Local Government Reform – Summary of Proposed Reforms
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](http://www.dlgsc.wa.gov.au/lgactreform).
## Theme 1: Early Intervention, Effective Regulation and Stronger Penalties

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<tr>
<td><strong>1.1 Early Intervention Powers</strong></td>
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| • 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:  
  o Suspend or dismiss councils  
  o Appoint Commissioners  
  o Suspend or, order remedial action (such as training) for individual councillors.  
  • The Act also provides the Director General with the power to:  
  o Conduct Authorised Inquiries  
  o Refer allegations of serious or recurrent breaches to the State Administrative Tribunal  
  o 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 | • 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 *Corruption, Crime and Misconduct Act 2003*, the *Occupational Safety and Health Act 1984*, the *Building Act 2011*, 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). | | | |
Local Government Reform – Consultation on Proposed Reforms

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| establishment of a specific office for local government oversight. | • 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). | Refer attachment for comments | Supported |

1.2 Local Government Monitors

- 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.

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| • 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:  
  o Experienced and respected former Mayors, Presidents, and CEOs - to act as mentors and facilitators  
  o Dispute resolution experts - to address the breakdown of professional working relationships  
  o Certified Practicing Accountants and other financial specialists - to assist with financial management and reporting issues  
  o Governance specialists and lawyers - to assist councils resolve legal issues | Refer attachment for comments | Supported |
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<td>o HR and procurement experts - to help with processes like recruiting a CEO or undertaking a major land transaction.</td>
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<td>• Only the Inspector would have the power to appoint Monitors.</td>
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<td>• Local governments would be able to make requests to the Inspector to appoint Monitors for a specific purpose.</td>
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**Monitor Case Study 1 – Financial Management**

The Inspector receives information that a local government is not collecting rates correctly under the Local Government Act 1995. 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.

**Monitor Case Study 2 – Dispute Resolution**

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.

The Inspector appoints a Monitor to host mediation sessions between the councillors. The Monitor works with the councillors to address the dispute.
## CURRENT PROVISIONS

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.

## PROPOSED REFORMS

### 1.3 Conduct Panel
- 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.
- 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.
- 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.

### 1.4 Review of Penalties
- There are currently limited penalties in the Act for certain
- Penalties for breaching the Local Government Act are proposed to be strengthened.

## COMMENTS

Refer attachment for comments  

## ALLIANCE POSITION

Supported
### Current Provisions
- Types of non-compliance with the Local Government Act.

### Proposed Reforms
- 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.

### Comments

### Alliance Position

**1.5 Rapid Red Card Resolutions**

- 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

- 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:
  - 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

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<td>Refer attachment for comments</td>
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### CURRENT PROVISIONS

- **No current provisions.**
- The Act already provides a requirement for Public Question Time at council meetings.

### PROPOSED REFORMS

- 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.

### COMMENTS

Refer attachment for comments

### ALLIANCE POSITION

Supported

### 1.6 Vexatious Complaint Referrals

- 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.
### 1.7 Minor Other Reforms

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<td>Other minor reforms are being considered to enhance the oversight of local government.</td>
<td>Potential other reforms to strengthen guidance for local governments are being considered.</td>
<td>Refer attachment for comments</td>
<td>Supported</td>
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<td>Ministerial Circulars have traditionally been used to provide guidance to the local government sector.</td>
<td>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.</td>
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<td>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.</td>
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## Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

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<td><strong>2.1 Resource Sharing</strong></td>
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<td>• The Act does not currently include specific provisions to allow for certain types of resource sharing – especially for sharing CEOs.</td>
<td>• Amendments are proposed to encourage and enable local governments, especially smaller regional local governments, to share resources, including Chief Executive Officers and senior employees.</td>
<td>Reform supported by the majority of Members, with comments being made on a variety of properties:</td>
<td>Supported</td>
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<td>• Regional local governments would benefit from having clearer mechanisms for voluntary resource-sharing.</td>
<td>• 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.</td>
<td>• Sharing simple resources such as library services is acceptable, however senior employees being shared can cause increased resourcing costs, staff management issues and potential conflicts of interest.</td>
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<td>• There needs to be an incentive made to the local governments that are willing to share their CEO.</td>
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**2.2 Standardisation of Crossovers**

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<td>• 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.</td>
<td>• It is proposed to amend the Local Government (Uniform Local Provisions) Regulations 1996 to standardise the process for approving crossovers for residential properties and residential developments on local roads.</td>
<td>Refer attachment for comments</td>
<td>Supported</td>
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<td>• This can create confusion and complexity for homeowners and small businesses in the construction sector.</td>
<td>• A Crossover Working Group has provided preliminary advice to the Minister and DLGSC to inform this.</td>
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<td>• The DLGSC will work with the sector to develop standardised design and construction standards.</td>
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<td><strong>2.3 Introduce Innovation Provisions</strong></td>
<td>• The <em>Local Government Act 1995</em> currently has very limited provisions to allow for innovations and responses to emergencies to (such as the Shire of Bruce Rock Supermarket).</td>
<td>• New provisions are proposed to allow exemptions from certain requirements of the <em>Local Government Act 1995</em>, for:  o Short-term trials and pilot projects  o Urgent responses to emergencies.</td>
<td>Refer attachment for comments</td>
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<td><strong>2.4 Streamline Local Laws</strong></td>
<td>• 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.</td>
<td>• 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.</td>
<td>Reform supported by all Members, with comments on the introduced proposal of review of local laws every 15 years. The introduction of an enforced period in which local laws are to be reviewed can be seen to cause more confusion. When Councils implement new local laws, a self-imposed timeframe can be put in-place in which is needs to be revisited and reviewed.</td>
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<td><strong>2.5 Simplifying Approvals for Small Business and Community Events</strong></td>
<td>• Inconsistency between local laws and approvals processes for events, street activation, and initiatives by local businesses is</td>
<td>• Proposed reforms would introduce greater consistency for approvals for:  o alfresco and outdoor dining  o minor small business signage rules  o running community events.</td>
<td>Refer attachment for comments</td>
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### 2.6 Standardised Meeting Procedures, Including Public Question Time

- Local governments currently prepare individual standing order local laws.
- The *Local Government Act 1995* and regulations require local governments to allocate time at meetings for questions from the public.
- Inconsistency among the meeting procedures between local governments is a common source of complaints.

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<td>frustrating for business and local communities.</td>
<td>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 meetings, including for public question time, are standardised across the State. 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.</td>
<td>Refer attachment for comments</td>
<td>Supported</td>
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### 2.7 Regional Subsidiaries
## CURRENT REQUIREMENTS

- 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 Local Government (Regional Subsidiaries) Regulations 2017.
- So far, no Regional Subsidiary has been formed.

## PROPOSED REFORMS

- Work is continuing to consider how Regional Subsidiaries can be best established to:
  - 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.

## COMMENTS

Refer attachment for comments

## ALLIANCE POSITION

Supported
## Theme 3: Greater Transparency & Accountability

### CURRENT REQUIREMENTS | PROPOSED REFORMS | COMMENTS | ALLIANCE POSITION
--- | --- | --- | ---

#### 3.1 Recordings and Live-Streaming of All Council Meetings
- **CURRENT REQUIREMENTS**
  - 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 factors such as:
    - Growth and development
    - Strategic planning issues
    - Demands and diversity of services provided to the community
    - Total expenditure
    - Population
- **PROPOSED REFORMS**
  - 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.
- **COMMENTS**
  - The idea of the reform supported by the majority of Members, with some numbers already recording and live-streaming Council meetings. However, it is believed that it should be within the individual Councils power to have the ultimate decision on whether to record and livestream meetings.
  - Concerns include the stifling of debate due to live-streaming, as unlike State and Federal politicians, Councillors do not have any form of parliamentary privilege protecting them, as well as additional costs surrounding the installation, maintenance and IT support required with operation. Internet and Bandwidth issues are also listed as factors.
  - Details on minimum standard required for recordings needs to be made.
- **ALLIANCE POSITION**
  - Supported with proviso

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2 See page 3 of the 2018 Salaries and Allowance Tribunal Determination
### 3.2 Recording All Votes in Council Minutes

- 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.

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.

Refer attachment for comments  

**Alliance Position:** Supported

### 3.3 Clearer Guidance for Meeting Items that may be Confidential

- 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.

- 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.

Reform is supported by all members, with the following comments being made:

- There needs to be a greater distinction between confidential motions and confidential minutes
- There is displeasure in the Inspector having the power to veto matters that may be classed as confidential.
  - Matters that are dealt with behind closed doors are still subject to
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<td>Standing Orders, so is there a reason behind mandating the recording of these items?</td>
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### 3.4 Additional Online Registers

- 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.
- Consistency in online reporting across the sector will provide ratepayers with better information.
- These registers supplement the simplification of financial statements in Theme 6.

- 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.

The following new registers, each updated quarterly, are proposed:

- **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.

Refer attachment for comments

### 3.5 Chief Executive Officer Key Performance Indicators (KPIs) be Published

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<td>• It is a requirement of the <em>Local Government Act 1995</em> that CEO performance reviews are conducted annually.</td>
<td>• To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs: o Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period) o The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period) o 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).</td>
<td>Members are supportive of the publishing of the KPI’s that are relevant to the Local Government’s strategic direction, transparency is welcome. Publishing all CEO KPI’s can have adverse results on the inner workings of a Local Government in terms of a cohesive workspace, in relation to confidential matters made between employer and employee.</td>
<td>Supported with proviso</td>
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<td>• 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.</td>
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<td>• Additional performance criteria can be used for performance review by agreement between both parties.</td>
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**Theme 4: Stronger Local Democracy and Community Engagement**

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<th>ALLIANCE POSITION</th>
</tr>
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<tbody>
<tr>
<td><strong>4.1 Community and Stakeholder Engagement Charters</strong></td>
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<td></td>
<td>Supported with proviso</td>
</tr>
<tr>
<td>• There is currently no requirement for local governments to have a specific engagement charter or policy.</td>
<td>• 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.</td>
<td>Reform is supported by members with the following comments:</td>
<td></td>
</tr>
<tr>
<td>• Many local governments have introduced charters or policies for how they will engage with their community.</td>
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<td>• Needs to be ensured that there is not an increase in red tape as a result</td>
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<tr>
<td>• Other States have introduced a specific requirement for engagement charters.</td>
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<td>• Extensive community and stakeholder consultation can be costly and time consuming</td>
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<tr>
<td></td>
<td></td>
<td>• Rather than introduce the requirement for a community engagement charter, require a community engagement policy to include engagement principles and a public participation spectrum</td>
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<tr>
<td><strong>4.2 Ratepayer Satisfaction Surveys (Band 1 and 2 local governments only)</strong></td>
<td></td>
<td></td>
<td>Supported with proviso</td>
</tr>
<tr>
<td>• Many local governments already commission independent surveying consultants to hold a satisfaction survey of residents/ratepayers.</td>
<td>• 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.</td>
<td>Refer attachment for comments</td>
<td></td>
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<tr>
<td>• These surveys provide valuable data on the performance of local governments.</td>
<td>• Results would be required to be reported publicly at a council meeting and published on the local government’s website.</td>
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<td></td>
<td>• All local governments would be required to publish a response to the results.</td>
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<td>CURRENT REQUIREMENTS</td>
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</table>
| **4.3 Introduction of Preferential Voting** | • 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. | • 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. | Reform is not supported by Members, with entirely wanting to retain the current first past the post system as it is quicker as well as easier to ascertain and explain results.  
With the current system of holding 50% of the election process every two (2) years, it allows for continuity in Councils and the opportunity for experienced Councillors to mentor newly Elected Members.  
With preferential voting there is also the chance of encouraging alliances between candidates and increased party politics. Under preferential voting the election process can be manipulated through these alliances. | Not Supported |

| **4.4 Public Vote to Elect the Mayor and President** | • The Act currently allows local governments to have the Presiding Member (the Mayor or President) elected either:  
○ by the electors of the district through a public vote; or  
○ by the council as a resolution at a council meeting. | • Mayors and Presidents of all local governments perform an important public leadership role within their local communities.  
• 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 | Reform received mixed reviews from Members, with those Local Governments that are already having public voted Mayors in support, whilst those who have Mayors elected by Councillors being against.  
Members that are against the reform believe that there is no | It is recommended that Local Governments maintain having the choice in how their Mayor is elected. |
### CURRENT REQUIREMENTS

- 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.

### PROPOSED REFORMS

- Obvious evidence present that having a publicly elected Mayor provides higher success, whilst it runs the risk of greater disunity and dysfunctionality between Members.
- It is recommended that Local Governments maintain having the choice in how their Mayor is elected.

### COMMENTS

4.5 Tiered Limits on the Number of Councillors

- 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.

<table>
<thead>
<tr>
<th>CURRENT REQUIREMENTS</th>
<th>PROPOSED REFORMS</th>
<th>COMMENTS</th>
<th>ALLIANCE POSITION</th>
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</thead>
<tbody>
<tr>
<td>district. Councils in bands 3 and 4 would retain the current system.</td>
<td>obvious evidence present that having a publicly elected Mayor provides higher success, whilst it runs the risk of greater disunity and dysfunctionality between Members.</td>
<td>Reform is not supported by the majority of members, with the overall reasoning being that it should be up to each Local Government to decide. Implementing such broad stipulations over a wide area can lead to troubles with outlying Local Governments.</td>
<td>No consensus, mixed views by alliance members</td>
</tr>
<tr>
<td>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.</td>
<td>It is proposed to limit the number of councillors based on the population of the entire local government.</td>
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<td></td>
<td>Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers.</td>
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<td></td>
<td>The Local Government Panel Report proposed:</td>
<td>Reform is not supported by the majority of members, with the overall reasoning being that it should be up to each Local Government to decide. Implementing such broad stipulations over a wide area can lead to troubles with outlying Local Governments.</td>
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<td></td>
<td>o For a population of up to 5,000 – five councillors (including the President)</td>
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<td>o population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President)</td>
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<td></td>
<td>o population of above 75,000 – nine to fifteen councillors (including Mayor).</td>
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</table>
### CURRENT REQUIREMENTS | PROPOSED REFORMS | COMMENTS | ALLIANCE POSITION
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**ALLIANCE POSITION**

### 4.6 No Wards for Small Councils (Band 3 and 4 Councils only)

- 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.
- 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.

Refer attachment for comments Supported

---

### 4.7 Electoral Reform – Clear Lease Requirements for Candidate and Voter Eligibility
### CURRENT REQUIREMENTS

- 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.

### PROPOSED REFORMS

- 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:
  - 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.

### COMMENTS

Refer attachment for comments

### ALLIANCE POSITION

Supported

### 4.8 Reform of Candidate Profiles
### CURRENT REQUIREMENTS

- Candidate profiles can only be 800 characters, including spaces. This is equivalent to approximately 150 words.

### PROPOSED REFORMS

- 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.

### COMMENTS

Refer attachment for comments

### ALLIANCE POSITION

Supported

### 4.9 Minor Other Electoral Reforms

- Other minor reforms are proposed to improve local government elections.

### PROPOSED REFORMS

- Minor other electoral reforms are proposed to include:
  - The introduction of standard processes for vote re-counts if there is a very small margin between candidates (e.g. 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.

### COMMENTS

Refer attachment for comments

### ALLIANCE POSITION

Supported
### Theme 5: Clear Roles and Responsibilities

<table>
<thead>
<tr>
<th>CURRENT REQUIREMENTS</th>
<th>PROPOSED REFORMS</th>
<th>COMMENTS</th>
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</thead>
<tbody>
<tr>
<td><strong>5.1 Introduce Principles in the Act</strong></td>
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<td>Refer attachment for comments</td>
<td>Supported</td>
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<tr>
<td>• The Act does not currently outline specific principles.</td>
<td>• It is proposed to include new principles in the Act, including:</td>
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<tr>
<td>• The Act contains a short “Content and Intent” section only.</td>
<td>o The recognition of Aboriginal Western Australians</td>
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<tr>
<td>• The Panel Report recommended greater articulation of principles</td>
<td>o Tiering of local governments (with bands being as assigned by the Salaries and Allowances Tribunal)</td>
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<td></td>
<td>o Community Engagement</td>
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<td></td>
<td>o Financial Management.</td>
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<table>
<thead>
<tr>
<th><strong>5.2 Greater Role Clarity</strong></th>
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<th>Refer attachment for comments</th>
<th>Supported</th>
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</thead>
<tbody>
<tr>
<td>• The Act provides for the role of council, councillor, mayor or president and CEO.</td>
<td>• The <a href="#">Local Government Act Review Panel</a> recommended that roles and responsibilities of elected members and senior staff be better defined in law.</td>
<td></td>
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<tr>
<td>• The role of the council is to:</td>
<td>• It is proposed that these roles and responsibilities are further defined in the legislation.</td>
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<tr>
<td>o govern the local government's affairs</td>
<td>• These proposed roles will be open to further consultation and input.</td>
<td></td>
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<tr>
<td>o be responsible for the performance of the local government's functions.</td>
<td>• These roles would be further strengthened through <a href="#">Council Communications Agreements</a> (see item 5.3).</td>
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<table>
<thead>
<tr>
<th><strong>5.2.1 - Mayor or President Role</strong></th>
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<th>Refer attachment for comments</th>
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<tbody>
<tr>
<td>• It is proposed to amend the Act to specify the roles and responsibilities of the Mayor or President.</td>
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<tr>
<td>• While input and consultation will inform precise wording, it is proposed that the Act is amended</td>
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</table>
### Current Requirements

- 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
- 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.

### Proposed Reforms

5.2.2 - Council Role

- 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:
  - 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

### Comments

Refer attachment for comments

### Alliance Position

Supported
### CURRENT REQUIREMENTS

<table>
<thead>
<tr>
<th>PROPOSED REFORMS</th>
<th>COMMENTS</th>
<th>ALLIANCE POSITION</th>
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<tr>
<td>including all functions that support informed decision-making by council</td>
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<tr>
<td>o Providing a safe working environment for the CEO;</td>
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<td>o Providing strategic direction to the CEO;</td>
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<tr>
<td>o Monitoring and reviewing the performance of the local government.</td>
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### 5.2.3 - Elected Member (Councillor) Role

- 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:
  - 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)
  - 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

Refer attachment for comments

Supported
<table>
<thead>
<tr>
<th>CURRENT REQUIREMENTS</th>
<th>PROPOSED REFORMS</th>
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<th>ALLIANCE POSITION</th>
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</table>
| o Communicating the decisions and resolutions of council to stakeholders and the public  
  o Developing and maintaining professional working relationships with all other councillors and the CEO  
  o Maintaining and developing their knowledge and skills relevant to local government  
  o Facilitating public engagement with local government.  
  It is proposed that elected members should not be able to use their title (e.g. “Councillor”, “Mayor”, or “President”) and associated resources of their office (such as email address) unless they are performing their role in their official capacity. | Refer attachment for comments                                                                                                                                  | Supported |
## Current Requirements

<table>
<thead>
<tr>
<th>CURRENT REQUIREMENTS</th>
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<tbody>
<tr>
<td>1. Facilitating the implementation of council decisions</td>
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<tr>
<td>2. Ensuring functions and decisions lawfully delegated by council are managed prudently on behalf of the council</td>
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<tr>
<td>3. Managing the effective delivery of the services, operations, initiatives and functions of the local government determined by the council</td>
</tr>
<tr>
<td>4. Providing timely and accurate information and advice to all councillors in line with the Council Communications Agreement (see item 5.3)</td>
</tr>
<tr>
<td>5. Overseeing the compliance of the operations of the local government with State and Federal legislation on behalf of the council</td>
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<tr>
<td>6. Implementing and maintaining systems to enable effective planning, management, and reporting on behalf of the council</td>
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## Proposed Reforms

<table>
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<th>PROPOSED REFORMS</th>
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<tbody>
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<td>o Facilitating the implementation of council decisions</td>
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## Comments

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<th>COMMENTS</th>
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<tr>
<td>5.3 Council Communication Agreements</td>
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- **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.**

- 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

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<tr>
<th>ALLIANCE POSITION</th>
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<td>Refer attachment for comments</td>
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<tr>
<td>Supported with proviso</td>
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<tr>
<td>CURRENT REQUIREMENTS</td>
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<tr>
<td>and CEO do not make a specific other agreement within a certain timeframe following any election.</td>
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</table>

5.4 Local Governments May Pay Superannuation Contributions for Elected Members

- 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.

- 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 an 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.

Reform is supported by Members, however there are some concerns/clarifications requested surrounding the payments:

- Clarification on whether superannuation contributions will be included in the current salaries and allowances threshold, or would they be increased to accommodate the new payments?
- With Elected Members being provided superannuation contributions, this blurs the line between Employees and Elected Members

5.5 Local Governments May Establish Education Allowances

- Local government elected members must complete mandatory training.
- There is no specific allowance for undertaking further education.

- 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.

Refer attachment for comments

Supported
### CURRENT REQUIREMENTS

1. 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.
2. 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.
3. 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.

### PROPOSED REFORMS

- **5.6 Standardised Election Caretaker period**
  - 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.

- A statewide caretaker period for local governments is proposed.
- All local governments across the State would have the same clearly defined election period, during which:
  - 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.

### COMMENTS

Refer attachment for comments

### ALLIANCE POSITION

Supported with proviso

### 5.7 Remove WALGA from the Act
### CURRENT REQUIREMENTS
- The Western Australian Local Government Association (WALGA) is constituted under the *Local Government Act 1995*.
- The Local Government Panel Report and the Select Committee Report included this recommendation.

### PROPOSED REFORMS
- The Local Government Panel Report recommended that WALGA not be constituted under the *Local Government Act 1995*.
- Separating WALGA out of the Act will provide clarity that WALGA is not a State Government entity.

### COMMENTS
Refer attachment for comments

### ALLIANCE POSITION
Supported

### 5.8 CEO Recruitment

- Recent amendments introduced provisions to standardise CEO recruitment.
- The recruitment of a CEO is a very important decision by a local government.

- 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.

### COMMENTS
Refer attachment for comments

### ALLIANCE POSITION
Supported
## Theme 6: Improved Financial Management and Reporting

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<tr>
<th>CURRENT REQUIREMENTS</th>
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<tbody>
<tr>
<td><strong>6.1 Model Financial Statements and Tiered Financial Reporting</strong></td>
<td></td>
<td>Referred attachment for comments</td>
<td>Supported</td>
</tr>
<tr>
<td>• The financial statements published in the Annual Report is the main financial reporting currently published by local governments.</td>
<td>• 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.</td>
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<tr>
<td>• Reporting obligations are the same for large (Stirling, Perth, Fremantle) and small (Sandstone, Wiluna, Dalwallinu) local governments, even though they vary significantly in complexity.</td>
<td>• 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.</td>
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<tr>
<td>• 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.</td>
<td>• Local governments differ significantly in the complexity of their operations. Smaller local governments generally have much less operating complexity than larger local governments.</td>
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<td></td>
<td>• The Office of the Auditor General has identified opportunities to improve financial reporting, to make statements clearer, and reduce unnecessary complexity.</td>
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<td></td>
<td>• 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.</td>
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<td></td>
<td>• It is proposed to establish standard templates for <strong>Annual Financial Statements</strong> for band 1 and 2 councils, and simpler, clearer financial statements for band 3 and 4.</td>
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<td>CURRENT REQUIREMENTS</td>
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<tr>
<td>• <strong>Online Registers</strong>, 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.</td>
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<td>• <strong>Simpler Strategic and Financial Planning</strong> (item 6.2) would also improve the budgeting process.</td>
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### 6.2 Simplify Strategic and Financial Planning

- 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.
- 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.
- 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:
  - 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

Reform is supported by Members, with belief that the current legislation being somewhat vague regarding Integrated Planning and Reporting (IPR). With the new reform, greater clarity on IPR requirements, mandated reporting around the IPR framework and a level of flexibility with setting minimum standards and guidelines need to be included.

Comments on what currently is being used to rate Local Governments “Financial Health” needs to be reviewed and refined.

Supported with proviso
<table>
<thead>
<tr>
<th>CURRENT REQUIREMENTS</th>
<th>PROPOSED REFORMS</th>
<th>COMMENTS</th>
<th>ALLIANCE POSITION</th>
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<tbody>
<tr>
<td>be short-form plans, with a template available from the DLGSC</td>
<td>o Simplified <strong>Asset Management Plans</strong> 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</td>
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<td>o Simplified <strong>Long Term Financial Plans</strong> 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</td>
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<td>o A new <strong>Rates and Revenue Policy</strong> (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)</td>
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<td></td>
<td>o The use of simple, one-page <strong>Service Proposals</strong> and <strong>Project Proposals</strong> that outline what proposed services or initiatives will cost, to be made available through council meetings. These will become <strong>Service Plans</strong> and <strong>Project Plans</strong> added to the yearly budget if approved by council. This provides clear transparency for what the functions and initiatives of the local</td>
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</table>
### 6.3 Rates and Revenue Policy

- 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.

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<tr>
<th>CURRENT REQUIREMENTS</th>
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</table>
| government cost to deliver. Templates will be available for use by local governments. | - 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. | Refer attachment for comments | Supported |

### 6.4 Monthly Reporting of Credit Card Statements

- No legislative requirement.
- Disclosure requirements brought in by individual councils have shown significant reduction of expenditure of funds.

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<th>CURRENT REQUIREMENTS</th>
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</table>
| | - 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. | Refer attachment for comments | Supported |

### 6.5 Amended Financial Ratios

- Local governments are required to report seven ratios in their annual financial statements.

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<thead>
<tr>
<th>CURRENT REQUIREMENTS</th>
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<tbody>
<tr>
<td></td>
<td>- Financial ratios will be reviewed in detail, building on work already underway by the DLGSC.</td>
<td>Refer attachment for comments</td>
<td>Supported</td>
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</table>
### Current Requirements

- These are reported on the MyCouncil website.
- These ratios are intended to provide an indication of the financial health of every local government.

### Proposed Reforms

- The methods of calculating ratios and indicators will be reviewed to ensure that the results are accurate and useful.

### Comments

- Reform is not supported by Members, with the difficulty of locating and securing independent members for an Audit Committee being a major roadblock whilst also introducing an extra cost to rate payers.

- Financial management is a major responsibility of the Councillors, so introducing a reform requiring independent auditors and chair implies that Local Governments can’t be trusted to fulfill the role.

- The Office of Audit General provides the independent oversight of the sector, and has the knowledge required to understand the uniqueness of Local Government accounting, so it is hard to see how any additional value can be provided.

- In agreement that Audit Committees need to be proactive in the

### Alliance Position

- Not Supportive of majority independent auditors

---

### 6.6 Audit Committees

- 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.

- 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.
### 6.7 Building Upgrade Finance

- 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.

- 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.

Reform gained mixed responses, the reasons behind those that are not in support are listed below:
- Why would the third-party not proceed with getting a loan from a bank, yet finance through a Local Government?
- Why would Treasury Corp not do this?
- Non-financing sector lending has a medium level of vulnerability to financial crime and fraud
  - Financial risks would need to be appropriately managed
- Belief that this is a role for State or Federal Governments, not Local.

### 6.8 Cost of Waste Service to be Specified on Rates Notices

- No requirement for separation of waste changes on rates notice.
- Disclosure will increase ratepayer awareness of waste costs.
- The Review Panel Report included this recommendation.

- It is proposed that waste charges are required to be separately shown on rate notices (for all properties which receive a waste service).
- This would provide transparency and awareness of costs for ratepayers.

Refer attachment for comments

No consensus, mixed views by alliance members
<table>
<thead>
<tr>
<th>Local Government</th>
<th>1.4 Review of Penalties</th>
<th>1.5 Complainant Reforms</th>
<th>1.6 Vexatious Complaint Referrals</th>
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<tbody>
<tr>
<td>Albany</td>
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<td>Greater Geraldton</td>
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**1.4 Review of Penalties**

The existing Local Government Standards Panel would be replaced with a new Local Government Standards Panel, to be appointed by the Governor and made up of ministers, a member of the Commission for the Governance of Public Sector Entities, three external members, and an ex-officio member, the Director General of the Local Government Commission. The Panel is to consider breaches of the Local Government Act and Regulations. For instance, the Minister could publish guidance and issue the Panel with investigatory powers. The Panel would make findings about alleged breaches based on written breach complaints relatively quickly and provide the sector with guidance and recommendations related to the establishment of a specific office for local government advisors.

**1.5 Complainant Reforms**

In a recent case, the Standards Panel was asked to consider complaints that an elected member (EM) had been engaging in a personal relationship with a member of staff at the local government. The Panel found that the EM had committed a minor breach of the Standing Orders, and the EM was suspended for three months. The EM's salary was paid during the suspension, and the EM was reinstated at the end of the period. The Panel considered that this was an appropriate outcome.

**1.6 Vexatious Complaint Referrals**

There is currently no follow-up or ramifications from the Department in relation to vexatious complaints. If an EM breaches the Standing Orders they have committed a minor breach anyway, so there is no incentive to report vexatious complaints.

The Monitor works with the local government to rectify the error, and issue corrections to the public. They also ensure there is a cordial working relationship between the councillors.

There have been criticisms over the past decade that the Department is ill equipped to deal with vexatious complaints that are not resolved by the standards panel. The Department is often not notified of these complaints, and there is no follow-up or ramifications. The Department needs to develop a mechanism to resolve these complaints, and ensure that local governments are aware of their obligations.

<details>
<summary>Supportive - Red Card System - Why? (CEO)</summary>

If standing orders are well drafted then the mechanisms will suffice. Most Standing Orders are well drafted and the Red Card System is not needed.

</details>
Regional Subsidiaries can be formed in line with the Local Government (Regional Subsidiaries) Act 1995, or through less formal "organisations of councils", such as NEWROC and WESROC.

2.6 Standardised Meeting Procedures, Including Public Question Time

- Inconsistency between local laws and approvals processes for events, street activation, and resource-sharing.
- The review of local laws (especially when they are standard) has been identified as a burden for the sector.
- Proposed reforms would introduce greater consistency for approvals for:
  - Approvals and standards for crossovers (the section of driveways that run between the kerb and road)
  - The proposed reforms do not affect CoB as a Band 1 local government, however in light of the need to standardise processes for all local governments, CoB would support the introduction of electronic meetings, which have the capacity to provide greater clarity for ratepayers and applicants for decisions made by council.

The proposed reforms do not affect CoB as a Band 1 local government, however in light of the need to standardise processes for all local governments, CoB would support the introduction of electronic meetings, which have the capacity to provide greater clarity for ratepayers and applicants for decisions made by council. CoB agrees with the proposed reforms in order to improve the consistency and transparency of decision-making processes.

The City has endeavoured to implement similar measures previously in dialogue with Regional Subsidiaries, however the City supports a uniform approach to ensure a consistent and transparent decision-making process.

Supportive of reduced advertising requirements

Theme 2: Reducing Red Tape, Increasing Consistency and Simplicity

- Urgent responses to emergencies.
- Difficult to comment without knowing what requirements would be exempt, however it is important to consider the impact on local governments.
- The proposed reforms do not affect CoB as a Band 1 local government, however in light of the need to standardise processes for all local governments, CoB would support the introduction of electronic meetings, which have the capacity to provide greater clarity for ratepayers and applicants for decisions made by council.

The proposed reforms do not affect CoB as a Band 1 local government, however in light of the need to standardise processes for all local governments, CoB would support the introduction of electronic meetings, which have the capacity to provide greater clarity for ratepayers and applicants for decisions made by council.

Supportive of proposed reforms noting councils previous and current experience with regional subsidiaries.

Supportive of proposed reforms.
<table>
<thead>
<tr>
<th>Theme 3: Greater Transparency &amp; Accountability</th>
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<tbody>
<tr>
<td>•  To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as</td>
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<td>part of the CEO performance review model should be published online.</td>
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<td>•  Monday to Friday would be the suggested period for online disclosure since online</td>
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<td>reporting would be more consistent.</td>
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<td>•  It is a requirement of the Local Government Act 1995 that CEO performance reviews are</td>
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<tr>
<td>published.</td>
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<tr>
<td>•  To support the transparency of decision-making by councillors, it is proposed that the</td>
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<tr>
<td>minutes of all council meetings be published online.</td>
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<td>•  All council meeting recordings would need to be published at the same time as the meeting</td>
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<td>was held.</td>
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<td>•  There is limited potential for review of issues managed as confidential items under the</td>
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<td>Local Government Act.</td>
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## Additional Expenditure Information

- **Total Expenditure**
- **Strategic Planning Issues**
- **Contributions, such as cash-in-lieu for public open space and car parking**

## More Information on Additional Registers

- **Interests Disclosure Register**
- **Community Grants Register**
- **Tenders Register**
- **Lease register. Commercial terms of leases, debate as to whether or not commercial**
  - **Registered Mandate**
  - **Register of Elected Member Mandatory Training**
  - **Register of Disclosures (Financial, Proximity & Impartiality Interests)**

## Summary

- **Supportive of proposed reforms.**
- **Supportive.**
- **Supportive.**
- **Agree with proposed reform.**

## Additional Performance Criteria

- **Additional performance criteria can be used for performance review by agreement between**
  - **performance criteria.**
- **The Model Standards for CEO recruitment and selection, performance review and termination**
  - **it is.**
- **It is a requirement of the Local Government Act 1995 that CEO performance reviews are**
  - **published.**
- **Consistency in online reporting across the sector will provide ratepayers with better**
  - **information.**
- **Consistent online publication of information can substitute for certain material in annual**
  - **report.**

## Clearer Guidance for Meeting Items that may be Confidential

- **A local government is only required to record which councillor voted for or against a motion**
  - **councillor.**
- **Items not prescribed as being confidential could still be held as confidential items only with**
  - **not.**
- **There is limited potential for review of issues managed as confidential items under the**
  - **managed.**
- **The Act currently provides broad definitions of what type of matters may be discussed as a**
  - **discussed.**

## Greater Geraldton:

- **Supportive of proposed reforms.**
- **Support of proposed legislation.**
- **Supportive.**
- **Supportive.**

## Karratha:

- **Supportive of proposed reforms.**
- **Supportive.**
- **Supportive.**
- **Supportive.**

## WALGA position supported by City of Kalgoorlie-Boulder

- **Agree with proposed reform.**
- **Agree with proposed reform.**
- **Agree with proposed reform.**
- **Agree with proposed reform.**

## CEO Comment

- **Best practice governance supports the accurate recording of minutes and any such**
  - **support.**
- **Best practice governance requires the publication of any such records, including the**
  - **records.**
- **Best practice governance will require the recording of any such decisions, including the**
  - **decisions.**
- **Best practice governance encourages the publication of any such information, including the**
  - **information.**

## Manager Governance & Risk Comment:

- **Ultimately is the debate between elected members that is important; which leads to the**
  - **important.**
- **Ultimately, the debate is between elected members.**
- **Ultimately, the debate is important.**
- **Ultimately, the debate is crucial.**

## CEO Comment

- **CEO should provide written comments to be published alongside the KPIs and**
  - **CEO should.**
- **CEO should provide comments to be published alongside the KPIs.**
- **CEO should provide comments to be published alongside the KPIs.**
- **CEO should provide comments to be published alongside the KPIs.**

## Interests Disclosure Register

- **Interests Disclosure Register should be made publicly available.**
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## Community Grants Register

- **Community Grants Register should be made publicly available.**
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## Tenders Register

- **Tenders Register should be made publicly available.**
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## Lease register

- **Lease register should be made publicly available.**
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## Summary

- **Summary of proposed reforms.**
- **Summary of proposed reforms.**
- **Summary of proposed reforms.**
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<table>
<thead>
<tr>
<th>Theme 4: Stronger Local Democracy and Community Engagement</th>
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<tbody>
<tr>
<td><strong>Current Provision</strong></td>
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<tr>
<td>Presidents elected either:</td>
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<td>- Mayor/President)</td>
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<td>- Mayor/President</td>
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</table>
5.4 Local Governments May Pay Supperannuation Contributions for Elected Members

- Superannuation is widely recognised as an important entitlement to provide long term financial security to elected members, especially as many may not have other sources of income. The Act currently provides for councils to pay superannuation contributions for elected members, with the amount determined by the passing of a resolution by the council. This provision allows councils to ensure that elected members are adequately protected for their future.

- Other states have already moved to allow councils to make superannuation contributions for elected members. This reform would enable councils to provide a similar benefit to their elected members, addressing concerns about financial security.

5.5 Local Governments May Establish Education Allowances

- The availability of information is sometimes a source of conflict within local governments. Providing education allowances to elected members can help address this by allowing them to invest in their professional development, thereby enhancing their effectiveness in their roles.

- Councils will be able to decide on a policy for education expenses, up to a maximum of $5,000 per annum. This flexibility enables councils to tailor education allowances to their specific needs and resources.

- Superannuation is not paid to elected members. However, councillors can currently divert part of their allowances to a superannuation fund. This provision recognises the value of superannuation as an important benefit for elected members, even though it is not provided by the council.

5.6 Local Governments May Pay for Professional Development

- The Act does not currently outline specific principles for the provision of professional development allowances. This reform would clarify the role of councils in facilitating professional development for elected members, ensuring that it is an integral part of their responsibilities.

- The Act provides that council and committee members can have access to any written communication agreements between the council and external agencies. This allows for transparency and accountability in the provision of professional development opportunities.

- The recognition of Aboriginal Western Australians as an integral part of local government is important for cultural sensitivity and diversity. This principle should be reflected in the design of professional development opportunities.

- The Local Government Act Review Panel recommended that roles and responsibilities of elected members should be defined in law. This reform would amend the legislation to include this recommendation, ensuring that elected members are held accountable for their duties.

5.7 Local Governments May Pay for Training Register

- The Council has a training register (CG-14 Election Caretaker Period Policy). The register is designed to support and guide elected members during their tenure. This reform would ensure that the training register is a functional tool for elected members.

- The Core Responsibilities of the Local Government, Council, Mayor, and CEO are outlined in the Local Government Act. The proposed outline of Mayor responsibilities is consistent with the guidance provided by the Act.

- The training register is supported and the City promotes professional development opportunities for councillors. This helps to ensure that elected members receive the necessary training to carry out their roles effectively.

- The proposed outline of CEO responsibilities is also supported. It is important that the CEO is responsible for providing timely and accurate information and advice to all councillors.

- The training register is implemented through other parts of this reform agenda. This reform is part of a broader reform package aimed at improving the effectiveness and accountability of local government.
Request further consultation when the reform comments are complied. Sharing resources with smaller local governments and clearly defined roles are supported.

Councillor representation should be assessed by the community. Request electoral reform to fill council vacancies which occur outside of the ordinary election period.