



<b>Presented to</b>	Ordinary Meeting of Council – 13 December 2022
<b>Related to Item</b>	WALGA Governance Review
<b>Submitted by</b>	Cr Tomas Fitzgerald
<b>Attachments</b>	Nil.

<b>X With Notice</b>	to be provide 5 clear working days prior to the meeting
<b>Without Notice</b>	an absolute majority resolution of the Council will be required for the motion to be considered
<b>For Urgent Consideration</b>	Mayoral approval required

**That the Council:**

1. Notes that WALGA is undertaking a governance review, and has prepared four alternative options for a new structure for the WALGA Board for comment.
2. Notes that all proposed structures significantly reduce the size of the board, and allow for board appointees who are not elected members.
3. Expresses its concern that all the proposals have the potential to weaken the democratic basis of WALGA's governance and dilute the influence elected representatives have over that organisation, which is an association whose purpose is "representing and supporting the WA local government sector".
4. Does not support any of the models proposed in the governance review consultation paper.
5. Suggests that WALGA:
  - a. Clarify in all proposed models that only Elected Members of a member LGA can serve as board members of the association.
  - b. Identify specifically the concrete problems it is trying to remedy by recommending a significant reduction in the proposed size of the WALGA board.
  - c. Return with new alternative recommendations on governance structure which recognise the important differences between an industry lobby group and a peak body of democratic governments. Specifically, the proposed structure should ensure that the fundamental democratic purpose and modes of operation of the member councils is reflected in any new proposed governance structure.
6. Requests the CEO to write to WALGA advising them of the terms of this motion.

**Objective, Benefit and Potential Risks to be considered**

1. To meet WALGA's request for comment on the governance review by councils through motions passed at their November or December OMC.



**Reasons for the Motion**

1. Councillors will be aware that WALGA is currently undertaking its second governance review since 2019. It has proposed 4 alternative models for a new board structure. Each of those proposals significantly reduces the size of the existing WALGA State Council and replaces that body with a board, which will include up to 27% of its members who are not required to be Elected Representatives of an LGA.
2. While the review consultation paper ([https://walga.asn.au/getattachment/WALGA%E2%80%99s-Best-Practice-Governance-Review/20221020\\_Consultation\\_Paper\\_Model\\_Options.pdf?lang=en-AU](https://walga.asn.au/getattachment/WALGA%E2%80%99s-Best-Practice-Governance-Review/20221020_Consultation_Paper_Model_Options.pdf?lang=en-AU)) assesses that a smaller 'size' of the board is preferable, it does not give any rationale for that assessment. Further, in the online review webinar, WALGA was unable to identify any specific difficulties which it sought to address by reducing the size of the board. Some suggestion was made in that webinar that independent board members could be drawn from EMs not directly elected to the board, but this is not reflected in the proposals. It is also not clear how the board would manage appointment of EMs who might have been unsuccessful candidates for election to the board.
3. Finally, and most notably, the desktop review which has underpinned the recommendations has drawn substantially on the example of industry lobby groups such as the Pharmacy Guild and AMA. However there is no recognition in the consultation paper of the important differences between an industry lobby group, and a peak body of democratically elected local governments. On the face of it, it seems that the proposals have not seriously considered that how those differences ought to be reflected in the structure of the governance body. Given the core democratic function and methods of LGAs, this should be clearly reflected in the governance structure of WALGA.
4. For these reasons we should advise WALGA that we would not support any of the proposals, and that they ought to reconsider the proposed models.

I have discussed this matter with Officers

I would like to discuss this matter with Officers

**Office Use Only**

ECM Number

Date Received

Distributed

Officer Comment / Notes

