

REGIONAL CAPITALS ALLIANCE WA (RCAWA)

LOCAL GOVERNMENT REVIEW PANEL FINAL REPORT

Attachments	:	<ul style="list-style-type: none">• https://www.dlgsc.wa.gov.au/department/publications/publication/local-government-review-panel-final-report#The-High-Level-Package• WALGA State Council Report Item 5.5 Local Government Review Panel Final Report• Local Government Professionals (WA) – Preliminary Review
Report Prepared By	:	City of Albany - Manager Governance & Risk (S Jamieson)
Responsible Officer:	:	City of Albany - Chief Executive Officer (A Sharpe)

RCAWA Regionalisation Strategy

Representation:

- The Alliance provides a unified voice as a peak body for the Regional Capitals Alliance Review.

In brief:

The City of Albany Council as a member of the Regional Capitals Alliance WA (RCAWA), support the view that in general the sector welcomes local government reform and the majority of the changes proposed in the Local Government Review Panel Final Report.

Noting it is now time for the State Government to consider the report and its recommendations before beginning the drafting of a new Local Government Act green bill, it is recommended that RCAWA review the comments made by Local Government Professionals Western Australia (LGP) and the Western Australian Local Government Association (WALGA), specifically the comments in relation to the following panel recommendation - Recommendation: 53 - Enhanced Accountability and Self-Regulation, noting:

- Local Government Professionals (WA) Comment: This could have a significant impact on local government officers who support these committees. The requirement to have the majority of the committee as 'independent' members reduces the role of Councillors.
- WALGA: OPPOSES the recommendations, 53(a) and (b).

Recommendation: 53 - Enhanced Accountability and Self-Regulation

The Panel recommends the role of audit committees be expanded to become Internal Audit, Risk and Improvement Committees and:

- (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.
- (b) To address the impost on small local governments, the committee could be established on a regional basis.

Extract from report:

- The Panel supported the expansion and strengthening of the role of local government audit committees to become Audit, Risk and Improvement Committees. Moving to a principles-based Act and providing local governments with more autonomy emphasises the need for self-regulation. This requires a robust process for accountability and transparency, justifying the need for the committee to have an independent chair. The Panel also concluded that, given the committee's expanded and critical role, there should be a majority of members not associated with the local government in any way and appointed and remunerated for their skills.
- This aligns with the changes occurring within the State Government and the Office of the Auditor General recommendations.
- Audit, Risk and Improvement Committees should be required to review matters such as compliance, risk management, financial management, fraud control and governance of the local government.
- The Panel was of the view that an Audit, Risk and Improvement Committee could have a role in providing advice to council on decisions across a range of matters, including good governance, financial and risk

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management, and continuous improvement. The Chair could have a more public role, including in addressing council on relevant matters, reporting at the Annual Community Meeting and preparing a statement in the local government's annual report.

- To address cost and access to suitable personnel to take on this role, regional Internal Audit, Risk and Improvement Committees should be permitted. In addition, consideration should be given to establishing a panel of approved independent members from which councils could choose.

BACKGROUND

1. In November 2019 a panel of experts was formed to progress the development of a new Local Government Act for Western Australia.
2. The Local Government Review Panel was established to consider and recommend high-level direction and guiding principles for the new Act.
3. The panel met from November 2019 to May 2020 and looked at best practice models in Australia and overseas as well as the recent consultation on WA's Local Government Act 1995.
4. Consultation with the sector, through WALGA and direct submissions have been completed.
5. Work on a new Local Government Act is now being undertaken by the department.
6. At a meeting facilitated by WALGA on Wednesday 19 August 2020, local governments were requested to review the draft WALGA Position Paper and provide feedback through respective zone meetings.

DISCUSSION

7. The final report of the Local Government Review Panel (attached) outlines recommendations to guide the development of a new Local Government Act for Western Australia.
8. The report, by the Local Government Review Panel, follows on from significant legislative reforms passed by State Parliament last year, including mandatory training and a new gift declaration framework for all elected members.
9. The panel made 65 recommendations for the proposed legislation that are intended to focus on:
 - a. Future-proofing local governments and promoting healthy, connected and engaged local communities.
 - b. Integrity, inclusive local democracy, efficient service delivery and enhanced accountability across the local government sector.
10. WALGA, LG Professionals and the Legislative Review Committee have made comment and prepared draft position.
11. These positions have been consolidated for review.
Local Government Professionals (WA):
12. The Local Government Professionals WA is currently reviewing the final report of the Local Government Review Panel and will look to engage with LG Professionals members (staff) further on this, therefore only a preliminary review of the recommendations is detailed below.
13. It is the view of LG Professionals (WA), that:
 - a. A number of recommendations, including numbers 2, 3, 7, 29, 30, 31, 32 and 33, make very specific recommendations for change (for example, recommendation 3 makes very specific suggestions about the objects of new legislation). These will need to be considered carefully.
 - b. It is also noted that there is no recommendation about dealing with vexatious complainants, as requested by Local Government Professionals WA.

WALGA:

14. The following comments made by WALGA is based on previous State Council's record of advocacy on matters raised in the Local Government Review Panel Final Report.

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Recommendation Number	Issue	Comment	Recommendation to RCAWA:
1, 2, 3,	<p>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.</p> <p>The Panel recommends the following statement of intent (vision) for a new Act:</p> <p>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.</p> <p>The Panel recommends the adoption of the following objectives for a new Act: (refer to attachment)</p>	<p>WALGA: Supports recommendation.</p>	<p>Support Panel Recommendation.</p>
4	<p>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.</p> <p>(A shorter and less prescriptive Act)</p>	<p>LGP: Shorter and less prescriptive legislation is considered valuable.</p> <p>WALGA: Supports recommendation.</p>	<p>Support Panel Recommendation.</p>
5	<p>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.</p>	<p>LGP: This policy position is welcomed but how this will occur is not explained. The multi-tiered legislative framework that the Association campaigned for has been rejected.</p> <p>WALGA: OPPOSES the recommendations.</p>	<p>Support the WALGA position to oppose the recommendations.</p>

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Recommendation Number	Issue	Comment	Recommendation RCAWA: to
	(An Act which is responsive to the diversity of local governments)		
6, 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.</p> <p>The Panel recommends that the following overarching guiding principles are included in the new Act: <i>To ensure the system of local government is sustainable, accountable, collaborative and capable, councils should: (refer to attachment)</i></p>	WALGA: Supports recommendation.	Support WALGA position, noting additional clarification is sought.
8	Establishment of a Local Government Commission	WALGA: Supports recommendation.	<p>Support WALGA position, noting this challenges the spirit of the current act, being Central Control versus Local Enabling.</p> <p>Support the retention of a level of independence.</p>
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. (Enabling Structural Reform)	WALGA: Conditionally supports the recommendations: Recommendations 9 and 10 on condition that the poll provisions (Dadour provisions) in Clause 8, Schedule 2.1 of the Local Government Act are not removed.	Support WALGA Position.
10	The Panel recommends that through their Partnership	LGP: While the recommendation makes no specific proposals for change to facilitate amalgamations, a further consideration of	Support Panel Recommendation.

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Recommendation Number	Issue	Comment	Recommendation RCAWA: to
	<p>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.</p> <p>(That options be considered to facilitate structural reform)</p> <p>(Enabling Structural Reform)</p>	<p>options to deliver boundary changes and mergers is mentioned.</p> <p>WALGA: Conditionally supports the recommendations: Recommendations 9 and 10 on condition that the poll provisions (Dadour provisions) in Clause 8, Schedule 2.1 of the Local Government Act are not removed.</p>	
11	<p>Additional legislative option for local governments to establish community boards</p>	<p>LGP: The formal establishment of community boards represents a new legislative concept.</p> <p>Supporting such boards could have significant workload implications for local government officers and increase complexity for senior officers who have to deal with two distinct bodies.</p> <p>WALGA: Supports recommendation.</p>	<p>Support Panel Recommendation.</p>
12	<p>Regional cooperation to be mandated</p>	<p>LGP: Mandating cooperation diminishes local autonomy and could have significant workload implications for local government officers with, potentially, unclear benefits.</p> <p>WALGA: Supports recommendation.</p>	<p>Support Panel Recommendation.</p>
13	<p>Consider a new form of 'regional authority' to enable collaboration</p>	<p>LGP: It is unclear how such a 'regional authority' would operate and what role individual local governments would be asked to play.</p> <p>WALGA: Supports recommendation.</p>	<p>Support Panel Recommendation, pending clarification on what is meant by the establishment of a "Regional Authority", clarification on what is meant by Authority.</p>

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Recommendation Number	Issue	Comment	Recommendation to RCAWA:
14	Abolish regional councils and allow more flexible regional subsidiaries	<p>LGP: This recommendation will have significant implications for employees of regional councils.</p> <p>WALGA: Supports recommendation.</p>	Support Panel Recommendation.
15	The new Act include a set of principles for inter- governmental relations which make clear local government's role and obligations	<p>LGP: A clarification of role and obligations could be either beneficial or negative depending on what is contained in the clarification. This is not explained.</p> <p>WALGA: Supports recommendation.</p>	Support Panel Recommendation.
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.	WALGA: Supports recommendation	Support Panel Recommendation.
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.	WALGA: Supports recommendation	Support Panel Recommendation.
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.	<p>WALGA: Conditionally supports the recommendations: Recommendation 18 and reiterate WALGA's current advocacy position that there be adequate funding of legislative responsibilities assigned to Local Governments in relation to service delivery to remote Aboriginal communities.</p>	Support Panel Recommendation.

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Recommendation Number	Issue	Comment	Recommendation to RCAWA:
19	Optional preferential voting be adopted in place of the current first past the post system.	WALGA: Conditionally supports the recommendations: Recommendation 19 in support of a broad review of the property franchise including a community consultative process.	Not supported, retain first past the post system.
20, 21	The principle of one vote per person be included in the legislation, subject to Recommendation 21 below. Property franchise voting should be replaced with the requirement for local governments to introduce mechanisms for regular and effective consultation with the business community.	WALGA: OPPOSES the recommendations. WALGA: Requests further consultation be undertaken, Recommendation 20, 21 and 27 – Property Franchise.	Support Panel Recommendation.
22	Local government elections are held once every four years, two years after but to otherwise accord with the timing of the State election.	WALGA: OPPOSES the recommendations. WALGA: Requests further consultation be undertaken. Recommendation 22 – Property Franchise.	Support WALGA Position, retain current election cycle with 50 percent spill every two years.
23	Local Government elections should be overseen by the Western Australian Electoral Commission	LGP: This recommendation runs counter to the request from Local Government Professionals WA that there be greater competition in terms of who can run an election. It will also take the conduct of elections away from local government officers and increase costs for smaller local governments. WALGA: OPPOSES the recommendations.	Support WALGA Position.
24	Provision is to be made for electronic voting; but this will only be introduced in the future once the integrity of the process can be assured	LGP: The panel does not believe that electronic voting is currently mature enough to allow its introduction. This is disappointing and Local Government Professionals WA argued strongly for this policy position. WALGA: Supports recommendation.	Supports WALGA position (v2).
25(a)	Postal voting be required, with lodgement of these votes to be allowed in person on and before election day.	WALGA: Supports recommendation.	Supports Panel

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Recommendation Number	Issue	Comment	Recommendation to RCAWA:
25(b)	The election process extended to provide more time for the issuing and receipt of postal votes.	WALGA: Supports recommendations; however, OPPOSES 25(a).	Support WALGA position. However, consider giving greater flexibility to compliment postal with in-person lodgement would be welcomed.
25 (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.	WALGA: Supports recommendation.	Not supported, recommendation could be counterproductive.
25(d)	A caretaker policy should be introduced by all local governments with a requirement to comply included within the Code of Conduct	LGP: Such a policy is likely to have implications for a number of local governments. Further, as penalties are not attached to breaches of the Code of Conduct, it is difficult to see how the caretaker policy proposal will be effective. Under these circumstances, additional pressure is likely to be placed on local government senior officers. WALGA: Supports recommendations.	Support Panel Recommendation. Note not supported by Great Southern WALGA zone.
25 (e)	(e) Donations via crowd funding platforms should be regulated so far as possible.	WALGA: Supports recommendations.	Support Panel Recommendation. Note not supported by Great Southern WALGA zone.
26(a)	(a) Population should be used to determine the number of elected member positions:	WALGA: SUPPORTS, conditional upon a review of the relative benefits and merits of changes to reduce numbers of Elected Members on Council be supported, on the following basis: (i) Populations up to 5,000 – 5 to 7 Councillors (incl. President) (ii) Populations between 5,000 and 75,000 – 5 to 9 Councillors (incl. Mayor/President)	Not supported. Methodology does not take into account of local government area, simply based on population.

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Recommendation Number	Issue	Comment	Recommendation to RCAWA:
		(iii) Populations above 75,000 – up to 15 Councillors (incl. Mayor);	Note: WALGA position has been updated.
26(c)	(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.	WALGA: OPPOSES the recommendations.	Support WALGA Position.
26(b)	Boundary reviews to be conducted every four years by the Office of the Electoral Distribution Commissioners	LGP: Currently, such reviews are required every eight years and are undertaken by the local government. This will take some pressure away from local government officers who may currently be required to undertake the reviews but the increased frequency will add to local government costs. WALGA: Supports recommendations.	Not supported, trigger for review should be based on changes in population post ABS census.
26(d)	The changes to wards and elected member numbers due to the above recommendations should be phased in.	WALGA: Supports recommendations.	Support Panel Recommendation.
26(e)	With the introduction of four-year elections, council elected mayors/presidents should be elected for two-year terms.	WALGA: Supports recommendations.	Support Panel Recommendation.
26(f)	No restriction should be placed on the number of terms an elected member or mayor/president can serve.	WALGA: Supports recommendations.	Support Panel Recommendation.
27	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.	WALGA: OPPOSES the recommendations.	No position, noting WALGA Great Southern Zone supported WALGA position to oppose recommendation.

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Recommendation Number	Issue	Comment	Recommendation RCAWA: to
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>(Statements of roles and responsibilities to be amended)</p>	<p>LGP: These changes could have a very significant impact on local government officers. Any significant change requires further explanation about what is intended.</p> <p>WALGA: Supports recommendations.</p>	Support Panel Recommendation.
29	The Panel recommends the following as the role of council: (see attached).	WALGA: Supports recommendations.	Support Panel Recommendation, pending clarification sought in regards to 29(i).
30	The Panel recommends the following as the role of councillors: (see attached).	WALGA: Supports recommendations.	Support Panel Recommendation.
31	The Panel recommends the following as the role of the mayor/president:	WALGA: Supports recommendations.	Support Panel Recommendation.
32	A new list of functions for a CEO:	<p>LGP: The functions suggested for CEOs appear reasonable on initial review.</p> <p>WALGA: Supports recommendations 32(1)(a) to (o) and 32(a); however, OPPOSES 32(2)(b) and (c), being:</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>	Support Panel Recommendation (a) & (b), not support (c).

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Recommendation Number	Issue	Comment	Recommendation to RCAWA:
		(c) the appraisal scheme that is to apply to senior executive officers.	
33	The Panel recommends that the following community engagement principles should be included in the new Act:	WALGA: Supports recommendations.	Support Panel Recommendation.
34	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.	WALGA: Supports recommendations.	Support Panel Recommendation.
35	Annual Electors Meetings be replaced by Annual Community Meetings	LGP: Rather than eliminating such meetings, as Local Government Professionals WA proposed, the new recommendation could increase the prominence of these meetings. WALGA: OPPOSES the recommendations.	Supports WALGA Position.
36, 37	Enhanced Integrated Planning and Reporting The Panel recommends the following IPR Principles are included in the new Act:	WALGA: Supports recommendations.	Support Panel Recommendation.
38	Minimum Service Levels (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. (b) The Minister should have the power to direct a local government if it fails to provide or offer these services.	WALGA: Supports recommendations, 38(c), (d) and (e); however, OPPOSES recommendations 38(a) and (b).	Supports WALGA Position.
39	The Panel recommends local governments should continue to play an active role in economic development at both local and regional levels.	WALGA: Supports recommendations.	Support Panel Recommendation.

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Recommendation Number	Issue	Comment	Recommendation to RCAWA:
	The IPR framework should encourage local governments to be cognisant of State Government plans when developing strategies for economic development.		
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.	WALGA: Supports recommendations.	Support Panel Recommendation.
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 (Local governments not be allowed to form 'beneficial enterprises')	LGP: Local Government Professionals WA argued that the Act should be amended to allow councils to establish bodies corporate for commercial activities. The recommendation rejects this idea. WALGA: Supports recommendations, 41(a) to (g) and (i); however OPPOSES the recommendation 41(h).	Officer Comment: Support Panel Recommendation., noting it is my understanding that Government cannot legally stop an entity using existing ability to create an incorporated body. Support WALGA Position.
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.	WALGA: Supports recommendations.	Support Panel Recommendation.
43	Modernise Financial Management The Panel recommends the following financial management principles be included in the new Act:	WALGA: Supports recommendations.	Support Panel Recommendation.
44	Modernise Financial Management Having regard to the need for sound financial	WALGA: Supports recommendations.	Support Panel Recommendation.

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Recommendation Number	Issue	Comment	Recommendation to RCAWA:
	decision-making and accountability, the Panel recommends the following:		
45	<p style="color: red;">Procurement</p> <p style="color: red;">Procurement rules should more closely align with the those of the State Government</p>	<p style="color: red;">LGP: While an increased tender threshold was supported by Local Government Professionals WA, it is unclear what new rules and methods would be introduced under this recommendation.</p> <p style="color: red;">WALGA: Supports recommendations.</p>	<p>Support recommendation in principle; however, any changes to procurement model should support buy-local and keeping economic stimulus in regions.</p> <p>RE: 45(d). Strongly opposed to being forced to use the Tenders WA tender platform, if that disadvantages local and regional suppliers of goods and services.</p> <p>Strongly supported by WALGA Great Southern Zone.</p>
46	<p>Procurement</p> <p>A model procurement policy be developed</p>	<p>LGP: This reflects a one size fits all approach and could have a significant impact on those working in smaller local governments.</p> <p>WALGA: Supports recommendations.</p>	Support Panel Recommendation.
47	<p>Procurement</p> <p>The Panel recommends enhancing legislation to regulate and guide the establishment and management of panel contracts.</p>	<p>WALGA: Supports recommendations.</p>	Support Panel Recommendation.
48	<p>Procurement</p> <p>Local governments to have an open register of local businesses</p>	<p>LGP: The report suggests that it will be up to local governments to determine what is considered 'local' to their community. This will place additional work on local government officers to establish and maintain a register.</p>	Support Panel Recommendation.

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Recommendation Number	Issue	Comment	Recommendation RCAWA: to
		WALGA: Supports recommendations.	
49	Procurement 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.	WALGA: Supports recommendations.	Support Panel Recommendation.
50	Rating and Revenue	WALGA: Supports recommendations.	Support Panel Recommendation.
50(d)	The current rate exemptions for charities should be retained until a review by the Economic Regulation Authority is completed	LGP: Local governments have long campaigned for a more appropriate system of rate exemptions. The panel has postponed a recommendation on this matter until a review is undertaken by the Economic Regulation Authority.	Support Panel Recommendation.
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.	WALGA: Supports recommendations.	Support Panel Recommendation.
52	Local Governments and State Government apply cost recovery principles when setting fees	LGP: While a State Government application of cost recovery principles to statutory fees and charges would be welcome, limiting a local government's fees and charges to cost recovery will be inappropriate in certain circumstances. Currently, the Act requires local governments to consider cost when setting fees and charges but the amount a local government sets is generally not limited to cost. WALGA: Supports recommendations.	Support Panel Recommendation.
53	Enhanced Accountability and Self-Regulation Expand the role of Audit Committees with the majority of members being independent	LGP: This could have a significant impact on local government officers who support these committees. The requirement to have the majority of the committee as 'independent' members reduces the role of Councillors. WALGA: OPPOSES the recommendations, 53(a) and (b).	Support WALGA Position.

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Recommendation Number	Issue	Comment	Recommendation to RCAWA:
54	Enhanced Accountability and Self-Regulation	WALGA: Supports recommendations.	Support Panel Recommendation.
54(c)	A role of the Audit, Risk and Improvement Committee should be conducting the mandatory internal audits outlined in the audit plan	LGP: It is unclear how a committee will actually conduct an audit. These internal audits are normally undertaken by staff or consultants who report to the Audit Committee: an approach which represents good practice governance.	Linked to other recommendations in regards to the make-up of the Audit & Risk Committee.
55(a)	Renewed Focus on Integrity Meeting procedures are standardised across all local governments, allowing for both a committee system and a public briefing system	LGP: Local governments have different approaches to running their operations. It is unclear what a standardised system would require. It is also difficult to envision how the same, standardized system, would work effectively for very large and very small local governments at the same time. WALGA: Supports recommendations	Support Panel Recommendation.
55(b)	Renewed Focus on Integrity	WALGA: Supports recommendations.	Support Panel Recommendation.
55(c)	Renewed Focus on Integrity (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.	WALGA: OPPOSES the recommendation.	Supports WALGA Position, to oppose this recommendation. Noting: Apprehended Bias - Voting with an impartiality interest. Source: <u>Apprehended Bias - Voting with an impartiality interest</u>
55(d)	Renewed Focus on Integrity	WALGA: Supports recommendations.	Support Panel Recommendation.
55(e)	Renewed Focus on Integrity	WALGA: Supports recommendations.	Support Panel Recommendation.
55(f)	CEO contracts should be standardized and consistent with the Public Sector Commission's policy and relevant conditions	LGP: There is currently a model contract in place for local government CEOs established through Local Government	Strongly oppose this recommendation, noting

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	for public sector employees	<p>Professionals WA. A standardized contract could have significant implications for CEOs and senior officers if it is less favourable than the current arrangement.</p> <p>WALGA: Supports recommendations.</p>	<p>conditions could be less favourable to councils financially.</p> <p>Should be provided as a guide only.</p>
55(g)	CEO positions must be re- advertised after two terms of no more than five years each	<p>LGP: There is no rationale given for this proposal within the report which reduces the autonomy of Council and adds unnecessary recruitment costs. It will also encourage turnover amongst CEOs who are approaching the conclusion of their second term with their local governments which is undesirable if a good relationship exists between the Council and the CEO.</p> <p>Local Government Professionals WA has, and will continue to argue strongly against this recommendation.</p> <p>WALGA: OPPOSES the recommendation.</p>	Support WALGA Position, to oppose this recommendation.
55(h)	The Department should facilitate additional oversight in the recruitment and management process of CEOs	<p>LGP: This broadly reflects the request of Local Government Professionals WA that the Public Sector Commission should have a greater role in the process. However, exactly what the oversight will involve is not detailed.</p> <p>WALGA: Supports recommendations.</p>	Support Panel Recommendation.
55(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>WALGA: Supports recommendations.</p>	City of Albany elected members and WALGA Great Southern Zone members strongly opposed this recommendation, specifically membership of political parties.
56(a), (b), (d), (e), (f), (h) and (i)	Expanded Requirements for Training and Professional Development	<p>WALGA: Supports recommendations.</p>	Support Panel Recommendation; however specifically DO NOT SUPPORT 56(i), being:

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			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.
56(a)	New CEOs (and CEOs moving to substantially larger local governments) should be required to undertake training	<p>LGP: Local Government Professionals WA had sought a legislative provision which required a council to establish a training budget and a training plan for officers.</p> <p>This recommendation purely focuses on training for CEOs.</p>	No position.
57	An early intervention framework to monitor Councils	<p>LGP: This would provide a new model for the Department to work with individual local governments to improve their performance. It is unclear how exactly the new model would work and what legislation is required to deliver this outcome.</p> <p>WALGA: Supports recommendations.</p>	Support Panel Recommendation.
58	The Minister should have the power to direct local governments during a declared state of emergency	<p>LGP: While this could be considered reasonable, it represents a very broad power which could be used in many different ways.</p> <p>WALGA: OPPOSES the recommendation.</p>	Support WALGA Position, OPPOSE panel recommendation (v2).
59	<p>Establishment of an Office of the Independent Assessor</p> <p>An Office of the Independent Assessor would be established to replace the Standards Panel</p>	<p>LGP: The Standards Panel has not worked well and, consequently, a new approach is considered valuable as long as it is designed and established to function effectively.</p> <p>WALGA: Supports recommendations.</p>	Support Panel Recommendation, subject to clarification of how this will be resourced and funded.
60	Appropriate management of complaints by elected members against CEOs and senior officers	<p>LGP: An independent process to deal with such complaints is supported.</p> <p>WALGA: OPPOSES the recommendations..</p>	Support WALGA Position, OPPOSE panel recommendation.

REGIONAL CAPITALS ALLIANCE WA (RCAWA)

Recommendation Number	Issue	Comment	Recommendation to RCAWA:
61	Classification Bands	WALGA: OPPOSES the recommendations..	Support WALGA Position, to OPPOSE panel recommendation.
62	Harmonization of local laws through the development of models	LGP: This recommendation does not take account of Local Government Professionals WA's two requests in this area. The first was to eliminate the requirement to consult on model local laws and the second was to eliminate the need to periodically review model local laws adopted. WALGA: Supports recommendations.	Support Panel Recommendation.
63	A local government must justify any variation from a model local law	LGP: This provision reduces local government autonomy and will make it more difficult to introduce local laws which are not model laws. WALGA: Supports recommendations.	Support Panel Recommendation.
64(a) and (b)	Western Australian Local Government Association	WALGA: Requests further consultation be undertaken, : Recommendations 64(a) and (b) - WALGA.	Support WALGA Position, to OPPOSE panel recommendation, pending further consultation (v2), noting the benefits of the mutual insurance coverage.
64(c)	Western Australian Local Government Association Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.	WALGA: Supports recommendations.	Support Panel Recommendation, on the condition that preferred suppliers' programs are extended to local and regional suppliers. The sector needs to support buy local and regional suppliers and facilitate the reduction in red-tape.

REGIONAL CAPITALS ALLIANCE WA (RCAWA)

Recommendation Number	Issue	Comment	Recommendation to RCAWA:
65(a) to (e)	Operational Provisions	WALGA: Supports recommendations.	Support Panel Recommendation.
65(f)	Local government employee entitlements should be transferable across all three levels of Government	<p>LGP: This is considered beneficial for employees who wish to move between the spheres of Government.</p> <p>WALGA: Requests further consultation be undertaken: Recommendation 65 (f) – Transfer of Employee Entitlements.</p>	Supports WALGA Position.

REGIONAL CAPITALS ALLIANCE WA (RCAWA)

GOVERNMENT & PUBLIC CONSULTATION

15. Additional consultation and representation to be determined by RCAWA.

STATUTORY IMPLICATIONS

16. Recommendations and feedback presented by RCAWA may influence the drafting of the new proposed legislation.

POLICY IMPLICATIONS

17. Not applicable to this report.

RISK IDENTIFICATION & MITIGATION

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation & Operation: <i>Risk:</i> There is a risk that by feedback is not considered, noting the Minister for Local Government has advised the consultation period has closed.	Likely	Moderate	High	If feedback is not considered, RCAWA may choose to request assistance from current and future state members of parliament.
Opportunity: To engage with both WALGA and DLGSC to communicate as RCAWA Position on proposed legislative changes.				

FINANCIAL IMPLICATIONS

18. Not applicable to this report.

LEGAL IMPLICATIONS

19. Not applicable to this report.

ENVIRONMENTAL CONSIDERATIONS

20. Not applicable to this report.

ALTERNATE OPTIONS

21. RCAWA may choose to support any of the proposed positions and/or create a new position.

22. The State Government will now consider the report and its recommendations before beginning the drafting of a new Local Government Act green bill.

23. It is unknown if they will take on further feedback from the sector.

CONCLUSION

24. It is recommended that the Report and proposed feedback from all parties by noted.

Consulted References	:	Local Government Act 1995 WALGA Standing Orders Position Papers (attached)
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