation of waste changes on rates notice. 	<ul style="list-style-type: none"> • It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service). 	<p>Current City Position:</p> <p>The City does not have a current position on reform proposal 6.8.</p>

CURRENT REQUIREMENTS	PROPOSED REFORMS	COMMENTS
<ul style="list-style-type: none"> • Disclosure will increase ratepayer awareness of waste costs. • The Review Panel Report included this recommendation. 	<ul style="list-style-type: none"> • This would provide transparency and awareness of costs for ratepayers. 	<p>Comment on Current Proposal: The City currently shows waste charges separately on rate notices (for all properties which receive a waste service).</p> <p>Proposed City of Joondalup Position:</p> <ol style="list-style-type: none"> 1. The City of Joondalup SUPPORT the proposed reforms related to <i>6.8 Cost of Waste Service to be Specified on Rates Notices</i>. 2. REQUEST the Minister provide further clarity as to whether the pensioner rebate will be applied to the cost of waste services.
<p>General - Annual Meeting</p>		
<p>A statement in made in the <i>Stronger Local Democracy and Community Engagement</i> Information Page that <i>“there are also more reforms proposed to further enhance local government democracy and community engagement, including proposed minor changes to the annual meeting”</i>. The reform proposals related to this have not been identified within the reform consultation paper.</p>		<p>Proposed City of Joondalup Position: The City of Joondalup request the Minister to provide clarity regarding the statement in the <i>Stronger Local Democracy and Community Engagement</i> Information Page that <i>“there are also more reforms proposed to further enhance local government democracy and community engagement, including proposed minor changes to the annual meeting”</i> as such proposals had not been identified within the reform consultation paper.</p>