



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



Local Government Act 1995 review
Agile • Smart • Inclusive

Local Government Act 1995 **Review**

Agile • Smart • Inclusive – Local governments for the future

Phase 1: Consultation Paper

8 November 2017

Name: Tim Evans

1. Relationships between council and administration

Introductory questions

- 1) Would you like your submission to remain anonymous?

No

- 2) Postcode:

6027

- 3) Who are you submitting on behalf of?

Local Government

- 4) Local government name:

Vincent City

- 5) Organisation name

- 6) Are you a:

Local government employee

Defining the roles of council and administration: Guidance questions

- 7) How should a council's role be defined? What should the definition include?

The City is generally comfortable with the definition of roles in the Act. However, there are instances where the Act appears to conflict with or at least obscure the definitions:

- 1) The existing requirement for the CEO to recruit for and recommend the employment of designated Senior Employees to Council is supported and should be maintained. This is a function that has been effectively and appropriately exercised by the City of Vincent Council. However, greater clarity and specificity should be introduced in s.5.37(2) of the Act to better define the accountabilities and entitlements of the CEO and Council relating to these matters, particularly in place of the current wording which includes terms such as "inform" and "the council may";

- 2) The requirement of s5.50 for Council to adopt a policy that relates to employees obscures the function of the CEO as being responsible for the employment of employees.
- 3) The adoption of a code of conduct that is adopted by Council and applies to both Council Members and employees obscures the function of the CEO as being responsible for the employment of employees.
- 8) How should the role of the CEO and administration be defined?
- 9) What other comments would you like to make on the roles of council and administration?
- 10) Are there any areas where the separation of powers is particularly unclear?
- 11) How do you propose that these are improved?

Improving relationships between council and administration: Guidance question

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

2. Training

2.1 Competencies required to be an elected member

Elected member competencies: Guidance questions

- 13) What competencies (skills and knowledge) do you think an elected member requires to perform their role?

1) A range of different skills and experiences can be applied to the role of a Council Member. Notwithstanding, the City of Vincent supports mandatory training for Council Members to ensure minimum desired competencies are achieved and maintained.

2) The City also supports Local Governments establishing an Elected Member Training Policy which encourages training and includes a budgetary provision of Elected Members training.

3) The City supports Local Government election candidates being required to attend a Candidate information session, either in person or on-line, as an eligibility criteria for nomination as an Elected Member.

- 14) Do these vary between local governments?

- 15) If so, in what way?

2.2 Funding training

Funding training: Guidance questions

- 16) Who should pay for the costs of training (course fees, travel, other costs)?

The City believes that training costs should be paid for by the Local Government.

- 17) If councils are required to pay for training, should a training fund be established to reduce the financial impact for small and regional local governments?

No

- 18) Should contribution to such a fund be based on local government revenue or some other measure?

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

2.3 Mandatory training

Mandatory training: Guidance questions

19) Should elected member training be mandatory?

Yes

20) Why or why not?

The City would not support a requirement for candidates to undertake training prior to nomination as it is likely to result in a barrier to nomination and participation.

In line with Recommendation 9 of Council's 'Raising the Bar' Discussion Paper (April 2016) – "The City of Vincent supports the introduction of mandatory induction training for new and re-elected Council Members, with new regulations established to require:

- Each local government to have a training policy for new and existing Mayors and Council Members, to be reviewed every four years;
- Training must cover four basic modules of learning, including: Introduction to Local Government – the role and functions of local government; Legal responsibilities – legal obligations and responsibilities under the Local Government Act 1995; Council Meetings – meeting procedures to guide Council decision making; and Financial Management and Reporting – understanding Council Member responsibilities for financial and asset management;
- Training to be provided by the Western Australian Local Government Association or by another accredited provider approved by the Department;
- The city actively encourages the use of contemporary delivery methods including online; and
- A six month prescribed timeframe in which Council Members must undertake mandatory training.

21) Should candidates be required to undertake some preliminary training to better understand the role of an elected member?

Yes

22) Should this be Compulsory?

Yes

23) Should prior learning or service be recognised in place of completing training for elected members?

24) If yes, how would this work?

3) The City supports Local Government election candidates being required to attend a Candidate information session, either in person or on-line, as an eligibility criteria for nomination as an Elected Member.

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

A six month prescribed timeframe in which Council Members must undertake mandatory training.

2.4 Continuing professional development

Continuing professional development: Guidance questions

26) Should ongoing professional development be undertaken by elected members?

Yes

27) If so, what form should this take?

The City supports the principle of ongoing professional development but does not believe there should be a mandatory system of continuing professional development.

Training: Guidance question

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

3. The behaviour of elected members

3.1 Current Situation

Codes of conduct: Guidance questions

29) Should standards of conduct/behaviour differ between local governments?

Yes

30) Please explain.

The primary issue relating to Codes of Conduct is that they are extremely difficult to enforce, particularly if a section is not supported by regulations. A breach of a Code of Conduct should be treated as misconduct and the ability to sanction Council Members should be made available.

The City supports development of a model Code of Conduct for adoption by all local governments as a mandatory minimum standard, thus ensuring greater consistency in conduct across the sector whilst enabling individual local governments to establish standards of conduct above and beyond those specified in the model Code.

Which option do you prefer for codes of conduct and why? The primary issue relating to Codes of Conduct is that they are extremely difficult to enforce, particularly if a section is not supported by regulations. A breach of a Code of Conduct should be treated as misconduct and the ability to sanction Council Members should be made available.

The City supports development of a model Code of Conduct for adoption by all local governments as a mandatory minimum standard, thus ensuring greater consistency in conduct across the sector whilst enabling individual local governments to establish standards of conduct above and beyond those specified in the model Code.

31) How should a code of conduct be enforced?

3.2 Regulation of elected member conduct: rules of conduct

Streamlined rules of conduct: Guidance questions

32) Do you support streamlined Rules of Conduct regulations?

No

33) Why?

The Rules of Conduct regulations are generally sensible and supported by the City. Instead, the key issue is the enforcement of the regulations - both the timeliness of complaints being heard and the range of sanctions available. A timeframe of at least 12 months should be available to make a complaint.

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

35) Do you support a reduction in the time frame in which complaints can be made?

36) Is three months adequate?

Revised disciplinary framework: Guidance questions

37) Do you support an outcome-based framework for elected members?

No

38) Why or why not?

The City is of the view that if a regulation is in place, it should be adhered to and appropriately enforced, regardless of the outcome. While the principle of an outcome-based framework is laudable - the subjective nature of deciding whether a behaviour led to a particular outcome is likely to produce less consistent determinations as a result of that subjectivity.

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

No

3.3 Other matters recommended in the 2015-16 review

Application of the Rules of Conduct: Guidance question

- 40) Should the rules of conduct that govern behaviour of elected members be extended to all candidates in council elections?

Yes

- 41) Please explain.

In order to provide for procedural fairness and reduce the opportunity for a public complaint process to be used as political mechanism (e.g. trial by media).

Offence Provisions: Guidance questions

- 42) Should the offence covering improper use of information be extended to former members of council for a period of twelve months?

Yes

- 43) Why?

- 44) Should this restriction apply to former employees?

Yes

- 45) Please explain?

Confidentiality: Guidance question

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

Yes

- 47) Why?

In order to provide for procedural fairness and reduce the opportunity for a public complaint process to be used as political mechanism (e.g. trial by media).

3.4 Reforms to the Local Government Standards Panel and the means to review alleged breaches of the Rules of Conduct Regulations

Sector conduct review committees: Guidance questions

48) What do you see as the benefits and disadvantages of this model?

The introduction of Conduct Review Committees appears to add an additional layer of complexity and bureaucracy to the system, with the likelihood being that administrative overhead and costs will increase. The establishment of more than one Standards Panel would seem to be a simpler and more effective solution to reducing timeframes.

49) What powers should the Conduct Review Committee have?

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

51) Who should be able to be a member of a panel: elected members, people with local government experience, independent stakeholders?

52) Who should select the members for the pool?

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

54) Are the proposed actions for the Review Committee appropriate?

55) If not, what do you propose?

Review of elected member non-compliance: Guidance questions

56) Which of the options for dealing with complaints do you prefer? Why?

The status quo should be maintained but the Standards Panel should be appropriately resourced. In relation to the review process, the current practice whereby the sanction is appealable by the accused but the finding is not appealable is appropriate given the minor nature of minor breach system.

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

58) Who should be able to request a review of a decision: the person the subject of the complaint, the complainant or both?

Person the subject of the complaint

3.5 Sanctions and other Standard Panel matters

Mediation: Guidance question

59) Do you support the inclusion of mediation as a sanction for the Panel?

No

60) Why or why not?

Mediation should not be described as a "sanction" but as an alternative form of reaching an outcome. Mediation should come before any hearing / finding / determination as is the case with SAT appeals.

Prohibition from attending council meetings: Guidance questions

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

62) Why or why not?

The City has reservations about any 'stand down' provisions. Any proposal to prohibit elected members from attending council meetings should only be available once an Elected Member has been found to have committed a breach.

Further policy development of the Stand Down Provisions must take into account the established principles of natural justice and procedural fairness.

How many meetings should the Panel be able to order the elected member not attend?

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

Compensation to the local government: Guidance questions

- 65) Do you support the Panel being able to award financial compensation to the local government?

Yes

- 66) Why or why not?

Yes, in serious cases, but the compensation should not exceed their Council Member allowance / sitting fees.

- 67) What should the maximum amount be?

The compensation should not exceed their Council Member allowance / sitting fees.

Complaint administrative fee: Guidance questions

- 68) Do you support this option?

No

- 69) Why or why not?

No, a fee would deter complaints from being raised and therefore reduce the effectiveness of the Rules of Conduct regime. Instead, an option to order any frivolous or vexatious complainants to pay the Costs of

Proceedings may be appropriate - similar to section 88 of the State Administrative Tribunal Act 2004.

- 70) Do you believe that a complaint administrative fee would deter complainants from lodging a complaint?
Yes
- 71) Is this appropriate?
No
- 72) Would a complaint administrative fee be appropriate for a sector conduct review committee model?
- 73) Why or why not?
- 74) What would be an appropriate fee for lodging a complaint?
- 75) Should the administrative fee be refunded with a finding of minor breach or should it be retained by the Department to offset costs?
- 76) Why or why not?

Cost recovery to local government: Guidance questions

- 77) Do you support the cost of the panel proceedings being paid by a member found to be in breach?
No
- 78) Why or why not?

No, any financial penalty should be appropriate to the breach and not linked to the cost of a proceeding over which the member has little influence.

Publication of complaints in the annual report: Guidance question

- 79) Do you support the tabling of the decision report at the Ordinary Council Meeting?
Yes

80) Why or why not?

Tabling decision report at Ordinary Council Meeting: Guidance question

81) Do you support this option?

No

82) Why or why not?

The City's view is that the primary function of Council Meetings is as a decision making forum. The City supports the mandatory publication of breaches on the City's website and in the annual report.

3.6 Elected member interests

Elected member interests: Guidance questions

83) Should not-for-profit organisation members participate in council decisions affecting that organisation?

84) Why or why not?

The City supports the removal of the exemption from disclosure for financial interests arising from membership of a NFP organisation.

85) Would your response be the same if the elected member was an office holder in the organisation?

Improving the behaviour of elected members: Guidance question

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

The City supports WALGA's adopted position on this issue which is:

"WALGA supports:

1. Official Conduct legislation to govern the behaviour of Elected Members;
2. An efficient and effective independent Standards Panel process;

3. An ability for the Standards Panel to dismiss vexatious and frivolous complaints; and
4. Confidentiality for all parties being a key component of the entire process."

4. Local government administration

4.1 Recruitment and selection of local government Chief Executive Officers

Recruitment and selection of local government CEOs: Guidance questions

87) Would councils benefit from assistance with CEO recruitment and selection?

Yes

88) Why?

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

The Local Government (Administration) Regulations and/or Section 5.36 of the Local Government Act 1995 should be amended to include the following requirements:

The Council must approve the recruitment brief and advertisement before commencement of advertising the CEO position;

The Council must, at a formal meeting, review and approve the proposed employment contract before an offer of appointment to a CEO or re-appointment of an existing CEO.

Councils to advertise the position of CEO following the completion of a ten year period by the same employee.

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

91) If so, how?

It may be worthwhile for the Public Sector Commission to have some limited role to play in providing information, advice or support to a Council in relation to its recruitment of a CEO or management of the CEO's contract. However, that role should only be at the Council's option and invitation and should never usurp or be a substitute for the Council's role as the decision-maker in respect of such matters.

- 92) Should other experts be involved in CEO recruitment and selection?
- 93) If so, who and how?

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

4.2 Acting Chief Executive Officers

Acting CEOs: Guidance questions

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

Yes

- 96) Why or why not?

The recruitment process of an acting CEO should be covered in legislation, only to the extent of requiring the City to adopt a policy position on the process which is already in place at many local governments.

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

- 98) Who should appoint the CEO if there will be vacancy for an extended period (for example, while a recruitment process is to be undertaken)?

4.3 Performance review of local government Chief Executive Officers

Performance review of local government CEOs: Guidance questions

99) Who should be involved in CEO performance reviews?

The City of Vincent has adopted a CEO Annual Performance Review Policy which sets out the process that the City believes is appropriate for undertaking the CEO performance review. This is available on the website at <https://www.vincent.wa.gov.au/documents/1285/4.2.16-ceo-annual-performance-review>.

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

101) How often should CEO performance be reviewed?

102) Which of the above options do you prefer?

103) Why?

104) Is there an alternative model that could be considered?

4.4 Extension or termination of the Chief Executive Officer contract immediately before or following an election

Termination or extension of CEO contract around an election: Guidance questions

105) Would a 'cooling off' period before a council can terminate the CEO following an election assist strengthening productive relationships between council and administration?

Yes

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

council supports amending the Local Government Act 1995 to prohibit a Council from making any decision in respect to the appointment of a CEO (where a vacancy has arisen from termination) or the renewal or extension

of a CEO's contract of employment within the six months prior to the biennial Council election.

However, Council does not support a 'cooling off' period after an election.

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

108) Should there be any exceptions to this?

4.5 Public expectations of staff performance

Public expectations of staff performance: Guidance questions

109) Is greater oversight required over local government selection and recruitment of staff?

No

110) Should certain offences or other criteria exclude a person from being employed in a local government?

111) If so, what?

The current selection and recruitment processes are working adequately.

Strengthening local government administration: Guidance question

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

The City supports WALGA's adopted position in relation to Section 5.38 - Annual Review of Certain Employees Performance - which is:

"That Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review."

5. Supporting local governments in challenging times

Remedial intervention: Guidance questions

113) Should the appointed person be a departmental employee, a local government officer or an external party?

114) Why?

Inadequate detail and justification has been provided in the consultation paper for the City to provide an informed response to this proposal. In the meantime, the City has reservations about the introduction of a power for the State Government to direct remedial intervention through the placement of a third party into a local government. Questions relating to this concept include but are not limited to – Who appoints the person? What ordinary or extraordinary powers would they be given? Would they become an employee of the local government and therefore be bound by all employee-related rules and requirements?

115) Should the appointed person be able to direct the local government or would their role be restricted to advice and support?

116) Please explain.

117) Who should pay for the appointed person?

118) Why?

Powers of appointed person: Guidance question

119) What powers should an appointed person have?

The power to access information.

Remedial action process: Guidance questions

120) Do you think the proposed approach would improve the provision of good governance in Western Australia?

121) Please explain.

The City has no position on this issue.

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

Supporting local governments in challenging times: Guidance question

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

The City supports WALGA's adopted position on this issue which is:

"That State Council endorse the following general principles as being fundamental to its response to the review of the Local Government Act:

- (a) Uphold the General Competence Principle currently embodied in the Local Government Act;
- (b) Provide for a flexible, principles-based legislative framework; and
- (c) Promote a size and scale compliance regime."

6. Making it easier to move between State and local government employment

Transferability of employees: Guidance questions

124) Should local and State government employees be able to carry over the recognition of service and leave if they move between State and local government?

125)

126) What would be the benefits if local and State government employees could move seamlessly via transfer and secondment?

The City has no issues with carrying over the recognition of service and leave between state and local government, providing that any leave and entitlements carried over from one sector into the other are paid for and honoured by the employee's past employer(s), as is currently the case when employees move between employers in the same sector.

Making it easier to move between State and local government employment: Guidance question

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

7. Gifts

7.1 Simplifying the gift provisions

A new framework for disclosing gifts: Guidance questions

128) Is the new framework for disclosing gifts appropriate?

129) If not, why?

The City generally supports the recommendations of the Gifts Working Group, subject to the imposition of a \$50 disclosure threshold and a \$300 prohibited gift threshold in place of the approach recommended by the Working Group. The option could be provided for Councils to adopt their own threshold for prohibited gifts through a publicly advertised Policy of Council.

130) Is the threshold of \$500 appropriate?

No

131) If no, why?

it provides significant opportunities for gift giving to become routine without the need to disclose.

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

Yes

133) Why or why not?

The City believes that gifts from "developers" that should be prohibited. The City has defined what constitutes a "developer" in its "Policy 4.2.15 - Council Member Contact with Developers" - the definition was modelled on the Queensland government definition of the term. The City would also support allowing local government to prohibit other categories of gift givers, for example 'lobbyists' and other groups or categories of persons.

134) If yes, what gifts should be prohibited?

Excluding gifts received in a personal capacity: Guidance questions

135) Should gifts received in a personal capacity be exempt from disclosure?

Yes

136) If yes, how could 'personal capacity' be defined?

137) Should there be any other exemptions from the requirement to disclose a gift over the threshold?

138) If so, what should these be? Please justify your proposal.

Gifts: Guidance question

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

8. Access to information

8.1 Public notices

Public notices: Guidance questions

140) Which general option do you prefer for making local public notices available?

Option 7

Why?

The requirement to display public notices in newspapers should be removed. Instead, there should be a requirement for the public notice to be published on the Local Government's website.

The creation of central WA "Public Notice Portal" should be considered to provide a central point for interested parties to view public notices from across the state. In addition, compliance and verification of public notice requirements would be simple.

141) Should the requirements for any notice in the Supplementary Information - Public Notices be changed?

142) Please list and explain the reasons for the proposed change.

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

144) Please provide details

8.2 Information available for public inspection

Information available for public inspection: Guidance questions

145) Using the following table, advise how you think information should be made available:

Provision	Documents	In person only	Website only	Both	Neither
Section 5.53	Annual Report Website only Website only				
Section 5.75 & 5.76	Primary and Annual returns – for Elected members Includes – sources of income Trusts Debts Property holdings. Interests and positions in corporations.				
Section 5.87	Discretionary disclosures generally Website only				
Section 5.82	Gifts (already required to be on the website) Website only				
Section 5.83	Disclosure of travel contributions (already required to be on the website) Website only				
Elections Regulations 30H	Electoral gifts register Website only				
Section 5.98A	Allowance for deputy mayor or deputy president Website only				

Section 5.100	Payments for certain committee members Website only
Functions and General Regulations 17	Tenders register Website only
Section 5.94 & Administrati on Regulations 29	Register of delegations to committees, CEO and employees Website only
	Minutes of council, committee and elector meetings Website only
	Future plan for the district Website only
	Annual Budget Website only
	Notice papers and agendas of meetings Website only
	Reports tabled at a council or committee meeting Website only
	Complaints register (concerning elected members) Website only

Contracts of
employment of the CEO
and other senior local
government employees

Website only

Schedule of fees and
charges

Website only

Proposed local laws

Website only

Gazetted Local laws
(and other law that has
been adopted by the
district)

Website only

Rates record

Neither

Electoral roll

Neither

Note: There is no intention to amend the current limitations imposed by section 5.95 of the Act which limits the disclosure of certain information.

146) Should the additional information that is available to the public in other jurisdictions be available here?

Yes

147) If so which items?

Other items should include:

- Disclosures of interests
- Register of Common Seal Usage
- Contracts Over \$150,000
- Lease Register
- Council Member allowances, expenses and meeting attendances

- Register of Council Member Contact with Developers
- Public Reporting of Travel Undertaken by Councillor Members and Staff

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

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

The City has championed transparency and accountability in local government and supports making information freely available to the public wherever practical. The City recommends that all Councils are required to have a Governance and Accountability portal, directly linked from the homepage of their website, to host all required public registers, governance structures and complaint mechanisms for both local and state authorities. Specific Council endorsed positions on this are contained in the 'Raising the Bar' Discussion Paper (April 2016) and Agenda Item 9.3.4 - Review of Registers maintained by the City with a view to publication on the City's website, from the Council Meeting of 20 September 2016. This includes (but is not limited to) provision of the following information publically and online:

- an annual register of Senior Salaries (CEO, Directors and Managers),
- register of all financial and impartiality interests disclosed by Council Members and relevant staff
- register of Councillor Allowances and Reimbursements
- register of travel, including dates, costs, location and purpose and a report to Council within one month
- register of developer contact, as defined in the City's Developer Contact Register Policy.

150) For Local Governments: How often do you receive requests from members of the public to see this information?

151) What resources do you estimate are involved in providing access in person (hours of staff time and hourly rate)?

Access to information: Guidance question

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

9. Available information

9.1 Expanding the information provided to the public

Expanding the information provided to the public: Guidance questions

153) Which of these options do you prefer?

Option 2: Additional reporting requirement

154) Why?

The City's position is that there should be a requirement for Local Governments to publish additional information and furthermore that the information should be in a standard format so that it is easily comparable between local governments. The City believes that local government transparency is an important element of good governance.

155) In the table below, please indicate whether you think the information should be made available, and if so, whether this should be required or at the discretion of the local government:

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

Proposal	Should this be made available: No, optional, required?
Performance reviews of CEO and senior employees	Required
Website to provide information on differential rate categories	Required
District maps and ward boundaries	Required
Adverse findings of the Standards Panel, State Administrative Tribunal or Corruption and Crime Commission.	Required
Financial and non-financial benefits register	Required

156) **What other information do you think should be made available?**

Note 1 - Elected member representation at external meetings/events - In principle, this should be required. However, further clarification is required as to what might constitute a meeting or event.

Note 2 - Complaints made to the local government and actions taken - Further definition of what a "complaint" means is required.

Note 3 - Performance reviews of CEO and senior employees - Only a summary of the CEO's performance review should be required to be published.

Note 4 - Adverse findings of the Standards Panel, State Administrative Tribunal or Corruption and Crime Commission - Rather than just "adverse" findings why not all findings in relation to the local government?

Note 5 - Financial and non-financial benefits register Required - for Elected Members and CEO only, not senior staff.

Expanding the information available to the public: Guidance question

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

Defining red tape: Guidance questions

158) Which regulatory measures within the Act should be removed or amended to reduce the burden on local governments? Please provide detailed analysis with your suggestions.

a) Briefly describe the red tape problem you have identified.

1) Remove the need to advertise Senior Officer roles in print media. - Section 5.37(3).

2) That section 6.26 be amended to clarify whether or not the City has the power to part rate a property that is used for both exempt and non-exempt purposes, and furthermore to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;

I

b) What is the impact of this problem? Please quantify if possible.

c) What solutions can you suggest to solve this red tape problem?

159) Which regulatory measures within the Act should be removed or amended to reduce the burden on the community? Please provide detailed analysis with your suggestions.

a) Briefly describe the red tape problem you have identified.

b) What is the impact of this problem? Please quantify if possible.

c) What solutions can you suggest to solve this red tape problem?

10.1 Potential red tape reductions

Special majority: Guidance question

160) Should the provisions for a special majority be removed?

Yes

161) Why or why not?

Yes, a special majority adds complexity and an absolute majority would be appropriate in those cases where a special majority is currently called for.

Senior employees: Guidance questions

162) Is it appropriate that council have a role in the appointment, dismissal or performance management of any employees other than the CEO? Why or why not?

The existing arrangement provides an important control around appointment and dismissal of senior employees and should be retained. See also response to Question 1.A.

163) Is it necessary for some employees to be designated as senior employees?

164) If so, what criteria should define which employees are senior employees?

Exemption from accounting standard AASB124 - Related party disclosures: Guidance questions

165) Are the existing related party disclosure provisions in the Act sufficient without the additional requirements introduced by AASB 124?

Yes

166) Why or why not?

The City supports WALGA's adopted position on this issue which is:

"That Regulation 4 of the Local Government (Financial Management) Regulations be amended to provide an exemption from the application of AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS)."

Disposal of property: Guidance questions

167) The threshold for trade-ins was set originally to \$50,000 in 1996 and raised to \$75,000 in 2015. Should that threshold be raised higher,

Yes

168) if so how high?

The City supports WALGA's adopted position on this issue which is:

Dispositions of Property: Local Government (Functions and General) Regulation 30(3)

"That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity."

169) Should the threshold remain at \$75,000 but with separate exemptions for specific types of equipment, for example plant?

170) The general \$20,000 threshold was put in place in 1996 and has not been amended. Should the threshold be raised higher than \$20,000?

171) If so, what should it be and why?

172) Would raising these thresholds create an unacceptable risk that the items would not be disposed of to achieve the best price for the local government?

173) Is there an alternative model for managing the disposal of property? Please explain.

Reducing red tape: Guidance question

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

11.1 Risks and benefits of borrowing

Regional subsidiaries: Guidance questions

- 175) Which option do you prefer?
- 176) Should regional subsidiaries be allowed to borrow money other than from the member councils?
- 177) Why or why not?

The City has no position on the issue of borrowing for Regional subsidiaries.

- 178) If a regional subsidiary is given the power to borrow directly, what provisions should be put in place to mitigate the risks?

Regional subsidiaries: Guidance question

- 179) Do you have any other suggestions or comments on this topic, including on any other aspect of the *Local Government (Regional Subsidiaries) Regulations 2017*?

Local Government Act review: Guidance question

- 180) You are invited to make comment and put forward suggestions for change on other matters which have not been covered in this paper.

Public Question Time

The Local Government (Administration) Regulations 1996 should be amended to provide more consistent and minimum standards for question time and statements from the public across all local governments to enable greater participation, including:

- Specifically allowing the making of a public question and/or a general statement in relation to an agenda item or broader Council matter;
- Allowing a member of the public to directly ask the question without being required to submit the question in advance; and

- Setting a prescribed time limit of three minutes for any question or statement to be made by a member of the public at a Council meeting but limits such statements or questions to one ratepayer per meeting to enable a timely management of meetings.

Voter Franchise

The City of Vincent is supportive of a one vote/one value model and is not supportive of any changes which would enshrine further disparity and unfairness in the current voting system such as compulsory enrolment of businesses or non-residential property owners.

Trading Entities

The Local Government Act 1995 should afford greater freedom and flexibility to establish trading entities and enter into private-public partnerships for business and community purposes.

Audit Committees – External Member payments

The Local Government Act 1995 should be amended to allow for payments to be made to external members of audit committees in order for local governments to attract and retain high calibre independent members;

Audit Committees – Mandatory External Members

The City advocates that the appointment of external members to audit committees should be made mandatory in order to bring high level, professional finance and governance skills and a fresh perspective to the organisation. The appointment of external members is recommended in the Department of Local Government's Guideline No 9 – Audit Committees.