



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**

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Phase 1: Consultation Paper

8 November 2017

Submitter Contact Person: Aaron Cook

# 1. Relationships between council and administration

## Introductory questions

- 1) Would you like your submission to remain anonymous?  
No
- 2) Postcode:  
6312
- 3) Who are you submitting on behalf of?  
Local Government
- 4) Local government name:  
Narrogin Shire
- 5) Organisation name
- 6) Are you a:  
Other

## Defining the roles of council and administration: Guidance questions

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

It is felt that the definition should include facets of the wording from South Australia

- To participate in the deliberations and civic activities of the council
- To keep the council's objectives and policies under review to ensure that they are appropriate and effective
- To keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review

And the Northern Territory

- To ensure that the council acts honestly, efficiently and appropriately in carrying out its statutory responsibilities

- 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?  
Yes
- 11) How do you propose that these are improved?

It is felt that greater training should be provided to ensure that clear understanding of the separation of duties is provided and the penalties of acting outside of this mandate.

### **Improving relationships between council and administration: Guidance question**

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

Nil

## 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?

Many Elected Members gain a place on Council without any prior knowledge of the Local Government, the issues it faces and its decision-making processes. The core competencies may remain the same but if the Elected Member has no background understanding, then this limits their ability to act for a considerable period.

As such, it is proposed that Elected Members facilitate an online training course on how Local Governments function prior to nominating and as a pre-requisite should have attended a minimum number of Council meetings prior to nomination.

1. Meeting procedures
2. Interpreting Financial statements
3. Roles and responsibilities of Elected Members
4. Local Government Act and Legislation

- 14) Do these vary between local governments?

Yes

- 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)?

Most of the training should be provided online. In this way there is no reason why it can't be provided free of charge.

The Department currently leaves much of the training to WALGA and although they are good providers they need to charge for this service and it

is very difficult for Elected Members to attend group training when the distances are great.

- 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?

Yes

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

Most of the training should be provided online. In this way there is no reason why it can't be provided free of charge.

The Department currently leaves much of the training to WALGA and although they are good providers they need to charge for this service and it is very difficult for Elected Members to attend group training when the distances are great.

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?

Yes. The core subjects being "4" should be mandatory and achieved within the first two years of office. It is also felt that the prior to nominating, online fundamentals of Local Government and being an Elected Member should be mandatory.

- 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?

Yes

24) If yes, how would this work?

Yes. There is no reason for this not to be the case if the Elected Member had been a serving officer that was involved in providing Council information and liaised with Elected Members within the last 5 years. Also for Elected Members that have served o

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

It is felt that to complete the 4 “four” core required units, two years is sufficient time for this training to be completed.

1. Meeting procedures
2. Interpreting Financial statements
3. Roles and responsibilities of Elected Members
4. Local Government Act and Legislation

## 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?

Yes. This should be encouraged but it should mandatory to complete the core units, as stated previously, and attend other training provided where possible.

Other than the 4 mandatory units it is felt that training should be optional but encouraged.

### **Training: Guidance question**

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

Yes. If Local Government Elected Members require Mandatory training then State and Federal Members of Parliament should also be required to perform mandatory training to be prepared for their roles as they have more responsibility, accountability and utilise far more tax payers' funds than Local Government Elected Members will have decisions over.

## 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 standards of Conduct should always be professional and, as such, no they should be the same across all Local Governments.

Which option do you prefer for codes of conduct and why?

It is felt that a model code should be adopted by Local Governments and in that would bring uniformity to the sector.

31) How should a code of conduct be enforced?

Depends on the offence of the Elected Member. If minor in nature then Council can deal with this internally (Although in most cases Elected Members would take no action) and when increasing in severity the penalties should be legislated or contained within the Model Code for financial penalties, public apologies, restrictions from sitting etc.

### 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?

Yes

33) Why?



Yes. Streamlining will assist if breaches are an issue at that particular Local Government. However, the adopted Code of conduct should outline what a minor Breach is and dealt with internally with recommended penalties and what a major breach is that will be dealt with externally by a standard panel and the potential penalties.

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

The process needs to be very clear and Elected Members have absolute understanding of what is acceptable and what is not and what penalties will apply. This should all be contained within the model Code of Conduct.

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

Yes

36) Is three months adequate?

No

### Revised disciplinary framework: Guidance questions

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

Yes

38) Why or why not?

Yes. It must be noted that this section does not discuss Outcome Based Frameworks? And as such this question is difficult to answer. The actions that should be set out, is felt should include:

- impairing the integrity of the local government;
- impairing the operational performance of the local government;
- impairing the reputation of the local government; and
- any other matters as set out in regulations.

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

Yes



### 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?

No

- 41) Please explain.

The complaint should not be confidential. If it is proven that there is no substance to the complaint then this will be advised at the point when the matter is resolved.

#### 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?

Yes it should; however, the question has to be asked why limit it to 12 months. If the person utilises sensitive information in the future outside of the 12 months this can still damage the organisation or other Elected Members to gain a goal. This is

- 44) Should this restriction apply to former employees?

Yes

- 45) Please explain?

Again as above yes if information is obtained as part of their role and if obtained confidentially this should not be used to damage the Council or staff or organisation.

#### Confidentiality: Guidance question

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

No

47) Why?

The complaint should not be confidential. If it is proven that there is no substance to the complaint then this will be advised at the point when the matter is resolved.

### 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 advantage is that the process might be resolved quicker with more relevant knowledge of the person and behaviours if the Conduct Review Committee is established with surrounding Local Government Members. The issue that might arise with this is that it might be hard to find participants if the surrounding Councils know the person well.

49) What powers should the Conduct Review Committee have?

To dismiss frivolous and vexatious claims and only deal with absolute minor breaches that would be dealt with a low level or internally.

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

Fraud and serious breaches, and people who are serial offenders.

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

People with local government experience

52) Who should select the members for the pool?

The Department and or Minister via an application process.

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

Three to Five.

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

Yes

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?

Option 2 as it is hoped that this would allow the complaint to be resolved quicker and at a more local level.

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

Nil

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

Both

## **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?

Yes

60) Why or why not?

This action has the potential to assist, but can also potentially make matters worse and as such both parties need to be accepting.

### **Prohibition from attending council meetings: Guidance questions**

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

Yes

62) Why or why not?

Yes as Council cannot restrict an Elected Member from attending and is seen as a visible action taken if found guilty.

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

This should be up to the standards panel and be dependent on the breach committed and its severity.

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

No

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. If the Elected Member has committed a Breach the Council should not be out of pocket.

67) What should the maximum amount be?

The maximum amount should be cost recovery with an upper limit stipulated to be \$10,000.

### Complaint administrative fee: Guidance questions

68) Do you support this option?

Yes

69) Why or why not?

Yes. To reduce the number of trivial and vexatious complaints being made.

70) Do you believe that a complaint administrative fee would deter complainants from lodging a complaint?

Yes

71) Is this appropriate?

Yes

72) Would a complaint administrative fee be appropriate for a sector conduct review committee model?

Yes

73) Why or why not?

It depends on the situation but if there is genuine cause for concern then Yes and if the review was undertaken, regardless of the findings, the fee should be returned to the applicant as the sector recognised there may be an issue.

74) What would be an appropriate fee for lodging a complaint?

The fee needs to be accessible for people on low incomes; however, the fee should be a minimum of \$5

- 75) Should the administrative fee be refunded with a finding of minor breach or should it be retained by the Department to offset costs?

Yes

- 76) Why or why not?

If a minor breach has occurred then there was merit for the investigation so the fee should be returned.

### 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?

Yes

- 78) Why or why not?

This appears to be a fair response if proven the breach occurred and could be removed from their sitting fees etc; however, if they depart Council by resignation then Council should have the right to seek these funds through debt collection.

### 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?

This point needs to be very clear and currently it is not. In the guidance above it is discussing minor breach allegations against Elected Members, not minor complaints that may not be breaches of conduct. In addition, what action apply if the allegati



## **Tabling decision report at Ordinary Council Meeting: Guidance question**

81) Do you support this option?

Yes

82) Why or why not?

This would result in the breach being public knowledge and it is felt that this would potentially act as a deterrent and if proven would be public record anyway. As such the response is Yes.

## **3.6 Elected member interests**

### **Elected member interests: Guidance questions**

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

No

84) Why or why not?

No. They should not as their judgement may be clouded by potential bias and should depart the meeting.

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

Yes

### **Improving the behaviour of elected members: Guidance question**

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

No

## 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?

Some councils would benefit from external assistance and many small councils who reject this would likely need it more than others that would accept the assistance. However, in this, there comes the cost of the assistance. Many LG's simply cannot afford

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

The Department should/could have a list of appropriately trained and skilled CEO's for each tier and this could be used when considering appointments. For example, if a person was a current CEO and was not on the list then questions would need to be asked as to why. Alternatively, the Department should have a list of CEO's that have wronged the sector previously, how and what occurred and the employing LG could consult this list to ensure that similar mistakes do not occur again in the future.

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

Yes

91) If so, how?

Yes but if so to have the LG's take up this offer it should not be mandatory and nor should there be an expense for this assistance.

92) Should other experts be involved in CEO recruitment and selection?

Yes

93) If so, who and how?

It is better when consultants perform/facilitate the recruitment on behalf of the Elected members; however, again this should not be mandatory.

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

This again is a difficult question as it is different for every Local Government as to what skills and attributes they require from the CEO. However, in this day and age they should be degree qualified and have a minimum of 5 years senior management experience within Local Government prior to being considered.

## 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?

For short term relief for annual leave and sick leave legislative requirements are not supported as this complicates the matter for short period of time. However, if the Council wish to appoint an acting CEO in the instance of long term leave and or temporary replacement, then legislation would benefit but should be considerably easier than appointing a permanent CEO as the urgency would be far greater and in most instances is not planned.

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

A short-term vacancy should be appointed by the existing CEO if available to do so, if not then this should be the Shire President/Mayor. A limit to this

short-term appointment should apply. For example, at the Shire of Narrogin the CEO can appoint for

- 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)?

It is felt that Council should appoint the Acting CEO for extended periods.

## 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?

Council should be the drivers of the Performance Review. It is acknowledged that many small LG's do not have the skill set to facilitate this but cannot afford to engage a consultant to undertake the review. It is felt that although a committee may be e

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

This would have to vary from Council to Council as each LG has many varying requirements and issues, though assessment against predetermined KPI's should be mandatory.

- 101) How often should CEO performance be reviewed?

The review should be performed once per year, unless exiting the six-month probationary review and or there are specific issues or tasks that require formal review. As such more than one can be performed if required.

- 102) Which of the above options do you prefer?

All options have merit but each have their issues. For example if option one is mandated who is to pay for the Third Party involvement? It will be the Council and many may not be able to afford this. As such, it should be encouraged but not mandatory. Option 2 the policy can only really outline the process for the review rather than the content as the content can change over the years and should not be locked in. Option 3: a standard review template has merit but again should be relevant to the size of the Council and their tier rating.

103) Why?

Yes

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

A marriage of the three above would be preferred where by it is recommended that LG's utilise an ext

#### 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?

Yes. If the relationship is broken then it will not repair and a cooling off period could make things even worse. If both parties are amicable then the action can take place. However, the question must be asked that if a new Council is elected and they

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

If the CEO's anniversary date falls within a certain period prior to the election why should this then be delayed for the election process to be

facilitated? The new Elected Members even with 6 months sitting may not have any real relative experience as

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?

Yes

111) If so, what?

If due process if followed there should be no need for oversight unless, being a small Local Government, the skill set is not available and in that instance the regional centre could assist in these requirements.

Having committed and being proven guilty of any type of fraud, should exclude employment in local government. Due to the nature of industry if failure to obtain a Working with Children's check should exclude working in local government. There should also be a working with the aged check as the same rule should apply as above. The reason is that all staff in local Government can come into contact with children and the aged.

### Strengthening local government administration: Guidance question

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

## 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?

Departmental employee

114) Why?

It would be good if the Department of Local Government was able to provide a suitably qualified and experienced person to undertake this task and have the time and availability. Realistically, it would need to be an external person that is suitably qualified with direct experience within Local Government.

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

Restricted to advice and support

116) Please explain.

This should be restricted to advice/support but not directive. This would need to come from the Minister.

117) Who should pay for the appointed person?

If the Local Government has failed then the Local Government should pay for the appointed person.

118) Why?

If the Local Government has failed then the Local Government should pay for the appointed person. This may not be known until after the appointed person has had time to enquire into the issue. For example, if triggered by a vexatious/serial complainant

## **Powers of appointed person: Guidance question**

119) What powers should an appointed person have?

The appointed person should have no powers other than to enquire and observe and then report to the Department / Minister.

## **Remedial action process: Guidance questions**

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

No

121) Please explain.

No. Most Local Governments in the State provide good governance even if it is to what they can achieve and can afford. Unless the governance is to be scaled to be reflective of the size of the Local Government then the requirements for a tier 4 Council

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

It is imperative that the appointed person has worked within and is a seasoned experienced professional from Local Government.

## **Supporting local governments in challenging times: Guidance question**

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



no

## 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?

Yes. This is not seen as a major issue and would be good to encourage the diversification of skills that potential staff members may have, being and greater retention of knowledge regarding the State and Local Government within the Government 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?

Recovery of the accrued entitlements are to be paid by the departing organisation.

## 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?

Yes

129) If not, why?

Yes. The proposed framework is far more acceptable than the existing requirement for the LG to have a policy for all other staff is appropriate.

130) Is the threshold of \$500 appropriate?

Yes

131) If no, why?

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

No

133) Why or why not?

No. All gifts must be declared.

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?

If a gift is provided from a person like family members should be exempt. Gifts from personal friends, should not be recorded if a threshold is not breached. A prime example is if someone gets married, in small communities many if not most of the commu

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

Yes

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

If a lunch or dinner valued at under \$50 should be exempt if provided to facilitate training or work.

### **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 4

Why?

Both print and electronic versions. However, the print option should be with a locally distributed paper that is distributed locally not necessarily State-wide.

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

No

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 Both Both				
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. Neither				
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				

	Neither
Section 5.100	Payments for certain committee members Neither
Functions and General Regulations 17	Tenders register Neither
Section 5.94 & Administration Regulations 29	Register of delegations to committees, CEO and employees Neither
	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

Neither

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Schedule of fees and  
charges

Website only

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Proposed local laws

Website only

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

Website only

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Rates record

Website only

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Electoral roll

Website only

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**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?

No

147) If so which items?

No. It is felt that Local Government is very open and transparent currently and does not need to change.

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

Optional

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

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

The Shire of Narrogin has never received a request to view most of the information listed above and

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

Very rarely

### **Access to information: Guidance question**

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

No



## 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 1: Status Quo

154) Why?

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	
Diversity data on council membership and employees	
Elected member attendance rates at council meetings	
Elected member representation at external meetings/events	
Gender equity ratios for staff salaries	
Complaints made to the local government and actions taken	
Performance reviews of CEO and senior employees	
Website to provide information on differential rate categories	

Proposal	Should this be made available: No, optional, required?
District maps and ward boundaries	
Adverse findings of the Standards Panel, State Administrative Tribunal or Corruption and Crime Commission.	
Financial and non-financial benefits register	

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

### Expanding the information available to the public: Guidance question

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

Member of the Public like to take action against Local Government for not providing enough information, yet when required what they would like to see they can't answer. There is too much media hype that Local Governments are corrupt and in the game of h

## 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.

Remove the requirement for the Annual Electors Meeting.

I

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

Additional burden when every Council meeting is open to the public

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

Remove the requirement.

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.

Nil

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

Nil

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

Nil

## 10.1 Potential red tape reductions

### Special majority: Guidance question

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

No

161) Why or why not?

This does not affect the Shire of Narrogin as we have 9 Elected Members.

### **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?

No. However, if the CEO requests Elected member input then this is more than appropriate as many small councils do not have HR Managers and additional advice and seek input from the Shire President or an Elected Member. This should not be mandatory.

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

Yes

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

This action should, as it is now being left to the CEO to determine with the Elected Members.

### **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?

No

166) Why or why not?

This disclosure creates confusion within the sector and needs greater clarification provided regarding the Gift Register requirements and these proposed changes and the Related Party Disclosures. In regard to the question of is the Act sufficient, yes i

## 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,

No

168) if so how high?

It is felt that the threshold can be retained at \$75K if Plant is removed from the requirements as questioned in (116)

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

Yes

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?

Yes

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

Natural increases should occur regularly. It is felt that this limit should be raised to \$50K.

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?

No

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

No. In most instances forcing a sale through a singular tender process 1) increases the administrative load and cost 2) reduces the amount of funds obtained as buyers do not have incentive to bid higher.

## 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?

Option 2: Regional subsidiaries are permitted to borrow from Treasury Corporation

176) Should regional subsidiaries be allowed to borrow money other than from the member councils?

Option 2: Regional subsidiaries are permitted to borrow from Treasury Corporation

177) Why or why not?

Yes. If the Business case fits and a lending institution is willing to loan money to it then.

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

Nil

### 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*?

Nil

### 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.

Consultation with Local Government has been raised with every Minister and the Department for at least the last 20 years in that consultation should not be conducted during the Christmas Period. It is a festive season when most people try to take leave, however for the rural Local Governments this also includes harvesting and can be one of their most busy periods. It is understood that this consultation period was extended but these factors should have been taken into consideration prior to advertising as it has been a contentious issue repeatedly and should not occur.