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**9.1 OPENING**

The President thanked all Councillors and staff present for their attendance and declared the meeting open at 1.00pm

**9.2 PRESENT**

Cr C Simkin	President	Northampton Ward
Cr S Krakover	Deputy President	Kalbarri Ward
Cr R Suckling		Northampton Ward
Cr S Smith		Kalbarri Ward
Cr P Stewart		Kalbarri Ward
Cr D Pike		Kalbarri Ward
Cr T Hay		Northampton Ward
Cr L Sudlow		Northampton Ward
Mr Garry Keeffe	Chief Executive Officer	
Mr Grant Middleton	Deputy Chief Executive Officer	
Mrs Michelle Allen	Planning Officer	
Mr Neil Broadhurst	Works and Technical Services Manager	

**9.2.1 LEAVE OF ABSENCE**

Nil

**9.2.2 APOLOGIES**

Cr S Stock-Standen

Northampton Ward

**9.3 QUESTION TIME**

Nil

**9.4 DISCLOSURE OF INTEREST**

Nil

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**9.5 CONFIRMATION OF MINUTES**

9.5.1 CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING  
FRIDAY 21<sup>st</sup> AUGUST 2020

Moved Cr SUCKLING seconded Cr SMITH

That the minutes of the Ordinary Meeting of Council held on the 21<sup>st</sup> August 2020 be confirmed as a true and correct record.

CARRIED 8/0

9.5.2 BUSINESS ARISING FROM MINUTES

Nil

**9.6 RECEIVAL OF MINUTES**

9.6.1 RECEIVAL OF MINUTES – AUDIT COMMITTEE MEETING FRIDAY 18<sup>TH</sup>  
SEPTEMBER 2020

Moved Cr KRAKOUER, seconded Cr SMITH

That the minutes of the Audit Committee Meeting held on the 18<sup>th</sup> September 2020 be received.

CARRIED 8/0

9.6.2 INTERIM AUDIT REPORT AND RISK MANAGEMENT COMPLIANCE  
CALENDAR

Moved Cr SUDLOW, seconded Cr SUCKLING

That the Interim Audit Report as presented be received and the Risk Management Compliance Calendar be adopted.

CARRIED 8/0

**9.7 WORKS & ENGINEERING REPORT**

**9.7.1 INFORMATION ITEMS - MAINTENANCE/CONSTRUCTION WORKS PROGRAM (ITEM 7.1.1)**

Noted

**9.7.2 KALBARRI – GILGAI TAVERN CARPARK - TWO WAY TRAFFIC TO ONE WAY ACCESS (ITEM 7.1.2)**

Moved Cr STEWART, Seconded Cr SUDLOW

That Council supports the existing traffic movement arrangements in the Gilgai Tavern/Central shopping area carpark area and not introduce a one way traffic flow at this stage.

CARRIED 8/0

**9.7.3 KALBARRI – HACKNEY STREET – PROPOSED DUAL USE PATHWAY - BUDGET 2020/2021 – DUAL USE PATHWAY ALIGNMENT (ITEM 7.1.3)**

Moved Cr KRAKOUER, seconded Cr SUCKLING

That Council progress with the construction of a dual use pathway on the south side of Hackney Street to Walker Street with the pedestrian crossing to be installed on the western existing nib on the north side of Hackney Street and the additional costs to be incurred in construction of the pathway at the revised location be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

**9.7.4 KALBARRI – JAKES POINT TOILET – CARPARK DESIGN OPTIONS FOR CONSIDERATION (ITEM 7.1.4)**

Moved Cr STEWART, seconded Cr PIKE

That Council approve the construction of the car park as per the Option 3 plan with modifications to include provision for seven (7) car parking bays and the whole car park to be located further west than the submitted plan so as it is in close proximity to the new ablutions and the entryway to the new car park be located further west on the Jakes Point Bach access road to the low point of the road.

CARRIED 8/0

**9.8 HEALTH & BUILDING REPORT**

**9.8.1 BUILDING APPROVALS (ITEM 7.2.1)**

Noted.

Neil Broadhurst left the meeting at 1-30pm.

**9.9 TOWN PLANNING REPORT**

**9.9.1 HORROCKS COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN FINAL ADOPTION (ITEM 7.3.1)**

Moved Cr HAY, seconded Cr SUDLOW

That Council:

1. Notes the submissions received on the draft Horrocks Coastal Risk Hazard and Management Adaptation Plan (CHRMAP) with no further modifications.
2. Adopts the final Horrocks CHRMAP included as Appendix 3; and
3. Acknowledges that funding implementation of the Horrocks CHRMAP will require sourcing external funds and will require separate Council approval to fund individual substantial projects.

CARRIED 8/0

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9.9.2 TEMPORARY ACCOMMODATION WITHIN A CARAVAN – LOT 120  
(NO. 7) LAWRENCIA LOOP, KALBARRI (ITEM 7.3.2)

Moved Cr SUDLOW, seconded Cr HAY

That Council provide the following advice to the Department of Local Government, Sport and Cultural Industries:

1. That the Applicant is entitled to apply to stay in a caravan on a temporary basis once a building permit is issued, without the need for an exemption. However, this request pertains to a lot situated in the 'Residential' area and to do this Council will need to exercise discretion given that the Local Planning Policy is specific in stating that this type of use should not occur on "Residential" zoned lots. Council would also support the provisions outlined in the Local Planning Policy that requires the issuance of a building permit in the first instance as a means to manage and regulate instances of 'squatting' that have occurred historically and impacted on the amenity of residential areas;
2. That approval to reside temporarily on this residential lot should not be granted to the Applicant due to the location (facing main arterial road of George Grey Drive), the size of the lot, the potential impacts on the amenity of the neighbourhood and the associated compliance complexities that may arise from granting such approval;
3. Should Ministerial approval be granted, Council requests the following conditions be imposed to address health, safety and compliance risks as follows:
  - a) A building permit to have been issued for the construction of a residence on the property with written evidence of a signed building contract with a registered builder for the construction and a commitment date that is within six (6) months by the builder for the commencement of the construction of the residence.
  - b) In the case of an owner builder, a building permit for a residence to have been issued by the Shire and the applicant to lodge a bond of \$10,000 with the Shire together with a Statutory Declaration providing a commitment to construct the residence with a commencement date to be within six (6) months.
  - c) A Statutory Declaration acknowledging that the use of the caravan on site is for temporary purposes only in accordance with regulation 11(2)(c) of the Caravan Parks and Camping Grounds Regulations 1997.

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- d) Provision of adequate ablution and washing facilities connected to an approved water supply and effluent disposal system to the satisfaction of the local government: and
- e) No further exemptions will be granted in relation to this matter.

CARRIED 8/0

<p>9.9.3 PROPOSED EXTENSION OF NON-CONFORMING USE – MOOCHER CONTRACTING, LOT 188 (NO. 93) JOHN STREET, NORTHAMPTON (ITEM 7.3.3)</p>
---

Moved Cr SUCKLING seconded Cr KRAKOUER

That Council:

1. Grant development approval for the non-conforming use on Lot 188 (No. 93) John Street, Northampton subject to the following conditions:
  - (a) Development/use shall be in accordance with the attached approved plan(s) dated 18 September 2020 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plan(s) shall not be modified or altered without the prior written approval of the local government.
  - (b) This approval (relating to the non-conforming use) is issued only to Trevor John Mocher (the landowner) for Lot 188 (No 93) John Street, Northampton (the parcel of land) and is NOT transferrable to any other person or any other land parcel. Should there be a change of the occupier of the land in respect of which this development approval is issued this approval shall no longer be valid.
  - (c) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition.
  - (d) On-site vegetation, including new plantings, shall be maintained so as to minimise the visual, dust and noise impacts of the outbuilding and truck movements upon adjoining landholdings, to the approval of the local government.



- (e) Operational hours relating to the movement of the vehicles (two Trucks and two side tipper trailers) subject to this approval shall be limited to Monday – Friday 7am-8pm and Saturday – Sunday 8am-6pm.
- (f) This Approval applies to the parking of two (2) trucks and two (2) trailers only. The parking of additional commercial/industrial vehicles on-site shall require the further application for, and development approval of, those vehicles.

Advice Notes:

*Note 1: If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*

*Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*

*Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*

CARRIED 8/0

9.9.4 PROPOSED OUTBUILDING – R-CODES VARIATION – LOT 101 (NO. 76) MITCHELL STREET, HORROCKS (ITEM 7.3.4)
--

Council amended the recommendation presented to allow for a nil setback and not 1.7m setback as proposed by the Planning Officer due to the adjoining landowner raising no objections to the development.

Moved Cr HAY, seconded Cr SUDLOW

That Council grant the following amendment/(s) to Development Approval 2019-052 to the proposed Outbuilding upon Lot 204 (No. 73) Glance Street, Horrocks subject to the following conditions:

1. Development shall be in accordance with the attached approved plan(s) dated 18 September 2020 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and development approval for that use/addition.
3. A building permit shall be issued by the local government prior to the commencement of any work on site.
4. Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
5. The Applicant shall provide a colour schedule for the outbuilding prior to construction of the dwelling, which shall be to the approval of the local government. The colours chosen shall be non-reflective and in keeping with the natural coastal environment.
6. The approved outbuilding component (i.e. named 'shed') is only to be used for general and vehicle storage purposes and minor maintenance upon vehicles housed therein to the approval of the Local government and shall NOT be used for habitation, commercial or industrial purposes; and
7. The construction of the outbuilding (but not including the laying of a cement pad) shall NOT be commenced prior to the construction of the dwelling unless the following can be satisfied:
  - (a) A building permit for the dwelling and outbuilding has been issued.
  - (b) The Applicant has lodged a Statutory Declaration providing a commitment to commence construction of the dwelling within 6 months of the outbuilding.

AND

- (c) The Applicant has paid a bond of \$10,000 to the Shire of Northampton, that would be repaid to the Applicant upon satisfactory completion and final inspection of the dwelling.

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Advice Notes:

*Note 1: If the development/use the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.*

*Note 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.*

*Note 3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of determination.*

CARRIED 8/0

9.9.5 SUMMARY OF PLANNING INFORMATION ITEMS (ITEM 7.3.5)

Noted.

**9.10 FINANCE REPORT**

9.10.1 ACCOUNTS FOR PAYMENT (ITEM 7.4.1)

Moved Cr SMITH, seconded Cr SIMKIN

That Municipal Fund Cheques 21953 to 21966 inclusive totalling \$78,989.12, Municipal EFT payments numbered EFT21079 to EFT21163 inclusive totalling \$507,758.23, Trust Fund Cheques 2541 to 2548, totalling \$2,814.79, Direct Debit payments numbered GJ0205 to GJ0211 inclusive totalling \$214,316.36 be passed for payment and the items therein be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

9.10.2 MONTHLY FINANCIAL STATEMENTS – AUGUST 2020 (ITEM 7.4.2)

Moved Cr SMITH, seconded Cr SUDLOW

That Council adopts the Monthly Financial Report for the period ending 31<sup>st</sup> August 2020.

CARRIED 8/0

**9.11 ADMINISTRATION & CORPORATE REPORT**

9.11.1 ELECTED MEMBER TRAINING & PROFESSIONAL DEVELOPMENT  
POLICY (ITEM 7.5.1)

Moved Cr PIKE, seconded Cr STEWART

That Council adopt the Elected Member Training & Professional Development policy as per below:

**ELECTED MEMBER TRAINING & PROFESSIONAL DEVELOPMENT POLICY**

**OBJECTIVES**

Outline the process and conditions associated with Elected Members attending training or professional development.

This Management Procedure does not cover mandatory Elected Member Training stipulated under legislation. Such Training will be budgeted for accordingly and the Elected Members required to undertake such training must attend the required course.

**MANAGEMENT PROCEDURE STATEMENT**

**Nominations**

Notices inviting Councillors to nominate delegates to undertake training or professional development and similar occasions are to be brought Councillors attention.

Any Councillor who wishes to undertake training or professional development shall request endorsement from the CEO for consideration.

**EXPENSES**

The CEO is to approve Councillors training and professional development applications where:

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- The application complies.
- An application is forwarded to the CEO for approval in a reasonable time to meet the registration deadline.
- Training and/or development is to be held within Western Australia.
- There are sufficient funds available in the Councillor allocation to meet the costs of attendance; and
- Approval of attendance at an event does not impede a quorum at any scheduled Council or Committee meetings.

Formal Council approval is required for a Councillor to attend training or professional development where:

- The application does not comply.
- Sufficient funds are not available in the Shire's budget for this purpose; and
- The training and/or development is outside of Western Australia.

Any Councillor who has been approved by the CEO or Council to attend training or professional development courses will have the following expenses paid, unless any variation is otherwise determined by Council resolution:

**Travel**

- Private Vehicle Use – (at the rate determined by the State Administrative Tribunal) Claim form showing km's and purpose to be submitted.
- All costs associated with any other form of travel (i.e. air, bus, etc.)

**Accommodation**

- Room and meals as per Council Policy 4.3.
- Alcoholic beverage as per Council Policy 4.3.

**Other**

- Course registration expenses.
- Taxi fares as approved by Chief Executive Officer.

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- All Councillor partner expenses must be paid for by the relevant Councillor member (Either at the time expense is incurred or by reimbursing Council at a later date)

CARRIED BY AN ABSOLUTE MAJORITY 8/0

9.11.2 LOCAL GOVERNMENT ACT REVIEW (ITEM 7.5.2)
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Moved Cr KRAKOUER, seconded Cr STEWART

That Council adopt the CEO's recommended position as presented for each legislative proposal as stated within the Local Government Act Review Panel Report and the City of Perth Report subject to the following:

1. Within the Local Government Act Review Panel Report, Council oppose recommendation 13, in relation to establishment of a "Regional Authority" as it is unclear how such a regional authority would operate and what role individual local governments would have with such an Authority

and

That Council forward its position on the above reports and proposed changes previously considered by Council that have not been raised in the Review Panels Report to the Northern Zone of the WA Local Government Association.

CARRIED 8/0

Moved Cr SUDLOW seconded Cr SUCKLING

That Council requests WALGA approach the State Government to insist the local government sector-wide recommendations from the Inquiry Panel Report into the City of Perth be presented to all local government authorities for responses and submissions in accordance with the State/Local Government Partnership Agreement. This consultation should occur before the State Government undertakes any further consideration of these recommendations. Consultation with the local government industry on these recommendations must be over a period which ensures appropriate and adequate time is given to the industry to respond.

CARRIED 8/0

NOTE – Council position on each recommendation for each report are shown at end of minutes.

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Council adjourned the meeting at 2.55pm.

Meeting reconvened at 3.06pm with the following in attendance:

Cr Simkin, Cr Krakouer, Cr Sudlow, Cr Pike, Cr Stewart, Cr Hay, Cr Smith, Cr Suckling, Garry Keefe, Grant Middleton and Michelle Allen.

9.11.3 BOUNDARY FENCE LOCATION – LOT 364 PENN STREET, KALBARRI (ITEM 7.5.3)
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Moved Cr SUCKLING, seconded Cr STEWART

That Council support the excision of a portion of Reserve 30946 to be amalgamated into Lot 364 Penn Street, Kalbarri to resolve encroachments that have occurred into Reserve 30946.

CARRIED 8/0

9.11.4 STREET KERB HOUSE NUMBERING (ITEM 7.5.4)
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Moved Cr SIMKIN, seconded Cr SUDLOW

That Council approve the engaging of the Kalbarri Men's Shed to undertake the repainting of house/building numbers on street kerbing throughout the Kalbarri townsite at a cost of \$5,500 and this be declared authorised expenditure.

CARRIED BY AN ABSOLUTE MAJORITY 8/0

9.11.5 SENIOR EMPLOYEE'S EMPLOYMENT CONTRACT RENEWALS (ITEM 7.5.5)
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Garry Keefe, Grant Middleton and Michelle Allen left the meeting at 3.18pm

Garry Keefe, Grant Middleton and Michelle Allen returned to the meeting at 3.35pm.

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Moved Cr SUCKLING, seconded Cr PIKE

That Council:

1. Renew the employment contract for the Manager of Works and Technical Services, Mr Neil Broadhurst, for a further term of five years commencing 1 July 2021 with an annual salary increase of 2% per annum to apply as from the first pay period on or before 1 July of each year.
2. Renew the employment contract for the Deputy Chief Executive Officer, Mr Grant Middleton, for a further term of five years commencing 1 July 2021 with the following amendments to the employment contract:
  - a) Salary be increased by \$5,000 per annum as from 1 July 2021 with all utilities at his private residence previously paid by Council to now be the responsibility of the officer; and
  - b) An annual salary increase of 2% per annum to apply as from the first pay period on or before 1 July of each year.
3. That Council defer the decision on the Chief Executive Officer's contract renewal and remuneration package until advice from the WA Local Government Association on any potential taxation implications to Council on the Officers proposal has been received.

CARRIED 8/0

<b>9.12 PRESIDENT'S REPORT</b>
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Since the last Council meeting Cr SIMKIN reported on his attendance at:

24/08/2020	Northern Zone Meeting, Mingenew
10/09/2020	Geraldton University Centre graduations, Queens Park Theatre Geraldton
14/09/2020	Roads Inspection, Northampton



**9.13 COUNCILLORS' REPORTS**

**9.14.1 CR SUDLOW**

Since the last Council meeting Cr SUDLOW reported on her attendance at:

07/08/2020 Northampton Community Centre – Opening of Netball Courts

14/09/2020 Roads Inspection, Northampton

**9.14.2 CR STEWART**

Since the last Council meeting Cr STEWART reported on his attendance at:

14/09/2020 Roads Inspection, Northampton

**9.14.3 CR HAY**

Since the last Council meeting Cr HAY reported on his attendance at:

14/09/2020 Roads Inspection, Northampton

**9.14.4 CR SMITH**

Since the last Council meeting Cr SMITH reported on his attendance at:

14/09/2020 Roads Inspection, Kalbarri

15/09/2020 Kalbarri Visitor Centre meeting, Kalbarri

**9.15 NEW ITEMS OF BUSINESS**

Nil

**9.16 NEXT MEETING OF COUNCIL**

The next Ordinary Meeting of Council will be held on Friday 16<sup>th</sup> October 2020 commencing at 1.00pm at the Council Chambers, Northampton.

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**9.17 CLOSURE**

There being no further business, the President thanked everyone for their attendance and declared the meeting closed at 3.41pm.

THESE MINUTES CONSISTING OF PAGES 1 TO 18 WERE CONFIRMED AS A TRUE AND CORRECT RECORD ON FRIDAY 18<sup>th</sup> SEPTEMBER 2020.

PRESIDING MEMBER: \_\_\_\_\_

DATE: \_\_\_\_\_

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LOCAL GOVERNMENT REVIEW PANEL REPORT

No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
1	The Panel recommends that the new Act be structured and drafted in such a way as to highlight the key strategic elements set out in Part A of this report, and that further consideration be given to the 'two Acts' options presented in Part A, at least as a transitional measure	✓			✓			Need to ensure that there is not a raft of regulations as is the current situation.
2	The Panel recommends the following statement of intent (vision) for a new Act:  <i>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</i>	✓			✓			The wording is implying that local governments do not do this now which is considered incorrect
3	The Panel recommends the adoption of the following objectives for a new Act:  a. Democratic and accountable local government that recognises the diversity of and within Western Australia's communities.  b. Recognition of the specific needs and culture of Western Australia's Aboriginal people.  c. Promotion and improvement	✓			✓			Although supported the review panel does not recognise throughout their recommendations of how diverse each local government is and for calls form the sector that a tiered system in certain parts of the Act provisions using the Salaries and Allowances Tribunal bands is not proposed

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LOCAL GOVERNMENT REVIEW PANEL REPORT

No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPOSE	UNSURE	SUPPORT	OPOSE	UNSURE	
	<p>of the community's economic, social and environmental well-being.</p> <p>d. An adaptive and forward-looking legislative framework, which supports and enables councils to provide local leadership for the whole community, and to collaborate with each other and with other key stakeholders at a regional level.</p> <p>e. Open and transparent community participation in the decisions and affairs of local governments.</p> <p>f. Enhanced capability of the local government sector, with a focus on continuous improvement and sustainability.</p> <p>g. Efficient and effective service delivery and regulation that is responsive to current and future community needs.</p> <p>h. Informed decision-making by local governments which is in</p>							

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LOCAL GOVERNMENT REVIEW PANEL REPORT

No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION		COUNCIL COMMENTS
		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
	<p>the interest of their communities, within a legislative framework that supports balance and certainty in relation to the different interests of their communities.</p> <p>i. Accountability of local governments to their communities through processes that demonstrate good governance.</p> <p>j. Support for approaches and opportunities which foster collaboration and cooperation both within the local government sector and across all levels of Government.</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>Shorter and less prescriptive legislation is supported however need to ensure there is not large volumes of regulations that are every prescriptive as is the current case</p>

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LOCAL GOVERNMENT REVIEW PANEL REPORT

No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
5	The Panel recognises the diversity of local governments in Western Australia and supports a new Act which is responsive to this but does not recommend the adoption of a multi-tiered legislative framework		✓			✓		This recommendation is not supported.  The one size fits all approach has been detrimental to the smaller regional remote LGAs and the opportunity is now presented to address this anomaly.  A multi-tiered approach with the retention of accountable open processes is achievable. The multi-tiered legislative framework that the sector has been requesting has been rejected and/or ignored.
6	The Panel recommends the inclusion of a statement of the role and principal functions of local governments that makes it clear their basic statutory responsibilities, retaining the overall power of general competency in the current Local Government Act	✓				✓		The current Act is already clear on this fact
7	The Panel recommends that the following overarching guiding principles are included in the new Act:  To ensure the system of local government is sustainable, accountable, collaborative and capable, councils should:  a. Provide democratic and effective representation, leadership, planning and decision- making;	✓				✓		

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No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION		COUNCIL COMMENTS
		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
	<p>b. Be transparent and accountable for decisions and omissions;</p> <p>c. Be flexible, adaptive and responsive to the diverse interests and needs of their local communities, including the traditional owners of the land;</p> <p>d. Consider the long term and cumulative effects of actions on future generations;</p> <p>e. Ensure that, as a general rule, all relevant information is released publicly, readily available and easy to understand;</p> <p>f. Provide services in an equitable manner that is responsive and accessible to the diverse needs of the community;</p> <p>g. Seek to continuously improve service delivery to the community in response to performance monitoring;</p>					

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No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>h. Collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services and integrated planning, while maintaining local representation of communities and facilitating community benefit; and</p> <p>i. Participate with other councils and with the State and Federal government in planning and delivery of services, setting public policy and achieving regional, State and Federal objectives.</p>							
8	<p>The Panel recommends:</p> <p>a. The Local Government Grants Commission and the Local Government Advisory Board should be combined into a single body responsible to the Minister and named the Local Government Commission, and including the functions of the Grants Commission in accordance with Commonwealth legislation.</p>	✓					✓	<p>Though the concept is endorsed there needs to be more information on the power given to the Local Government Commission before full support should be considered.</p> <p>There is also a concern that one arm who provides funding to local governments also has the authority to determine a local governments future through an amalgamation process, should the two Authorities have such power remain separate.</p>



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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>b. The role of the Local Government Commission should be to:</p> <p>(i) Provide recommendations on major local government boundary changes, amalgamations and other necessary reforms;</p> <p>(ii) Manage the distribution of Commonwealth grant funding to local governments in WA; and</p> <p>(iii) Monitor the overall health and performance of the local government sector by identifying key issues and trends, and advise the Government and sector peak bodies accordingly.</p> <p>c. Members should be appointed</p>							

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>to the Local Government Commission on the basis of their skills rather than as representatives.</p> <p>d. The Local Government Commission should consider the financial viability of local governments in making recommendations to the Minister.</p> <p>e. The Minister and sector peak bodies should have the power to refer matters to the Commission for assessment and advice.</p> <p>f. The Commission should play an independent role in monitoring the capacity and the financial health of the sector in collaboration with the Auditor General.</p> <p>g. Minor boundary adjustments where both local governments agree should be handled by the department.</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			√			√	Support is conditional to this not adding to the already overburdens bureaucratic red tape current forces on LGA's. More detail on the framework is needed.

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No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
10	<p>of governance which facilitate community participation, provide for representation of the whole community, and for efficient and effective service-delivery for the community</p> <p>The Panel recommends that through their Partnership Agreement and the proposed Local Government Commission, State and local government consider options to facilitate structural reform that will strengthen the capacity and resilience of the local government system. Those options should include:</p> <ul style="list-style-type: none"> <li>a. Revised processes for boundary changes and mergers.</li> <li>b. Substantially increased cooperation between local governments through an enhanced model of joint subsidiaries.</li> </ul> <p>Provision for the establishment of community boards within local government areas</p>			√			√	<p>More detail is required. The recommendation makes no specific proposals for change to facilitate amalgamations.</p> <p>Dadour provisions should be retained so that the electors are provided the opportunity to vote on any proposed amalgamation or boundary change.</p>
11	<p>The Panel recommends an additional legislative option for local governments to establish community boards.</p>	√					√	<p>This has been mentioned for this Northampton Shire previously and a proposal was put to the then state government and rejects. The concept was on a "parish" style Council for the Kalbarri Ward.</p> <p>However supporting a community board will have a significant workload implications for Council staff and</p>

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
12	<p>The Panel recommends that the new Act should promote and mandate expanded regional cooperation between local governments by:</p> <ul style="list-style-type: none"> <li>a. Making increased collaboration a specific objective and principle.</li> <li>b. Providing an improved model of joint (regional) subsidiaries that can be used for strategic planning, resource sharing, shared services delivery and commercial enterprises (see also Recommendations 14 and 39).</li> <li>c. Requiring regional cooperation as part of IPR (see also Recommendation 35).</li> </ul>	✓				✓		<p>increase complexity for senior officers who have to deal with two distinct bodies. Basically staff would be looking after two bodies and not one.</p> <p>It is considered that such a proposal would require additional staffing to administer a community body ,ie a area/board manager in that location.</p> <p>Mandating cooperation diminishes local autonomy and could have significant workload implications for staff.</p>
13	<p>The Panel recommends that consideration also be given to the potential need for a new form of 'regional authority' to enable collaboration on specific issues</p>	✓				✓		<p>It is unclear how such a regional authority would operate and what role individual local governments would be asked to play.</p> <p>Throughout the review there is proposals for "commissions", "community boards", expanded Audit</p>

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	between governments and with other key stakeholders							Committee Roles" etc, to have a regional authority adds to the bureaucratic impediments on local governments.
14	The Panel recommends: a. The regional council model is discontinued. b. A flexible model of joint (regional) and single (local) subsidiaries be introduced in order to enable: (i) collaboration between local governments; and/or (ii) involvement of local government in economic development including commercial activities	✓						More detail on the regional authority role is required. This recommendation does not affect this Council as has not been involved in a regional council.
15	The Panel recommends that the new Act include a set of principles for intergovernmental relations that make clear local government's role and obligations as part of the broader system of government, and that underpin a range of ongoing arrangements such as the State Local Government Partnership	✓						More detail is required, the recommendation is poorly explained. Intergovernmental relations should be a mutual obligation and with the Panel not recognising a tiered approach there is some doubt of their intent in this proposal.
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	✓						In what matters are the traditional landowners are to be engaged in the decision making of a local government. Further detail needs to be provided.

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
17	<p>decision-making in their local communities</p> <p>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</p>	✓					✓	As per recommendation 16 comment, more detail required as to when the landowners are to be involved in Council decision making.
18	<p>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>			✓			✓	<p>This needs to be expanded to not only remote community, rather to all smaller rural and remote LGAs. Again a situation where a multi-tiered Act would be beneficial.</p> <p>The state government also has some responsibility as the recommendation implies it seems its being shifted to local government to provide services that the state government is currently providing.</p>
19	<p>Optional preferential voting be adopted in place of the current first past the post system</p>		✓				✓	Oppose - Retain First Past the Post non-compulsory voting in LG Elections
20	<p>The principle of one vote per person be included in the legislation, subject to Recommendation 21 below</p>		✓				✓	
21	<p>Property franchise voting should be replaced with the requirement for local governments to introduce mechanisms for regular and effective</p>		✓				✓	

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No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	consultation with the business community							
22	Local government elections are held once every four years, two years after but to otherwise accord with the timing of the State election		✓			✓		
23	All local government elections should be overseen by the Western Australian Electoral Commissioner		✓			✓		This is a monopoly now and the opportunity is here to bring in some competition to keep the costs down.
24	Provision in the new Act for electronic/online voting to be introduced in the future once the integrity of the process can be assured (including allowing for a pilot)	✓			✓			
25	The Panel makes the following further recommendations in relation to elections: <ul style="list-style-type: none"> <li>a. Postal voting be required, with lodgement of these votes to be allowed in person on and before election day.</li> <li>b. The election process extended to provide more time for the issuing and receipt of postal votes.</li> <li>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</li> </ul>	✓			✓			(a) Not supportive if the Election Day remains a Saturday. The cost to staff a polling booth(s) on a Saturday for little (or no) votes being made in-person on this day is not practical.  It should be postal only with the opportunity to cast a vote in-person during the period leading up the closure of polls.  Extraordinary Election Days are not set in legislation as having to be a Saturday, resulting in most of these being during the week. Not sure why this cannot be the same for the ordinary LG Elections Days. If this was the case the cost to hold election should be reduced.

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>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.</p> <p>d. A caretaker policy should be introduced barring elected members up for re-election from representing the council at events, handing out council grants or donations and moving substantive notices of motion in the period before the election, and a requirement to comply with this policy should be included in the Code of Conduct.</p> <p>e. The donor and the candidate should co-sign each declaration of a gift made.</p> <p>f. Donations via crowd funding platforms should be regulated so far as possible.</p>							<p>(d) Caretaker Policy – a policy is likely to have implications. 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 could be placed on the local government senior officers.</p> <p>(f) donations by crowd funding needs to be strictly regulated to prevent others crowd funding on behalf of a candidate without the knowledge of that candidate and then use it against the candidate at a later date. This is open for abuse and should be discouraged. Should be no funding of such nature in LG Elections</p>
26	In respect to elected member representation, the Panel recommends:		✓				✓	The parameters set are not supported and the panel does not recognise a local government with large rural areas.



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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>a. Population should be used to determine the number of elected member positions:</p> <p>(i) Population of up to 5,000 – 5 councillors (including President).</p> <p>(ii) Population of between 5,000 and 75,000 – 5 to 9 councillors (including Mayor/President).</p> <p>(iii) Population of above 75,000 – 9 to 15 councillors (including Mayor).</p> <p>b. Ward boundary reviews, to ensure equitable representation is maintained, should be conducted every four years by the Office of the Electoral Distribution Commissioners, with the support of the WAEC and should be conducted using similar processes and principles that are in place for state electoral boundaries as</p>							<p>If parameters are to occur then they should be expanded for (i) 5 to 7 councillors, (ii) 7 to 9, (iii) 9 to 15.</p>
								<p>The concern here is the additional cost associated with the WAEC undertaking this review.</p> <p>For many rural areas a review every four years is not warranted as little changes and the eight year review term should be retained or be governed by adverse changes such as large population increases etc.</p>

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		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
	<p>contained in the <i>Electoral Act 1907</i>.</p> <p>c. Current classification bands 3 and 4 should not have multiple wards unless the Local Government Commission permits it in the interests of ensuring local democracy is enabled in certain communities.</p> <p>d. The changes to wards and elected member numbers due to the above recommendations should be phased in.</p> <p>e. With the introduction of four-year elections, council elected mayors/presidents should be elected for two-year terms.</p> <p>f. No restriction should be placed on the number of terms an elected member or mayor/president can serve</p>		✓			<p>This is for the individual local government to determine and not the state government.</p> <p>SON is Band 3 so therefore no wards would occur</p>
		✓		✓		
		✓		✓		
		✓		✓		

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No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION		COUNCIL COMMENTS
		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
27	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	✓				
28	The Panel recommends the following as the role of council a) considers the diversity of interests and needs of the local community; b) is accountable to the community for the local government's performance; c) ensures adequate opportunities and mechanisms for engagement with the local community; d) ensures the timely development and adoption of the strategic plans, programs and policies of the council and promotes the effective and consistent implementation of these;	✓		✓		

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>e) develops and adopts strategic plans and a budget for the local government;</p> <p>f) keeps the local government's resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review;</p> <p>g) provides strategic direction to the CEO in order to achieve high-quality administration and performance of the local government's functions in accordance with the Local Government Act and local government's policies;</p> <p>h) carries out an annual performance review of the CEO and in agreement with the CEO adopts Key Performance Targets for the following year;</p> <p>i) provides a safe working environment for the CEO, officers and councillors;</p> <p>j) reviews annually the delegations of the council;</p> <p>k) performs such other functions</p>							

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
29	<p>as are given to a council by this Act or any other written law.</p> <p>The Panel recommends the following as the role of councillors</p> <ul style="list-style-type: none"> <li>a) without bias represents the current and future interests of all people who live, work and visit the district;</li> <li>b) provides leadership and guidance to the community in the district;</li> <li>c) facilitates communication between the community and the council;</li> <li>d) accurately represents to the community the policies and decisions of the council;</li> <li>e) participates in the development of strategic plans;</li> <li>f) must be prepared to –               <ul style="list-style-type: none"> <li>i. participate with an open mind in the local government's decision-making processes;</li> <li>ii. be an active and contributing member of the council; and</li> <li>iii. make considered and well-informed decisions;</li> </ul> </li> </ul>	✓			✓			

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	g) makes all reasonable efforts to acquire and maintain the skills necessary to perform the role of councillor; and performs such other functions as are given to a councillor by this Act or any other written law.							
30	<p>The Panel recommends the following as the role of the mayor/president: In addition to the responsibilities of a councillor, the mayor or president —</p> <p>a) provides leadership and guidance to the community in the whole district;</p> <p>b) carries out civic and ceremonial duties on behalf of the local government;</p> <p>c) acts as the principal spokesperson on behalf of the council and explains and upholds the decisions of the local government;</p> <p>d) encourages good working relations between councillors, and between the council and the CEO;</p> <p>e) provides guidance to councillors about what is expected of a</p>	✓			✓			

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		SUPPORT	OPPOSE	UNSURE		SUPPORT	OPPOSE	UNSURE		
	<p>councillor including in relation to:</p> <ul style="list-style-type: none"> <li>i. the role of a councillor;</li> <li>ii. the councillor code of conduct; and</li> <li>iii. standing orders</li> </ul> <p>f) liaises with the CEO on the local government's affairs and the performance of its functions;</p> <p>g) presides at meetings in accordance with this Act;</p> <p>h) leads the development of strategic plans;</p> <p>i) promotes partnerships between the council and key stakeholders;</p> <p>j) leads and facilitates the presentation of the annual Council budget;</p> <p>k) initiates the annual performance appraisal of the CEO; and performs such other functions as are given to the mayor or president by this Act or any other written law.</p>									

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
31	<p>The Panel recommends the following as the functions of the CEO:</p> <p>1) The CEO's functions are to –</p> <p>a) advise and assist the council in relation to the functions of a local government under this Act and other written laws;</p> <p>b) ensure that timely and accurate advice and information is available to the council so that informed decisions can be made;</p> <p>c) ensure that the mayor and other councillors are given the administrative and professional support necessary to effectively discharge their role;</p> <p>d) advise the council on appropriate forms of community engagement;</p> <p>e) advise and consult the mayor and council on the development and implementation of the strategic plans, programs, strategies and policies of the council;</p> <p>f) prepare, in consultation with</p>	✓ Other than (b) & (c)			✓ Other than (b) & (c)			WALGA oppose items 32 (b) & (c) (a) ensure that timely and accurate advice and information is available to the council so that informed decisions can be made; (b) ensure that the mayor and other councillors are given the administrative and professional support necessary to effectively discharge their role



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	<p>the mayor and council, the draft budget;</p> <p>g) ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner;</p> <p>h) conduct the day-to-day management of the local government in accordance with the strategic plans, programs, strategies and policies of the council;</p> <p>i) ensure the effective and efficient management of the local government in a way that promotes –</p> <ul style="list-style-type: none"> <li>i. the effective, efficient and economical management of public resources;</li> <li>ii. excellence in service delivery; and</li> <li>iii. continual improvement;</li> </ul> <p>j) maintain systems to enable effective planning and accurate reporting of the financial and service performance of the local government to the council and community;</p>							

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	<p>k) speak publicly on behalf of the local government when approved by the mayor or president to do so;</p> <p>l) be responsible for the employment and management of local government employees, except with respect to the position of CEO, through management practices that —</p> <ul style="list-style-type: none"> <li>i. promote equal employment opportunities;</li> <li>ii. are responsive to the local government’s policies and priorities; and</li> <li>iii. provide a safe working environment;</li> </ul> <p>m) ensure the local government complies with this Act and any other written law;</p> <p>n) ensure that records, proceedings and documents of the local government are properly kept for the purposes of this Act and any other written law; and</p> <p>o) perform any other function specified or delegated by the</p>							

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>council or imposed under this Act or any other written law as a function to be performed by the CEO.</p> <p>2) The CEO must inform and consult the council when determining, or making, significant changes to –</p> <p>a) the organisational structure for the staff of the local government; or</p> <p>b) the processes, terms or conditions that are to apply to the appointment of senior executive officers; or the appraisal scheme that is to apply to senior executive officers.</p>							
32	<p>The Panel recommends that the following community engagement principles should be included in the new Act:</p> <p>a. Councils actively engage with their local communities;</p> <p>b. Councils are responsive to the needs, interests and aspirations of individuals and groups within its community;</p> <p>c. Community engagement</p>							<p>The concern here is the additional costs and resources required and again the one-size fits all approach to community communications. What may be relevant to a large LGA may not be for a smaller LGA.</p> <p>There will also need to be detail on how this is managed through "Community Boards"</p>

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		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
	<p>processes have clearly defined objectives and scope;</p> <p>d. Participants in community engagement have access to objective, relevant and timely information to inform their participation;</p> <p>e. Participants in community engagement are representative of the persons and groups affected by the matter that is the subject of the community engagement;</p> <p>f. Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement; and</p> <p>g. Participants in community engagement are informed of the ways in which the community engagement process will influence council decision-making</p>					
33	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	✓			✓	The concern here is the Charter again cannot be a one-size fits all approach to community communications. What may be relevant to a large LGA may not be for a smaller LGA.

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No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION		COUNCIL COMMENTS
		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
34	<p>parameters and provide guidance on mechanisms to be used</p> <p>The Panel recommends the Annual Electors' Meeting is replaced by an Annual Community Meeting whereby:</p> <ul style="list-style-type: none"> <li>a. As a minimum, councils provide information on their achievements and future prospects;</li> <li>b. Councils report on the local government's financial performance and performance against relevant Council Plans;</li> <li>c. Both the mayor/president and the Chair of the Audit Committee address the meeting;</li> <li>d. There is ample time for questions; and</li> <li>e. Wider community participation is encouraged through different delivery mechanisms</li> </ul>	✓	✓	✓	✓	<p>The Review Panel did not recognise local governments previous requests that Annual Electors meetings not be mandatory, all they have done is simply changed the title of the meeting.</p> <p>It would be easier to legislate for an Agenda Item to be presented to an Ordinary Council Meeting for the Annual Report to be presented and not hold a separate Meeting as proposed unless that Council or the community wishes for such a meeting.</p>
35	<p>The Panel recommends the following IPR Principles are included in the new Act:</p> <ul style="list-style-type: none"> <li>a. Councils plan strategically, using the integrated planning and reporting framework, for</li> </ul>	✓		✓		<p>IPR needs to be relevant to the size, type and nature of the individual LGAs and not structured in a way as it becomes a one size-fit-all approach.</p>

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		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>the provision of effective and efficient services to meet the diverse needs of the local community;</p> <p>b. Strategic planning identifies and incorporates, where appropriate, regional, State and Federal objectives and strategies concerning the economic, social, physical and environmental development and management of the community;</p> <p>c. Strategic planning addresses the community's vision;</p> <p>d. Strategic planning takes into account the resources needed for effective implementation;</p> <p>e. Strategic planning identifies and addresses the risks to effective implementation; and</p> <p>f. Strategic planning is a key accountability tool that provides for ongoing monitoring of progress and regular reviews to identify and address changing circumstances</p>							Do not set minimum standards which can only be achieved by small under-resourced LGA if this is outsourced to external consultants as this will simply be a cost burden on ratepayers.

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No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION		COUNCIL COMMENTS
		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
36	<p>The Panel recommends:</p> <ul style="list-style-type: none"> <li>a. IPR be given greater prominence in the new Act as the centrepiece of 'smart' planning and service delivery.</li> <li>b. The new Local Government Commission and the department should take steps to improve understanding and skills across the sector to ensure consistent implementation of IPR requirements.</li> <li>c. IPR provisions in the Act should be expanded to include the issues currently covered in the regulations (suitably updated in accordance with these recommendations).</li> <li>d. IPR provisions and guidelines should be amended to, amongst other things –               <ul style="list-style-type: none"> <li>i. Highlight the central goal of advancing community well-being (economic, social, cultural and environmental).</li> <li>ii. Replace the current requirement for a</li> </ul> </li> </ul>	✓		✓		<p>IPR needs to be relevant to the size, type and nature of the individual LGAs and not structured in a way as it becomes a one-size-fit-all approach.</p> <p>Do not set minimum standards which can only be achieved by small under-resourced LGA if this is outsourced to external consultants as this will simply be a cost burden on ratepayers.</p> <p>Concern is that if the four year all in all out election cycle is introduced, what's the value in having four year plans when the incoming Council has had no input and can effectively reject the plan.</p>

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LOCAL GOVERNMENT REVIEW PANEL REPORT

No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>Strategic Community Plan with a more flexible framework for 'Community Strategies'.</p> <p>iii. Reframe Corporate Business Plans as broader 'Council Plans' prepared by each incoming council.</p> <p>iv. Mandate deliberative community engagement in the preparation of both Community Strategies and Council Plans.</p> <p>v. Require a 'regional issues and priorities' section within Council Plans, to be prepared in consultation with neighbouring/nearby local governments.</p> <p>e. Provision should be made for a baseline reporting system as part of the IPR framework, and local governments should be required over time to report against a wider range of performance measures covering financial</p>							



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No	RECOMMENDATION	WALGA POSITION				COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE		
	<p>management, service delivery, governance and community wellbeing.</p> <p>f. Annual reports should include a statement of performance against the objectives, programs and projects set out in Community Strategies and Council Plans.</p> <p>g. The Audit, Risk and Improvement Committee (see Recommendations 53 and 54) should monitor the local government's performance in implementing the IPR framework, including compliance with relevant statutory obligations, and report its assessment to the community (for example, as an addendum to the council's annual report and/or as a statement to the Annual Community Meeting proposed in Recommendation 35).</p> <p>h. That all IPR plans be reviewed every four years (to align with the new election cycle), two years or one year depending on the plan.</p>								

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No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPOSE	UNSURE	SUPPORT	OPOSE	UNSURE	
37	<p>The Panel recommends:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. The Minister should have the power to direct a local government if it fails to provide or offer these services.</li> <li>c. The new Act should incorporate financial sustainability principles which also link to the IPR framework.</li> <li>d. Local government services and programs should be aligned to the IPR framework.</li> <li>e. Local governments conduct regular reviews of services and service levels including community consultation</li> </ul>		✓			✓		
			✓			✓		
			✓			✓		
		✓			✓			
		✓						
38	The Panel recommends local governments should continue to play an active role in economic development at both local and regional levels. The IPR framework should encourage local governments to be cognisant of State Government	✓					✓	

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No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
39	plans when developing strategies for economic development 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	✓					✓	
40	The Panel recommends that 'beneficial enterprises' not be introduced as a new mechanism for local government commercial activities, but that instead an updated and more flexible subsidiary model should provide for the following: a. Local government autonomy to establish a single or joint subsidiary to: (i) Carry out any scheme, work or undertaking on behalf of the council; (ii) Manage or administer any property or facilities on behalf of the council; (iii) Provide facilities or services on behalf of the council; and/or (iv) Carry out any other functions on behalf of the council.	✓ Other (h)					✓	



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No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION		COUNCIL COMMENTS
		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
	<p>government/s and within the jurisdiction of the Western Australian Industrial Relations Commission.</p> <p>i. No requirement for ministerial approval at the outset, but reserve powers for the Minister for Local Government to intervene if issues arise should be included.</p>					
41	<p>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</p>	✓		✓		
42	<p>The Panel recommends the following financial management principles be included in the new Act:</p> <p>a. Councils should have regard to achieving intergenerational equity, including ensuring the following:</p>	✓		✓		<p>The statement “intergenerational equity” needs to be further explained as to how this is to be measured, proven and achieved? Further detail required.</p>

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No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION		COUNCIL COMMENTS
		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
	<p>(i) Policy decisions are made after considering their financial effects on future generations;</p> <p>(ii) The current generation funds the cost of its services;and</p> <p>(iii) Long life infrastructure may appropriately be funded by borrowings.</p> <p>b. Revenue, expenses, assets, liabilities, investments and financial transactions are managed in accordance with the council's financial policies and strategic plans;</p> <p>c. Financial risks are monitored and managed prudently having regard to economic circumstances;</p> <p>d. Financial policies and strategic plans, including the Revenue and Rating Strategy and Investment policy, seek to provide stability and predictability in the financial impact on the community; and</p> <p>e. Accounts and records that</p>					

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No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION		COUNCIL COMMENTS
		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
	explain the financial operations and financial position of the council are kept.					
43	<p>The Panel recommends that local government procurement thresholds, rules and policies are, where applicable, aligned with the State Government, including (but not limited to):</p> <ol style="list-style-type: none"> <li>Tender threshold (currently \$250,000);</li> <li>Procurement rules and methods for goods and services under the tender threshold;</li> <li>Procurement policies, including sustainable procurement, procuring from disability enterprises, buy local (where 'local' refers to Western Australia or a specific region of the state determined by the local government) and Aboriginal businesses; and</li> <li>Using Tenders WA as the primary tender platform.</li> </ol>	✓		✓		
44	The Panel recommends the development of a model procurement policy for all local governments. If a local government chooses to deviate from the policy it	✓		✓		

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No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	should be required to explain its reasoning to the responsible State Government agency							
45	The Panel recommends enhancing legislation to regulate and guide the establishment and management of panel contracts	✓			✓			
46	The Panel recommends a requirement for local governments to have an open register of local businesses with local governments determining what is considered 'local' to their community	✓				✓		Cannot see the reason for this in a small LGA, also what is determined as local when for example have four towns within a shire boundary of which two are 110km apart yet have a regional city outside the shire boundary that is 50km from a shire town.
47	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	✓			✓			
48	The Panel recommends: a. Rate capping should not be introduced. b. Local governments should be required to develop and publish a rates and revenue strategy, that would amongst other things replace the need to have fees and charges set in the annual budget. c. The Economic Regulatory Authority (ERA) should be asked to undertake a review of	✓			✓			



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No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>the rating system, including a thorough examination of the case for the current wide range of exemptions.</p> <p>d. The current rates exemptions should be retained until after the ERA review.</p> <p>e. Property owners seeking an exemption should be regularly required to prove they meet the criteria for an exemption.</p> <p>f. Local governments should charge a separate waste charge applying to all properties which have a waste service, including exempt properties.</p> <p>g. The Valuer General should be asked to undertake a review of the rating methodology with the aim of smoothing out significant fluctuations in valuations.</p>							(d) its is questioned how long a review by the ERA will take, why can't the state government simply make the decisions on what charitable organisations are or are not to pay rates.
49	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.	✓			✓			

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No	RECOMMENDATION	WALGA POSITION				COUNCIL POSITION				COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE		SUPPORT	OPPOSE	UNSURE		
50	The Panel recommends that local governments and State Government apply cost recovery principles when setting fees and charges	✓				✓				State & LG Principles can differ significantly. Not sure why this is recommended.
51	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.		✓				✓			This is opposed. Why have a committee of nonelected members when the Councillors are elected to manage the affairs of the Council.  This proposal is taking away the role and responsibility of elected members. Also are the elected members answerable to the Audit Committee who are again non elected.  Pool of suitably qualified members for the panel could be limited. Further general members of the public may not wish to be involved which is evident by lack of interest at local government elections.  With the office of Auditor General undertaking audits, isn't this enough checking?
52	The Panel recommends the main roles of the Audit, Risk and Improvement Committee should include: a. Developing an audit plan which focuses on compliance, risk (including procurement), financial management, fraud control, governance and delivery of the Council Plans; b. Identifying continuous	✓				✓ Except (c)				(c) 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.

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No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION		COUNCIL COMMENTS
		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
	<p>improvement opportunities and monitoring programs and projects in this area;</p> <p>c. Conducting the mandatory internal audits as outlined in the audit plan; and</p> <p>d. Providing advice to the council in relation to these matters</p>					
53	<p>In relation to governance, the Panel recommends:</p> <p>a. Meeting procedures are standardised across all local governments, allowing for both a committee system and a public briefing system.</p> <p>b. Elected members should be required to lodge a declaration of interest as well as a confirmation of impartiality prior to meetings.</p> <p>c. Elected members who believe that they are unable to maintain impartiality on a particular matter should be permitted to withdraw from that part of the meeting provided a quorum is maintained.</p>	✓ (other than items (c) & (g))		✓ Except (a), (e) & (g)		(a) 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.

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No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
	<p>d. All votes should be recorded in the minutes on each motion with details of how each councillor voted.</p> <p>e. As a minimum, audio recordings of public parts of council meetings should be available on the local government's website when the minutes become available, with livestreaming to be encouraged.</p> <p>f. CEO contracts should be standardised and consistent with the Public Sector Commission's policy and relevant conditions for public sector employees.</p> <p>g. CEO contracts should be no more than five years and after two terms the local government must readvertise the position.</p> <p>h. The department should facilitate additional oversight in the recruitment and management processes of CEOs. This could include representation on the selection panel and/or</p>							<p>(e) requirement for audio and visual recording of Council meetings will again be a financial impost on smaller local governments</p> <p>(f) There is currently a model contract in place for local government CEOs established through Local Government Professionals WA and WALGA. A standardized contract could have significant implications for CEOs and senior officers if it is less favourable than the current arrangement.</p> <p>(g) 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>(h) Why does the Department of LG have to be involved in the recruitment of a CEO. Many Councils now take the option of appointing a consultant to undertake this task with a recommendation to the</p>

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No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	
	<p>screening of applicants.</p> <p>i. Primary and Annual Returns should include disclosure of membership of political parties and associations likely to be seen as exerting an influence on decision- making.</p>						Council who they should employ. It is doubtful that staff in the Department have the expertise or skills to be involved in a CEO appointment process.
54	<p>The Panel recommends the following in relation to training:</p> <p>a. New CEOs (including CEOs moving to a substantially larger local government) should be required to undertake training and ongoing professional development as recommended by the selection panel.</p> <p>b. There should be compulsory induction training and ongoing professional development for all councillors, including specific programs for mayors and presidents.</p> <p>c. Training modules for all councillors should include in-depth material on IPR and land use planning.</p> <p>d. The Minister should have discretion to exempt</p>	✓			✓		

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No	RECOMMENDATION	WALGA POSITION		COUNCIL POSITION		COUNCIL COMMENTS
		SUPPORT	OPPOSE	SUPPORT	OPPOSE	
	<p>completion of training within the stipulated time on compelling grounds.</p> <p>e. Expanded use of peer review and support should be encouraged both to help improve the performance of individuals and local governments.</p>					
55	<p>The Panel recommends that there should be an early intervention framework of monitoring to support local governments. The department should have additional powers to appoint and support the monitor with councils responsible for the direct costs of the monitor.</p>	✓		✓		<p>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>
56	<p>The Panel recommends the Minister should have the power to direct local governments and make declarations in respect to the Local Government Act during a declared state of emergency</p>	✓		✓		<p>This happened in the COVID pandemic however need to be cautious as could represent a very broad power which could be used in many different ways.</p>
57	<p>The Panel recommends establishing an Office of the Independent Assessor that should:</p> <p>a. Be an independent body to receive, investigate and assess complaints against elected members and undertake</p>	✓		✓		

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No	RECOMMENDATION	LOCAL GOVERNMENT REVIEW PANEL REPORT						COUNCIL COMMENTS
		WALGA POSITION		COUNCIL POSITION		UNSURE	UNSURE	
		SUPPORT	OPPOSE	UNSURE	SUPPORT			OPPOSE
	<p>inquiries. This removes the CEO from being involved in processing and determining complaints.</p> <p>b. Be a statutory appointment by the Governor.</p> <p>c. Upon assessment, refer the complaint back to the council (behaviour-related), the State Administrative Tribunal (SAT) (serious breaches), or to another appropriate body (such as, Corruption and Crime Commission, Public Sector Commission, Ombudsman) according to the subject of the complaint.</p> <p>d. Replace the Standards Panel by investigating and making determinations on Rules of Conduct breaches. SAT will determine the penalties.</p> <p>e. Amongst other powers, have the power to investigate, to order compulsory mediation and to deal with abuses of process.</p>							

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No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS	
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE		
58	<p>f. Be required to notify the CEO and council of any matters on a confidential basis</p> <p>The Panel recommends consideration should be given to the appropriate recognition and management of complaints by an elected member against a CEO or other senior officer, with one option for these to be investigated by the Office of the Independent Assessor</p>		✓			✓			As opposed to WALGA's position an independent process to deal with such complaints could be beneficial.
59	<p>The Panel recommends:</p> <p>a. The new Act should set principles for determining classification bands for local governments.</p> <p>b. These classification bands should be used by the Salaries and Allowances Tribunal for determining councillor and CEO payments, as well as providing a framework for distinguishing between local governments in relation to other matters.</p>		✓				✓		Bands already determine salaries & allowances for Councillors and CEO's therefore see no value in them being part of the Act.
60	The Panel recommends the increased harmonisation of local laws through the development of model local laws and deemed provisions	✓				✓			If model local laws are used then the need to consult on that model local law should not be required.



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No	RECOMMENDATION	WALGA POSITION			COUNCIL POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	SUPPORT	OPPOSE	UNSURE	
61	The Panel recommends requiring local governments to justify to the Joint Standing Committee on Delegated Legislation any variation from the model or deemed provisions	✓					✓	This provision could reduce local government autonomy and will make it more difficult to introduce local laws which are not model laws.
62	In relation to WALGA, the Panel recommends: <ul style="list-style-type: none"> <li>a. WALGA not be constituted under the new Act;</li> <li>b. A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and</li> <li>c. Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.</li> </ul>	✓			✓			

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	
20	Act be amended to provide for the Director General of the DLGSC to prescribe mandatory Code of Conduct for all council members, members of council committees and employees, which will set minimum standards to comprehensively regulate all conduct engaged in by Council members, committee members and employees in the discharge of their duties and functions, including, but not limited to the disclosure of conflicts of interest.	✓			Section 5.103 of LG Act requires a code of conduct to be adopted, is the code mentioned here going to be different than what we already use, LGA's will need to be consulted on the wording of the Code
25	The Department arrange for an independent review of the Code, at three-yearly intervals, to determine whether it remains effective and relevant and whether it should be updated and amended.	✓			Supported however LG should be able to provide comment on any recommended changes
28	LG be required to provide newly elected council members, elected committee members and employees with training on the Code including an assessment component, as part of the induction process.	✓			Training now a requirement under the LG Act so not a concern
29	All Council members and employees undergo training on the Code when it is introduced and refresher training on the Code, including and assessment component at no less than 12 month intervals.	✓ Not every 12 months			12 month intervals is considered too early and should be two years or the election cycle which ever is the lesser
30	The DLGSC establish the training programmes described in Recommendations 28-29 and publish comprehensive training materials on its website, for use by internal and external facilitators, in delivering the programme to council members and employees.	✓			
33	The DLGSC to consider the inclusion of reporting against compliance with the code training requirement in a LGA compliance audit return, split by category, namely, council members, committee members, candidates, the CEO, "senior employees' or equivalent and employees.		✓		For what purpose? Another compliance regime

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	
34	LGA's be required to publish in their Annual Report their percentage of compliance for the financial year with the Code training requirement, according to the specified categories as per Recommendation 33.		✓		For what purpose? Another compliance regime
38	The DLGSC establish a Mayoral leadership coaching programme for newly elected mayors and presidents, delivered by accredited coaching providers, to support mayors and presidents build their non-technical and leadership skills as part of continuing professional development.	✓			Training for Presidents and Deputy Presidents used to be undertaken by WALGA and formed part of the Local Government Week Training and this could be re-instated to reduce costs
39	An independent accredited executive coach, with formal experience in leadership coaching, be appointed to support and mentor a newly elected mayor or president in their transition into the role and for continuing professional development particularly the development of skills necessary to provide effective community leadership and manage relationships with the local government and the CEO. Coach to be selected by the mayor or president from a panel of suppliers provided by the Department.			✓	Who pays for such coaching, this will be a major financial impost on small local authorities.
42	The DLGSC establish a CEO professional leadership coaching programme for CEO's of LGA's, delivered by accredited coaching providers, to support CEO's to build their non technical and leadership skills both in their transition into the role and continuing professional development.	✓			This used to be undertaken by the then Local Government Managers Association (now LG Professionals) but ceased for some reason.
43	An independent accredited executive coach, with formal experience in leadership coaching, be appointed, to support and mentor the CEO (including new and current CEO's) on their role and continuing professional development, particularly the development of skills necessary to provide effective community leadership and manage relationships within and between the council and the CEO. The coach be selected by the CEO from a panel of suppliers provided by the DLGSC.	✓			Have to be a good reason to bring in a coach for an already appointed CEO
47	Local Government (Administration) Regulations 1996 be amended to require council members to undergo training on:	✓			Of the list it is considered that the training now required by the Act covers all of the dot points so no amendment to the act is required

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	
	<ul style="list-style-type: none"> <li>The statutory roles and functions of, and the relationships between, the Council, Mayor or President, council members, the CEO and other employees of the local government.</li> <li>Conduct and integrity in decision making, including declaring and managing conflicts of interests.</li> <li>Financial management and the integrated planning and reporting frame work.</li> <li>Leadership, including council members' role as elected representatives of the community.</li> </ul>				
49	<p>Consideration to amend Section 5.128 of the LG Act and prescribing regulations to require local governments, in preparing and adopting policy on continuing professional development:</p> <ul style="list-style-type: none"> <li>to extend the policy to committee members and senior employees;</li> <li>to consider the individual training and professional development needs of council members, committee members and senior employees; and</li> <li>to require training and professional development courses to be delivered by independent and qualified training providers who are members of a panel of training providers established by DLGSC, with assessment undertaken as part of the course.</li> </ul>	✓			Although supported it will be a significant financial impost on small local governments
50	<p>Committee members, including those who are council members, as part of their continuing professional development, receive training in respect of the specialised skills and knowledge required to competently carry out that committee function.</p>		✓		Committee's that are formed are normally general in nature and don't see the purpose of this requirement, easy way to get around it is to not have committee's
51	<p>The training described in Recommendation 50 be received before the committee member serves on the relevant committee or, if that is not practicable, as soon as practicable after the appointment of the committee.</p>		✓		As per recommendation 50

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	
57	LG Act be amended to require all council meetings and committee meetings of Council be audio-visually recorded in their entirety, which recordings should be kept in compliance with the State Records Act 2000.			✓	Will be a major cost to local governments but achievable Should be optional
58	Audio-visual recordings of all parts of a council or a committee meeting that were open to the public, CEO must publish those on a local government website, to be prescribed.			✓	
59	Audio-visual recordings must be provided to a person to inspect when they attend the office of a local government during business hours, to be prescribed.			✓	
60	Regulation be amended to require the reasons for all decisions of council or a committee of council be recorded in writing in the minutes of the meeting in sufficient detail to explain why the decision was made.			✓	Is an officer recommendation not sufficient for a decision or is this referring to a decision where no recommendation is provided
83	The DLGSC give consideration to further amending the regulated forms for primary and annual returns to require council members and designated employees to disclose the names of close family members and entities that they or their close family member control or jointly control.			✓	Further definition of "close family members" will be required and does it relate to those members entities not within the local government area
104	LG Administration Reg's be amended to provide for the contract of employment for a CEO to be based on a model contract to be developed by the DLGSC		✓		Model contracts are already in place developed by WALGA and LG Professionals. State government based contracts my limit negotiation parameters between the Council and CEO
105	The DLGSC establish standardised professional leadership competencies for local government CEO's in each classification band.	✓			
106	The DLGSC adopt guidelines for use of those standardised professional leadership competencies of a CEO in respect of: <ul style="list-style-type: none"> <li>CEO's initial recruitment; and</li> <li>His or her ongoing performance and the review of that performance (including termination of employment)</li> </ul>	✓			

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPOSE	UNSURE	
110	The DLGSC consider requiring local governments to publish in their annual reports the details related to the employment of a CEO, including the total value of the annual remuneration, the term of the contract and the documented reasons for the decision on the salary to be paid.		✓		Nor supported, the remuneration established between the employer and employee is those entities concern and no others. Can be detrimental to the well being of the officer in social circles
111	The DLGSC establish a panel of professionals with demonstrated expertise in the recruitment and selection and management of performance of executive employees, to assist local governments to recruit, establish key performance indicators for and manage the performance of the CEO.	✓			Providing the local government is well represented and not having one elected member as proposed in recommendation 116
116	The CEO model standards require the recruitment and selection process for a local government CEO be undertaken by a panel (CEO Recruitment Panel) which shall make a recommendation to the council of a local government on the candidate to be appointed as CEO. The CEO Recruitment Panel is to comprise of: <ul style="list-style-type: none"> <li>• A member of the council, appointed to the panel by the council;</li> <li>• An independent third party, with demonstrated expertise in local government; and</li> <li>• A member of the panel described in Recommendation 111, appointed by the DLGSC, with experience in the recruitment and selection and managing the performance of executive employees, who shall provide guidance and advice to the CEO Recruitment Panel.</li> </ul>	✓			Should be at least two members of the council not the one
117	The CEO model standards prescribe that the Council: <ul style="list-style-type: none"> <li>• Must not employ a CEO in the absence of a recommendation from a CEO Recruitment Panel;</li> <li>• Must allow the members of the CEO Recruitment Panel to be present during discussions of the Panel's recommendation;</li> <li>• May accept the CEO Recruitment Panel's recommendation;</li> </ul>	✓			

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	
	<ul style="list-style-type: none"> <li>• May reject the CEO Recruitment Panel's recommendation and appoint another person as CEO, but must provide detailed reasons for doing so; and</li> <li>• May require further information before deciding whether to accept or reject the CEO Recruitment Panel's recommendation.</li> </ul>				
118	The appointee of the DLGSC to a CEO Recruitment Panel prepare the report to council on the recruitment and selection process for a local government CEO, including the decision of Council to accept or reject the Panel's recommendation and the reasons given by the Council of that decision.	✓			But at whose cost, bit of a "big brother" watching in this recommendation
119	The appointee of the DLGSC to raise any probity concerns, with the Department, including potential breaches of the legislation.	✓			
121	The DLGSC consider developing a sector-wide standard format for the CEO Performance and Development Agreements and Assessments	✓			Still needs to be flexible
122	<p>The CEO model standards require the review of the performance of a local government CEO be facilitated by a panel (CEO Performance Advisory Panel), which shall make a recommendation and provide a report to the council of a local government on the outcome of that review. The CEO Performance Panel is to comprise of:</p> <ul style="list-style-type: none"> <li>• A member of the council, appointed by the council;</li> <li>• An independent third party with demonstrated expertise in local government and/or the recruitment and selection and managing the performance of executive staff, appointed by the council, and</li> <li>• One of whom is a member of the panel described in Recommendation 111 nominated by the DLGSC, who shall be experienced in the recruitment and selection and managing the performance of executive employees and provide guidance and advice to the CEO Performance Advisory Panel.</li> </ul>	✓			Should be two members from the council

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	
123	<p>The CEO model standards to prescribe the council of a local government:</p> <ul style="list-style-type: none"> <li>Review a CEO's performance guided by a recommendation from a CEO Performance Advisory Panel;</li> <li>Must allow the members of the CEO Performance Advisory Panel to be present during the councils discussions on the Panel's recommendation;</li> <li>May accept the CEO Performance Advisory Panel's recommendation with or without modifications, but if the Panel's recommendation is modified must provide detailed reasons for doing so.</li> <li>May reject the CEO Performance Advisory Panel's recommendation and adopt an alternative outcome of the review, but must provide detailed reasons for doing so; and</li> <li>May require further information before deciding whether to accept or reject the CEO Performance Advisory Panel's recommendations.</li> </ul>	✓			
124	<p>The appointee of the DLGSC to a CEO Performance Advisory Panel prepare the report to council on the local government CEO's performance review assessment and outcome, including the decisions of council, the reasons for them and the process taken.</p>	✓			But at whose cost, bit of a "big brother" watching in this recommendation
125	<p>The council is to afford to the CEO procedural fairness by providing:</p> <ul style="list-style-type: none"> <li>The CEO Performance Advisory Panel's report to the CEO prior to the council meeting at which council will decide the outcome of the review; and</li> <li>Sufficient time for the CEO to respond to any adverse statements in the report.</li> </ul>	✓			
126	<p>The report to council is to include the report of the CEO Performance Advisory Panel and any response provided by the CEO, as described in recommendation 125.</p>	✓			



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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	
127	Immediately following the council meeting where the report described in Recommendation 126 is considered, the CEO be provided with written advice from the council on the decision and any reasons for that decision and any areas for improvement.	✓			
129	The appointee of the DLGSC to raise any probity concerns with the DLGSC including potential breaches of the legislation.	✓			
133	<p>The CEO model standards require that before a LGA terminates a CEO's employment, the council of the LGA must record in writing, and provide to the CEO, the reasons for the termination, including:</p> <ul style="list-style-type: none"> <li>• The date on which the decision is made;</li> <li>• If the termination was by consent, the reasons given by the council and the CEO for consenting to the termination;</li> <li>• If the termination was for serious misconduct or other conduct justifying summary dismissal, the precise conduct said to give rise to the termination; and</li> <li>• If the termination was for poor performance or non-performance of the CEO's duties or functions: <ul style="list-style-type: none"> <li>- the precise way in which the CEO's performance was poor, expressed by reference to the criteria for performance described in recommendation 107;</li> <li>- the impact that performance had on the good government of the local government;</li> <li>- the steps which were taken by the council to remedy the poor performance; and</li> <li>- any comment or response provided by the CEO in respect of his or her performance, which comment or response the Council must seek.</li> </ul> </li> </ul>	✓			

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	
134	<p>The written statement of reasons described in Recommendation 133:</p> <ul style="list-style-type: none"> <li>where it concerns termination of the CEO's employment other than with the CEO's consent, be prepared with the professional assistance of an independent third party described in Recommendation 111;</li> </ul>	✓			
135	<p>The Local Government (Administration) Regulations be amended to provide that no decision to terminate the employment of a CEO maybe made within three months after a local government election, except in the case of serious misconduct or mutual agreement.</p>	✓			
145	<p>Before each biennial local government election cycle, the DLGSC audit the eligibility of candidates and electors across local governments</p>	✓			Is this only to apply if elections responsibility stays with a LGA, if so is the CEO not qualified enough as has been doing for the past 100 plus years.
162	<p>Section 5.37(2) which relates to the appointment of senior staff and the requirement for the CEO to report on the engaging or dismissal of a senior employee which the council can overturn.</p> <p>Recommendation is to repeal this section to remove the capacity for a council to be involved in the employment of senior staff, maintaining the delineation in roles between the council and the CEO and Administration</p>	✓			
323	<p>An office of Inspector of Local Government be established as an independent statutory office, responsible to the Minister for Local Government</p>	✓			Will an inspection be a cost to the local government
324	<p>The inspector have the following duties and functions, namely to:</p> <ol style="list-style-type: none"> <li>improve the decision-making, integrity, efficiency, effectiveness and accountability of local governments;</li> <li>assume the regulatory and advisory functions of the DLGSC, including any additional functions of the DLGSC</li> </ol>	✓			

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	
	<p>arising from these recommendations;</p> <ul style="list-style-type: none"> <li>iii. assist local governments by providing guidance, education and advice, as requested by local governments, or as the inspector thinks fit;</li> <li>iv. receive, investigate, assess and mediate complaints or referrals about local government matters, including about council members and employees, including in relation to the Code;</li> <li>v. of his or her own motion, conduct investigations into and audits of local governments, including council members and employees;</li> <li>vi. decide what matters should be investigated or audited, how they should be investigated or audited, what actions should be taken in respect of any investigation, what records or things will be required to be produced, who will be required to be examined under oath of affirmation and who will conduct the examination of any such person in the course of any investigation;</li> <li>vii. inquire into local government matters at the direction of the Minister for Local Government and assume the functions of authorised inquiries;</li> <li>viii. report to the Minister for Local Government where, in the Inspector's opinion, a local government may be failing to provide good government, or one or more council members are impeding the ability of the local government to provide good government; and</li> <li>ix. bring legal proceedings against council members and employees for failing to comply with their obligations under the Code.</li> </ul>				

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPOSE	UNSURE	
325	<p>The inspector be conferred with powers to:</p> <ul style="list-style-type: none"> <li>i. issue Standards establishing minimum standards that local governments must comply with, for example, in relation to procurement and contracting, governance, human resources and strategic planning;</li> <li>ii. require, by notice in writing, a person to produce any record or thing relating to the inspector's investigations, audits and examinations;</li> <li>iii. require, by notice in writing, a local government, council member or employee to produce a written statement of information relating to the inspector's investigations, audits or examinations;</li> <li>iv. require a person to attend and be examined on oath or affirmation;</li> <li>v. conduct examinations in public or private, as the Inspector thinks fit, having regard to the public interest and the matter before the Inspector</li> <li>vi. prohibit any person examined in private from disclosing the requirements to attend for the examination of the content of that examination to any other person without the Inspector's express prior written authorisation;</li> <li>vii. to issue improvement notices on local governments to remedy any failures to comply with the Local Government Act 1995 or other statutory instruments or any matter which, in the reasonable opinion of the Commissioner, amounts to a failure to provide good government of good governance;</li> <li>viii. require parties to a complaint, an allegation of breach, or referred matter, to attend mediation of the complaint, breach or matter, or to undertake another form of alternative dispute resolution that, in the opinion of the Inspector, is best suited to the matter before him or her;</li> <li>ix. refer suspected contraventions of the law to an appropriate external agency, such as the Corruption and</li> </ul>	✓			

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No	RECOMMENDATION	RECOMMENDED POSITION			COUNCIL COMMENTS
		SUPPORT	OPPOSE	UNSURE	
	Crime Commission or the WA Police;				
326	The Inspector to be a legal practitioner of at least 10 year's experience, with sufficient skills and experience in local government to properly discharge the roles and duties associated with the office.	✓			
332	The Local Government Act 1995 be amended to: <ul style="list-style-type: none"> <li>abolish the Local Government Standards Panel; and</li> <li>give the State Administrative Tribunal jurisdiction to deal with alleged failures by council members to comply with their obligations under the Code.</li> </ul>	✓			
333	On a finding that a council member has failed to comply with his or her obligations under the Code, the State Administrative Tribunal have the power to make an order that the council member be publicly censured, be made to apologise publicly, undertake training, be suspended for a period of not more than six months, be disqualified for a period of not more than five years and/or be made to pay a fine.	✓			
334	The Magistrates Court be given jurisdiction to deal with serious failures of council members and employees of local governments to comply with designated obligations under the Code, including, for example, serious failures to disclose conflicts of interest or financial interests.	✓			
335	On a finding that there has been a serious failure by a councilmember or employee of a local government to comply with a designated obligation under the Code, the Magistrates Court have the power to order a term of imprisonment or be made to pay a fine.	✓			

## ITEMS FOR DISCUSSION

Item	Description	Comments
1	Part 6 & Financial Management Regs. - Financial Ratios	<p>All Ratios need to be reviewed, specifically the inclusion of FAGS revenue into the ratios.</p> <p>Currently FAGS are not included, which reflects poorly on LGAs. As stated under section 3 of the <i>Local Government (Financial Assistance) Act 1995</i> the Australian Government provides financial assistance for local government purposes by means of grants to the states and self-governing territories for the purpose of improving:</p> <ul style="list-style-type: none"> <li>• <i>The financial capacity of local governing bodies;</i></li> <li>• <i>The capacity of local governing bodies to provide their residents with an equitable level of services;</i></li> <li>• <i>The certainty of funding for the local governing bodies;</i></li> <li>• <i>The efficiency and effectiveness of local governing bodies; and</i></li> <li>• <i>The provision, by local governing bodies, of services to Aboriginal &amp; Torres Strait Islander communities.</i></li> </ul> <p>For the DLGC to determine the FAG revenue should form part of the LGA ongoing recurrent revenue (similar to rates, fees and charges, etc.) is ludicrous and contradicts Commonwealth legislation.</p> <p><b>Recommend that rather than change the ratios, the Financial Health Indicator should take the FAGs into account. Suggestions for alternative ratios to be considered. In addition the Zones raise it as a concern on the manner in which ratios are calculated</b></p> <p><b>Status – discussion has been held in regard to ratios but no recommended changes have been received. The Review Panel Report indicates not to have a tiered structure system for local governments and their compliance with the new Act, which is against what many rural local governments have been requesting.</b></p>
2	Section 2.1., Schedule 2.1; & Constitution Reg. - Provisions about creating, changing the boundaries of, and abolishing districts	<p>Amend legislation to ensure poll option is required for boundary adjustment if required by an affected local government authority.</p> <p>The issue is that Clause 8 of Schedule 2.1 only allows poll provisions for the amalgamation of two or more districts, not for boundary adjustments.</p> <p>The argument is a district(s) could be merged with its neighbour simply by adjusting boundaries and not wholesale amalgamation of two districts.</p>

	<p>Local Governments have been stalked in the past on such boundary adjustment concepts however there is no poll provisions allowed under the legislation in such instances.</p> <p><b>Recommendation is that Schedule 2.1 needs to be amended to ensure any LGA with boundary adjustments being imposed or suggested, that they have the right to poll their constituents as they do with an amalgamation.</b></p> <p><b>Status – Review Panel Report is recommending a revised process for boundary changes however specific details of how it is to work has not been provided.</b></p>
<p>3</p> <p>Section 2.1; Schedule 2.2; &amp; Constitution Reg. - Ward Representation</p>	<p>The current State Government position of +/- 10% of Electors to Elected Members is unfair when the rate/revenue contribution of the various area of LG district is not taken into account as well.</p> <p>Unable to determine if the ratio is set by legislation, which sets the +/- 10% ratio and believe this is simple a position of the State Government, probably at the recommendation of Executive Government, which has then been a direction to the Local Government Advisory Board.</p> <p>In the Shire of Somewhere as an example the Electors are approximately 50:50 under the current Ward system, whereas the rate revenue is significantly weighted to the UV areas (i.e. 82% UV – v – 18% GRV).</p> <p>It is being suggested the Rate Revenue only should be the basis of revenue source of an LGA and the WALGGC population ratio linked to FAGS revenue would also need to be included into the calculations.</p> <p>A combination of a number of criteria needs to be included as part of the Ward Representation ratio rather than just using the Electors – v – Elected members in isolation.</p> <p>Regional &amp; remote LGAs opposed the State at the time they introduced the <i>One Vote – One Value</i> procedure for establishing State Electoral boundaries, yet we did not fight against the same concept for our own Ward Boundary representation, which is based on the same concept.</p> <p><b>Recommend that the appropriate body, be it the DLGC or WALGA investigate the possibility of a criteria being developed to accommodate the above . Note this is not legislated but a directive. In addition the calculating of rate revenue as a basis is not in keeping with the definition of “electors”</b></p> <p><b>Status – review report supports the one vote one value system to remain in the new Act</b></p>

4	Section 2.31 – Resignation of Elected Member	<p>Section 2.31 (3) requires <i>Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.</i></p> <p><b>Recommendation that his section be amended to reflect an emailed resignation with undisputed proof the email is from the Elected Member should satisfy the requirements of being a signed &amp; dated resignation delivered to the CEO.</b></p> <p><b>Status – no mention of this in the review</b></p>
5	Division 2– Subdivision1& Functions & General Regs. – Local Laws made under the Act	<p>The Local law process is extremely complex and difficult. This whole area needs to be reviewed to simplify the process of adopting new and/or reviewing existing local laws.</p> <p><b>Recommend that the DLGC undertake a comprehensive review with industry input on the process in reviewing Local Laws. The process needs simplification and an alternative needs to be established and considered by the sector.</b></p> <p><b>Status – a revised system in creating and amending Local Laws is being proposed which should be easier to administer however the detail of how this is to operate has not yet been provide.</b></p>
6	Section 3.53 – Control of certain unvested facilities	<p>Section 3.53(2) states: <i>“A local government is responsible for controlling and managing every otherwise unvested facility within its district unless subsection (5) states that this section does not apply.”</i></p> <p>The interpretation of <i>otherwise unvested facility</i> in the Act is: <i>“otherwise unvested facility means a thoroughfare, bridge, jetty, drain, or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section.”</i></p> <p>The issue with this legislation is the LGA is responsible for all unallocated crown land (e.g. fire control, removal of abandoned vehicles, etc.)</p> <p><b>Recommend that this section needs to be removed or, if LGAs are to remain responsible for this land then they should be able to either rate the Crown or seek reimbursement of costs from the crown for works that are required.</b></p>



		<p><b>Status – no mention of this in the review</b></p>
7	Part 4 – Elections & Other Polls (Section 4.62)& Election Regs	<p>If an LGA is conducting a Postal Election or Referendum then the need to man a Polling Place on the day of the Election/Referendum should be removed.</p> <p>It is an added expense to have the WAEC &amp; staff sitting at a Polling Place all day for limited or no votes collected.</p> <p>The Counting of Votes should still be held after 6pm on the election/referendum day.</p> <p><b>Recommend that the requirement to man a polling place when undertaking an election by postal vote be removed.</b></p> <p><b>Status – not being proposed in the review reports, recommending that the WA Electoral Commission be responsible for all local government elections and poling day is to remain.</b></p>
8	Subdivision 4 – Electors Meetings	<p>Amend this legislation to allow a LGA to determine if they want (or don't want) to conduct an Electors Meeting.</p> <p>Remove set number of days (i.e. 56) a LGA must hold an Electors meeting after accepting the Annual Report.</p> <p>Remove requirement for Minutes of an Electors meeting having to be presented to the <b>first ordinary meeting after the Electors Meeting</b>. This is not always possible. Perhaps state the minutes need to go to Council no more than three meetings after the Electors meeting being held.</p> <p><b>Recommend that the above changes be undertaken</b></p> <p><b>Status – change is nor supported in the review reports. Local Governments will be required to have a “Annual Community Meeting”, so basically all the review reports are doing is changing the name.</b></p>
9	5.38. - Annual review of certain employees' performances	<p>Section 5.38 states</p> <p><i>The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.</i></p> <p>It is interpreted that this requires all employees to be reviewed annually. In smaller local authorities it appears to be a non sense to have this requirement. Senior staff/supervisors predominantly know the performance of all employees</p>

10	<p>due to their close working relationship with them. Further this legislative requirement is again regulating an operational process and reviews should be at the discretion of the individual LGA.</p> <p>For CEO and Senior Employees, they have performance reviews stipulated in their contracts.</p> <p><b>Recommend that this section be deleted as is an operational matter and should not be legislated.</b></p> <p><b>Status – review reports are recommending that only the CEO is to have an annual review by the Council and is to be undertaken by a “Review Panel” as is the case with this Council.</b></p>
5.56. Planning for the future -Integrated Planning & Reporting	<p>The current requirements for Integrated Planning &amp; Reporting (IPR) are too onerous, specifically for smaller LGAs with limited resources.</p> <p>The most recent review undertaken by the DLGC has only exacerbated the resource requirements on LGAs to review their IPR.</p> <p>There must be different levels of requirements placed on LGAs of different sizes &amp; resource capacity. The current IPR set up has resulted in smaller LGAs having to increase rate revenue to obtain external services/consultants to step these LGAs through the process.</p> <p>Long Term Financial Plans and Asset Management Plans linked to basic Strategic Community Plans is all that should be required.</p> <p>Corporate Business Plans &amp; Workforce Plans are superfluous.</p> <p><b>Agreed, however it was noted that it is not the actual legislation but the Department and their one size fits all ‘guidelines’ that are the problem. Guidelines using ‘banding’ to reflect capacity of local governments would be better. Noted that Strategic Community Plans legislation in Queensland was abolished as the plans were unrealistic and unachievable financially for many rural local governments</b></p> <p><b>Also a concern that directives coming from DLGC are telling LG what they should do. It’s a LG decision not the DLGC.</b></p> <p><b>Status – review reports are recommending no real change and reports are to be more informative with various aspects to be reported on, refer recommendation 36 of the Review Panel Report. The review reports also do not suggest the above where different standards of reporting should occur for different sizes of local governments</b></p>

11	<p>6.33. Differential general rates; 6.36. Local government to give notice of certain rates; and Financial Management Regs.</p>	<p>Process of advertising and advertising intention to impose differential rates is unwieldy, specifically the timing issues and having to determine a rate in the dollar before the property revaluations are available. These rates are unavailable incorrect as it isn't possible to determine property valuation prior to Landgate releasing these figures, therefore making it necessary to report the rates variations in the Budget.</p> <p>An easier process needs to be introduced.</p> <p><b>Recommend that the DLGC undertake a complete review of the WA rating system make it comparable to the methodology of other States.</b></p> <p><b>Status – no suggested changes have been recommended.</b></p>
12	<p>Admin Reg. 10 - Revoking or changing decisions (Act s. 5.25(1)(e))</p>	<p>Regulation 10 states:</p> <p>(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —</p> <p>(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or</p> <p>(b) in any other case, by at least <math>\frac{1}{3}</math> of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.</p> <p>(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least <math>\frac{1}{3}</math> of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.</p> <p>(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —</p> <p>(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or</p>

13	Admin Reg. 14A - Attendance by telephone etc. (Act s. 5.25(1)(ba))	<p>(b) in any other case, by an absolute majority.</p> <p>(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different. [Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]</p> <p>It is questionable that a majority of local governments would follow the above process and would simply move a motion to revoke/change a motion. The process is cumbersome and needs to be changed.</p> <p><b>Recommend that Regulation 10 be amended to remove the notice to be signed by all elected members and simply require a Council to change or revoke a motion by a motion with an absolute majority to pass that motion.</b></p> <p><b>Status – no suggested changes have been recommended.</b></p>
		<p>This section is too restrictive and needs to be relaxed (e.g. the 150km distance is unrealistic).</p> <p><b>14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))</b></p> <p>(1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —</p> <p>(a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and</p> <p>(b) the person is in a suitable place; and</p> <p>(c) the council has approved* of the arrangement.</p> <p>(2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.</p> <p>(3) A person referred to in this regulation is no longer to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.</p> <p>(4) In this regulation —</p>

		<p><b>disability</b> has the meaning given in the <i>Disability Services Act 1993</i> section 3; <b>suitable place</b> —</p> <p>(a) in relation to a person with a disability — means a place that the council has approved* as a suitable place for the purpose of this paragraph; and</p> <p>(b) in relation to any other person — means a place that the council has approved* as a suitable place for the purpose of this paragraph and that is located —</p> <p>(i) in a townsite or other residential area; and</p> <p>(ii) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;</p> <p><b>townsite</b> has the same meaning given to that term in the <i>Land Administration Act 1997</i> section 3(1).</p> <p>With current technology local government should be embracing the opportunity to have Councillors participate, irrespective of distance or type of location (i.e. townsite).</p> <p><b>Recommend that the 150km limit be removed from regulation 14A.</b></p> <p><b>Status – no suggested changes have been recommended.</b></p>
14	Admin Reg. 18F - Remuneration and benefits of CEO to be advertised	<p>The purpose of this regulation is questioned due to the remuneration of CEO's are set by the Salaries &amp; Allowances Tribunal.</p> <p><b>Recommend that this section be deleted as serves no purpose in the governance of a LG</b></p> <p><b>Status – CEO salaries will continue to be determined by the Salaries &amp; Allowances Tribunal but no actual specific mention of this Regulation being deleted however may do when the Green Paper is provided.</b></p>
15	Audit Reg. 15 - Compliance audit return	<p>Recommend this requirement be removed due to the plethora of other audits required.</p> <p><b>Agreed and question why it is a legislative requirement that it has to go to an Audit Committee</b></p> <p><b>Further the actual legislative need for an Audit Committee is questioned when the whole Council can undertake the same role.</b></p>

16	<p>Audit Reg. 17 - CEO to review certain systems and procedures</p>	<p><b>Status – no suggested changes have been recommended.</b></p> <p>The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –</p> <ul style="list-style-type: none"> <li>(a) risk management; and</li> <li>(b) internal control; and</li> <li>(c) legislative compliance.</li> </ul> <p>This is onerous and should be removed or amended. Not sure why this would need to go to the Audit Committee then to Council. If retained then should go directly to Council with the Council then determines if any items raised needs further investigation and then putting this to the Audit Committee.</p> <p>In many instances the process is very onerous on the CEO and therefore external assistance is used which comes at a cost to the Council.</p> <p><b>Recommend that there should be different requirements for different ‘bands’ of local governments and DLGC’s expectations need to be amended to allow reviews to be done in house.</b></p> <p><b>Status – no suggested changes have been recommended.</b></p>
17	<p>Annual Reports</p>	<p><b>Recommend that there should be different levels of requirements for different ‘bands’ of local governments Also question the actual need for them considering little are read by electors.</b></p> <p><b>Status – review reports are to retain the requirements to prepare Annual Reports with additional specific details to be reported upon and reports do not recommend a tier system for local governments.</b></p>
18	<p>Annual Financial Reporting</p>	<p>Currently there is a one size fits all model for the annual financial process and Corporate Business Planning Process. Could a scenario where there is a tiered process that requires a higher level of reporting for larger LG’s, similar to the tiered approach that exists with company reporting.</p> <p><b>Recommend that the DLGC develop a “tiered” process on the level of reporting for each LG and on the level of compliance</b></p> <p><b>Status – review reports are to retain the current and do not recommend a tier system for local governments.</b></p>

19	Annual Returns	<p>Where a Councillor or designated employer has had no change to their previous Annual Return, they are required to place "No change" "nil" "none" within each box of the return. This does not occur in many cases and Auditors are determining that a Annual Return is not complete due to some boxes in the return have not been marked "none", "nil" or "no change."</p> <p><b>Recommend that the Annual Returns be changed to introduce the ability to declare 'no change from previous year' instead of having to mark every area. This will also assist in the storing of annual returns where only one page needs to be kept on record and not four as is the current case. This does not sound like an issue, however when you have a member that has been on Council for many years, the accumulation of four pages of an annual report does build up.</b></p> <p><b>Status – review reports recommend that the Annual reports will be required to be completely filled with all details of property ownership, Trusts, other sources of income etc. The current process of "no change" or "nil" will not be allowed.</b></p>
20	Section 3.5.8 Disposal of Property	<p>Issue is that if a LG gets a Real Estate Agent to sell land on its behalf and that land is sold, then the LG still has to go through the advertising process</p> <p><b>Recommend be changed to allow disposal through real estate agent (without having to go through 3.58 advertising provisions, ie be an exemption) as advertising has been undertaken and the public are well informed of the proposal to sell.</b></p> <p><b>Status – no suggested changes have been recommended</b></p>
21	Exemption of rates	<p><b>Recommend be changed to allow Council to decide whether or not to allow exemption to each 'charitable organisation' and any other organisation (eg CBH)</b></p> <p><b>Status – no suggested changes have been recommended</b></p>