

To who it may concern,

Local Government Act 1995 Review

We, residents of Broome, welcome the McGowan Government review of the Local Government Act 1995.

Please find below our submission to the Review based on a workshop held by community members in March 2019.

We look forward to the government's response to public comments.

Yours sincerely,

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Agile

Beneficial enterprises

The question is should the Local Government Act be reformed to allow local governments to form independent corporations to provide services which may have community benefit, like childcare services?

The concerns were:

- This could pose a high financial risk for Local government which could have a negative financial flow on for community. Many corporations fail financially.
- No surety that community money is not lost. Membership based groups can mean lack of transparency and community representation. Financial risk for community and how rates funds may be used.
- Local rates are subsidised with State and Federal grants.
- How many councillors are skilled business people?

Financial management

- Local governments should be required to set responsible rules in line with international definitions of ethical investment, about how they manage public money. They should not be allowed to invest public monies in anything which may be detrimental to health, culture, environment etc. All public money must meet minimum sustainability criteria for people, environment, culture and economics – quadruple bottom line. In our view, public moneys should be invested in ways that improve health of people and environments, uphold diverse cultures and meet economic guidelines such as local employment standards.

Rates fees and charges

- There was agreement that Local Governments should be required to be prudent and transparent about spending public money.
- There were mixed feelings about some types of organisations/charities being exempt from paying rates. Financially affluent churches shouldn't necessarily be further subsidised in the form of rates exemptions by the State Government but local communities, schools and charities doing good for their communities should.

Smart

Administrative efficiencies – local laws

- Process of local law-making is difficult but it should it be uniform across the state and allow for local conditions and differences?

Council meetings

- Council Meeting Agendas are currently published one week before meeting. Public question time seen as too late to have effect on final decision.
- Community members would prefer to see more information provided earlier to community and councillors for discussion on both positive and possibly contentious issues. Eg approval of water sports on Cable Beach created substantial local concern due to the poor way it was handled. It was a very sensitive local issue and local engagement was not called for or welcome. Pain still exists regarding the Council decision.

There are no Shire committee meetings that allow for earlier discussion on contentious issues. Currently a Shire Officer is simply delegated the responsibility of 'dealing' with enquiries and/or concerns? There is no mechanism for public involvement in decision making and in fact no way of checking the Shire Officer has sufficient background on any issue. Recent experience has illustrated recommendations to Council have been prepared with appallingly little awareness of the background on a range of issues. Public engagement with good timing could improve Council effectiveness for this reason.

- Shire website does not show all development applications that the Shire will make a decision on. Currently only some areas eg planning and building departments have to publish what applications have been made. There is no mechanism for public involvement regarding issues that fall outside these areas.
- Email and social media accepted as an addition to but not to replace traditional options. For many community members face-to-face is still best way to inform and involve.
- Public statement time should be included at the meetings in addition to Public Question time. This would provide the community to make a community position known in a clear, assertive way.
- Maintaining the existing framework for declaring conflicts of interest is supported.
- Shire of Broome has suggested getting rid of annual electors' meetings as there is low attendance. However meetings are often called at a time of the year when citizens are busy or away for the wet season and Christmas. Councillors are not required to attend, but possibly they should? Lack of Councillor attendance reflects the view held by many locals that the Council will not listen, therefore there is little point participating. We support keeping this meeting, and request it be held at a time that community members can easily attend ie not the month before Christmas. Low elector turnout should raise questions about how meetings can be improved to increase relevance and interest for electors, not used as a reason to not have them. Otherwise, there could be an implied incentive for Local Government to not engage and remain relevant, as a way of justifying a reduction in quality and number of forums for community to become involved and express community positions.
- Special electors' meetings should remain at 100 electors being able to formally request these meetings. Why would State Government consider making it harder for any community, and disproportionately harder for small shires or those with large geographical areas, to be able to call this meeting?

- Power of decisions currently rest with CEO. We support a mechanism within the Act to allow these decisions to be reviewed.

Council conduct and governance – Interventions

- It should be compulsory for all new councillors to be thoroughly trained by the CEO and/or other people with expertise in relevant areas, using materials prepared for this purpose by a government-approved training body.
- It should be compulsory – and expedient – that all complaints about breaches as well as established actual breaches of the Act should be referred to the department for investigation.
- The Local Government and Councillors should be issued infringement notices for some offences. There needs to be accountability and consequence for breaching codes of conduct, lying, misleading the public and breaching either Local Government laws and the Act itself.
- An offence should be introduced that applies to employees or CEOs who provide false or misleading information to council.
- An offence should be introduced for breaches of the tendering requirements.
- We did not support the suggestion of employing someone into Local Government or Council specifically to assist with decision-making. This should be part of the role and skill set required of the CEO.

Inclusive

Local councils are the level of government that exists at the level of the people. In the view of this group of residents and ratepayers, Councils should work with their citizens to hear, work alongside and act with them – in partnership - for the betterment of the region. At present our experience of local government is one of being ridden-over, wilfully ignored and all too often, publicly insulted as well. This results in low participation in Council consultative events, following which the Council argues there is low community interest and therefore argues the need for even less community engagement.

In our community there is a strong citizenry with many volunteers who work hard across a wide range of social, cultural and environmentally-related endeavours for the benefit of the community and environment. Many of these people are ready and willing to work with our local Council – in partnership, assuming citizen participation will be valued and respected – should this be invited by the Council.

This group of electors acknowledge that the process of community and Council learning to work together again to build local government capacity will be long one, but we must begin it all the same. A Council and shire staff who are genuinely open to partnership with community and ready to engage community in participation and co-design of local projects and laws, will result in the community itself becoming more resilient, functional and sustainable, with the integrity of community being improved for the longer term. Below we have extracted excerpts from the document - Hope for the Future: the State Sustainability Strategy (2002, p. 221). We advocate for a return to optimism and hope for communities, regions and the State, and believe local government is a useful place to start. Our approach is visionary, positive and strong.

Vision for Western Australia

Western Australian communities in societies and in regions have a strong sense of place, are inclusive of all citizens and have supportive networks receptive to local needs, and through this can respond uniquely to the sustainability agenda.

Goal

Support communities to fully participate in achieving a sustainable future.

Building equity and diversity as a dimension of sustainability in communities

The below is taken from the State Sustainability Strategy (2002, pp. 227-228).

Sustainability requires us to develop and use the talents of all the people in our communities. An approach that focuses on the talents and skills of individuals and avoids discriminatory practices such as exclusion, elitism, polarisation and cliques is essential to successful and vibrant communities. In this regard the Western Australian Council of Social Services argue for the importance of establishing processes that, among other things:

- support a diverse range of people to participate in all decisions and processes
- build capacity at the local level
- are based on collaboration and partnerships
- support local solutions and initiatives and
- incorporate formal and informal interactions.⁵⁰

The basis of this non-discriminatory approach which builds on our diversity is the fundamental value of human rights. This is expressed in the second sustainability principle (in *Framework*) called Equity and Human Rights:

‘Sustainability recognises that an environment needs to be created where all people can express their full potential and lead productive lives and that significant gaps in sufficiency and opportunity endanger the earth.’

Community engagement

- The role of local government needs to be better defined and understood. As stated above, it needs to partner with local residents to develop a resilient, sustainable community. Local government cannot do this ‘for’ the community – it must do this ‘with’ the community, in partnership.
- Local governments must have both clear mechanisms to facilitate and allow for community consultation as well as a charter that states and commits to engagement, participation and co-design. Both should include minimum standards together with mechanisms and consequences for failure to follow these. These could be agreed to by each community so they are relevant and realistic for each community’s needs. They must also be reviewed regularly to ensure that changes to community consultation and engagement requirements are updated to ensure relevance and effectiveness and more importantly, community learning and capacity-building, resilience development and sustainability.
- Local Government should not be allowed to continue with inadequate, irrelevant ways to consult with a community and then use lack of community involvement to justify less effective ways of engaging and consulting with community.
- Councils should be required to adopt whatever communications options, including social media, that the community identifies as relevant to the different sectors of that community.
- Local Government should be required to both set up and support advisory committees and work groups, and not (as the Shire of Broome did recently) arbitrarily decide to discontinue community advisory committees without any consultation with the members of those groups or the wider community.

Complaints

- ANZ standard for complaints management should be adopted
- A customer service charter should be implemented and made publicly available
- We support a Legislative requirement for local government to adopt a fit-for-purpose complaints management process
- An internal independent review process for unresolved complaints should be implemented.

Elections

- Only one vote per person should be allowed. People should not get one vote for their home and one vote for a business. Nor should absent home owners be allowed to vote where they don't live most of the time.
- There was agreement that voting should be compulsory to increase representation of the community.
- Preferential voting rather than 1st past the post should be introduced.
- Some people want electronic voting as well as booth voting to increase accessibility options and make the process easier. Electronic voting should not replace booth or postal voting.
- There was a preference to retain elections every two years.
- Mayor should be elected by the community not the councillors.
- Wards supported so long as the Wards are strengthened and there is a requirement for a candidate to live in the ward they represent.
- Social media code of conduct is supported for elections.
- Campaign spending limit for all candidates is supported.
- Public disclosure of gifts is supported.