

LOCAL GOVERNMENT ACT REVIEW PANEL RECOMMENDATIONS - SUBMISSION

No	Panel Recommendation	Shire of Trayning
1	The Panel recommends that the new Act be structured and drafted in such a way as to highlight the key strategic elements set out in Part A of this report, and that further consideration be given to the 'two Acts' options presented in Part A, at least as a transitional measure.	Support
2	The Panel recommends the following statement of intent (vision) for a new Act: An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.	Support
3	The Panel recommends the adoption of the following objectives for a new Act: a. Democratic and accountable local government that recognises the diversity of and within Western Australia's communities. b. Recognition of the specific needs and culture of Western Australia's Aboriginal people. c. Promotion and improvement of the community's economic, social and environmental well-being. d. An adaptive and forward-looking legislative framework, which supports and enables councils to provide local leadership for the whole community, and to collaborate with each other and with other key stakeholders at a regional level. e. Open and transparent community participation in the decisions and affairs of local governments. f. Enhanced capability of the local government sector, with a focus on continuous improvement and sustainability. g. Efficient and effective service delivery and regulation that is responsive to current and future community needs. h. Informed decision-making by local governments which is in the interest of their communities, within a legislative framework that supports balance and certainty in relation to the different interests of their communities. i. Accountability of local governments to their communities through processes that demonstrate good governance. j. Support for approaches and opportunities which foster collaboration and cooperation both within the local government sector and across all levels of Government.	Support
4	The Panel recommends an Act that is considerably shorter, less prescriptive and minimises the use of regulations by establishing clear principles, robust processes, model charters, guidelines and templates.	Support
5	The Panel recognises the diversity of local governments in Western Australia and supports a new Act which is responsive to this but does not recommend the adoption of a multi-tiered legislative framework.	Oppose
6	The Panel recommends the inclusion of a statement of the role and principal functions of local governments that makes it clear their basic statutory responsibilities, retaining the overall power of general competency in the current Local Government Act.	Support

7	<p>The Panel recommends the inclusion of a statement of the role and principal functions of local governments that makes it clear their basic statutory responsibilities, retaining the overall power of general competency in the current Local Government Act. The Panel recommends that the following overarching guiding principles are included in the new Act: To ensure the system of local government is sustainable, accountable, collaborative and capable, councils should:</p> <ul style="list-style-type: none"> a. Provide democratic and effective representation, leadership, planning and decision-making; b. Be transparent and accountable for decisions and omissions; c. Be flexible, adaptive and responsive to the diverse interests and needs of their local communities, including the traditional owners of the land; d. Consider the long term and cumulative effects of actions on future generations; e. Ensure that, as a general rule, all relevant information is released publicly, readily available and easy to understand; f. Provide services in an equitable manner that is responsive and accessible to the diverse needs of the community; g. Seek to continuously improve service delivery to the community in response to performance monitoring; h. Collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services and integrated planning, while maintaining local representation of communities and facilitating community benefit; and i. Participate with other councils and with the State and Federal government in planning and delivery of services, setting public policy and achieving regional, State and Federal objectives. 	Support
8	<p>The Panel recommends:</p> <ul style="list-style-type: none"> a. The Local Government Grants Commission and the Local Government Advisory Board should be combined into a single body responsible to the Minister and named the Local Government Commission, and including the functions of the Grants Commission in accordance with Commonwealth legislation. b. The role of the Local Government Commission should be to: <ul style="list-style-type: none"> (i) Provide recommendations on major local government boundary changes, amalgamations and other necessary reforms; (ii) Manage the distribution of Commonwealth grant funding to local governments in WA; and (iii) Monitor the overall health and performance of the local government sector by identifying key issues and trends, and advise the Government and sector peak bodies accordingly. c. Members should be appointed to the Local Government Commission on the basis of their skills rather than as representatives. d. The Local Government Commission should consider the financial viability of local governments in making recommendations to the Minister. e. The Minister and sector peak bodies should have the power to refer matters to the Commission for assessment and advice. f. The Commission should play an independent role in monitoring the capacity and the financial health of the sector in collaboration with the Auditor General. 	Support

	g. Minor boundary adjustments where both local governments agree should be handled by the department.	
9	The Panel supports a legislative framework for a system of local government which promotes local democracy and has the in-built flexibility to enable different models of governance which facilitate community participation, provide for representation of the whole community, and for efficient and effective service-delivery for the community.	Conditionally support, but oppose any proposal to remove poll provisions in Schedule 2.1, Clause 8 of the Local Government Act
10	The Panel recommends that through their Partnership Agreement and the proposed Local Government Commission, State and local government consider options to facilitate structural reform that will strengthen the capacity and resilience of the local government system. Those options should include: a. Revised processes for boundary changes and mergers. b. Substantially increased cooperation between local governments through an enhanced model of joint subsidiaries. c. Provision for the establishment of community boards within local government areas	Conditionally support, but oppose any proposal to remove poll provisions in Schedule 2.1, Clause 8 of the Local Government Act
11	The Panel recommends an additional legislative option for local governments to establish community boards.	Support
12	The Panel recommends that the new Act should promote and mandate expanded regional cooperation between local governments by: a. Making increased collaboration a specific objective and principle. b. Providing an improved model of joint (regional) subsidiaries that can be used for strategic planning, resource sharing, shared services delivery and commercial enterprises (see also Recommendations 14 and 39). c. Requiring regional cooperation as part of IPR (see also Recommendation 35).	Support
13	The Panel recommends that consideration also be given to the potential need for a new form of 'regional authority' to enable collaboration on specific issues between governments and with other key stakeholders.	Support
14	The Panel recommends: a. The regional council model is discontinued. b. A flexible model of joint (regional) and single (local) subsidiaries be introduced in order to enable: (i) collaboration between local governments; and/or (ii) involvement of local government in economic development including commercial activities.	Support
15	The Panel recommends that the new Act include a set of principles for intergovernmental relations that make clear local government's role and obligations as part of the broader system of government, and that underpin a range of ongoing arrangements such as the State Local Government Partnership.	Support
16	The Panel recommends that the new Act recognises the unique status of Aboriginal people as traditional owners of the land and ensures that they are empowered to engage in decision-making in their local communities.	Support
17	The Panel recommends that further consideration is given to the manner of recognition, and the options for inclusion, engagement and shared decision making between local governments and Aboriginal communities, through consultation with the Department of Premier and Cabinet and the Aboriginal Advisory Council of Western Australia, and with reference to practices in other states, the Northern Territory and New Zealand.	Support

18	The Panel recommends further consideration is given to the issue of service delivery by local governments in remote communities, and appropriate adjustments to Integrated Planning and Reporting requirements.	Conditionally support, subject to adequate funding of legislative responsibilities assigned to local governments
19	Optional preferential voting be adopted in place of the current first past the post system.	Oppose
20	The principle of one vote per person be included in the legislation, subject to Recommendation 21 below.	Conditionally support a broad review of the property franchise including a community consultative process
21	Property franchise voting should be replaced with the requirement for local governments to introduce mechanisms for regular and effective consultation with the business community.	Conditionally support a broad review of the property franchise including a community consultative process
22	Local government elections are held once every four years, two years after but to otherwise accord with the timing of the State election.	Oppose
23	All local government elections should be overseen by the Western Australian Electoral Commissioner.	Oppose
24	Provision in the new Act for electronic/online voting to be introduced in the future once the integrity of the process can be assured (including allowing for a pilot).	Support
25	The Panel makes the following further recommendations in relation to elections: <ul style="list-style-type: none"> a. Postal voting be required, with lodgement of these votes to be allowed in person on and before election day. b. The election process extended to provide more time for the issuing and receipt of postal votes. c. The information local government candidates must provide at nomination should be expanded to ensure that adequate information is given for voters to make an informed decision. Candidate nomination forms should also include declaration of membership of a political party and these forms should be published and available during the election period. d. A caretaker policy should be introduced barring elected members up for re-election from representing the council at events, handing out council grants or donations and moving substantive notices of motion in the period before the election, and a requirement to comply with this policy should be included in the Code of Conduct. e. The donor and the candidate should co-sign each declaration of a gift made. f. Donations via crowd funding platforms should be regulated so far as possible. 	a – Oppose b - Support c - Oppose d-f - Support
26	In respect to elected member representation, the Panel recommends: <ul style="list-style-type: none"> a. Population should be used to determine the number of elected member positions: 	a – Conditional support upon a review of the

	<p>(i) Population of up to 5,000 – 5 councillors (including President).</p> <p>(ii) Population of between 5,000 and 75,000 – 5 to 9 councillors (including Mayor/President).</p> <p>(iii) Population of above 75,000 – 9 to 15 councillors (including Mayor).</p> <p>b. Ward boundary reviews, to ensure equitable representation is maintained, should be conducted every four years by the Office of the Electoral Distribution Commissioners, with the support of the WAEC and should be conducted using similar processes and principles that are in place for state electoral boundaries as contained in the Electoral Act 1907.</p> <p>c. Current classification bands 3 and 4 should not have multiple wards unless the Local Government Commission permits it in the interests of ensuring local democracy is enabled in certain communities.</p> <p>d. The changes to wards and elected member numbers due to the above recommendations should be phased in.</p> <p>e. With the introduction of four-year elections, council elected mayors/presidents should be elected for two-year terms.</p> <p>f. No restriction should be placed on the number of terms an elected member or mayor/president can serve.</p>	<p>relative benefits and merits of changes to reduce numbers of Elected Members on Council on the following basis:</p> <ul style="list-style-type: none"> • Populations up to 5,000 – 5 to 7 Councillors (including President) • Populations between 5,000 and 75,000 – 5 to 9 Councillors (including Mayor/President) • Populations above 75,000 – up to 15 Councillors (including Mayor) <p>c - Oppose b, d, e f - Support</p>
27	<p>The Panel recommends further consideration should be given to strengthening the provisions of the City of Perth Act to reflect the unique role the City of Perth plays in the development of the State economy. In addition, consultation should be undertaken with the City of Perth and other relevant stakeholders as to whether property franchise voting should be retained in the City of Perth.</p>	<p>Conditionally support a broad review of the property franchise including a community consultative process</p>
28	<p>The Panel recommends significant changes in the Act to the current statements of roles and responsibilities for mayors/presidents, councillors and CEOs and that the Act should include a new statement of responsibilities for the 'council' which captures the roles and responsibilities of all councillors acting collectively as the council.</p>	<p>Support</p>
29	<p>The Panel recommends the following as the role of council: The council —</p> <p>(a) considers the diversity of interests and needs of the local community;</p> <p>(b) is accountable to the community for the local government's performance;</p> <p>(c) ensures adequate opportunities and mechanisms for engagement with the local community;</p> <p>(d) ensures the timely development and adoption of the strategic plans, programs and policies of the council and promotes the effective and consistent implementation of these;</p> <p>(e) develops and adopts strategic plans and a budget for the local government;</p>	<p>Support</p>

	<p>(f) keeps the local government's resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review;</p> <p>(g) provides strategic direction to the CEO in order to achieve high-quality administration and performance of the local government's functions in accordance with the Local Government Act and local government's policies;</p> <p>(h) carries out an annual performance review of the CEO and in agreement with the CEO adopts Key Performance Targets for the following year;</p> <p>(i) provides a safe working environment for the CEO, officers and councillors;</p> <p>(j) reviews annually the delegations of the council; and</p> <p>(k) performs such other functions as are given to a council by this Act or any other written law.</p>	
30	<p>The Panel recommends the following as the role of councillors:</p> <p>A councillor —</p> <p>(a) without bias represents the current and future interests of all people who live, work and visit the district;</p> <p>(b) provides leadership and guidance to the community in the district;</p> <p>(c) facilitates communication between the community and the council;</p> <p>(d) accurately represents to the community the policies and decisions of the council;</p> <p>(e) participates in the development of strategic plans;</p> <p>(f) must be prepared to –</p> <p>(i) participate with an open mind in the local government's decision-making processes;</p> <p>(ii) be an active and contributing member of the council; and</p> <p>(iii) make considered and well-informed decisions;</p> <p>(g) makes all reasonable efforts to acquire and maintain the skills necessary to perform the role of councillor; and</p> <p>(h) performs such other functions as are given to a councillor by this Act or any other written law.</p>	Support
31	<p>The Panel recommends the following as the role of the mayor/president:</p> <p>In addition to the responsibilities of a councillor, the mayor or president —</p> <p>(a) provides leadership and guidance to the community in the whole district;</p> <p>(b) carries out civic and ceremonial duties on behalf of the local government;</p> <p>(c) acts as the principal spokesperson on behalf of the council and explains and upholds the decisions of the local government;</p> <p>(d) encourages good working relations between councillors, and between the council and the CEO;</p> <p>(e) provides guidance to councillors about what is expected of a councillor including in relation to:</p> <p>(i) the role of a councillor;</p> <p>(ii) the councillor code of conduct; and</p> <p>(iii) standing orders</p> <p>(f) liaises with the CEO on the local government's affairs and the performance of its functions;</p> <p>(g) presides at meetings in accordance with this Act;</p>	Support

	<p>(h) leads the development of strategic plans;</p> <p>(i) promotes partnerships between the council and key stakeholders;</p> <p>(j) leads and facilitates the presentation of the annual Council budget;</p> <p>(k) initiates the annual performance appraisal of the CEO; and</p> <p>(l) performs such other functions as are given to the mayor or president by this Act or any other written law.</p>	
32	<p>The Panel recommends the following as the functions of the CEO:</p> <p>(1) The CEO's functions are to —</p> <p>(a) advise and assist the council in relation to the functions of a local government under this Act and other written laws;</p> <p>(b) ensure that timely and accurate advice and information is available to the council so that informed decisions can be made;</p> <p>(c) ensure that the mayor and other councillors are given the administrative and professional support necessary to effectively discharge their role;</p> <p>(d) advise the council on appropriate forms of community engagement;</p> <p>(e) advise and consult the mayor and council on the development and implementation of the strategic plans, programs, strategies and policies of the council;</p> <p>(f) prepare, in consultation with the mayor and council, the draft budget;</p> <p>(g) ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner;</p> <p>(h) conduct the day-to-day management of the local government in accordance with the strategic plans, programs, strategies and policies of the council;</p> <p>(i) ensure the effective and efficient management of the local government in a way that promotes —</p> <p>(i) the effective, efficient and economical management of public resources;</p> <p>(ii) excellence in service delivery; and</p> <p>(iii) continual improvement;</p> <p>(j) maintain systems to enable effective planning and accurate reporting of the financial and service performance of the local government to the council and community;</p> <p>(k) speak publicly on behalf of the local government when approved by the mayor or president to do so;</p> <p>(l) be responsible for the employment and management of local government employees, except with respect to the position of CEO, through management practices that —</p> <p>(i) promote equal employment opportunities;</p> <p>(ii) are responsive to the local government's policies and priorities; and</p> <p>(iii) provide a safe working environment;</p> <p>(m) ensure the local government complies with this Act and any other written law;</p> <p>(n) ensure that records, proceedings and documents of the local government are properly kept for the purposes of this Act and any other written law; and</p>	<p>1 – Support</p> <p>2a – Support</p> <p>2b-c - Oppose</p>

	<p>(o) perform any other function specified or delegated by the council or imposed under this Act or any other written law as a function to be performed by the CEO.</p> <p>(2) The CEO must inform and consult the council when determining, or making, significant changes to –</p> <p>(a) the organisational structure for the staff of the local government; or</p> <p>(b) the processes, terms or conditions that are to apply to the appointment of senior executive officers; or</p> <p>(c) the appraisal scheme that is to apply to senior executive officers.</p>	
33	<p>The Panel recommends that the following community engagement principles should be included in the new Act:</p> <p>a. Councils actively engage with their local communities;</p> <p>b. Councils are responsive to the needs, interests and aspirations of individuals and groups within its community;</p> <p>c. Community engagement processes have clearly defined objectives and scope;</p> <p>d. Participants in community engagement have access to objective, relevant and timely information to inform their participation;</p> <p>e. Participants in community engagement are representative of the persons and groups affected by the matter that is the subject of the community engagement;</p> <p>f. Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement; and</p> <p>g. Participants in community engagement are informed of the ways in which the community engagement process will influence council decision-making.</p>	Support
34	<p>The Panel recommends a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making, and that a model charter be prepared to set parameters and provide guidance on mechanisms to be used.</p>	Support
35	<p>The Panel recommends the Annual Electors' Meeting is replaced by an Annual Community Meeting whereby:</p> <p>a. As a minimum, councils provide information on their achievements and future prospects;</p> <p>b. Councils report on the local government's financial performance and performance against relevant Council Plans;</p> <p>c. Both the mayor/president and the Chair of the Audit Committee address the meeting;</p> <p>d. There is ample time for questions; and</p> <p>e. Wider community participation is encouraged through different delivery mechanisms.</p>	Oppose
36	<p>The Panel recommends the following IPR Principles are included in the new Act:</p> <p>a. Councils plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services to meet the diverse needs of the local community;</p> <p>b. Strategic planning identifies and incorporates, where appropriate, regional, State and Federal objectives and strategies concerning the economic, social, physical and environmental development and management of the community;</p> <p>c. Strategic planning addresses the community's vision;</p> <p>d. Strategic planning takes into account the resources needed for effective implementation;</p>	Support

	<p>e. Strategic planning identifies and addresses the risks to effective implementation; and</p> <p>f. Strategic planning is a key accountability tool that provides for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.</p>	
37	<p>The Panel recommends:</p> <p>a. IPR be given greater prominence in the new Act as the centrepiece of ‘smart’ planning and service delivery.</p> <p>b. The new Local Government Commission and the department should take steps to improve understanding and skills across the sector to ensure consistent implementation of IPR requirements.</p> <p>c. IPR provisions in the Act should be expanded to include the issues currently covered in the regulations (suitably updated in accordance with these recommendations).</p> <p>d. IPR provisions and guidelines should be amended to, amongst other things –</p> <p>(i) Highlight the central goal of advancing community well-being (economic, social, cultural and environmental).</p> <p>(ii) Replace the current requirement for a Strategic Community Plan with a more flexible framework for ‘Community Strategies’.</p> <p>(iii) Reframe Corporate Business Plans as broader ‘Council Plans’ prepared by each incoming council.</p> <p>(iv) Mandate deliberative community engagement in the preparation of both Community Strategies and Council Plans.</p> <p>(v) Require a ‘regional issues and priorities’ section within Council Plans, to be prepared in consultation with neighbouring/nearby local governments.</p> <p>e. Provision should be made for a baseline reporting system as part of the IPR framework, and local governments should be required over time to report against a wider range of performance measures covering financial management, service delivery, governance and community wellbeing.</p> <p>f. Annual reports should include a statement of performance against the objectives, programs and projects set out in Community Strategies and Council Plans.</p> <p>g. The Audit, Risk and Improvement Committee (see Recommendations 53 and 54) should monitor the local government’s performance in implementing the IPR framework, including compliance with relevant statutory obligations, and report its assessment to the community (for example, as an addendum to the council’s annual report and/or as a statement to the Annual Community Meeting proposed in Recommendation 35).</p> <p>h. That all IPR plans be reviewed every four years (to align with the new election cycle), two years or one year depending on the plan.</p>	Support
38	<p>The Panel recommends:</p> <p>a. As a minimum, local governments must seek to identify and provide, or offer, to all its citizens, a minimum level of services to meet statutory obligations.</p> <p>b. The Minister should have the power to direct a local government if it fails to provide or offer these services.</p> <p>c. The new Act should incorporate financial sustainability principles which also link to the IPR framework.</p> <p>d. Local government services and programs should be aligned to the IPR framework.</p> <p>e. Local governments conduct regular reviews of services and service levels including community consultation.</p>	<p>a-b - Oppose</p> <p>c-e – Conditionally support (be in conjunction with 4 year cycle)</p>

39	The Panel recommends local governments should continue to play an active role in economic development at both local and regional levels. The IPR framework should encourage local governments to be cognisant of State Government plans when developing strategies for economic development.	Support
40	The Panel recommends that the new Act should provide the freedom for local governments to be involved in commercial activities where it is in the public interest and subject to competitive neutrality principles.	Support
41	The Panel recommends that 'beneficial enterprises' not be introduced as a new mechanism for local government commercial activities, but that instead an updated and more flexible subsidiary model should provide for the following: a. Local government autonomy to establish a single or joint subsidiary to: (i) Carry out any scheme, work or undertaking on behalf of the council; (ii) Manage or administer any property or facilities on behalf of the council; (iii) Provide facilities or services on behalf of the council; and/or (iv) Carry out any other functions on behalf of the council. b. The subsidiary to be established through a charter. c. The charter to be certified by an independent and suitably experienced legal practitioner as within power and National Competition Policy. d. Public notice of the proposal to establish the subsidiary to ensure that there are no private operators that would be significantly disadvantaged. e. The subsidiary to be able to undertake commercial activities (within the limits of competitive neutrality and a thorough risk assessment). f. The subsidiary to have the ability to acquire, hold, dispose of or otherwise deal with property. g. Dividends able to be paid to member local governments. h. The requirement for employees of the subsidiary to be employed under the same award or agreement conditions as the relevant local government/s and within the jurisdiction of the Western Australian Industrial Relations Commission. i. No requirement for ministerial approval at the outset, but reserve powers for the Minister for Local Government to intervene if issues arise should be included.	a-g – Support h – Oppose i - Support
42	The Panel recommends local governments should utilise the subsidiary models and, as a general rule, should not form entities outside this, such as under the Associations Incorporation Act, except as a means of establishing or maintaining partnerships with other local or regional organisations in those instances where the local government is not the dominant party.	Support
43	The Panel recommends the following financial management principles be included in the new Act: a. Councils should have regard to achieving intergenerational equity, including ensuring the following: (i) Policy decisions are made after considering their financial effects on future generations; (ii) The current generation funds the cost of its services; and (iii) Long life infrastructure may appropriately be funded by borrowings.	Support

	<p>b. Revenue, expenses, assets, liabilities, investments and financial transactions are managed in accordance with the council's financial policies and strategic plans;</p> <p>c. Financial risks are monitored and managed prudently having regard to economic circumstances;</p> <p>d. Financial policies and strategic plans, including the Revenue and Rating Strategy and Investment policy, seek to provide stability and predictability in the financial impact on the community; and</p> <p>e. Accounts and records that explain the financial operations and financial position of the council are kept.</p>	
44	<p>Having regard to the need for sound financial decision-making and accountability, the Panel recommends the following:</p> <p>a. Local governments should be required to adopt or justify departures from a model investment policy to the Audit, Risk and Improvement Committee and relevant State Government Agency.</p> <p>b. Local governments should be able to use freehold land to secure debt.</p> <p>c. Debt should not be used for recurrent expenditure except in an emergency situation.</p> <p>d. Notice should continue to be required to be given for borrowings not included in the local government's annual budget.</p> <p>e. Building upgrade finance is permitted for specific purposes such as cladding, heritage and green improvements.</p> <p>f. Local governments should adopt program budgeting to more clearly show the actual cost of delivering a service or undertaking an activity.</p> <p>g. Local governments should report on the percentage of their expenditure spent on local businesses in their annual report.</p>	Support
45	<p>The Panel recommends that local government procurement thresholds, rules and policies are, where applicable, aligned with the State Government, including (but not limited to):</p> <p>a. Tender threshold (currently \$250,000);</p> <p>b. Procurement rules and methods for goods and services under the tender threshold;</p> <p>c. Procurement policies, including sustainable procurement, procuring from disability enterprises, buy local (where 'local' refers to Western Australia or a specific region of the state determined by the local government) and Aboriginal businesses; and</p> <p>d. Using TendersWA as the primary tender platform</p>	Support
46	<p>The Panel recommends the development of a model procurement policy for all local governments. If a local government chooses to deviate from the policy it should be required to explain its reasoning to the responsible State Government agency.</p>	Conditionally support (one size doesn't fit all)
47	<p>The Panel recommends enhancing legislation to regulate and guide the establishment and management of panel contracts.</p>	Support
48	<p>The Panel recommends a requirement for local governments to have an open register of local businesses with local governments determining what is considered 'local' to their community.</p>	Support
49	<p>The Panel recommends breaches of the local government procurement rules to be referred to the Office of the Independent Assessor to use the appropriate powers under the new Local Government Act.</p>	Support

50	<p>The Panel recommends:</p> <p>a. Rate capping should not be introduced.</p> <p>b. Local governments should be required to develop and publish a rates and revenue strategy, that would amongst other things replace the need to have fees and charges set in the annual budget.</p> <p>c. The Economic Regulatory Authority (ERA) should be asked to undertake a review of the rating system, including a thorough examination of the case for the current wide range of exemptions.</p> <p>d. The current rates exemptions should be retained until after the ERA review.</p> <p>e. Property owners seeking an exemption should be regularly required to prove they meet the criteria for an exemption.</p> <p>f. Local governments should charge a separate waste charge applying to all properties which have a waste service, including exempt properties.</p> <p>g. The Valuer General should be asked to undertake a review of the rating methodology with the aim of smoothing out significant fluctuations in valuations.</p>	Support
51	The Panel recommends that local governments should be able to set reasonable fees and charges according to a rating and revenue strategy, with the oversight of the Audit, Risk and Improvement Committee.	Support
52	The Panel recommends that local governments and State Government apply cost recovery principles when setting fees and charges.	Support
53	<p>The Panel recommends the role of audit committees be expanded to become Internal Audit, Risk and Improvement Committees and:</p> <p>a. The majority of the Committee members, including the Chair, should be independent of the local government and should be drawn from a suitably qualified panel.</p> <p>b. To address the impost on small local governments, the committee could be established on a regional basis.</p>	Oppose
54	<p>The Panel recommends the main roles of the Audit, Risk and Improvement Committee should include:</p> <p>a. Developing an audit plan which focuses on compliance, risk (including procurement), financial management, fraud control, governance and delivery of the Council Plans;</p> <p>b. Identifying continuous improvement opportunities and monitoring programs and projects in this area;</p> <p>c. Conducting the mandatory internal audits as outlined in the audit plan; and</p> <p>d. Providing advice to the council in relation to these matters.</p>	<p>a, b, d – Support</p> <p>c – Oppose</p>
55	<p>In relation to governance, the Panel recommends:</p> <p>a. Meeting procedures are standardised across all local governments, allowing for both a committee system and a public briefing system.</p> <p>b. Elected members should be required to lodge a declaration of interest as well as a confirmation of impartiality prior to meetings.</p> <p>c. Elected members who believe that they are unable to maintain impartiality on a particular matter should be permitted to withdraw from that part of the meeting provided a quorum is maintained.</p> <p>d. All votes should be recorded in the minutes on each motion with details of how each councillor voted.</p>	<p>a, b, d, e & f - Support</p> <p>c, g, h & i - Oppose</p>

	<p>e. As a minimum, audio recordings of public parts of council meetings should be available on the local government's website when the minutes become available, with livestreaming to be encouraged.</p> <p>f. CEO contracts should be standardised and consistent with the Public Sector Commission's policy and relevant conditions for public sector employees.</p> <p>g. CEO contracts should be no more than five years and after two terms the local government must readvertise the position.</p> <p>h. The department should facilitate additional oversight in the recruitment and management processes of CEOs. This could include representation on the selection panel and/or screening of applicants.</p> <p>i. Primary and Annual Returns should include disclosure of membership of political parties and associations likely to be seen as exerting an influence on decision-making.</p>	
56	<p>The Panel recommends the following in relation to training:</p> <p>a. New CEOs (including CEOs moving to a substantially larger local government) should be required to undertake training and ongoing professional development as recommended by the selection panel.</p> <p>b. There should be compulsory induction training and ongoing professional development for all councillors, including specific programs for mayors and presidents.</p> <p>c. Training modules for all councillors should include in-depth material on IPR and land use planning.</p> <p>d. The Minister should have discretion to exempt completion of training within the stipulated time on compelling grounds.</p> <p>e. Expanded use of peer review and support should be encouraged both to help improve the performance of individuals and local governments.</p>	Support
57	<p>The Panel recommends that there should be an early intervention framework of monitoring to support local governments. The department should have additional powers to appoint and support the monitor with councils responsible for the direct costs of the monitor.</p>	Support
58	<p>The Panel recommends the Minister should have the power to direct local governments and make declarations in respect to the Local Government Act during a declared state of emergency.</p>	Oppose
59	<p>The Panel recommends establishing an Office of the Independent Assessor that should:</p> <p>a. Be an independent body to receive, investigate and assess complaints against elected members and undertake inquiries. This removes the CEO from being involved in processing and determining complaints.</p> <p>b. Be a statutory appointment by the Governor.</p> <p>c. Upon assessment, refer the complaint back to the council (behaviour-related), the State Administrative Tribunal (SAT) (serious breaches), or to another appropriate body (such as, Corruption and Crime Commission, Public Sector Commission, Ombudsman) according to the subject of the complaint.</p> <p>d. Replace the Standards Panel by investigating and making determinations on Rules of Conduct breaches. SAT will determine the penalties.</p> <p>e. Amongst other powers, have the power to investigate, to order compulsory mediation and to deal with abuses of process.</p>	Support

	f. Be required to notify the CEO and council of any matters on a confidential basis.	
60	The Panel recommends consideration should be given to the appropriate recognition and management of complaints by an elected member against a CEO or other senior officer, with one option for these to be investigated by the Office of the Independent Assessor.	Oppose
61	The Panel recommends: a. The new Act should set principles for determining classification bands for local governments. b. These classification bands should be used by the Salaries and Allowances Tribunal for determining councillor and CEO payments, as well as providing a framework for distinguishing between local governments in relation to other matters.	Oppose
62	The Panel recommends the increased harmonisation of local laws through the development of model local laws and deemed provisions.	Support
63	The Panel recommends requiring local governments to justify to the Joint Standing Committee on Delegated Legislation any variation from the model or deemed provisions.	Support
64	In relation to WALGA, the Panel recommends: a. WALGA not be constituted under the new Act; b. A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and c. Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.	a-b - WALGA carry out further consultation c - Support
65	The Panel also identified the following operational matters to be considered when drafting the new Act: a. The powers of entry in the current Local Government Act should be retained. b. The current evidence requirements in legal proceedings should be retained, however the requirement for the CEO to certify the documents should be removed. This should be delegated and the range of items that can be certified expanded after consultation with local governments. c. The new Act should be updated to reflect the modern signing of contracts. d. A more streamlined ability to dispose of impounded goods needs to be developed for the new Act. e. The new Act should enable councillors and members of the community (in the case of public questions and deputations) to remotely participate in council and committee meetings. f. Employment entitlements for local government employees should be transferrable across all three levels of Government.	a-e – Support f - WALGA carry out further consultation