

Raising the standard of Elected Members in Western Australia through education

24 November 2017

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Worthwhile read for: Town planners

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On 8 November 2017, the Department of Local Government and Communities released a consultation paper relating to a proposed review of the Local Government Act 1995 (**Act**). The proposed reforms outlined in the paper aim to benefit Western Australian communities by providing more efficient and effective local councils.

Local government is big business in Western Australia (**WA**) with an operating budget of over \$4 billion and assets worth over \$40 billion, a key feature of WA's local government system is autonomy in decision making. Local government has complex responsibilities. Elected members are responsible for the governance of the local government's affairs and functions, including determining local policies and overseeing the allocation of resources and finances. They may be faced with controversial decision making in determining development applications, town planning issues, domestic animal management and an increasing variety of community services. Local government in WA is responsible for core services (roads, parks and waste) and have statutory responsibilities (planning, public health, development and various licencing requirements).

In November 2012, thanks to The Authorised Inquiry Report, the extent of the previously publicised City of Canning saga was revealed. The Report made 66 findings against the City of Canning for misconduct by elected members. The former Minister for Local Government, the Hon John Castrilli MLA, suspended the Canning Council after reviewing the Report. In the Report, elected members were found to have exercised poor judgement, acted inappropriately, lacked foresight, exercised poor leadership and interfered with the administrative functions of the City.

At present, elected members have access to voluntary training courses offered by the Western Australian Local Government Association. The Panel of Inquiry Report into The City of Canning recommended reforms that would require newly elected members to undertake an induction course. This one day course explains the roles and responsibilities the elected member undertake, and ensure they have the necessary knowledge to competently fulfil their role. However, in the majority of cases an overwhelming number of elected members have no experience in running big business, which is what local government is. In those circumstances, a one day induction is not nearly adequate enough to 'educate' in the intricate detail required.

The consultation paper proposes a new 'elected member professional training package' to provide elected members in WA with the required competencies to perform their roles, which relevantly include:

- understanding financial reports;
- budgeting;
- long term financial planning;
- town planning and approvals; and
- policy development.

The consultation paper also discusses the ongoing professional development of elected members to improve long term capacity. Continuing professional development is an accepted part of many

professions, in order for members to remain upskilled and aware of current best practices as they continue to evolve.

Annual education should be mandatory so as to ensure sophisticated issues are met with sophisticated consideration by elected members.

The consultation paper also highlights the need for a review of the rules of conduct and the disciplinary system framework for local government. Under the Act, local governments are required to have a code of conduct. However, it is of limited enforceability. Without appropriate education, codes of conduct simply become a tick-box exercise.

The consultation paper is open for public comment until Friday 9 February 2018. You can [access it here](#).

For more information or discussion, please contact HopgoodGanim Lawyers' [Planning and Development](#) team.

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