



WALGA

Influence. Support. Expertise.

# Candidate Briefing

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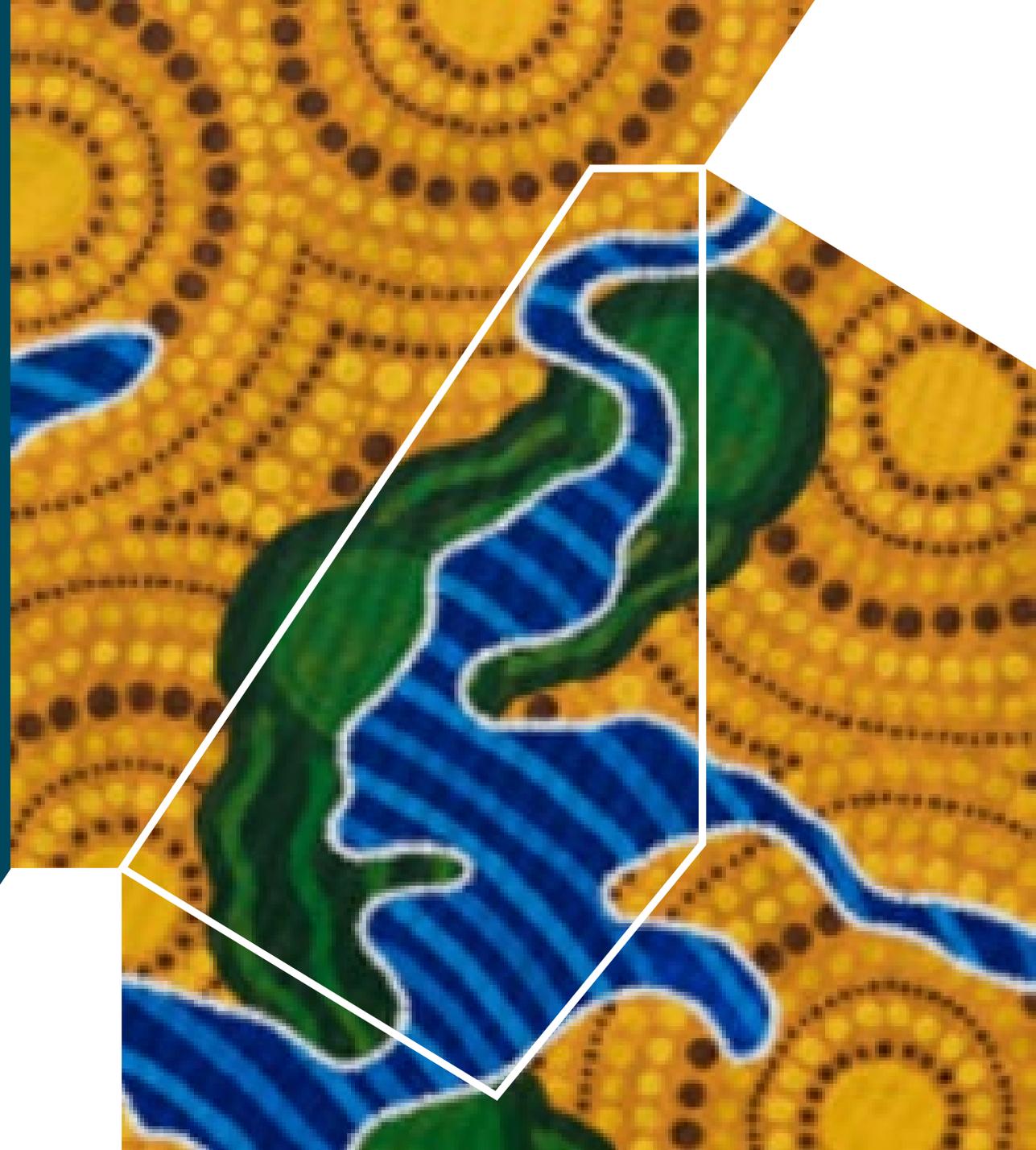
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# Acknowledgement of Traditional Owners

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia and we acknowledge and pay respect to Elders past and present.

Pictured left: Artwork by Jade Dolman, a young Whadjuk/Ballardong Nyoongar, Eastern Arrernte, Irish woman from Perth.





# 01

## Introduction

*Understanding Local Government*

*Serving on Council*

*Meeting Procedure*

*Conflicts of Interest*

*Financial Reports and Budgets*





# 02

## Understanding Local Government



# Local Government in WA



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139

Councils



1,113

Elected Members



25,500

employees

19,820 Full Time Equivalents (FTE)  
Source: Australian Bureau of Statistics



\$4.9bn

expenditure per annum

Source: Australian Bureau of Statistics



\$52bn

of assets

Source: Australian Bureau of Statistics



87%

of all public roads managed

Source: WALGA Road Asset and Expenditure report

100%

of all WA Local Governments are Members of WALGA

## Western Australian Local Governments are diverse in:



Land size:  
ranging from  
less than  
1.1<sup>2</sup> km to over  
372,000<sup>2</sup> km



Number of  
staff employed:  
from 13 to  
over 1,389  
per council



Population:  
range from  
101 to more  
than 246,000  
people



Revenue  
received: which  
in 2023-24,  
ranged from  
\$2.7 million  
to just over  
\$309 million



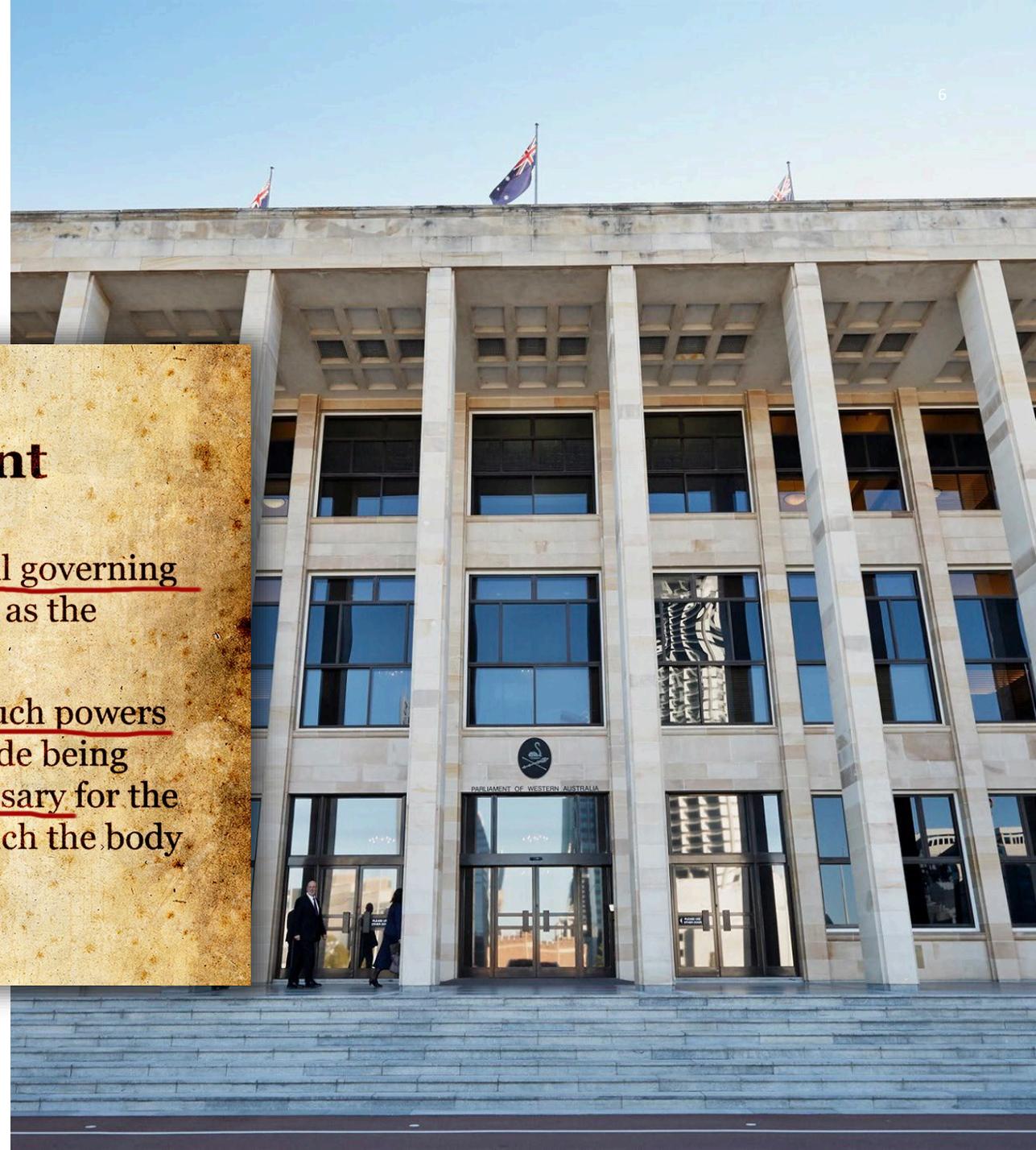


# Basis for Local Government in WA

## Part IIIB - Local Government

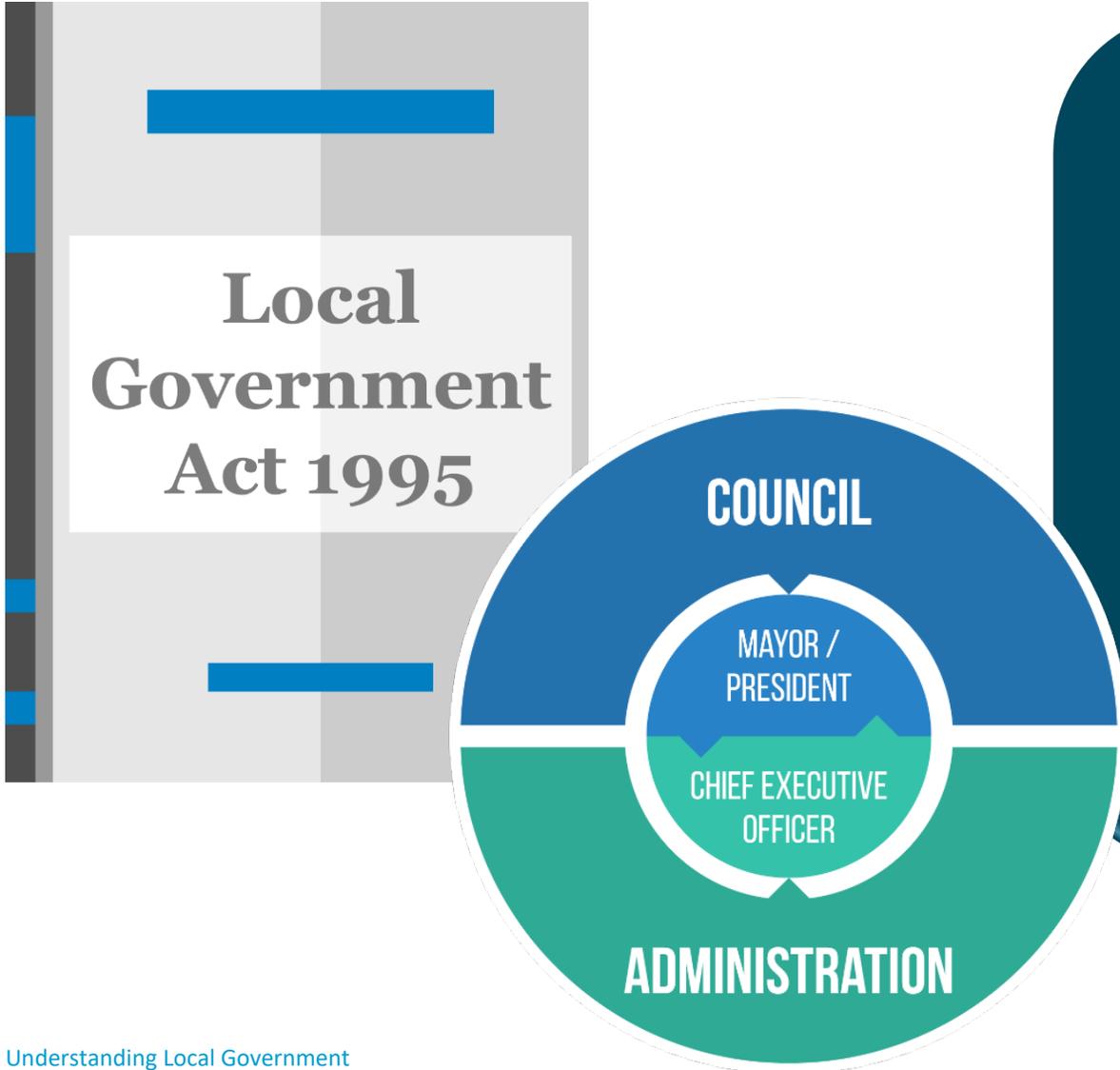
### 52. Elected local governing bodies

- (1) The Legislature shall maintain a system of local governing bodies elected and constituted in such manner as the Legislature may from time to time provide.
- (2) Each elected local governing body shall have such powers as the Legislature may from time to time provide being such powers as the Legislature considers necessary for the better government of the area in respect of which the body is constituted.





# Local Government Act



The Act provides “*general competence powers*” enabling Local Governments to make decisions and do all things necessary or convenient to be done for, or in connection with, performing its functions under this Act, subject to consistency with written and common law



# Local Government Services



## People Services

Libraries, recreational facilities, services for youth, services for the aged, arts and cultural events, community facilities



## Property Services

Local roads, footpaths, parks and gardens, waste services, security services and recycling



## Regulatory Services

Land use planning approvals, building permits, swimming pool inspections, animal control, environmental health, parking controls, behaviour in public places



03

# Serving on Council





## Separate Powers

The bill delivers ... **clearer roles and responsibilities** ... by legislating clearer roles for **council**, the **mayor** or **president**, **council members**, and the **chief executive officer**. This will provide greater clarity ... distinction of strategic and operational functions in local governments.

These amendments emphasise the critical separation between the **council as the governing body**—responsible for establishing policies, making strategic decisions and appointing the chief executive officer—and the **chief executive officer, who is responsible for managing the day-to-day business** of the local government.

... council members **must not** seek to involve themselves in managing the local government’s administration, intervening in the service delivery by the local government or otherwise seeking to perform the role of the chief executive officer.



*Hon. Hannah Beazley, Minister for Local Government – 15 August 2024*



## Role of Council

- Governs the local government's affairs
- Responsible for the performance of the local government's functions
- Determines the services and facilities to be provided by the local government
- Determines the local government's policies
- Plans strategically for the future of the district
- Selects the CEO and reviews their performance
- Provides the CEO with strategic direction



## Role of Council – Continued

**Council must** have regard to the following principles:

- The Council's governing role is separate from the CEO's executive role under s.5.41.
- Council respects that separation.

**Council must** make decisions:

- on the basis of evidence, merits and according to written law.
- taking into account the local government's finances and resources.

**Council must** have regard to the need to support an organisational culture for the local government that promotes the respectful and fair treatment of the local government's employees.



## Role of Councillors

- Represents the interest of electors, ratepayers and residents of the district and takes account of the interests of other persons who work in, or visit, the district.
- Participates in the deliberation and decision-making of the local government at Council and committee meetings.
- Facilitates communication with the community about Council decisions.
- Facilitates and maintains good working relationships with other Councillors, the Mayor or President and the CEO.
- Acts consistently with the role of Council.
- Maintains and develops the requisite skills to effectively perform their role.

**Council Members do not exercise powers as individuals, only as members of a Council through collective decision-making.**



## Role of Mayor or President

- Provides leadership and guidance to the Council and Council Members, including regarding roles and responsibilities.
- Acts as the principal spokesperson for the local government, and carries out civic and ceremonial duties, acting consistently with Council decisions.
- Presides at meetings of the Council, ensuring that meetings are orderly and held in accordance with the Act.
- Promotes, facilitates and supports positive and constructive working relationships among Council Members.
- Liaises with the CEO on the local government's affairs and the performance of its functions.



## Role of CEO

- Acts as principal advisor to Council.
- Implements Council's decisions and policies.
- Manages the provision of services and facilities that the Council has determined the local government will provide.
- Liaises with the Mayor/President on the local government's affairs and performance of the local government's functions and speaks on behalf of the local government if the Mayor/President agrees.
- Manages the local government's administration and operations.
- Responsible for the employment, management, supervision, direction and dismissal of other employees.
- Ensures records and documents of the local government are properly kept.
- Performs any other function specified or delegated by the local government or imposed under the Act or any other written law.



# The Local Government Entity





# Your Role on Council

## 2.10. Role of councillors

(1) A councillor —

- (a) represents the interests of the electors, ratepayers and residents of the district and takes account of the interests of other persons who work in, or visit, the district; and
- (b) participates in the deliberation and decision-making of the local government at council and committee meetings; and
- (c) facilitates communication with the community about council decisions; and
- (d) facilitates and maintains good working relationships with other councillors, the mayor or president and the CEO; and
- (e) acts consistently with section 2.7(3) to (5); and
- (f) maintains and develops the requisite skills to effectively perform their role.



# Your Role on Council

(a) represents the interests of the electors, ratepayers and residents of the district and takes account of the interests of other persons who work in, or visit, the district; and

### Declaration by elected member of council

#### Declaration by elected member

I, .....

of <sup>1</sup> .....,

having been elected to the office of <sup>2</sup>mayor/deputy mayor/president/deputy president/councillor of the<sup>3</sup>

.....,

**declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the code of conduct adopted by the <sup>3</sup> ..... under section 5.104 of the *Local Government Act 1995*.**

## Your Role on Council

- (b) participates in the deliberation and decision-making of the local government at council and committee meetings; and

Council meetings often deal with:

- Policy and Strategy
- Community Engagement
- Local Laws
- Applications
- Considering capital works and major projects
- Reviewing financial management information
- Determining the scope and delivery of services
- Monitoring performance and compliance





# Your Role on Council

(c) facilitates communication with the community about council decisions; and





# 04

## Meeting Procedures



# Council Meetings

## Formal meetings:

- Ordinary Council meetings
- Special Council Meetings
- Committee Meetings

## Informal Meetings:

- Agenda Briefings
- Forums
- Workshops





# Council Meetings

Council Meetings are formal meetings that are call, convened and conducted in accordance with the Local Government Act, Regulations and Meeting Procedures Local Laws.

Effective Council Members prepare for meetings:

- Read and consider the information in the agenda
- Identify and disclose conflicts of interest
- Participate in formal debate and decision-making



# Public participation and broadcasting

## Public Participation

- Public question time
- Deputations
- Public attendance

## Recording and Broadcasting

- Meetings required to be livestreamed and / or recorded and made available to the public



## What do you think?



**True or False?**

**At a Council meeting, I can exercise my freedom of speech and make any comment that I wish?**



# Qualified Privilege

An important principle applying to Local Government Council meetings is one of **Qualified Privilege**.



As opposed to **Parliamentary Privilege**, a Council Member has limited defences should they be the subject of a claim for damages based on alleged defamatory statements associated with their role on Council.



## Model Code of Conduct

A Council Member:

- Must not act in abusive or threatening manner
- Must not make false or misleading statement
- Must not repeatedly disrupt the meeting
- Must comply with local law
- Must comply with direction of person presiding
- Must cease conduct that has been ruled out of order



05

# Conflicts of Interest





# Disclosing a Conflict of Interest



FINANCIAL

s 5.60A



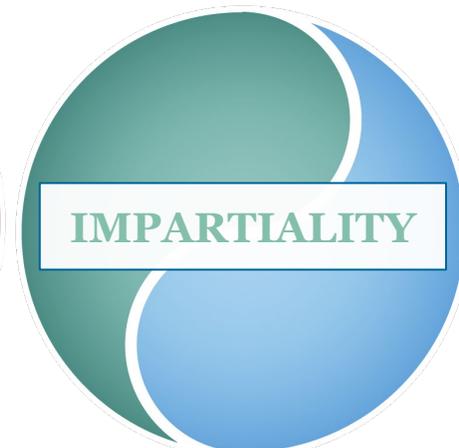
INDIRECT  
FINANCIAL

s 5.61



PROXIMITY

s 5.60B



IMPARTIALITY

Code of Conduct cl.22

Participate & Vote:

Participate & Vote:



# Conflicts of Interest





# 06

## Understanding Financial Reports and Budgets





## Council Plans

A robust strategic planning framework is at the foundation of the purpose of Local Government and aligns with its statutory function of *‘providing for the good government of persons in the district.’*

### Council Plans:

- ensure community input informs the medium to long term objectives of the Local Government
- are developed to meet specific objectives and measurable outcomes
- identify the resourcing required to deliver the plans
- enable rigorous, achievable and transparent prioritisation within the Local Government’s available resources.





# Council Plans





## Support for Council Members

- Meeting fees or annual allowances
- Reimbursement of expenses including travel and childcare
- Council Member Superannuation
- Parental Leave provisions
- Mandatory training
- Continuing Professional Development Policy

### **Advice and guidance**

- Your Local Government's CEO | experienced Council Members
- WALGA Governance
- Department of Local Government, Industry Regulation and Safety



**Thank you**

