

## Local Government Act 1995 Review

Private submission by Dr. Kaj Nieuwerkerke, [REDACTED]

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I have only lived for 4 years in WA. In that time I have taken a keen interest in local government. I am a member of the Esperance Ratepayers and Electors Association and current serve as their president.

I have read the discussion papers issued by the Department of Local Government, Sport and Cultural Industries. I also attended the drop-in session held on December 3, 2018 in the Shire of Esperance Chambers.

I have completed the questionnaires on-line for your consideration. In addition, I like to extend those views with the following observations: -

1. I appreciate that all Councils in WA are different, in physical size, population and location (city, rural, etc). The Act is, by its nature uniform. As such it relies on Local Government creating its policies, procedures and regulations to adapt for the specific local conditions.
2. In normal life one would expect Local Government to operate in the back ground and be transparent to the general public. In my time in Esperance I have found the relationship between the Esperance Shire, the Esperance Shire Council and the Esperance community to be strained. This has heightened my awareness that the Act should cater for such situations. My feedback will reflect this. As always, it is the exceptions to the rule, that require the most effort.
3. At the drop-in session participants were asked to be cognisant regarding the impact of 'general' changes in society since the current Act was introduced in 1995. Technology was deemed the key factor. I would like to point at the fact that enhanced computer capabilities have brought a massive intrusion in people's private lives – something given scant regard. Mechanisation has automated the farming industry and in areas such as the Esperance Shire, shifted population from the country into the town. Global warming and trade globalisation have risen in prominence. The impact of those issues seems to have been overlooked.
4. Election of Councillors are a popularity contest. They give scant regard to the skills, knowledge and experience required to be an effective representative. As a minimum, formal training appropriate to the Councillor's task, should be made mandatory and, where practical, accessible online.
5. Local Government should be open and accountable. In Esperance I find, any discussion of significance is conducted behind closed doors. Authority is implicitly or explicitly delegated from Council to the Shire administration, hampering public scrutiny. Some of this may be the result of issue 4 above.
6. Too much power has been placed in the hands of the administrators (CEO and senior staff). Whether this is a local adaption of the Act, Council should use committees to investigate major issues that need to be considered. In the current arrangement there is insufficient time for proper research and scrutiny. Administrator recommendations are rubber

stamped. The ratepayer often does not have access to information. When feedback is requested/provided it is rarely discussed or taken into consideration.

7. The budget process is performed behind closed doors. Input from local business and the community is sought **after** rates have been determined. This input is 'noted' and has no impact on preconceived ideas and determinations. The budget and rates do not take into consideration the economic wellbeing of the town. Rather than shaping its expenditure based on what the community can afford, it is linked to what Shire (administration) wishes and Councillors accept. Capital intensive projects (foreshore, sports stadium, jetty) will have exceedingly long maintenance and upkeep costs, borne by future generations.
8. There is an over reliance to long term computer modelling (10-year plans). While this may identify some long-term goals, its accuracy must be questioned. The implications of various parameters such as growth factors, population figures, major economic changes are inadequately understood by those that scrutinise and accept the resulting reports.
9. Esperance suffered a major economic setback when mineral exports through the port reduced in volume. There has been no noticeable implication/consideration on Shire rates nor its activities.
10. Communication between Council and the community is sorely lacking in Esperance Shire. There is one opportunity, the Annual Electors Meeting where Council is forced to listen to its constituency. However, motions passed by this forum are consistently re-phrased and thereby ignoring or bypassing the community sentiment.

Councillors talk **at** people not **with** people.