



LOCAL GOVERNMENT CRITICAL REFORM

Essential to reducing Dysfunction, Complaints and Conflict



FEBRUARY 25, 2022

WALGRA



TABLE OF ESSENTIAL REFORMS CRITICAL TO REDUCING DYSFUNCTION			
	Subject	DLGSC Proposed Reform	WALGRA - Critically Essential Reform
	Reform Process	Driven by DLGSC	Should be driven by committee of equal representation from Elected members, Employees, and Residents & Ratepayers – Scribe by DLGSC
1	Intent for Local Government	Propose to include new principles in “Content and Intent” section	The “Intent” of Local Government to be clearly defined in terms of measured outcomes (KPI’s for “Local Government”)
2	Constitution	Constitution of “local Government” unchanged	Correct constitution of “Local Government” to be “Council” with authority to direct a “Body corporate” (Administration provider)
3	Interpretation	Interpretation of Local Government Legislation – not addressed	Interpretation of the Legislation mandated to measure the intent of the Legislation in terms of measured outcome
4	Competence	“General competence” principle – not addressed	General Competence principle to be clearly defined in terms of achievement of the intent of “Local Government” and extended to include volunteers and ratepayers
5	Size	Size of Local Government - not addressed	Electoral Commission to set boundaries for “Local Government” using same process as for electorate boundaries
6	Technology	Electronic technology - not addressed	Mandate contemporaneous standards for electronic equipment used to store Local Government records and their access by ratepayers
7	Ambiguous Terminology	Accountability and other terms – remain undefined	Define accountability as providing recovery of lost cost, rectification of damage caused, or delivery of undelivered service
8	Other Legislated Responsibilities	Other Legislated Responsibilities – not addressed	Mandate Council to determine application and administration of other State Government legislative responsibilities assigned to Local Governments
9	Corporations Law	Inconsistency with Corporations and Incorporations Law not addressed	Adopt interpretations from Corporations and Incorporations Laws
10	Community Empowerment	Community Empowerment – not addressed	<ul style="list-style-type: none"> • Mandate constitution of “Part 5 Committees” with Community membership. • Mandate Council to adopt and address decisions of Elector General Meetings • Mandate protection to volunteers
11	Peak Bodies	Extreme Bias in current application	<ul style="list-style-type: none"> • Promote, support and fund establishment of Peak Body for Residents and Ratepayers. • Ensure equal advocacy by Elected members, Employees, and Ratepayers
13	Sundown	No review and repair option	That applied new or amended legislation, regulations, or other rules and laws be mandated a “12-month sundown” clause after which time they are required to be assessed for efficacy and any identified failure repaired

TABLE OF REFORMS BENEFICIAL TO COMPLAINT AND CONFLICT REDUCTION			
	Subject	DLGSC Proposed Reform	WALGRA - Beneficial Reform
14	Aboriginal	Aboriginal recognition proposed as a principle but is otherwise lacking	<ul style="list-style-type: none"> • Each Council should be mandated to include at least one person of aboriginal descent • An additional councillor position should be provided where a Council has no ordinary elected councillor of Aboriginal descent
15	Councillors	Community engagement confusing	<ul style="list-style-type: none"> • Councillors should have access to a convenient community accessible office • Mandate Councillor engagement with their community
16	Disputation	<ul style="list-style-type: none"> • Increase employment & cost using public officers • Force outcomes 	Part 5 Committee constituted with community membership to – <ul style="list-style-type: none"> • examine all matters contributing to causation • recommend resolution to Council • Council to make resolution decision (this may include change to rules)
17	Model Policy & Business Management	Uncoordinated mandating of bits and pieces.	A Part 5 Committee constituted with community membership to review Model Policies and Management Manuals to ensure consistency with laws and rules and reports to Council
18	Governance	Governance matters not addressed	A Part 5 Committee constituted with community membership to review governance-matters and report to Council
19	Performance	Performance matters not addressed	A Part 5 Committee constituted with community membership to review function delivery performance-matters and report to Council
20	Regulatory Impact and Risk	Regulatory Impact and Risk not addressed	A Part 5 Committee constituted with community membership to review Regulatory Impact and Risk for dysfunction causations and recommend Council advocacy to State Government
21	CEO	Employment Protected	<ul style="list-style-type: none"> • Short list of candidates selected by a Part 5 Committee • Appointment of CEO recommended by Council and to be confirmed by community electronic plebiscite • Contract and KPI's to be published online • KPI's to be confirmed and assessed by a Part 5 Committee constituted with community membership & recommended to Council • Restrict CEO role to that of a manager not leadership

TABLE OF INCIDENTAL REFORMS DELIVERING COMMUNITY BENEFIT			
	Subject	DLGSC Proposed Reform	WALGRA - Incidental Reform
21	Negligence	Employee negligence remain protected	<ul style="list-style-type: none"> Remove employee insurance or Council authorized reimbursements after conviction for OHS Act and other legislated negligence offences Council to be responsible for OHS policy and practice
22	Term of Office	Term or Office for Elected Members – not addressed	<ul style="list-style-type: none"> Limit Term in Elected Office to two consecutive terms
23	Number of Councillors	Councillor numbers complex and confusing	<ul style="list-style-type: none"> Minimum number of Councillors for all local governments One additional Councillor for each x000 above a base level number of electors in their community
24	Disputation	<ul style="list-style-type: none"> Increase employment & cost using public officers Force outcomes 	Part 5 Committee constituted with community membership to – <ul style="list-style-type: none"> examine all matters contributing to causation recommend resolution to Council Council to make resolution decision (this may include change to rules)
25	Voting	Electronic voting not addressed	Enable Electronic voting based on registered email address
26	Candidate Profiles	Reform of Candidate Profile publishing is recognised but not addressed	Candidate profile recommended to be two A4 pages formatted to candidates' preference.
27	Election Advertising	Reform of election advertising is not addressed	Council election advertising should be prohibited as it biases purchasing of votes
28	Roles	Proposed prescriptions are difficult to measure so possibly unenforceable	Parallel legislation already delivers similar descriptions of Board and Committee roles. Including detailed legislated roles
29	Caretaker Period	Proposal mandates pre-election time without addressing necessary purposes	A caretake period should be applied both sides of an election to cater to essential Council functions which end and recommence at an election. e.g., reviews
30	Financial Reporting	Proposed complex prescription	<ul style="list-style-type: none"> Reform of standards and templates for financial and management plans must synchronise with measuring function outcomes The above pre-conditioning reforms must be precisely defined if financial reporting dysfunction is to be avoided
31	Financial Management Oversight	Propose Audit Committee constituted of council members and independent person.	Proposed Committee should be a Part 5 – Financial Management Oversight Committee and include community members

WA Local Government Reform - Table of Critically Essential Reforms

32	Commercial Businesses	Proposal to lend funding and deliver commercial services	<ul style="list-style-type: none"> • The General competence principle should be restricted to matters achieving the outcome intent of the Act. • Prohibition on matters not defining benefit to community • Elector General Meeting should hold power to override council decision
12	WALGA	Remove constitution from the Act but maintain established business & revenue	Remove from all reference in the Act. (Acts as a dependent covert Gov. Department)