

AGENDA

Special Council Meeting

4 November 2014

Notice of Meeting

To: The Mayor and Councillors

A Special Council Meeting of the City of South Perth Council will be held on Tuesday 4 November 2014 in the Council Chamber, Sandgate Street, South Perth commencing at 5:30 pm.

The purpose of the meeting is to discuss the Local Government Reform Program.



CLIFF FREWING
CHIEF EXECUTIVE OFFICER

31 October 2014



Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

Further Information

The following information is available on the City's website.

- **Council Meeting Schedule**

Ordinary Council Meeting are held at 7pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

As part of our commitment to transparent decision making, the City makes documents relating to council and its committees' meetings available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km² divided into four wards. Each ward is represented by two councillors, presided over by a popularly elected mayor. Councillor profiles provide contact details for each elected member.

www.southperth.wa.gov.au/Our-Council/

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Special Council Meeting Agenda

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Presiding Member to open the meeting.

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

2.2 PUBLIC QUESTION TIME FORMS

Public Question Time forms are available in the Civic Centre foyer and on Council's website for members of the public wanting to submit a written question. In accordance with Clause 6.7 of the Standing Orders Local Law, 'Procedures for Question Time', it is requested that questions be received in advance of the Council Meetings in order for the Administration to have the opportunity to prepare responses.

2.3 AUDIO RECORDING OF COUNCIL MEETING

The meeting may be audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007 which states: "A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member".

3. ATTENDANCE

3.1 APOLOGIES

3.2 APPROVED LEAVE OF ABSENCE

4. DECLARATIONS OF INTEREST

Conflicts of Interest are dealt with in the *Local Government Act, Rules of Conduct Regulations* and the *Administration Regulations* as well as the City's Code of Conduct 2008. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

5. PUBLIC QUESTION TIME

6. DEPUTATIONS

7. REPORTS

7.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

7.6.1 Local Government Reform: Strategic Oversight

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61562 |
| Date: | 4 November 2014 |
| Author / Reporting Officer: | Amanda Albrecht, Executive Officer Cliff Frewing, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner. |

Summary

This report follows the guidelines of the Local Government Reform Toolkit which identifies the role of Elected Members in implementing the State Government's Local Government Reform Program. It seeks Council endorsement of a Change Management Plan that sets out how the City of South Perth and the Town of Victoria Park intend to manage the amalgamation process in order to maximise positive outcomes for the new local government entity and its stakeholders.

Officer Recommendation

That Council

- a) notes the recommendations provided in the 'Local Government Reform Toolkit Elected Member Guide' to assist in its strategic oversight role; and
- b) endorses the Change Management Plan as a guide to transition to the new local government entity (**Attachment 7.6.1(a)**).

Background

As part of the State Government's Local Government Reform Program it is proposed that the Town of Victoria Park and the City of South Perth, along with the area north-west of Leach Highway in Canning form a new Local Government entity by 1 July 2015.

The Council and Elected Members have a significant role in the Local Government Reform process. This includes community leadership and direction, critical oversight, monitoring and the progress of the transition and implementation process.

The Department of Local Government and Communities (DLGC), the Western Australian Local Government Association (WALGA) and Local Government Managers Australia (LGMA) have developed an 'Elected Members Guide' to Local

7.6.1 Local Government Reform: Strategic Oversight

Government Reform. This guide provides tools and information, including a Strategic Deliverables Checklist, to assist Elected Members in their strategic oversight role.

To ensure the reform process is implemented successfully, the Elected Members Guide suggests that the Council will need to:

1. Endorse a comprehensive Change Management Plan
2. Establish accountability
3. Allocate resources
4. Define and monitor strategic deliverables

Comment

Change Management Plan

A Change Management Plan has been prepared by the City and Town. This Plan maps out how the City and Town intend to manage the amalgamation process in order to maximise positive outcomes for the new local government entity and its stakeholders. A copy of the Change Management Plan is provided at **Attachment 7.6.1(a)** for consideration and endorsement by Council.

A summary of the Change Management Plan has also been prepared for circulation to staff and is an easy 'one page' guide for Elected Members. This can be found at **Attachment 7.6.1(b)**.

The Change Management Plan is an all-encompassing document that sets out how the Town and City plans to manage transition to a new local government entity.

The *Change Management Institute* provides guidance on the following 'knowledge areas' when managing change.

- A Change Management Perspective
- Defining Change
- Managing Benefits
- Stakeholder Strategy
- Communication and Engagement
- Change impact
- Change readiness
- Project Management
- Education and Learning Skills
- Facilitation
- Sustaining Systems
- Personal and Professional Management
- Organisational Considerations

The Change Management Plan brings these elements together.

The Plan also ensures that appropriate checks and balances are in place to ensure that the elements of the plan are being implemented and monitored to ensure that they are bringing about the desired change.

The Change Management Plan is a dynamic document that will be reviewed and updated as circumstances change during the implementation process. As the Reform Program progresses, and more information is known, there will be a need to modify the Plan accordingly.

The Change Management Plan will need to be in place past the 1 July 2015 amalgamation deadline, as it will take some years to embed the change cross the new organisation.

Accountability

The Council has a role in ensuring that the Chief Executive Officer is given the authority to undertake the actions required to implement the Reform Program and is then held accountable for delivering the outcomes and strategic objectives. The Council set the following Key Performance Indicator for the Chief Executive Officer for the 2013/2014 review period in relation to Local Government Reform:

“Respond to direction provided by Council to the State’s ‘Local Government Reform Agenda’ and contribute to the joint task force (or its successor) in a timely manner to facilitate implementation of the transition strategy.”

The Chief Executive Officer has provided quarterly reports to the Council in relation to this KPI, in addition to comprehensive updates that have been provided through the Councillor Bulletin and the quarterly Corporate Plan progress report.

In summary, in order to prepare for the State Government’s Reform Program, the following steps have already been taken:

1. Development of a governance structure for the Reform Program, including:
 - the establishment of a Local Implementation Committee (suspended by the City of South Perth Council May 2014);
 - the establishment of a Joint Executive Leadership Team with the Town;
 - the establishment of a Joint Reform Program Office with the Town;
 - the establishment of Joint Project Teams with the Town; and
 - the establishment of a Terms of Reference for each group and forum.
2. Development of a Memorandum of Understanding with the Town;
3. Development of a Change Management Plan;
4. Development of a Vision for the transition process;
5. Development of a Reform Program Management Plan and Project Implementation Plans;
6. Documentation of the Current State (Due Diligence) including process maps for all business areas; and
7. Preparation of a number of reports that require Council consideration following the announcement by the Minister.

A summary of the work undertaken to date is the subject of a separate report (Item 7.6.2 refers).

A series of new KPIs (regarding the Local Government Reform Program) have been set for the CEO for the 2014/2015 review period.

Resources

The City of South Perth Council has made provision for the significant volume of work required to undertake the Reform Program in the 2014/2015 Budget with \$750,000 set aside. This is an addition to an earlier \$250,000 which has been carried forward into the 2014/2015 year, bringing the total current budget to \$1,000,000. Costs for the reform work are to be monitored, recorded and reported on to Council on a monthly basis.

7.6.1 Local Government Reform: Strategic Oversight

The City of South Perth Council will need to consider further allocations of funding when and where necessary as the Reform Program progresses. It is recognised that given the announcements by the State on the provision of funding to date, the amount available is likely to be grossly insufficient.

A \$50,000 contribution was received from the State Government in June 2014. This money has been used to fund the development of the Reform Program Management Plan.

The City will make further applications to the State Government for funding assistance in recognition of the significant costs associated with the Reform Program and the wider benefits to taxpayers.

The City is committed to keeping reform costs to a minimum, and finding efficiencies for ratepayers and service provision improvements where possible.

Strategic Deliverables

The Elected Members Guide sets out the following Strategic Deliverables to assist Elected Members in their critical oversight and monitoring roles.

| Deliverable | Date of completion ¹ | Action required by Council |
|--|---------------------------------|---|
| Memorandum of Understanding with the Town of Victoria Park and the City of Canning | Completed 15 April 2014 | Consider an agreement with partnering local governments, setting out the principles of the Reform Program and the way in which entities commit to working together. |
| Information for Governor's Orders prepared | Completed 24 June 2014 | Consider recommendations to the Local Government Advisory Board regarding the new name for the new local government entity; ward boundaries, the number of elected members and the method of election of the Mayor. |
| Due Diligence report prepared | Completed 31 August 2014 | Consider a report on the current state of the Local Government in preparation for the Governor's Orders being produced. (Item 7.6.2 refers) |
| Change Management Plan | October 2014 | Endorse overall change management plan that outlines the key actions in terms of the reform stages. (The subject of this report). |
| Risk Management Plan | October 2014 | Endorse an overarching risk management plan that outlines key strategic, operational and project risks and mitigation measures for the transition period. (Included in the Change Management Plan). |

¹ These dates were identified in the preparation of the Change Management Plan. These dates may need to be reviewed due to the delay in the Minister's announcement and the subsequent Governor's Orders.

| | | |
|------------------------------------|---------------|--|
| Interim Organisational Structure | February 2015 | Endorse an Interim Organisational Structure, including staffing arrangements. |
| Interim Corporate Business Plan | March 2015 | Consider a consolidated Interim Corporate Business Plan, setting out priorities, existing services, projects and other activities. |
| Service Delivery Model | March 2015 | Review an interim service delivery model to support the service delivery plan including variations to delivery models and revised systems and processes. |
| Inventory of Community Events | March 2015 | Review community events for the new entity. |
| Asset Management Plan | April 2015 | Consider interim consolidated asset management plan and endorse process for asset management planning for the new entity. |
| Assets and Liability | April 2015 | Review a summary of the distribution of assets and liabilities from the previous local governments. |
| Strategic Community Plan | April 2015 | Consider a consolidated summary plan that outlines strategic direction and endorse an Integrate Planning and Reporting process for the new entity. |
| Population and Demographic Summary | April 2015 | Review population and demographic summary. |
| Workforce Plan | April 2015 | Consider and support a Workforce Plan for the new entity. |
| Interim CEO | April 2015 | Review options available for the appointment of an Interim CEO and CEO. (Guidelines currently being prepared by the DLGC). |
| Financial Position Summary | April 2015 | Consideration of consolidated annual budget and revenue statement of the future entity. |
| Annual Budget 2015-16 | April 2015 | Consider a consolidated annual budget for the new entity including revised forward capital works schedule and Long Term Financial Plan. |
| Long Term Financial Plan | April 2015 | Consider a Long Term Financial Plan as a basis for development of the Strategic Community Plan, Corporate Business Plan and future Long Term Financial Plan. |
| Inventory of Historical Artefacts | April 2015 | Review inventory of historical artefacts for the new entity. |

7.6.1 Local Government Reform: Strategic Oversight

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|---|-----------|--|
| Policy and Delegation Register | May 2015 | Endorse the interim policy and delegations manuals and authorisations. |
| Asset Management Policy | May 2015 | Endorse a consolidated asset management policy for the new entity. |
| Community Stakeholder Engagement Strategy | June 2015 | Endorse Community and Stakeholder Engagement strategy |
| Inventory of Current Complaints | June 2015 | Review inventory of current and outstanding community complaints for the new entity. |

Monitoring

A quarterly report will be prepared for Council. The next report will be provided for the period ending 31 December 2014. This report will provide:

- an update on progress of the Strategic Deliverables set out above
- an assessment of key risks and mitigation measures
- a summary of reform costs to date

Consultation

The Change Management Plan has been prepared jointly by Officers from the City and Town.

Policy and Legislative Implications

The Reform Process represents significant policy implications for the City and Town. These will need to be worked through as part of the program of work.

Until such time as the Governor's Orders are made, the Council is not legally required to implement the State Government's Reform Program. However, as outlined in further reports (Items 7.6.2 and 7.6.4 refer), it has been necessary for the administration to proceed with Stage I of the Local Government Reform Program, given the deadline established by the State Government of 1 July 2015.

Financial Implications

In order to deliver the State Government's Reform Program, officers have estimated the reform related costs for the 2014/2015 year at \$3.5 million (to be shared across the City and the Town). These costs are the subject of a related report (Item 7.6.4 refers). These costs are extracted from a comprehensive costing model that has been developed by Senior Officers at the City and Town who are responsible for the reform costs. This detailed model considers incremental costs, potential offsets/cost reductions and potential new revenue streams over the next four years. This model is the subject of a separate report (Item 7.6.4 refers).

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

Attachments

7.6.1 (a): Change Management Plan

7.6.1 (b): Change Management Plan A3

7.6.2 Local Government Reform: Stage One Update

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61603 |
| Date: | 4 November 2014 |
| Author / Reporting Officer: | Amanda Albrecht, Executive Officer Cliff Frewing, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner. |

Summary

The purpose of this report is to provide an update to Council on the work completed to date on the implementation of the Local Government Reform Program.

This has included the:

- Development of a Governance Framework and Terms of Reference;
- Establishment of a Reform Program Office;
- Development of a Change Management Plan;
- Development of a Program Management Plan;
- Establishment of Joint Project Teams;
- Development of Project Implementation Plans; and
- Documentation of our current state and processes (Due Diligence).

Officer Recommendation

That Council

- (a) notes that Stage One of the Local Government Reform Toolkit has now substantially been completed and that work on Stage Two has now commenced.

Background

In July 2013, the State Government announced its policy for Metropolitan Local Government Reform. This policy outlined the State's intention to reduce the number of local governments in the metropolitan area from 30 to 15 by 1 July 2015.

In November 2013 the Minister for Local Government and Communities (the Minister) submitted 12 proposals to the Local Government Advisory Board (LGAB) for consideration. Since then the LGAB has been progressing its consultation, review and assessment of these proposals. This process has included seeking additional proposals and submissions from affected local governments and electors. In all, the LGAB received 38 proposals. The City of South Perth submitted a joint proposal with the Town of Victoria Park to the LGAB in March 2014.

While the above process has been occurring, the Minister and the Department of Local Government and Communities (the Department) have been clear that the

7.6.2 Local Government Reform: Stage One Update

State's Reform Program will happen, and that local governments should prepare for this to occur by 1 July 2015.

In February 2014, the Department in conjunction with WALGA and the LGMA prepared a step-by-step practical guide called the Local Government Reform Toolkit. This toolkit identifies core activities grouped by function to be addressed over four stages:

- Stage 1:** Review (until August 2014)
- Stage 2:** Plan (August 2014 to March 2015)
- Stage 3:** Mobilise (April 2015 to June 2015)
- Stage 4:** Implement (July 2015 onwards)

Please note: The Stage 2 commencement date is now three months behind schedule.

The City of South Perth has completed the vast majority of Stage One and, although the final decision from the Minister has only recently been made, has been progressing with Stage Two of the Toolkit on initiatives where no external funding is required. Officers consider this to be a prudent course of action, given the volume of work necessary for completion prior to the 1 July 2015 deadline, which remains in place, despite repeated delays in process from the State Government.

Comment - Stage One: Review

Stage One of the Reform Toolkit has involved the review of the City's current state and documentation of its processes. The City has also used this time to prepare for the next stages in the Reform process. The City has worked in conjunction with the Town of Victoria Park in the completion of this work, a summary of which is provided below. This work has not been completed in conjunction with the City of Canning as it has not yet committed to the Reform Program and has chosen not to be involved at this stage.

Change Management Plan

A Change Management Plan has also been developed to map out how the City of South Perth and the Town of Victoria Park intend to manage the amalgamation process, in particular the impact on the organisations involved, and on staff as individuals, to maximise positive outcomes for the new local government entity and its stakeholders. This plan has been prepared for Council endorsement, and is the subject of a separate report (Item 7.6.1 refers).

Governance Framework and Terms of Reference

The City and Town have taken a project management approach to the delivery of the Reform Program. Using the Reform Toolkit for guidance, the City and Town have organised the key reform functions into five Program Management Streams. These Program Management Streams have then been broken-down into 30 individual projects, with over 2,300 tasks. The governance structure established for the Reform Program is provided in **Attachment 7.6.2(a)**.

Terms of Reference have been prepared setting out the key role and function of each of the groups and forums established to oversee and implement the Reform Program.

Reform Program Office

The City and Town have established a Reform Program Office to drive the reform process. A Reform Program Director has been appointed internally at both the City and Town, to lead the Reform Program Office.

The Reform Program Office is responsible for:

- Facilitating the project management processes, procedures and outcomes throughout the Reform Program (i.e. implementation of the Reform Program Management Plan)
- Supporting the governance and administration of the Local Implementation Committee, the Joint Leadership Team (Reform Steering Group) and the Reform Implementation Group.
- Standardising project management across the Reform Program
- Establishing and driving performance monitoring and reporting across the Reform Program.

Reform Program Management Plan

With the assistance of NS Projects Ltd, the City and Town have also developed a Reform Program Management Plan for the structured delivery of initiatives required to deliver the necessary business changes. This Plan sets out:

- a timeline with the key milestones and tasks for each stage of the Reform process;
- a reporting framework;
- an assessment of risks and opportunities; and
- project costs and resources required

Components of the Program Management Plan have been entered into a software package called 'Cascade' where progress against individual projects will be monitored and reported on. The plan is a 'live' document that will be reviewed and updated as the reform process progresses.

Joint Project Teams

For each of the 30 individual projects necessary to deliver the Reform Program, joint project teams with members from both the City and the Town have been established. These teams are responsible for the co-ordination and delivery of individual project tasks as per the Reform Toolkit. The different project teams are listed in the governance structure established provided in **Attachment 7.6.2 (a)**.

Project Implementation Plans

Each project team has prepared a project implementation plan, to help guide the project through stages one to four of the reform toolkit. These plans set out what needs to be done, by when, and by who. Progress reports against the tasks in these plans will be provided to Program Managers on a weekly basis. Monthly reports will be provided by Program Managers to the Reform Program Office, and periodically to the Joint Leadership Team. A sample project implementation plan is shown in **Attachment 7.6.2(b)**.

Internal and External Communications Plan

A joint internal and external communications plan has been developed with the Town. The purpose of this plan is to:

- ensure that both internal and external communications and messages are consistent and targeted to reflect the different stages of the transition; and
- ensure media and social media channels are managed proactively.

Due Diligence

Due Diligence is a process involving the critical analysis of the operations of the amalgamating local governments. The purpose of this analysis is to ensure minimum exposure to risk and interruption to service delivery.

For the City and the Town, this analysis has involved three key elements:

1. A review of 'current state';
2. Process mapping of core functions and operations; and
3. An 'audit' of Stage One activities, as recommended in the Reform Toolkit.

When the City and Town formally move into Stage Two, this documentation and process mapping will allow both parties to compare core functions and operations, as a starting point in determining what processes and policies the new local government entity will implement.

Due Diligence Document Register

Key documents from across both organisations have been reviewed, updated and collated including over-arching strategies, and management policies and practices. Over 250 documents reflecting the City's current state have been collected and identified on a document register. A copy of this register can be found at **Attachment 7.6.2 (c)**. Some documents, which cannot be provided until the finalisation of the City's 2014/2015 financials, are to follow.

Process Mapping

Process mapping was also undertaken as part of the information gathering process for Stage One. Business units across the City were asked to process map key services and functions. To date over 300 process maps have been completed. These maps will make the comparison of operations between the City and Town much easier in Stage Two of the Reform Program. A register of all process maps has been created, and can be found at **Attachment 7.6.2(d)**.

Stage One Activities

As outlined in the Reform Toolkit, the overall aim of the activities and tasks for Stage One are to identify, review, audit and document current processes and policies and to plan for Stages two, three and four. As discussed above, the activities and tasks identified in the Reform Toolkit have been captured in 30 individual Reform Projects, which have progressed through to the end of Stage One. Each project team has prepared a 'Stage One Closure Report', assessing progress against all Stage One tasks. This information has been collated and a Stage One audit report has been prepared. This report provides the status of all Stage One tasks and provides links to documentation that show that the work has been completed. Stage One tasks not yet completed will be carried forward into Stage Two.

Consultation

The Town and City have been working closely together to complete the work required during Stage One of the reform process. While it was in operation, the City and Town have consulted on the development of Stage One with the Local Implementation Committee.

In addition, updates on the reform process have also been provided to Council through:

- Reports to elected members by the CEO through the CEO's KPI report
- Updates in the Council Bulletin
- Corporate Plan Quarterly Updates

Policy and Legislative Implications

There are no policy or legislative implications as a result of the Stage One of the Reform Program. Stage One has involved the review and collation of current state material, and planning for future stages of the Reform Program.

Financial Implications

At the February 2014 Ordinary Council Meeting, the Council allocated an initial \$250,000 in the budget for Local Government Reform. An amount of \$250,000 was carried forward into the 2014/15 year.

A \$50,000 contribution was received from the State Government in June 2014. This money was used to fund the development of the Reform Program Management Plan.

At the July 2014 Special Council Meeting to adopt the budget, the Council allocated a further \$750,000 in the budget for Local Government Reform, bringing the total current budget to \$1,000,000. The Council also resolved that monthly reports be provided to Council outlining expenditure relating to existing Local Government Reform cost.

The following financial information, in relation to the Reform Program, was provided to Council at the October 2014 Ordinary Council Meeting:

Costs Incurred (Budget \$750,000)

| | Reform Office Staff | Consultancy Services | Total |
|---------------------------------|---------------------|----------------------|-------------|
| As a 31 August 2014 | \$20,050.00 | \$7,695.00 | \$27,745.00 |
| For the month of September 2014 | \$21,923.00 | \$17,363.00 | \$39,286.00 |
| Total as at 30 September 2014 | \$41,973.00 | \$25,058.00 | \$67,031.00 |

In addition to the above, the following represents the estimated hours and costs of staff involved in the Local Government Reform Project which have not resulted in direct costs being incurred.

Staff time:

| | May 2014 | June 2014 | July 2014 | August 2014 | September 2014 | Total |
|--------------------|----------|-----------|-----------|-------------|----------------|-----------|
| Hours ² | 995 | 1,311 | 925 | 1,162 | 859 | 5,252 |
| Cost ³ | \$72,455 | \$89,717 | \$64,738 | \$77,459 | \$60,441 | \$364,810 |

Officers note that the 5,252 hours represents approximately four percent of total available staff time for the May to September period. These costs are notional and have only been recorded for this exercise.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

² These are the hours currently recorded by staff, and may be subject to change.

³ These costs exclude Reform Office Staff costs, accounted for in the preceding table.

7.6.2 Local Government Reform: Stage One Update

Attachments

- 7.6.2 (a):** Governance Framework
- 7.6.2 (b):** Project Implementation Plan (Example)
- 7.6.2 (c):** Due Diligence Document Register
- 7.6.2 (d):** Process Map Register

7.6.3 Local Government Reform: Minister's Announcement

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61710 |
| Date: | 4 November 2014 |
| Author / Reporting Officer: | Amanda Albrecht, Executive Officer Cliff Frewing, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner. |

Summary

This report seeks Council agreement to a proposed course of action following the Minister's announcement on Local Government Reform. Officers seek guidance regarding the Council's position in relation to the poll provisions (available in the Local Government Act 1995), given that the Minister has now announced an amalgamation between the City of South Perth, and the Town of Victoria Park.

Officer Recommendation

That Council

- (a) notes the Minister's announcement on Local Government Reform;
- (b) determines that in the event that a poll is called in accordance with the provisions of the Local Government Act, the City's position will be one of informing residents and ratepayers via existing communication channels but not supporting or opposing the Minister's decision; and
- (c) notes that costs will be incurred in implementing (b) above which may require a budget adjustment at a later stage.

Background

When Council approved the joint submission to the Local Government Advisory Board (LGAB) in March 2014, the following resolution was adopted:

"That Council

- 1. receives the notes of the Town Hall meeting and the motion passed at the Town Hall meeting be noted;*
- 2. notes the actions arising from the Town Hall meeting that have been put in place;*
- 3. endorses the Joint Submission by the City of South Perth and Town of Victoria Park to the Local Government Advisory Board, dated 13 March 2014;*
- 4. confirms and emphasises that the City of South Perth proposal to the Local Government Advisory Board (of a voluntary amalgamation with the town of Victoria Park) is strictly conditional upon the entirety of the Burswood Peninsula remaining within the Town of Victoria Park (or the boundaries of the combined Town and City)."*

CARRIED (9/0)

7.6.3 Local Government Reform: Minister's Announcement

The LGAB delivered its report and recommendations, with regards to the proposals for local government reform, to the Minister for Local Government and Communities (the Minister) on 19 September 2014. The Minister has now made an announcement that he accepts all of the LGAB's recommendations with the exceptions of:

- an amalgamation of the City of Perth with the City of Vincent
- an amalgamation of the five western suburbs Councils

The Minister has indicated the State Government's intention to introduce a City of Perth Act, which has implications for the adjoining western suburbs.

For the City of South Perth and the Town of Victoria Park (the City and Town), this means:

- an amalgamation of the whole of the district of the City and the whole of the district of the Town;
- retention of the Burswood Peninsula and GO Edwards Park Reserve
- inclusion of the area north-west of Leach Highway from the City of Canning
- inclusion of the area of the City of Belmont known as Balbuk Reserve
- a new name 'City of South Park'
- 12 Elected Members
- A district ward structure

A media plan, prepared in advance of the Minister's announcement (and circulated to Councillors on 5 September 2014), was deployed following the Minister's announcement made 22 October 2014.

Comment

In terms of the conditions for amalgamation adopted by Council in support of the amalgamation process all have been achieved with the exception of adequate funding.

Amalgamation

As at 1 July 2015, both the City and Town Councils will be replaced by a Commissioner(s) through until a new Council is elected in October 2015. The Commissioner(s) will be responsible for the appointment of an interim CEO for the new organisation. A permanent CEO will need to be appointed by the new Council post the election in October. A range of other matters will need to be determined by the Commissioner(s) as well as conducting all of the normal functions of a Council. An inaugural Council meeting will need to be held by the Commissioner(s) for the new local government entity (presumably on 1 July) when essential items will need to be adopted.

Burswood Peninsula

The retention of the Burswood Peninsula is a fantastic result for the City and Town. The loss of the Peninsula would have had a significant financial impact on the new local government entity. Officers are pleased that the contents of the City and Town's submission and the two presentations made to the LGAB were taken on board, and favoured over the Minister's and the City of Perth's proposals.

The City of Canning

The area north-west of Leach Highway from the City of Canning is to be incorporated into the new local government entity. This boundary adjustment will tidy up the existing boundary with the Town of Victoria Park. The new boundary is consistent with the LGAB's guiding principles as Leach Highway provides a major physical barrier, and therefore makes an ideal local government boundary. It is understood that this area comprises a population of approximately 15,000 which will

7.6.3 Local Government Reform: Minister's Announcement

result in the new local government entity having a commencing population of approximately 95,000.

To date the City of Canning has been reluctant to work with the City and Town given the uncertainty surrounding its boundaries. Now that the Minister's announcement has been made, the City and Town will commence discussions with the City of Canning regarding the transfer of this area, and other considerations (such as staffing).

Officers understand that the City of Canning has been working independently to complete Stage 1 of the Reform Toolkit (i.e. collation of current state material and process mapping).

City of South Perth Supreme Court Action

As a result of the inadequate funding being offered by the State Government, the City has joined with other local governments, and Vincent resident Ian Ker, in a Supreme Court action to have the State Government's local government reform process declared unlawful and invalid. The City's Supreme Court Action against Local Government Reform is the subject of a further report (Item 8.1.1 refers).

The legal action complicates the decisions that Council needs to make in relation to progressing the reform program. The continuing action in the Supreme Court will occur at the same time that Stage 2 of the Local Government Reform Toolkit is required to be undertaken, in order to deliver a new, well-functioning, local government by 1 July 2015. This is the subject of a further report to Council (Item 7.6.4 refers).

The latest estimate of the time that the legal action may take is as follows:

- any further directions hearings are likely to heard in October;
- the hearing is scheduled for 25 November 2014; and
- the Supreme Court decision will likely not be known until early 2015.

New name, wards, elected members

In June 2014, the City of South Perth Council put forward a recommendation to the LGAB for consideration for inclusion in the Governor's Orders. The Council recommended that the new local government:

- be called the City of South Park;
- have six wards;
- have two elected members per ward; and
- a Mayor elected by popular vote.

A ward boundary map, with ward boundary names (Edwards, Collier, Mill Point, Como Beach, Canning River and WYong) was also submitted.

The Town of Victoria Park Council put forward alternate recommendations for consideration by the LGAB, the Town recommended that the new local government:

- be called the City of South Bank;
- have five wards;
- have two elected members per ward; and
- a Mayor elected by popular vote.

The Town also submitted a ward boundary map, with ward boundary names (Edwards, Mitchell, Raphael, McDougall, and Collier).

The LGAB has recommended to the Minister that the new local government:

7.6.3 Local Government Reform: Minister's Announcement

- be called the City of South Park;
- have 12 Elected Member; and
- have a district ward structure.

The Minister has accepted the LGAB's recommendation.

It has been suggested that a small window of opportunity may exist for new wards to be revisited and an agreed position be put to the Commissioner(s) for consideration in July 2015. The Commissioner(s) would then refer the matter to the LGAB for a decision. This suggestion will be investigated and a further report will be provided to Council if this proves to be a possible outcome.

Poll provisions

Following the Minister's announcement, where the LGAB has recommended to the Minister the making of an order to abolish 2 or more districts and amalgamate them into one (as with the City and Town), the LGAB is required (under Schedule 2.1 of the Local Government Act 1995) to give notice to affected local governments, affected electors and other electors of districts directly affected by the recommendation.

Electors and/or the Minister may then request a poll on a recommended amalgamation. In the case of electors, a request must be made to the Minister within one month of notice being given, and must be signed by at least 250 people. The process for requesting a poll is outlined in **Attachment 7.6.3(a)**.

Officers anticipate that it is likely that such a request (with the required 250 signatures) will be submitted to the Minister by electors from the City of South Perth. Should this occur the LGAB will provide the community with information on the advantages and disadvantages of the proposal at the time voting papers are circulated to residents. Any other information will be regarded in the same way as 'election material' and will need to be quite separate from election material provided by the WA Electoral Commission. (Further details relating the poll provisions are the subject of an additional report to Council (Item 7.6.6 refers)).

A likely timeframe is as follows:

| | |
|---|-----------------|
| Minister's announcement | 22 October 2014 |
| Notice from the LGAB to Local Governments and affected electors | 5 November 2014 |
| Date by which a poll must be requested | 5 December 2014 |
| Poll held | 31 January 2014 |
| Governor's Orders issued | February 2015 |

The role of the Council

The Council will need to decide what role it would like to play, should such a poll be triggered. The Council could:

- inform the community of the poll in a passive way, through its existing communications channels (website, newsletter, advertisements, notices etc.) without taking a particular stance;
- take an active, but neutral, role encouraging the community to vote in the poll;
- take an active role, encouraging the community to vote for or against amalgamation in the poll; or
- do nothing.

For the results of the poll to put a stop to the amalgamation plans, at least 50 percent of electors would need to vote in the poll, and the majority would need to

vote against the proposal. Given that generally only 27.5 percent of electors (on average) vote in Council Elections (even with active campaigning by candidates), and only 53 percent of households in South Perth are occupied by their owner, Officers consider it to be unlikely that any poll would be successful without the backing of the Council. Given that the Council has been successful in achieving all of its conditions for an amalgamation (with the exception of reasonable funding), officers do not recommend this course of action.

In relation to the above options the following information is provided for guidance:

➤ **Inform the community of the poll**

Apart from doing nothing, this is the least cost option. In the City's publications, reference would be made to the poll but no comment would be made for or against the proposal. Limited advertising or promotion of the Poll would occur.

This option is recommended by Officers.

➤ **Take an active but neutral role**

In addition to the previous option the Council could more actively encourage the community to vote in the poll without expressing a particular view one way or the other. As it is often noted, not all people read the local community newspaper, are on-line, access the City's webpage, or read the public notice board. A 'letter drop' is an example of a further action that could be taken. However, any additional requirements will have resource and cost implications. Material addressed to each elector will cost approximately \$25,000 in delivery costs alone.

➤ **Encourage the community to vote for or against amalgamation**

If the Council determines that it is strong for or against amalgamation with the Town, it could actively rally the community to vote for or against the proposal in a poll. This could include similar actions that have occurred previously such as Town Hall meetings, and other group assemblies, "Battle for Burswood" type activities, posters and banners displayed, a much greater level of advertising, being active at community group meetings and a much higher level media campaign.

This option would be designed to encourage at least 50 percent of the electors to vote and if this occurred the result of the poll would be binding. There would be significant resource and funding implications should this option would be chosen. Even though there would be limited time available to conduct a campaign of this nature, it is estimated that costs of at least \$30,000 including additional contract staff would be required.

➤ **Do nothing**

If the Council determines that an amalgamation is the best (or most likely) outcome, the most suitable course of action is to take no part in the process apart from complying with any statutory processes that might be necessary. This will essentially ensure that a 50 percent turnout will not be achieved and the poll will fail resulting in an amalgamation.

Officers note that as with the Supreme Court Legal Action, the Poll provisions also complicate the decisions that Council needs to make in relation to progressing the reform program. The poll, if requested, will occur at the same time that Stage 2 of the Local government Reform Toolkit is required to be undertaken, in order to deliver a new, well-functioning, local government by 1 July 2015. This is the subject of a further report to Council (Item 8.1.1 refers).

Consultation

The Town of Victoria Park worked with the City on the preparation of the media plan. Where possible, the Town and City have been consistent with our messaging. However, where there has been a divergence of views, we have kept each other informed.

Policy and Legislative Implications

There are no direct policy or legislative implications as a result of the recommendations in this report. The City has contacted the WA Electoral Commission to seek advice regarding the poll provisions in the Local Government Act 1995. This is the subject of a separate report (Item 7.6.6 refers).

If the Council determines that it would like to take an active role in encouraging the community to vote in a poll, the City will need to ensure that any material circulated meets the legislative requirements for election material.

Financial Implications

If the poll provisions are triggered, there will be a cost of approximately \$58,000 to engage the WA Electoral Commission to conduct the poll for the City of South Perth.

In addition, if the Council determines it would like to take an active role in encouraging the community to vote in a poll, there will be a cost associated the preparation of communications material (staff time, printing, mailing etc.). Costs involved will vary depending on the option chosen and the level of activity required to be undertaken. Additional resources may be required to be engaged.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

Attachments

- 7.6.3 (a):** Process for requesting a poll (Form 2 - Local Government (Constitution) Regulations)

7.6.4 Local Government Reform: Progressing Stages 2-4 of the Reform Program

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61711 |
| Date: | 4 November 2014 |
| Author / Reporting Officer: | Michael Kent, Director Financial and Information Services Cliff Frewing, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner. |

Summary

This report sets out the key deliverables for stages 2 to 4 of the Reform Program and the likely expenditure required to complete this work.

Officers seek guidance from the Council regarding progression of the reform program, having regard for:

- the Supreme Court Action currently being taken against the Minister for Local Government and Communities (the Minister) and the Local Government Advisory Board (LGAB); and
- the unknown outcome of any future poll following the Minister's announcement that the City will participate in an amalgamation.

Officer Recommendation

That the Council

- (a) notes the key deliverables required in stages 2 to 4 of the Reform Program;
- (b) notes the estimated expenditure required to progress this work;
- (c) notes the funding gap (and time) to achieve a satisfactory and desirable transition to a single new entity;
- (d) agree to expenditure of up to \$685,000 from the existing allocated Reform budget to be spent on non-discretionary technology related reform works – with \$350,000 of that to be recouped from the existing Information Technology Reserve and reimbursed to the reform budget in the Q1 Budget Review;
- (e) authorises the CEO to commit expenditure for other purposes associated with the Reform Program provided that the expenditure is consistent with the summary of anticipated amalgamation costs (contained within this report) and is within budget;
- (f) notes that a further \$1.75 million may be required (between the Town of Victoria Park, and the City of South Perth) for the 2014/15 financial year to progress the Reform Program in preparation for changeover day; and

- (g) agrees that officers should continue to progress stage 2 of the Reform Toolkit, as far as possible, given the above budgetary constraints.

*** Absolute Majority Required**

Background

The City of South Perth (the City) and the Town of Victoria Park (the Town) have been using the Local Government Reform Toolkit to guide and plan for the work required to amalgamate the two local governments (Item 7.6.2 refers). This toolkit identifies core activities grouped by function to be addressed over four stages:

- Stage 1:** Review (until August 2014)
Stage 2: Plan (August 2014 to March 2015)
Stage 3: Mobilise (April 2015 to June 2015)
Stage 4: Implement (July 2015 onwards)

In the absence of a final decision from the Minister, the City of South Perth has completed the vast majority of Stage One and has been progressing with Stage Two of the toolkit on initiatives where no external funding is required. Officers consider this to be a prudent course of action, given the volume of work necessary for completion prior to the 1 July 2015 deadline, which remains in place, despite repeated delays in process from the State Government.

The City and Town have now reached a point where many of the key deliverables, required for delivery by 1 July 2015, cannot be advanced without significant commitments of time and monetary resource. At the same time, any further delays to commencing the work required to deliver these outputs will inhibit the City's ability to meet this deadline, and may result in a negative impact on services to the community and a less than satisfactory transition to amalgamation.

2014/15 Budget

At the July 2014 Special Council Meeting to adopt the 2014/15 Budget, the Council agreed to allocate \$750,000 on Local Government Reform. Previously approved unspent funds of \$250,000 have also been carried forward into the 2014/15 year following completion of the year end accounts. This gives a total budget of \$1,000,000 for the Local Government Reform Program.

The Town of Victoria Park Council has also allocated \$750,000 in its 2014/15 Budget, giving a combined budget (between the Town and City) of \$1.75 million – although the Town has already expended some of these funds in the current year.

At the July 2014 Special Council Meeting to adopt the 2014/2015 Budget, the Council also resolved as follows:

COUNCIL DECISION

That...

(a) – (t)

- (u) *Because of the uncertainties surrounding the outcome of the Supreme Court action; and the actual costs associated with the Reform Process, a contingent figure has been nominated in the Budget.*
- (i) *A monthly report be provided to Council outlining expenditure, relating to existing Local Government Reform costs and any additional funds received by the State Government. Any new activities/projects related to Local Government reform be approved by Council.*

7.6.4 Local Government Reform: Progressing Stages 2-4 of the Reform Program

- (ii) At the six month budget review process, reconsideration be given to the amount nominated and consideration be given to prioritizing other Budget items.
- (iii) Should Amalgamation not occur, and City of South Perth remains as it is, or not occur within the State Governments Metropolitan Local Government Reform timeline, a report is to be presented to Council for approval, to appropriately reallocate and/or carry over any unused allocation for redistribution in the following year's budget.

CARRIED (7/1)

Monthly reports to Council have provided details of costs incurred in relation to existing arrangements consistent with resolution (u)(i) above. In addition, no new arrangements have been entered into. This report recommends new expenditure be incurred to progress Stage Two of the Reform Program.

Comment

Key Deliverables – Stages 2 to 4

The following is a schedule that identifies, in an ideal state, what key deliverables should occur prior to 1 July 2015. Work has commenced on many of these tasks but some work will not be able to be completed to the standard desired to achieve the stated reform objectives (including enhanced service delivery and streamlining bureaucracy) within the time frame available.

The tasks include:

| Key Deliverables |
|--|
| HR and staffing matters including; <ul style="list-style-type: none">- appointing an Interim CEO- developing and implementing an Interim Organisational Structure- delivering a new combined EBA (unlikely to occur) |
| Developing and implementing a new service delivery model |
| Revised Policies and Delegations |
| Strategic Community Plan |
| Interim Corporate Business Plan |
| Asset Management Plan |
| Annual Budget 2015-16 |
| Long Term Financial Plan |
| Workforce Plan |
| Community Stakeholder Engagement Strategy |
| Financial systems alignment |
| Business systems alignment |

Detailed planning and scheduling work for many of these outputs has highlighted the extremely tight timelines and need for timely decision making and access to funding in the very near future if the City hopes to deliver these outputs by 1 July 2015. To maximise the benefits to our community, including improved services, financial sustainability and a better customer experience for our community, work needs to commence in many cases, almost immediately.

Estimate costs for 2014/2015

In order to deliver the above, and to physically combine the two local governments (three including part of the City of Canning), officers have estimated the reform related costs for the 2014/2015 year.

These costs are extracted from a comprehensive costing model that has been developed by the senior officers at the City and Town who are responsible for the

7.6.4 Local Government Reform: Progressing Stages 2-4 of the Reform Program

reform costs as part of the Reform Toolkit. This detailed model considers incremental costs, potential offsets/cost reductions and potential new revenue streams over the next four years. A copy of this model can be found at **Attachment 7.6.4(a)**.

The table below summarises the estimated combined costs to be shared by the local governments but primarily by the City and Town. This amount will be offset by contributions from the State Government by way of grants – but the amount that could be allocated to the City and Town has not yet been determined.

| Summary of estimated merger costs 2014/2015 | (\$) |
|---|--------------------|
| Project Management and Resourcing including 'back-filling' for staff | \$600,000 |
| Governance (develop policies, delegations & standing orders) | \$45,000 |
| Legal Matters (supplier contracts) | \$120,000 |
| Staffing Matters (HR and IR advice and support for transition issues) | \$100,000 |
| Change Management (organisational culture development) | \$150,000 |
| Service Delivery (Contact centre / call management software upgrade ⁴ and expansion of the Customer relationship Management System to include all three local government areas and service delivery models) | \$430,000 |
| Data & Knowledge Management (Data migration & archiving – particularly from the City of Canning) | \$115,000 |
| Information Technology & Data Communications (see below) ⁵ | \$1,210,000 |
| Asset Management (transition all Town & Canning data into single database) | \$100,000 |
| Marketing, Branding & Communications (Communication with stakeholders / community, new consolidated webpage with single data access point & payment gateway) | \$375,000 |
| Accommodation (minor building fit out / cabling) | \$150,000 |
| Other Costs - including Contingency & Financing Costs | \$ 204,000 |
| Total | \$3,500,000 |

As noted earlier, the City and Town currently have a combined budget of \$1.75 million.

Issues to be considered and addressed

Given the above, there are two key issues that need to be addressed:

- The first is the funding deficit of approximately \$1.75million, to be shared across the City and Town.
- The second is how much resource and expenditure is the Council willing to commit, given that we are currently a party to a Supreme Court Action (Item 8.1.1 refers) aiming to stop the local government reform program, and may also (depending on the Minister's announcement) be seeking to stop the program through a poll (Item 7.6.3 refers).

⁴ An upgrade to the City's Customer Contact Centre / Call Management software would in the normal course of events, have been required in the 2015/2016 budget. An indicative funding allocation for this was already included in the Long Term Financial Plan (LTFP).

⁵ This includes expansion of existing CPU capacity and data storage space, creation of a new core corporate system including the financial systems, planning & building systems, and harmonisation of (identified priority) disparate document management systems, geographic information systems, facility booking systems, library systems etc., across the three local governments.

Officers seek Council guidance on this matter.

Whilst planning, scoping, documenting and scheduling many of the tasks identified above can be performed by the Administration with minimal additional consultancy costs, the vast majority of costs are associated with upgrading and alignment of IT systems necessary for a smooth transition from the perspective of both customer experience and statutory compliance. Unfortunately, this is where the majority of the costs will be incurred and include new equipment, specialist advice and additional resources to achieve a satisfactory merger of technology systems prior to 1 July 2015.

This is necessary to avoid the two organisations operating as if they were not merged and the manual and high-risk task of combining information for reporting and other management and statutory compliance requirements. This is further complicated by the portion of the City of Canning which is also to be included as part of the new local government, as the City and Town will need to absorb the records, transaction and reporting requirements etc., of the properties and land taken over.

The key issue is, given that there is an uncertain outcome in terms of the legal action and poll, what level of expenditure can Council responsibly commit to in order to achieve a satisfactory transition.

Given the relatively long time frame necessary to scope and specify the technology projects, compare old with new, acquire new hardware and software, align systems, migrate data, and complete testing, there is a need to progress with the merger of IT systems as quickly as possible. Officers are aware of the risks that either the legal action or the poll provisions may cause the amalgamation process to stop but consider, having regard for the circumstances that the City should commence work on at least part of the priority elements of the IT merger project considering the lead times for implementation. Other aspects of the reform budgets identified in the first year of merger costs above will still be required but do not have the same immediate and urgent need to be accessed now.

The priority technology expenditures can be justified on the basis that much of the necessary expenditure has been budgeted to occur the following financial year in any event, so that in reality, the expenditure is simply being brought forward – potentially by a few months. The details of what is proposed follows.

Regardless of the reform imperative, the City would have necessarily incurred expenditure of \$180,000 on the Contact Centre call management system as it is at replacement point now. Furthermore, since the City implemented its Authority core (financial) system in 1998, it has had regular software version upgrades and new modules added (on an ad hoc basis). Whilst the system still works very effectively, the software suite itself has now greatly matured and this increased sophistication requires a somewhat different configuration to effectively leverage the enhanced system functionality and streamline processes.

In addition, recent changes to asset management valuation, reporting requirements and accounting standards could be much more efficiently and effectively facilitated by re-establishing and re-configuring the Authority environment. Accordingly, it would be recommended that the City would need to undertake such a system re-implementation in either 2014/2015 or 2015/2016 at the latest (depending on budget and resource availability).

As a single entity, the cost of the new environment implementation and data migration would be in the range of \$600,000 – in comparison, a collaborative effort

7.6.4 Local Government Reform: Progressing Stages 2-4 of the Reform Program

between the City and the Town (utilising skilled resources available in the Town to do a portion of the work) could deliver the same result for around \$430,000.

Furthermore, following the IT Risk Audit undertaken in the last year (although the City performed well), it was identified that, irrespective of reform, there was an ideal opportunity for the City and Town to have the two administration sites serve as the IT Disaster Recovery site for each other to ensure service continuity in the event of disruption / technology failure. This would simply require the two sites to be connected by wireless link and or fibre and to increase available disk space (approximate cost \$150,000 in total – to be shared by both sites) or \$75,000 each.

It is argued that the expenditures of \$180,000 and \$430,000 are (from the City's perspective) non-discretionary and would be required in any event, reform or not (and were only excluded from the current year budget because of impending local government reform). It should be noted that these items are treated as though they would need to occur from the City's perspective whether reform occurs or not. In the event that reform did not occur, the City would simply assume these systems as their own.

It is recommended that this funding for non-discretionary works (City of South Perth share) of \$685,000 be made available at this time to facilitate these works (this could be sourced 50 percent from the existing IT Reserve, and 50 percent from the budgeted 2014/2015 surplus).

Consultation

No consultation was necessary for the preparation of this report other than with experienced technology project costing and scheduling consultants.

Policy and Legislative Implications

There are no policy or legislative provisions directly associated with this report although any further budget re-allocations will need the approval of an absolute majority of Council.

Financial Implications

The financial implications are discussed in some detail in the body of the report – including potential funding sources. The State Government has previously advised of the availability of a limited pool (\$45 million) of low interest loans to support reform costs, although it is understood that they are only short term (to be paid back over 5 years) and are for relatively small amounts. The State Government will determine how much the City and Town will be entitled to from this pool of funds. At this stage, the administration is investigating the use of loan funds for this purpose. The State Government has advised that loan funds will not be available until after the Governor's Orders are published – expected to be in February 2015.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

Attachments

7.6.4 (a): Reform Program Cost Estimates - September 2014

7.6.5 Local Government Reform: Local Implementation Committee

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61713 |
| Date: | 4 November 2014 |
| Author / Reporting Officer: | Amanda Albrecht, Executive Officer Cliff Frewing, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance. |

Summary

The purpose of this report is to seek Council agreement to the re-establishment of the Local Implementation Committee following the announcement from the Minister in relation to the State's Local Government Reform Program.

Officers seek confirmation that the previously elected representatives to the Local Implementation Committee, Mayor Doherty, Councillor Trent, Councillor Hawkins-Zeeb and Councillor Reid (as a Deputy) should continue in these roles.

Officer Recommendation

That Council agrees that

- (a) the Local Implementation Committee be re-established, despite inadequate funding being provided by the State Government; and
- (b) the City of South Perth representatives on the LIC remain as Mayor Doherty, Councillor Trent, Councillor Hawkins-Zeeb and Councillor Reid (as a Deputy).

Background

In November 2013 the Department of Local Government released details of a recommended governance framework for adoption during the reform process. This involved the creation of a 'Local Implementation Committee' (LIC) for each group of local governments that were subject to a reform proposal, and the establishment of a 'Metropolitan Reform Implementation Committee' (MetRIC).

The purpose of the MetRIC was to oversee the co-ordination of the Local Implementation Committees, facilitate the collaboration and sharing of information between local governments on reform, and resolve technical issues associated with reform. The MetRIC was to be attended by representatives from WALGA, LGMA, and a LIC member for each local government.

The purpose of the LIC was to oversee and drive planning and implementation of the reform program (at an Elected Member level), act as a conduit to Council, and to

7.6.5 Local Government Reform: Local Implementation Committee

facilitate decision-making. The LIC was to be attended by Elected Member representatives from both the City of South Perth and Town of Victoria Park, CEOs and Reform Program Office staff.

At the 10 December 2014 Ordinary Council Meeting the Council resolved as follows (Item 10.6.1 refers):

“That

- (a) the Joint Task Force formed in May 2013 be formally wound up;*
- (b) Council agree to form a Local Implementation Committee (LIC) with equal representation with the Town of Victoria Park and with representation nominated by the City of Canning;*
- (c) Council agree that the City of South Perth representatives on the LIC consist of three (3) elected members and the CEO; and*
- (d) Council nominate the three (3) members of the LIC as the Mayor Sue Doherty, and two Councillors.”*

CARRIED (6/2)

In addition to the Mayor, Sue Doherty, Councillors Kevin Trent and Sharron Hawkins-Zeeb were duly elected as the Council representatives on the LIC.

At the 15 April 2014 Ordinary Council Meeting the Council resolved to appoint Councillor Fiona Reid as the deputy Council representative on the LIC (Item 10.6.1 refers).

The City of South Perth Council had been supportive of the Government’s Reform Program, subject to conditions and as long as it was reasonably funded.

At the 2 October 2013 Special Council Meeting, the Council resolved to:

“That Council

recommends to the Local Government Advisory Board, as part of its proposal, that:

- (a) Retention of the whole of the Burswood Peninsula and GO Edwards Park Reserve is critical to the sustainability of both the present Town of Victoria Park and the proposed new City of South Perth and Town of Victoria Park local government entity;*
- (b) The State Government should fund all reasonable amalgamation transition costs; and*
- (c) Transfer of portion of the City of Canning to the new City of South Perth and Town of Victoria Park local government entity must be contingent on the transfer of an equivalent proportion of resources, assets and funds.”*

CARRIED (7/4)

At the 25 March 2014 Ordinary Council Meeting the Council reconfirmed this position.

“That Council.....

confirms and emphasises that the City of South Perth proposal to the Local Government Advisory Board (of a voluntary amalgamation with the town of Victoria Park) is strictly conditional upon the entirety of the Burswood Peninsula remaining within the Town of Victoria Park (or the boundaries of the combined Town and City).”

CARRIED (9/0)

In May 2014 it became clear that the State Government was not going to fully or even reasonably fund the Local Government Reform process, when the Minister released his 'Funding Package'. This package consisted of:

- \$15 million in grants over three years from 2014-15 onwards; and
- \$45 million in low-interest loans to local government in 2015-16, to be paid back over five years.

As a consequence of this, and because of other broken promises by the State, at the 27 May 2014 Ordinary Council Meeting the Council resolved as follows (Item 12.1 refers):

“That the City of South Perth suspend all participation with the State Government with respect to the “Local Government Reform Process”, until such time as it receives an undertaking from the government that the previous funding commitments are honoured. The City of South Perth will no longer remain part of the METRIC or participate in Local Implementation Committee in their current form.”

CARRIED (8/1)

The last formal meeting of the Local Implementation Committee was held 26 May 2014. Since that time, one additional, informal meeting has been held between former LIC representatives from the City and Town of Victoria Park Elected Members (23 June 2014). No decisions were made at this meeting, and no recommendations were made to Council following this meeting.

Therefore, it follows that there has been no formal high level elected member contact with the Town of Victoria Park for a period of approximately four months. Nor has there been a representative from the City or Town at MetRIC meetings.

Comment

The Minister has now made his announcement regarding the future state of Metropolitan Local Governments, and for the City of South Perth this is as follows:

- That the current districts of the City of South Perth and the Town of Victoria Park be abolished;
- That a new district be declared comprising the former district of the City of South Perth and the Town of Victoria Park;
- That the boundaries of the new district include that part of the City of Canning north-west of Leach Highway, and that part of the City of Belmont known as Balbuk Reserve located on the eastern part of the Burswood Peninsula;
- That the new district be named 'City of South Park' and designated as a City; and
- That the number of Councillors on the Council for the new local government of City of South Park be 12.

Regardless of the outcome of the legal action being taken by a number of Local Governments, including the City of South Perth, it is considered opportune to review the Council's decision to suspend participation with the State Government.

One issue is that, given the lateness of the State's decision, and notwithstanding the time that has been spent on the reform programme to date, there is very limited time available to plan for the transition to one local government.

7.6.5 Local Government Reform: Local Implementation Committee

The timeline for an amalgamation (with a poll) is as follows:

| Milestone | Date |
|---|-----------------|
| Minister's Announcement made | 22 October 2014 |
| Notice from the LGAB to local governments and affected electors | 5 November 2014 |
| Date by which a poll must be requested | 5 December 2014 |
| Poll held | 31 January 2014 |
| Governor's Orders issued (assuming poll unsuccessful) | February 2015 |
| Amalgamation deadline | 1 July 2015 |

Having regard for the above, and following this announcement, officers consider it would be prudent to re-establish the Local Implementation Committee for the following reasons:

- **Collegiality** - To continue to build relationships with the Town of Victoria Park Councillors, so that South Perth residents needs are well understood;
- **Community representation** – To ensure that the City of South Perth community is represented on this Committee;
- **Council representation** - To act as a conduit between the City of South Perth Council and the Town of Victoria Park Council as important decisions will be necessary during the period leading up to 30 June 2015;
- **Amalgamation** – To monitor and guide the progress of the Reform Program between the two Councils, and keep other Council members up to date with the work that is being carried out and upcoming decisions for Council; and
- **Co-ordination** – To ensure that there is more involvement and a greater understanding of the Reform Program.

Unless the Council resolves differently, officers recommend that the existing delegations stand in terms of representation at the Local Implementation Committee. i.e. Mayor Doherty, Councillor Trent, Councillor Hawkins-Zeeb and Councillor Reid (as a Deputy).

Consultation

No additional consultation was necessary in the preparation of this report.

Extensive community consultation has been undertaken by the City regarding Local Government Reform. The Government's Reform Program has also been widely advertised, and the public have had opportunities to make submissions directly to the Minister of Local Government and Communities, and to the Local Government Advisory Board.

Residents will have a further opportunity to contribute to this issue through participation in a poll (should it be requested). The implications of this are contained in a separate report on this agenda (Items 7.6.3 and 7.6.6 refer).

As far as is known, the Town's position regarding membership of LIC has not changed and the Town of Victoria Park Council would be willing to again participate.

Policy and Legislative Implications

No legislative support was provided by the Department of Local Government and Communities in relation to the formation of the LIC and its powers are therefore limited to overseeing the implementation of the Reform Program. The LIC has no decision-making power.

7.6.5 Local Government Reform: Local Implementation Committee

Financial Implications

The costs associated with the re-establishment of the LIC are mostly limited to staff costs for administrative support, attendance at the meeting, etc. No additional allowance is provided to Elected Members for representation on the LIC.

In the 2014/2015 Annual Budget, the Council has set aside \$750,000 for the initial implementation of the Reform Program.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

Attachments

Nil

7.6.6 Local Government Reform: WA Electoral Commission

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61987 |
| Date: | 4 November 2014 |
| Author / Reporting Officer: | Amanda Albrecht, Executive Officer Cliff Frewing, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.5 Advocate and represent effectively on behalf of the South Perth community. |

Summary

This report seeks Councils agreement to authorise the CEO to write to the WA Electoral Commission seeking written agreement to run a postal vote on behalf of the City of South Perth should the poll provisions in the Local Government Act 1995 be triggered.

Additional information from the WA Electoral Commission in relation to the 2015 Local Government Elections is also provided.

Officer Recommendation

That Council

- (a) agrees, in principle, that if a poll on the recommended amalgamation is triggered for the City of South Perth under Clause 8, Schedule 2.1 of the Local Government Act 1995, it should be conducted as a postal vote; and
- (b) authorises the Chief Executive Officer to write to the Electoral Commissioner (post 5 December 2014) seeking written agreement that the Electoral Commissioner (or person approved by the Electoral Commissioner) be responsible for the conduct of the poll, and return of the results to the Minister; and
- (c) notes that the Council will be required to formally declare the Electoral Commissioner as responsible for the conduct of the poll once it has obtained written agreement from the Electoral Commissioner; and
- (d) notes that the Council will also need to formally decide on the method of conducting the poll once it has obtained written agreement from the Electoral Commissioner.

Background

The Minister for Local Government and Communities announced on 22 October 2014 that he has accepted the recommendation from the Local Government Advisory Board (LGAB) that the City of South Perth and the Town of Victoria Park be amalgamated by 1 July 2015.

Under schedule 2.1, of the Local Government Act 1995, electors may demand a poll on a recommended amalgamation by the LGAB.

Where the LGAB makes a recommendation to the Minister to abolish two or more districts, and amalgamate them into one or more districts, the Board must give notice to affected local governments, affected electors and other electors of districts directly affected by the recommendation about the recommendation. (schedule 2.1, clause 8(1) refers).

This notice must advise electors of their right to request a poll. If within one month after the notice is given, the Minister receives a request signed by at least 250 people asking for the recommendation to be put to a poll of electors, the Minister must do so (schedule 2.1, clause 8(3) refers). The Minister must reject the recommendation put forward by the LGAB if, as a result of the poll, 50 percent of electors vote, and if the majority of those electors that vote, vote against the recommendation.

The Minister may also require a poll of electors, to assist in deciding whether or not to accept a recommendation from the LGAB (schedule 2.1, clause 7 refers). The result of a poll called by the Minister is not binding on the Minister.

At this stage it is unknown whether or not a poll will be requested, but Officers consider it to be likely. The poll may be conducted as either a postal vote, or by voting in person.

Comment**Poll provisions**

Where a poll is required (under schedule 2.1, clauses 7 or 8) the LGAB is responsible for determining the question or questions to be answered by electors; and for preparing a summary of the case for each way of answer the question or questions.

If directed by the Minister, the City of South Perth may be responsible for making this material available to electors before the poll is conducted (schedule 2.1, clause 9(1) refers). Officers consider that this is likely.

The City can ask the Electoral Commissioner, or a person approved by the Electoral Commissioner, to be responsible for the conduct of the poll and return the results to the Minister. The City must obtain written agreement from the Electoral Commissioner (schedule 2.1, clause 9(2) refers).

The City has contacted the WA Electoral Commission regarding the poll provisions, and has been advised of the following key dates:

| Milestone | Date |
|---|------------------|
| Minister's announcement | 22 October 2014 |
| Notice from the LGAB to Local Governments and affected electors regarding amalgamations | 5 November 2014 |
| Period during which a poll can be called (One month from notice date) | 5 December 2014 |
| Last day for Council to agree that the Electoral Commissioner conduct the poll | 19 December 2014 |
| Poll held (postal vote) | 31 January 2014 |
| Governor's Orders | February 2015 |

A more detailed timetable from the WA Electoral Commission can be found at **Attachment 7.6.6(a)**.

The WA Electoral Commission has advised that if there is a valid request for a poll from the City of South Perth community by 5 December 2014, the City of South Perth will need to write to the WA Electoral Commission requesting that the Electoral Commissioner conducts the poll on behalf of the City. The WA Electoral Commission will then need to provide written agreement to the Council before the Council is able to formally declare the Electoral Commissioner as responsible for the conduct of the poll (schedule 2.1, clause 9(2) refers – absolute majority required). This declaration must be made by 19 December 2014.

The WA Electoral Commission has indicated that it would be willing to conduct a postal vote on behalf of the City of South Perth.

The WA Electoral Commission has further advised that any material the City may wish to circulate to electors (in addition to that prepared by the LGAB) will be considered election material, and will have to follow the normal rules (i.e. the name and address of the person who authorises the material, and the name and address of the printer).

Choice of methods of conducting the poll

As with any election conducted under Part 4 of the Local Government Act 1995, the poll may be conducted either by postal vote or by voting in person (section 4.61(1) refers). Officers recommend a postal vote, as this is likely to result in a greater response rate from the community.

The Council must resolve by absolute majority if it wishes for a postal vote to be conducted (section 4.61(2) refers). However, this decision has no effect unless it is made after a declaration is made that the Electoral Commissioner is to be responsible for the conduct of the poll. Hence, this decision will need to be made following receipt of written agreement from the Electoral Commissioner to conduct the poll.

2015 Local Government Elections

The City has also received correspondence for the WAEC regarding the 2015 Local Government Elections. The WAEC has noted that there will be a significant body of work for the Commission in updating elector details with new district and ward codes in advance of the preparation of the local government residents rolls. While Governor's Orders are not due to take effect until 1 July 2015, roll related works will need to be completed well in advance of the 28 August 2015 roll close. This work will require close liaison with Landgate and individual local governments, particularly with respect to verifying and auditing the changes.

7.6.6 Local Government Reform: WA Electoral Commission

Individual local governments will also need to ensure that their owner and occupiers register is maintained and audited in the lead up to the August 2015 roll close.

The WA Electoral Commission advises that for all local governments likely to use the Commission to conduct their election using the postal election method, providing a cost estimate for the 2015 elections will not be possible until after the Governor's Orders have been released and more definitive cost calculations can be determined. At this stage it is proposed to provide cost estimates to those local governments that will still exist on 1 July 2015, by February 2015.

Following the release of the Governor's Orders and the resultant work to determine elector numbers per district, the Commission's local government team will be contacting all local governments to arrange a time to discuss election requirements.

Consultation

City Officers have sought advice from the WA Electoral Commission in the preparation of this report.

Policy and Legislative Implications

Part 4 and Schedule 2.1 of the Local Government Act 1995 are relevant to the contents of this report.

The Council must resolve by absolutely majority to appoint the WA Electoral Commissioner to conduct the poll; and for the poll to be conducted by postal vote. This cannot be done until after written agreement is received from the WA Electoral Commission to conduct the poll.

Financial Implications

The WA Electoral Commission has advised that it will provide an estimate of costs in its letter to the City of South Perth, to be sent following receipt of a letter from the City of South Perth requesting that the WA Electoral Commission conduct the poll. At the time of writing this report, the estimate provided to the City was \$58,000.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

Attachments

7.6.6 (a): WA Electoral Commission Poll Timeline

8. MEETING CLOSED TO PUBLIC

The Chief Executive Officer advises that there are matters for discussion on the agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the Local Government Act 1995.

Reports regarding these matters have been circulated separately to Councillors.

8.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

8.1.1 Local Government Reform: Supreme Court Action

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (d) as it contains information relating to "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"*

| | |
|-----------------------------|---|
| Location: | City of South Perth |
| Ward: | Not Applicable |
| Applicant: | Council |
| File Ref: | D-14-61982 |
| Date: | 4 November 2014 |
| Author / Reporting Officer: | Amanda Albrecht, Executive Officer Cliff Frewing, Chief Executive Officer |
| Strategic Direction: | Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan |
| Council Strategy: | 6.5 Advocate and represent effectively on behalf of the South Perth community. |

Recommendation

That the following agenda items be considered in closed session, in accordance with section 5.23(2) of the Local Government Act 1995, as specified:

8.1.1 Local Government Reform: Supreme Court Action

Item 8.1.1 confidential in accordance with the Local Government Act 1995 section 5.23(2) (d) as it contains information relating to "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"

8.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

9. CLOSURE