



WESTERN AUSTRALIAN
LOCAL GOVERNMENT ASSOCIATION

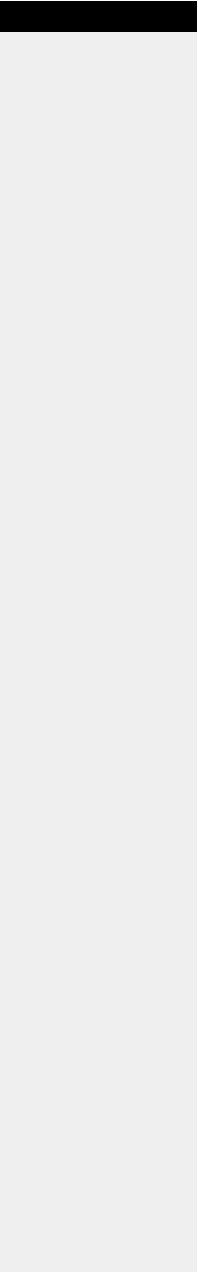


partnership agreement partnership agreement partnership

partnership agreement on
**communication
& consultation**

partnership





FOREWORD

The commitment to partnerships and more effective working relationships remain the highest priorities for both State and Local Government in Western Australia.

Ever increasing and diversifying community needs means that we can no longer afford to operate as autonomous bodies. To best serve our communities, we must promote and champion the concept of partnerships in our mindsets and as the foundation for our everyday activities.

Strengthening relations between State and Local Government is a sound investment in better policy making and a core element of good governance. It allows both State and Local Government to access new sources of policy relevant ideas, information and resources when making decisions. Equally important, it contributes to building trust between both spheres of government.

Experience has shown that the benefits of partnering include better decision making and the best possible outcomes for our communities. Partnering promotes the achievement of mutual objectives, facilitates the most effective use of State and Local Government resources, and enables the provision of a greater range and quality of services.

The commitment to partnerships which was formally endorsed in December 2002 centres on embracing the following overarching principle:

“A commitment to improving cooperation between State and Local Government to enhance the sustainable social, environmental and economic development of Western Australia through consultation, communication,

participation, cooperation and collaboration at both strategic and project levels.”

The ramifications of this commitment are significant. All within State and Local Government must be individually and collectively dedicated to reforming the way we interact. We must also identify and progress partnering opportunities where shared benefits can be achieved.

Effective consultation and communication are key ingredients in strengthening relations between State and Local Government. Achievement in these areas requires each sphere of government to ensure that:

- Information is complete, objective, reliable, relevant and easy to find and understand;
- Consultation has clear goals and is organised around best practice principles; and
- Consultation provides sufficient time and flexibility to allow for the emergence of new ideas and proposals, as well as mechanisms for integration into policy making.

As leaders in State and Local Government, we strongly encourage State Agencies and Local Governments to commit adequate time and resources into communication and consultation practices that will foster more effective working relationships between our two spheres of government.

Many of the success stories of strong relationships between State and Local Government demonstrate genuine commitment to credible consultation and communication. Conversely, when things have gone wrong, it has in most instances been due to a failing in these key areas of our relationship.

The intention of this partnership agreement is to develop a shared understanding of what constitutes effective consultation and communication. The agreement will also focus on continuing to promote the culture within both State and Local Government to both value and support effective consultation and communication.

A key component of the partnership is the development of 'how-to' guidelines based on best practice in consultation and communication. The guidelines are designed to help people within State and Local Government interact more effectively and employ successful communication and consultation processes. They are flexible and adaptive enough to cater for the varying circumstances which impact upon the policy making process. However, the

intention remains to work more closely together wherever possible, in a manner which is positive and inclusive.

We encourage all within State and Local Government to embrace these guidelines as a part of their organisational culture and to use them from this point forward as a valuable tool for improving the way we work together.

Additional information on best practices in communication and consultation can be obtained from the *Consulting Citizens: A Resource Guide*. The Guide, which was produced by the Citizens and Civics Unit of the Department of the Premier and Cabinet, can be downloaded from the following homepage: www.ccu.dpc.wa.gov.au.



Signed by the Hon Dr Geoff Gallop, MLA
PREMIER, FOR AND ON BEHALF OF THE STATE OF WESTERN
AUSTRALIA

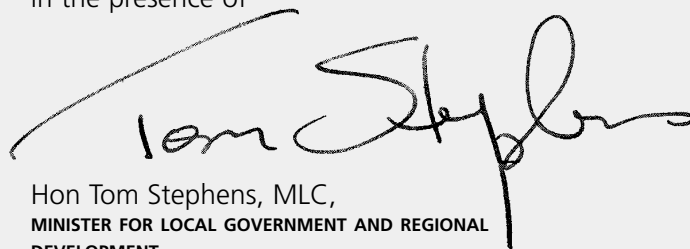


Signed by Cr Clive Robartson,
PRESIDENT OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT
ASSOCIATION FOR AND ON BEHALF OF WESTERN AUSTRALIAN LOCAL
GOVERNMENTS



Signed by Mr Cliff Frewing,
PRESIDENT OF THE LOCAL GOVERNMENT MANAGERS AUSTRALIA
(WA DIVISION INC) FOR AND ON BEHALF OF LOCAL GOVERNMENT
MANAGERS

in the presence of



Hon Tom Stephens, MLC,
MINISTER FOR LOCAL GOVERNMENT AND REGIONAL
DEVELOPMENT

Dated 2nd day of June 2004

INTRODUCTION

Strengthening relations between State and Local Government in Western Australia is a sound investment in better policy making and a core element of good governance. It allows both State and Local Government to tap new source of policy relevant ideas, information and resources when making decisions. Equally important, it contributes to building trust between both spheres of government.

In strengthening relations between State and Local Government, each must ensure that:

- Communication is based upon information that is complete, objective, reliable, relevant, easy to find and understand;
- Consultation has clear goals and is organised around best practice principles; and
- Consultation provides sufficient time and flexibility to allow for the emergence of new ideas and proposals, as well as mechanisms for integration into policy-making.

The *State and Local Government Partnership Agreement*, signed in December 2002, provides the framework under which both spheres of government can work together to enhance the sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, cooperation and collaboration at both strategic and project levels.

The Communication and Consultation Partnership is a key initiative in achieving the broad objectives of this overarching partnership agreement. Genuine and credible communication and consultation between both spheres of government will contribute significantly to building trust and improving working relationships at all levels.

State and Local Government must invest commitment, adequate time and resources in communication and consultation processes. Inadequate resources and communication and consultation practices undermine relations between both spheres of government.

Aims, Objectives and Principles

The main aim of the Consultation and Communication Partnership is to define principles and objectives to assist State and Local Government in achieving maximum effectiveness in the way they communicate and consult with each other.

The objectives of the Consultation and Communication Partnership include:

- Increase understanding of what constitutes effective communication and consultation between State and Local Government;
- Encourage a coordinated approach to consultation which facilitates input by the other sphere of government into policy development, legislation, projects and decision making that may impact on their operations or resources;
- Require formal reporting to Cabinet on the outcomes of the State/Local Government consultation process through Cabinet Submissions;
- Improve communication between State Government and Local Government on issues and initiatives to be included within the State Budget;
- Improve opportunities for discussion on Commonwealth policy initiatives or legislation where there may be an impact on State and Local Government; and

- Identify opportunities for joint input when making submissions to the Commonwealth Government or participating on intergovernmental councils or committees where there are implications for both spheres of government.

The diagram on the following page represents the overarching principle and general principles of partnership contained within the State and Local Government Partnership Agreement. Stemming from the general principles of communication and consultation are a set of guiding principles. These guiding principles provide a good foundation for engaging in communication and consultation, and should be observed by all levels in State and Local Government when planning consultation strategies.

OVERARCHING PRINCIPLE

“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.”

Partnerships
Roles and Responsibilities
<p>Communication</p> <p>Open and timely communication on issues of relevance to sustainable social, environmental and economic development of Western Australia.</p> <p>Recognise the need for confidentiality of discussions until a mutually agreed time.</p> <p>Recognise that State and Local Government may use different processes to communicate with constituent groups.</p>
<p>Consultation</p> <p>Purposeful consultation at mutually agreed stages to facilitate understanding and agreement.</p> <p>Recognise and account for the different decision making processes of both spheres of government.</p>
Service Delivery
Outcomes
Accountability



<p>Commitment</p> <p>Leadership and unwavering commitment to sharing information and engaging in effective communication and consultation processes is needed at all levels of State and Local Government.</p> <p>Clarity</p> <p>Objectives for, and the limitations on, the sharing of information, communication and consultation during policy making should be well defined from the outset. The respective roles and responsibilities of both State and Local Government must be clear to all.</p> <p>Rights</p> <p>State and Local Governments have rights to receive information, provide feedback and to be properly consulted on issues affecting them. Both spheres of government should also be actively involved in policy processes to which they have an interest.</p> <p>Timing</p> <p>Consultation and communication should be undertaken early in the policy process to allow a greater range of policy solutions and to maximise the chances for successful decision making and implementation. Sufficient time at all stages in the policy cycle must be allowed for conducting effective consultation and communication.</p> <p>Objectivity</p> <p>Information provided through communication and consultation should be objective, complete and accessible.</p> <p>Resources</p> <p>Adequate financial, human and technical resources must be made available if the sharing of information, communication and consultation are to be effective. State and Local Government officials must have access to appropriate skills and training, as well as an organisational culture that supports their efforts.</p> <p>Coordination</p> <p>Initiatives to inform, communicate and consult should be coordinated across State and Local Government to enhance knowledge management, ensure policy coherence, avoid duplication and reduce the risk of ‘consultation fatigue’. However, coordination should not reduce the capacity of State and Local Government to pursue innovation and ensure flexibility.</p> <p>Evaluation</p> <p>State and Local Governments need the tools, information and capacity to evaluate their performance in communicating, consulting and engaging each other in policy formulation. This will facilitate continuous improvement and changes to improve effectiveness.</p>

What does Communication and Consultation mean?

Confusion can arise between the terms 'information', 'communication', 'consultation' and 'partnership'. For the purposes of this partnership, these terms are defined as follows:

Information

A one-way relation in which either State or Local Government provides information, data etc to the other party.

Communication

A two-way relation based upon active exchange of ideas and interaction. It includes information, seeking clarification, raising awareness and day-to-day discussions. Communication does not necessarily require a structured response or feedback. Good communication should convey respect and consideration of the other party, and therefore build better relationships.

Consultation

A structured two-way relation based upon feedback between State and Local Government. It gives stakeholders a structured way to provide input into decisions that may affect them or in which they have an interest. As with communication, good consultation processes convey respect and consideration of the other party and should build better relationships.

Partnership

A two-way relation in which both State and Local Government engage as equals in the policy making process. It acknowledges a role of both State and Local Government in proposing policy options and shapes the policy dialogue.

Why Communicate and Consult?

The benefits of effective communication and consultation between State and Local Government include:

- Strengthening the partnership relationship between State and Local Government;
- Developing a shared vision on matters that impact on the community;
- Facilitating more effective policy making and decision making;
- Providing avenues of dialogue;
- Obtaining a diversity of input into the policy process;
- Reducing conflict;
- Encouraging ownership and greater acceptance of outcomes;
- Identifying opportunities;
- Identifying potential problems;
- Outcome will result in a better product;
- Long term financial savings to the organising agency; and
- Better understanding the wants, needs and expectations of stakeholders.

When to Communicate and When to Consult

Communication should be viewed as the process used when State and Local Government want to inform each other about something of interest, but where structured input or feedback is not necessarily required. Communication is essentially about 'talking' to each other and keeping one another informed on decisions made or issues of relevance. It occurs at all levels within State and Local Government and may take the form of day-to-day discussions or a more formalised mechanism such as correspondence.

PARTNERSHIP AGREEMENT on Communication and Consultation

Consultation between State and Local Government is a structured way to facilitate input and participation by the other party into decisions that may affect them or in which they have an interest. Consultation should occur throughout the policy making or project cycle rather than a “one-off” exercise. It should commence early in the planning stage. It is inappropriate and undesirable to commence a consultation process after a final decision has been made.

The following criteria may be useful in identifying when issues will require consultation:

- The issue affects the rights or entitlements of State or Local Government;
- The issue impacts upon or has relevance to the areas of interest and/or operations of either State or Local Government;

- State or Local Government will have a strong view on the issue; or
- Insufficient information is available on which to make a decision about an issue.

It is neither effective nor appropriate to consult if a final decision has already been made, or if the commissioning body cannot influence a final decision, or when there is insufficient time and/or resources available.

Tables 1 and 2 are a non-exhaustive list of examples when State and Local Government should communicate and consult with each other. There are many other instances where a process of communication or consultation should be used.

When to Communicate and Consult with Local Government	
Communication	Consultation
Issues relating to the State-Local Government Partnership	When developing or reviewing State policy or legislation that may affect Local Government
State Government's forward legislative program	When developing or reviewing Commonwealth or inter-governmental policy or legislation that is relevant to Local Government
State Budget	When implementing projects, services or programs that may affect Local Government
Decisions made after a formal process of consultation	When negotiating State-Local Government partnership agreements
Follow-up to commitments given to Local Government	When making submissions to the Commonwealth Government or participating on intergovernmental councils or committees (including Ministerial Councils) which relate to matters of significance to Local Government
Final draft of Bills to be tabled in Parliament where Local Government has been involved in the development process	Where there are matters affecting the budget process of Local Governments (ie such as an increase in State Government fees and charges)
Routine and day-to-day matters involving Local Government	
Urgent decision making where timeframes limit consultation	

Table 1

When to Communicate and Consult with State Government	
Communication	Consultation
Issues relating to the State-Local Government Partnership	When developing or reviewing Local Government or Council policy that may affect State Government
Local Government's by-law development program	When proposing new or amending legislation for State Government consideration
Follow-up to commitments given to State Government	When making significant policy decisions such as new or amending local laws and changes to planning schemes
Other matters of interest to or affecting State Government, but not requiring formal feedback	When listing agenda items or considering motions which will impact on State Government.
Urgent decision making where timeframes limit consultation	Issues relating to relationships with or decisions of the Commonwealth Government which may impact upon State Government

Table 2

Developing a Culture of Communication and Consultation

Both State and Local Government strongly endorse the need for increased involvement by each other in decision making. This is a key component in building meaningful and sustainable partnerships.

Involving each other is a 'must do' activity. There is a simple reason for this – **partnerships based on equality and mutual respect work.**

Building commitment within your organisation is about building a *culture of communication and consultation*. This can be supported through highlighting the substantial benefits that flow from involving each other in the development and implementation of policy.

Developing a culture of communication and consultation will go a long way towards the development of successful public participation strategies.

In addition to developing a culture of consultation between State and Local Government, such a culture should also be pursued in interactions with the community.

**Appendix 1:
Procedures for Consulting with State and Local Government**

Communication and consultation allows State and Local Government to provide input into decisions that may affect them, or in which they have an interest, and hence result in better outcomes.

State and Local Government have agreed to communicate and consult more closely, particularly on issues that may impact on the operations, resources or jurisdiction of the other sphere of government. This will usually relate to legislation, policy development, projects or decisions where the other party is affected by the issue or has an interest.

Section A outlines the Code of Practice on written consultation which should be observed by all State Agencies and Local Governments. Section B outlines the processes for State Government to follow when seeking to communicate and consult with Local

Government. Section C provides processes for Local Government to follow when seeking to communicate and consult with State Government.

The protocols outlined in this document will provide State Government Agencies and Local Governments with a guide to the level and timeliness of appropriate consultation.

Although it may not be possible to adhere to the processes and timeframes outlined in this document in all circumstances, the principles agreed symbolise the genuine commitment and willingness by both spheres of government to work together on all significant issues.

A. CODE OF PRACTICE ON CONSULTATION

Where written consultation is to occur with State or Local Government, the following Code of Practice represents best practice and should be observed by all levels within State and Local Government.

Consultation Code of Practice
1. Timing of consultation should be built into the planning process for a policy (including legislation) or project/service/program from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.
2. It should be clear who is being consulted, about what questions, in what timescale and for what purpose.
3. A consultation paper should be as simple and concise as possible. It should contain a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.
4. Documents should be made widely available, with the fullest possible use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of the interested party or individuals.

Consultation Code of Practice
5. Sufficient time should be allowed for considered responses from those being consulted. Twelve weeks should be the standard minimum period for a consultation.
6. Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and reasons for decisions finally taken. Decisions should be recorded and disseminated.
7. State Agencies and Local Governments should monitor and evaluate consultations, designating a consultation coordinator for major projects, to ensure that adherence to the Code of Practice occurs at all levels of the organisation.

Table 3

B. CONSULTING WITH LOCAL GOVERNMENT

Local Government is a major stakeholder in many State Government decisions.

State Government should consult with Local Government when developing, amending or reviewing State policies, legislation or projects/services/programs that will impact on Local Government operations or resources, or where Local Government may have an interest.

Instances where consultation should occur with Local Government include:

- When developing or reviewing policy or legislation that may affect Local Government;
- When developing or reviewing Commonwealth or inter-governmental policy or legislation that may be relevant to Local Government;
- When implementing projects, services or programs that may affect Local Government;
- When making submissions to the Commonwealth Government or participating on intergovernmental councils or committees

(including Ministerial Councils) which relate to matters of significance to Local Government; and

- When negotiating partnership agreements.

When seeking to consult with Local Government at the state level, the Western Australian Local Government Association (WALGA) and the Local Government Managers Australia (LGMA) should generally be the first point of contact. Consultation may occur at the local and regional level with individual Local Governments, Zones and Regional Groupings of Councils where this is more applicable.

The **Western Australian Local Government Association** (WALGA) is the peak body for Local Government in Western Australia. The Association provides political representation and policy advocacy for Local Government at the State and Federal levels. It represents 143 metropolitan and country Local Governments in Western Australia, including the Shires of Christmas and Cocos (Keeling) Islands.

WALGA will provide the State Government with a majority Local Government position on State Government policies, projects, services,

programs, draft bills and other instruments of a legislative nature that may affect Local Government. This does not, however, preclude the capacity for individual Local Governments to provide their own position independent to WALGA.

The consultative mechanisms within WALGA for policy, legislation or projects/services/programs are:

- State Council meetings involving elected representatives from all country and metropolitan groupings of Local Governments (referred to as Zones) and a formal resolution process; and/or
- Workshops and input opportunities for all or some Councils; and/or
- Specialist working groups that provided detailed input utilising expert Local Government elected members and officers; and/or
- The circulation of policy, legislation and supporting documentation to Councils for comment.

The **Local Government Managers Australia** (LGMA) is the leading professional association representing professional managers and aspiring managers in Local Government throughout Australia and Asia-Pacific. LGMA will provide the State Government with a coordinated view of the professional managers within Local Government. This does not, however, preclude the capacity for individual professional managers to provide their own position independent to LGMA.

LGMA's consultative mechanisms include:

- Board of Management involving elected representatives from members to the association; and/or

- Legislative review committee exercising delegated authority and consisting of representatives of the Board; and/or
- The circulation of legislation and supporting documentation to members for comment.

Consultation on policy, legislation and projects/services/programs of relevance to Local Government should occur early in and continue throughout the development stage, and well before any decisions are made. It should also occur when reviewing or providing submissions to the Commonwealth that may impact on Local Government or in which Local Government may have an interest.

Agencies should seek to ascertain whether an issue may affect Local Government whenever developing or reviewing policies, legislation or projects/services/programs. Consultation processes should be developed in accordance with how significant the matter is to Local Government. Issues may arise that will not easily fit the defined categories or that may rest at the margins. In many cases, it will be advisable to contact WALGA and LGMA in the first instance to discuss the impact of a matter and the appropriate consultation processes that should be undertaken.

Agencies may be expected to attend forums (as agreed) and/or to provide the substance of the consultation – ie papers, graphic displays, statistics or whatever materials the Agency has developed for consultation purposes. It will be advisable to discuss the nature of the proposed policy, projects or legislation and their impact on Councils with WALGA and LGMA prior to developing such materials.

Table 4 below provides a brief guide on the types of policies, legislation and projects/services/ programs that will be of importance to Local Government. It is indicative and not an exhaustive list.

Examples of issues relevant to Local Government	
Category 1: Primary	Category 2: Secondary
<p>(1) The subject matter is the <u>fundamental responsibility</u> of Local Government, or the <u>principles pertaining to Local Government</u> involvement may be under scrutiny: <i>Examples: Local Government Act; Town Planning and Development Act; Dog Act.</i></p> <p>(2) The subject matter has <u>implications for Local Government operations or resources</u>; or involves <u>change in responsibilities</u> between State and Local Government; or involves <u>additional responsibilities</u> for Local Government. <i>Examples: Environmental Protection Act; Health Act, Proposed Structure for Crime Prevention.</i></p> <p>(3) Where State Government is <u>making submissions to the Commonwealth</u> about matters that impact directly on Local Government.</p> <p>(4) Where programs or projects being undertaken by State Government have <u>implications for or require approvals from Local Government</u>.</p>	<p>The subject matter is not specific to Local Government operations; but</p> <ul style="list-style-type: none"> • Has interest for Councils; and • Impacts particularly on communities. <p>Agencies need not consult on issues that fall into this category, but may want to use Local Government as a 'barometer' of community perceptions.</p> <p><i>Examples: Young Offenders Act; School Education Act.</i></p>

Table 4

At what stage/s to involve Local Government

Consultation should occur when an issue is identified that concerns both State and Local Government.

It should be commenced early in the planning process before a formal position has been developed, and should continue throughout the development of the policy, legislation or the project/service/program cycle.

What to expect from WALGA and LGMA

WALGA and LGMA will collectively provide a focal and coordination point for consultation with Local Government on policy, legislation and projects/services/programs (whether new or amending). WALGA and LGMA will provide an endorsed Local Government position and response.

WALGA will consult Local Governments to gain a majority view for Local Government and will provide an endorsed position on the matter.

This will include an indication of the level of support for the issue in question and an indication of Local Governments that may not support the position, why they may not support the position and their alternative position.

LGMA will consult with Local Government managers and provide a majority position on a matter.

Estimating the impact on Local Government

Whether or not to consult with Local Government will depend on the impact of the proposed policy, legislation or project/service/program on Local Government.

As a guide, Local Government should be consulted on all issues that are of integral importance to Local Government, are the fundamental responsibilities of Local Government, or will have significant implications for Local Government operations or resources. Refer to **Table 4** above for examples of matters that would be important to Local Government and require consultation.

Timeframes

Non-urgent

In terms of consulting with WALGA and LGMA, consideration must be given to the decision making processes within Local Governments and the two Associations and the time taken to process and send requests to Local Government. Council and Association decision making processes normally each take 8 weeks. As such, the normal timeframe for consultation with Local Government should be at least 12 weeks.

Where significant consultation has preceded any decisions in relation to policies, legislation or projects/services/programs, the method of

engagement may be less intensive and the period of time required shorter (ie 8 weeks).

While such a time schedule will provide a result, it may not be optimum in terms of contribution, comprehension and commitment, particularly on complex issues. Policy makers and project managers should be aware of the practical implications of consultations and, if uncertain about the processes required or time that may be necessary, should contact WALGA and LGMA for comment.

In terms of communicating issues, information should be communicated as soon as possible after a final decision has been taken or legislation has been passed.

Urgent Timeframes

It is acknowledged that there will be circumstances that arise from time to time where policy or legislation cannot fit within the framework outlined in this document.

In such cases, particularly with regard to policy or legislation that will have a significant impact on Local Government, there should be immediate communication with WALGA and LGMA detailing the nature of the policy or legislative proposal, possibilities for consultation, reasons for the urgency and mechanisms for sign-off. A timeframe should be negotiated in these circumstances which meets the requirements of both parties.

C. CONSULTING WITH STATE GOVERNMENT

State Government is a major stakeholder in many Local Government decisions.

It is important that individual Councils put in place procedures to consult with State Government Agencies on significant or relevant policy initiatives arising from the development of strategic plans and other decision-making processes.

Instances where consultation should occur with State Government include:

- When developing or reviewing Local Government or Council policy that will impact on State Government operations, resources or strategic planning;
- When developing proposals for legislative amendments or new legislation for consideration by the State Government;
- When making submission to the Commonwealth Government on issues of significance to the State Government;
- When proposing a Local Law or Planning Scheme which may impact on a particular State Agency's operation, resources or planning;
- When negotiating partnership agreements.

Consultation on any of these issues which may be relevant to State Government should occur early in the development stage, and well before any decisions are made.

It is important to identify how much an issue may affect State Government and to develop consultative processes accordingly. In many cases, it may be advisable to contact the Department of Local Government and Regional

Development, the relevant Regional Development Commission (in the case of regional issues), WALGA or LGMA in the first instance to discuss and ascertain whether or not there would be any impact on State Government

At what stage/s to involve State Government

Consultation with State Government should be timely and effective.

State Government should be involved:

1. At a point that implications, alternatives and options have been considered and a preferred course of action proposed; but also
2. At a stage where input may be received and adjustments made if appropriate.

The decision-making process for Local Government is not always linear and straightforward. It will not always be possible or appropriate to follow the steps outlined above, and there will be occasions where State Government will either be integral to the early development of options and alternatives, or where conversely timelines will be urgent and truncated.

Where WALGA is to make submissions to the Commonwealth Government on matters of significant to the State Government, or receives information from the Australian Local Government Association (ALGA) on Council of Australian Governments (COAG) issues or outcomes that are relevant to the State Government, it should liaise with the Department of Local Government and Regional Development.

Consultation Processes

The processes for WALGA, LGMA and individual Councils to follow when consulting with State Government will depend on the impact of the proposed matter and whether they are whole-of-Local Government issues or specific to a particular region or Council.

For whole-of-Local-Government issues, WALGA and LGMA should coordinate the approach with the Director General of the Department of Local Government and Regional Development.

Issues of major state-wide significance may be listed on the State/Local Government Council (SLGC) agenda. For this to occur, both parties must agree to the issue being listed. However, where there is a stalemate, it may be possible that one party could raise the issue. This should be done in agreement with the Partnership Steering Group. A request for the issue to be listed should be forwarded from the President of WALGA or LGMA to the Premier. A Discussion Paper or Options Paper would need to be provided with the agenda item if listed. If the issue is accepted, the SLGC is likely to refer the matter to the Partnership Steering Group to further investigate the issue.

For individual or regional Local Government issues that may impact on State Government, the Chief Executive Officer of the Local Government should contact the relevant Head of Agency. An outline of the issue should be provided, along with a request for feedback, invitation to attend forums (where appropriate), or whatever consultative processes Council will be utilising. The Head of Agency will ensure feedback is provided in a timely manner. Where a Local Government is uncertain about which agencies may be affected by an issue, contact should be made with the Director General of

the Department of Local Government and Regional Development.

Proposals from Local Government for legislative amendment or new legislation should be directed to the WALGA or LGMA in the first instance. WALGA and LGMA will be responsible for determining priorities for proposals going forward to State Government, together with an indication of the level of support across Local Government.

In relation to Local laws and Planning Schemes, the Local Government CEO or delegated officer should refer the matter to the Director General of the Department of Local Government and Regional Development, who will be responsible for distribution to relevant State Agencies. Matters referred to the State Government should include a written background (eg options paper, issues paper, outline of proposal) along with a request for feedback.

Estimating the impact on State Government

Whether or not to consult with State Government will depend on the impact of the issue on State Government.

As a guide, State Government should be consulted on all issues that are of integral importance to State Government, are the fundamental responsibilities of State Government, or will have significant implications for State Government operations or resources.

Timeframes

Non-urgent

It is not possible to generically assign timeframes to Local Government policy, projects and decision-making processes.

Some matters may take months from conceptual stage to completion, whilst others will spread over a number of years. However, it is important to ensure that as a general rule there is a minimum timeframe associated with consultation. 8 weeks should allow the State Government the opportunity to receive a proposal, circulate and seek responses.

While such a schedule will provide a result, it may not be optimum in terms of contribution, comprehension and commitment. Local Government decision makers and project managers should be aware of the practical implications of consultations, and if uncertain about the processes required or time that may be necessary, should contact the Department of Local Government and Regional Development or the policy area of the relevant Agency.

Urgent

It is acknowledged by both parties that there will be circumstances that arise from time to time where Council decisions will be so urgent as to not fit within the framework outlined here. In such cases, immediate contact should be made between the two spheres of government to detail the nature of the legislative proposal, possibilities for consultation, reasons for the urgency and mechanisms for sign-off.

D. REPRESENTATION AT MEETINGS

Both State and Local Government representatives need to remain aware of the fact that they are representing an organisation when attending consultative meetings. It is necessary to make it quite clear whether they are representing the view of an individual Council or group of Councils, WALGA or LGMA, a State Agency, or the State Government as a whole.

To some extent, it is also the task of the consulting body to ensure it is clear or has formal advice as to exactly what or whom the representatives it is consulting with are representing.

For example, State Government officers can be sure that when they consult with WALGA and LGMA that they speak as the peak representative bodies for Local Government in Western Australia. Their collective positions represent the majority of Local Governments. This does not, however, always mean that the view put forward represents all of the 144 Local Governments in Western Australia. WALGA and LGMA are also able to provide the opinions of individual Councils where these differ from the position agreed to by the majority.

Appendix 2 – Contact Details and Protocols

A. CONTACT DETAILS

(1) Contacts for State Government agencies

WALGA: Contact details for the WA Local Government Association can be found at www.walga.asn.au or by contacting the Association on 9321 5055.

LGMA: Contact details for the Local Government Managers Australia can be found at www.lgma.org.au/wa or by contacting the Association on 9481 6531.

Individual Council/s and Regional Organisation/s: Contact details can be access through WALGA and LGMA.

The Department of Local Government and Regional Development website can be found at: www.dlgrd.wa.gov.au

For issues to be presented to the State-Local Government Council, contact should be made with the Department of Local Government and Regional Development.

Information on the Partnership Agreement can be found at the Department of Local Government and Regional Development Website - www.dlgrd.wa.gov.au

(2) Contacts for Local Governments

WALGA: Contact details for the WA Local Government Association can be found at www.walga.asn.au or by contacting the Association on 9321 5055.

LGMA: Contact details for the Local Government Managers Australia can be found at www.lgma.org.au/wa or by contacting the Association on 9481 6531.

The Department of Local Government and Regional Development website can be found at: www.dlgrd.wa.gov.au

Regional Development Commissions:

- Gascoyne Development Commission www.gdc.wa.gov.au
- Goldfields Esperance Development Commission www.gedc.wa.gov.au
- Great Southern Development Commission www.gsdw.wa.gov.au
- Kimberley Development Commission www.kimberley.wa.gov.au
- Mid West Development Commission www.mwdc.wa.gov.au
- Peel Development Commission www.peel.wa.gov.au
- Pilbara Development Commission www.pdc.wa.gov.au
- South West Development Commission www.swdc.wa.gov.au
- Wheatbelt Development Commission www.wheatbelt.wa.gov.au

Access to State Government Bills can be found at www.parliament.wa.gov.au

For issues to be presented to the State-Local Government Council, Councils should contact the WALGA and/or LGMA.

Information on the Partnership Agreement can be found at the Department of Local Government and Regional Development Website - www.dlgrd.wa.gov.au

B. CONTACT PROTOCOLS

The protocols set out here are a general guide to be followed when communicating, either verbally or in writing, between the two spheres of government. To ensure that trust and integrity are maintained, proper process ought to be followed. This will result in transparency and accountability in decision-making.

The protocols are:

1. Elected member communicates with and signs off to elected member

Example: Mayor/President or WALGA/LGMA President signs off to Premier and vice versa, Mayor/President or WALGA/LGMA President signs off to Minister and vice versa.

Note: Any requests from Local Government for substantial funding or allocation of resources must be directed to the Ministerial/Premier level.

2. Senior Official communicates with and signs off to Senior Official

Example: Director General signs off to Council Chief Executive Officer; WALGA CEO or LGMA Executive Director and vice versa.

3. Officer communicates with Officer

Example: Senior Policy Analyst communicates with Council Community Development Officer or WALGA Policy Officer and vice versa on routine day-to-day issues such as setting up meeting times and other arrangements.

Note: Officers may contact a higher-level officer where the official contact has asked a person at another level to make contact on their behalf, or for general administrative processes. All emails or faxes must be copied to the supervisory level.

Appendix 3 - Where Communication and Consultation Guidelines are not met

It may take time for both spheres of Government to learn to work more closely together and establish a comprehensive approach to communication and consultation. These Guidelines have been developed on the basis that a level of trust and goodwill exists between the parties, and it is understood that honest omissions will occur.

The processes outlined in this section provide an approach to dealing with instances where the Guidelines have not been followed.

The process is as follows:

- In the first instance the party that has not been consulted should draw the other party's attention to the Guidelines.
- If consultation still does not occur, the issue should be taken to the Managers of the respective parties. A commitment to follow the Guidelines wherever possible should be provided. If the Managers cannot resolve the issue satisfactorily, the matter should be brought to the attention of the Division Head (in the case of a State Agency) and the Chief Executive Officer (in the case of the Council).
- If the issue is not dealt with satisfactorily at that level, or concerns regarding consultation are ongoing or recurrent the matter should be progressed through the:
 - Director General, Department of Local Government and Regional Development to the relevant Director General (for State Government breaches); or to the
 - Chief Executive Officer of WALGA and/or the Executive Director of the LGMA (for Local Government breaches).

- These parties will bring the matter to the attention of the non-consulting party and will reinforce the benefits of the Guidelines to both parties and the need for both parties to adhere to the Guidelines.
- Where unresolved, serious, deliberate or fundamental breaches have occurred the other party may request, through the Premier or the President of WALGA or LGMA, to have the issue listed on the agenda of the State/Local Government Council.

Appendix 4 – Implementation Actions and Timeframes

Objectives	Action	Timeframe
Increased understanding of what constitutes effective communication and consultation between State and Local Government	Finalised Consultation and Communication Guidelines to be prepared as approved for dissemination to State and Local Government.	Within 1 month of signing the Agreement.
	The Partnership Steering Group will develop a Communication Strategy for the Guidelines.	Within 2 months of signing the Agreement.
	The Partnership Steering Group will work together to implement the Communication Strategy	Within 3 months of signing the Agreement.
Encourage a coordinated approach to consultation which facilitates input by the other sphere of government into policy development, legislation, projects and decision making that may impact on their operations or resources	Partnership Agreement and Guidelines to be distributed to State and Local Government at all levels.	Within 1 month of signing the agreement
	Prior to the beginning of each Parliamentary Session, the Department of Premier and Cabinet is to provide WALGA and LGMA with a briefing on the State Government's forward legislative program for that session. WALGA and LGMA to advise the Department of Premier and Cabinet on legislation contained within the indicative forward legislation program that is of relevance/interest to Local Government.	Ongoing
	Consultation on Local Government and State Government policies, legislation, projects/services/ programs and decisions to be undertaken as per the Communication and Consultation Guidelines.	Ongoing
	Regular WALGA liaison meetings with the Premier to be held.	March (annually) September (annually)
	Regular State/Local Government Council meetings to be held.	June (annually) November (annually)
	Communiqué to be issued after each State/Local Government Council meeting outlining key outcomes and directions being taken in the partnership relationship.	Ongoing
	Require formal reporting to Cabinet on the outcomes of the State/Local Government consultation process through Cabinet Submissions	Cabinet Submissions should refer to adherence with the Communication and Consultation Partnership Agreement including: <ul style="list-style-type: none"> • Whether WALGA and LGMA were consulted and/or which individual Councils were consulted and when; • The outcome of the consultation; • The impact of the proposal on Local Government; • The impact of the proposal on Local Government's capacity for effective implementation; • The need for further consultation and an outline of the proposed consultation strategy; and • The implementation monitoring arrangements.

PARTNERSHIP AGREEMENT on Communication and Consultation

Objectives	Action	Timeframe
Improve communication between the State Government and Local Government on issues and initiatives to be included within the State budget	Formal submission to be made by the Association on key budget bids in the lead up to the next State Budget	September (annually)
	WALGA will meet with the Premier, Treasurer, relevant Ministers and Departments to discuss the Association's budget submission.	September/October (annually)
	WALGA to be provided an opportunity to make a formal presentation to the State/Local Government Council on Local Government priorities prior to the State Budget being finalised and tabled. Discussion will include: <ul style="list-style-type: none"> • Indications from the State Government on broad directions to be taken in the upcoming State Budget; • Comment on budgeting for relevant election commitments; • Formal response to key budget bids identified by WALGA in its submission on the upcoming State Budget; • Issuing of a Communiqué at the conclusion of the meeting. 	November (annually)
	WALGA and LGMA to be provided a briefing by the State Government on the State Budget in the week following the budget being tabled. The briefing would: <ul style="list-style-type: none"> • Outline the initiatives within the Budget which have implications for Local Government; and • Provide details on any specific Local Government initiatives within the Budget. 	June (annually)
Improve opportunities for discussion on Commonwealth policy initiatives or legislation where there may be an impact on State and Local Government. Identify opportunities for joint input when making submissions to the Commonwealth Government or participating on intergovernmental councils or committees where there are implications for both spheres of Government.	The State Government will encourage regular meetings between the Department, other agencies where appropriate, and WALGA and LGMA on intergovernmental issues.	Ongoing
	The State Government will, where a submission is to be made to a Commonwealth inquiry or other major consultation process that is deemed to have Local Government implications, liaise with and seek input from WALGA and LGMA.	Ongoing
	WALGA and LGMA will, where a submission is to be made to a Commonwealth inquiry or other major consultation process that is deemed to have State Government implications, liaise with and seek input from the State Government through the Department of Local Government and Regional Development	Ongoing
	Regarding Ministerial Councils, the State Government will encourage Ministers to identify any issues which may impact on Local Government and where necessary seek input from WALGA and LGMA. The Department of Premier and Cabinet will coordinate this.	Ongoing
	Where WALGA receives information from the Australian Local Government Association (ALGA) on COAG issues or outcomes that are relevant to State Government, it will liaise with the Department of Local Government and Regional Development.	Ongoing
	State Agencies will invite WALGA and LGMA to join intergovernmental committees on particular Commonwealth-State issues where relevant and appropriate. WALGA and LGMA will invite relevant State Agencies, where appropriate, to join intergovernmental committees on issues of relevance to the State Government.	Ongoing



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