Understanding Western Australian Local Government
Most Western Australians have regular contact with their local government whether it is through rate notices, using community infrastructure or accessing local government services.

Across our vast State, Local governments play an important role in providing significant services and infrastructure to their communities.

The State Government is committed to working collaboratively and effectively with local government to build a strong and sustainable future for all Western Australians.

This brochure provides an overview of the main characteristics of local government in Western Australia and the legislative framework supporting it.

It also provides information on key organisations which support local government.

As such, it is very useful for anyone wishing to work in partnership with local government or consult effectively on major initiatives.

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**Hon Ljiljanna Ravlich MLC**

MINISTER FOR LOCAL GOVERNMENT; RACING AND GAMING; MULTICULTURAL INTERESTS AND CITIZENSHIP; GOVERNMENT ENTERPRISES; MINISTER ASSISTING THE MINISTER FOR PLANNING AND INFRASTRUCTURE; GOLDFIELDS-ESPERANCE; YOUTH.
1. Introduction

Individuals, the private sector and officers of both State and Commonwealth often need to liaise, consult and negotiate with local governments.

This brochure provides essential background information on the defining legislation, structure, function, role and general operations of local government in Western Australia. It also explains the role of the primary government departments and organisations that work with and represent local government in this State.

2. State Government Commitment to Local Government

In 2002, the Western Australian Government signed a Partnership Agreement with the Western Australian Local Government Association (WALGA) and Local Government Managers Australia (LGMA). The overarching principle of the Agreement is “A commitment to improving cooperation between State and Local Government to enhance sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, cooperation and collaboration at both strategic and project levels”.

A Communication and Consultation Partnership has also been signed between the two spheres of government.
3. The Distribution and Functions of Local Government

There are 140 local governments in Western Australia with the following distribution:

<table>
<thead>
<tr>
<th>Region</th>
<th>No. Local Governments</th>
<th>Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gascoyne</td>
<td>4</td>
<td>11,807</td>
</tr>
<tr>
<td>Goldfields/Esperance</td>
<td>9</td>
<td>53,708</td>
</tr>
<tr>
<td>Great Southern</td>
<td>12</td>
<td>55,259</td>
</tr>
<tr>
<td>Kimberley</td>
<td>4</td>
<td>35,865</td>
</tr>
<tr>
<td>Metro</td>
<td>29</td>
<td>1,494,740</td>
</tr>
<tr>
<td>Mid-West</td>
<td>18</td>
<td>50,366</td>
</tr>
<tr>
<td>Peel</td>
<td>5</td>
<td>95,882</td>
</tr>
<tr>
<td>Pilbara</td>
<td>4</td>
<td>40,132</td>
</tr>
<tr>
<td>South-West</td>
<td>12</td>
<td>145,308</td>
</tr>
<tr>
<td>Wheatbelt</td>
<td>43</td>
<td>69,823</td>
</tr>
</tbody>
</table>

Local government has a diverse and significant role in the community providing a wide range of services and facilities. In 2006, there were 10,854 full-time staff and 1,979 employed on a part-time basis.

Rates, which totalled $916m in 2005/2006, make up 40% of all revenue. In the same year, the Commonwealth made available $202m which is distributed on a needs basis on the recommendation of the Western Australian Local Government Grants Commission. The funds are untied in that each local government can decide how they are to be spent.
The main areas of local government expenditure in 2005/2006 were:

<table>
<thead>
<tr>
<th>Area</th>
<th>$M</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation and Culture</td>
<td>437</td>
<td>36.2</td>
</tr>
<tr>
<td>Governance</td>
<td>194</td>
<td>16.1</td>
</tr>
<tr>
<td>Transport</td>
<td>267</td>
<td>22.1</td>
</tr>
<tr>
<td>Law, Order and Public Safety</td>
<td>65</td>
<td>5.4</td>
</tr>
<tr>
<td>Community Amenities</td>
<td>86</td>
<td>7.1</td>
</tr>
<tr>
<td>Education, Health and Welfare</td>
<td>126</td>
<td>10.4</td>
</tr>
<tr>
<td>Building Control</td>
<td>32</td>
<td>2.7</td>
</tr>
</tbody>
</table>
4. The Legislative Framework

Local government is not recognised in the Australian constitution and so the legislative authority for establishment of a local government system lies with the State.

All local governments in Western Australia are independent corporate bodies constituted under the *Local Government Act 1995* (the Act).

The Act prescribes that the general function of a local government is to provide for the good government of people in its district and that a liberal approach is to be taken to the construction of the scope of that general function. However, the Act limits the scope to be construed in the context of any constraints imposed by the Act or any other written law. A local government has a legislative function to make local laws and an executive function to administer its local laws and to provide services and facilities. If a local law is inconsistent with the Act or any other written [State] law then State law prevails.

Local governments are autonomous in that the (State) Minister for Local Government has no authority to direct local governments in their decision-making.

Local governments are either shires, towns or cities. Shires are generally small-medium in population and are often rural. Towns are of medium population and are essentially urban. Cities have larger populations and are essentially urban. Provided certain population criteria are met, shires can become towns or cities, and towns can become cities. A change is initiated by the Council.

Western Australia has 19 cities, 12 towns and 109 shires.

The Council

Each local government is to have an elected Council as its governing body. The title used for the governing body is, for example: City of Albany, Town of Port Hedland and Shire of Broome.
There are 1,352 elected members, generally elected for four-year terms, distributed between 140 local governments. Local government elections are held every two years with half the seats coming up for election. Voting is not compulsory but individual local governments make the decision on whether the vote will be a postal ballot [run by the WA Electoral Commission] or run by the local government itself [through an in-person ballot]. For single member and Mayor/President/Deputy Mayor/Deputy President elections, a preferential voting system is used, whilst for multi-member elections a proportional representation voting system applies.

The Title of “Mayor” refers to the leader of a local government Council in cities and towns. In shires, the leader of a local government is referred to as “President”. The Mayor or President may be elected by the people or from within the Council. The Council determines the mode of election for the Mayor/President and it does not often change from one system to the other.

The role of the Council is to:

- direct and control the local government’s affairs and functions;
- oversee the allocation of the local government’s finances and resources;
- determine the local government’s policies; and
- ensure that there is an appropriate structure for administering the local government.

The services provided by local governments vary between local governments. In general, they fall into three categories:

- **Services to People and the Community** –
  community services; family and neighbourhood support networks; recreation and culture; maintaining sporting grounds, reserves, parks and gardens; provision of public libraries; senior citizen services; childcare services.
• **Services to Property** – roads and footpaths; land drainage and development; sewerage disposal (in some country towns); refuse disposal and recycling services; litter control; street lighting and underground power; street cleaning; bush fire control.

• **Regulatory Services** – exercise controls to enforce legislation covering health, buildings, signs, goods, litter, planning, parking, fire and traffic hazards.

Local governments are given powers and responsibilities under many items of State legislation including the Acts for Town Planning and Development, Health, Building, Dogs, Cemeteries, Bush Fires, Roads, Traffic, Caravan Parks and Off-road Vehicles.

5. The Operation of Local Government

**Meetings of the Council and Committees of Council**

The regular decision-making meetings of Council are termed ordinary meetings. Most Councils hold their ordinary meetings between two and four weeks apart. Council may also hold special meetings for the purpose of making decisions that are required urgently.

A local government may establish committees of three or more people to assist the Council. With some exceptions, the exercising of any of the powers or the discharging of any of the duties of the local government under the Act may be delegated to a committee. It is unusual for wide-spread delegation to committees to occur in local government.

Meetings of the Council and meetings of committees that have delegated authority must be open to the public. The Act permits the exclusion of members of the public for the discussion of some specific matters.
The conduct of Council and committee meetings are governed primarily by the Standing Orders Local Law adopted by the Council. The Act requires each Council to have a public question time at the commencement of each ordinary and special meeting.

Roles of the Mayor/President, Deputy Mayor/President and councillors

The role of an elected member is prescribed in the Act as representing the interests of electors, ratepayers and residents, providing leadership and guidance, facilitating communication between the community and Council and participating in the local government's decision-making processes.

The Mayor/President has the additional roles of presiding at meetings, carrying out civic and ceremonial duties and speaking on behalf of the local government.

As individuals, the Mayor/President, Deputy Mayor/President and councillors have no authority under the Act and no directive or decision-making power. All authority rests with the Council and that authority is exercised by majority decisions at formal Council or committee meetings.

The Chief Executive Officer

Each local government is to employ a person to be the Chief Executive Officer (CEO) of the local government. CEOs are employed under performance-based contracts.

The CEO’s role is to:

• advise the Council of the functions of the local government;
• ensure that advice and information is available to the Council so that informed decisions can be made;
• implement Council decisions; and
• manage the day to day operations of the local government including staff.
The CEO must ensure that records and documents of the local government are properly kept and establish efficient systems and procedures for the proper financial management of the local government.

With some exceptions, the exercising of any of the powers or the discharging of any of the duties of the local government under the Act may be delegated to the CEO. The exceptions include appointing an auditor, borrowing money, accepting a tender in excess of the limits set by the local government, acquiring or disposing of property valued at an amount in excess of the limits set by the local government, and any decisions requiring an absolute majority of council members.

**Decision-making in local governments**

Unless an officer has the delegated authority to make a decision on a matter that has been submitted to the local government, the matter will need to be presented to Council, or a committee of Council which has delegated authority for decisions. This process will take different lengths of time depending on the local government’s decision-making processes. For example, with some local governments, each matter may need to be referred to a committee which then puts a recommendation to full Council.

Officers will prepare a report for Council on those matters requiring a decision for inclusion in the agenda for a Council meeting. The report will contain a recommendation based on the officers’ professional knowledge and understanding of the legislation and policies covering the issue. Applicants for a Council decision are entitled to seek a copy of agenda papers prior to the meeting.

Applicants may seek to make a presentation to the meeting at which their issue is being discussed. This may be a committee meeting or a Council meeting. Councils vary in the way they handle such requests.
The CEO has the role of implementing all Council decisions. If you are directly involved, you will be informed of the decision of Council and of any action that needs to be taken. In some circumstances, the Act provides a right of objection or appeal against a decision - a right which extends to decisions made under delegated authority. Local governments are required to advise of appeal and objection rights available to an applicant.

Contacting local governments

All initial contact with local governments on significant projects should be through the CEO. Depending on the matters to be addressed, the CEO may direct a more appropriate senior officer to deal with the matter.

In some cases, it may be appropriate to meet with the Mayor/President, a delegation of councillors and even the Council. The CEO will provide advice on who from the Council should be involved in any discussions.

At other times, direct contact with the appropriate local government officer may be the most effective approach. Each year, WALGA publishes the Western Australian Local Government Directory which contains a list of contact details including all elected members and senior staff of all local governments in the State. Copies are available from WALGA.
6. Regional Councils

The Act allows two or more local governments to establish a regional local government to provide services and facilities normally provided by the individual local governments. The establishment agreement defines the functions that can be undertaken by a specific regional council with the most common function being the management of waste.

Regional local governments which are governed by a body made up of representatives appointed by the participating local governments must comply with most requirements of the Act but they are exempted from the rating and election provisions.

Local governments may also form Voluntary Regional Organisation of Councils (VROCS). These organisations are less formal, have no legal backing and are formed for regional purposes such as information and resource sharing, tourism and the environment.

7. Key Government Agencies Supporting and Assisting Local Government

Department of Local Government and Regional Development

The Department's key functions in relation to local government are:

- providing advice to the Minister and Government;
- policy and legislative development;
- providing advice to the local government sector, government agencies and the public;
- providing local government support and development, including programs such as training for elected members, CEO support and operational guidelines;
- monitoring and investigation to ensure compliance with the law, most notably the Local Government Act 1995;
• providing administrative support to the State's Local Government Grants Commission and Local Government Advisory Board; and

• managing key programs such as the State Government’s four-year Regional Investment Fund.

The Department should be contacted for matters dealing with State/local government relations, local government policy issues, legislative compliance and general advice on local government matters.

The Department produces a regular magazine which is distributed to all elected members and senior staff in local governments throughout the State. The Department is keen to include articles with information benefits for local governments from all sources.

The Department’s website can be found at www.dlgrd.wa.gov.au

Department of Housing and Works

Local governments have the essential task of issuing building licences if the submitted plans comply with the Building Code of Australia. The first contact for all building matters must be the relevant local government. The Department of Housing and Works’ prime function, with respect to building, is supervising adherence to the Code and, as such, it deals with advice and assistance on building matters.

The Department of Housing and Works’ website can be found at www.dhw.wa.gov.au

Department of Planning and Infrastructure

The Department is focussed on working with the community to plan and deliver quality land use and transport infrastructure. As such it has responsibility for a number of key outputs including:

• providing statutory, consultative and coordination services to the Western Australian Planning Commission to facilitate the implementation of strategic plans and policies for the Perth metropolitan area and country Western Australia;
• developing and coordinating strategic transport policies and plans; and
• ensuring transport safety standards and promoting the use of public transport.

The Department of Planning and Infrastructure's website can be found at www.dpi.wa.gov.au

Department of Health
The Department of Health’s mission as the principal health authority is to promote, protect, maintain and restore the health of the people of Western Australia. The Department works closely with local governments on matters relating to:

• waste disposal;
• water and air pollution;
• food contamination;
• wastewater disposal; and
• mosquito and other insect control.

The Department of Health’s website can be found at www.health.wa.gov.au

8. Associations Supporting and assisting local government

Western Australian Local Government Association (WALGA)

WALGA is an organisation formed to represent and speak on behalf of local governments in Western Australia. WALGA’s key role is to influence decision-making that affects local government. Western Australia is divided into zones by WALGA with each zone meeting on a regular basis to discuss strategic and policy issues.
WALGA should be contacted for matters dealing with State/local
government relations, local government policy issues, training
for elected members, road funding and purchasing by
local governments.

WALGA enquiries may be directed to 9321 5055 or
info@walga.asn.au

Local Government Managers Australia WA (LGMA)

LGMA is the professional association representing managers and
aspiring managers in Western Australian local governments. The
Association is concerned with the development and improvement
of local government management, maintenance of professional
and ethical standards and to assist its members deal with change
and innovation. LGMA has geographic zones throughout the State
with zone meetings on a regular basis.

LGMA should be contacted in relation to matters affecting
employment opportunities and the administration of
local government.

LGMA enquiries may be directed to 9481 6531 or
admin@lgmawa.org.au

Further Information

For further information, general assistance about local
government or advice regarding a specific Council please contact
the Department of Local Government and Regional Development
on 9217 1500, Freecall (country callers) 1800 620 511 or
info@dlgrd.wa.gov.au