

LOCAL GOVERNMENT ACT REVIEW 2018-2019

Submission – Michelle Teoh Broome

My name is Michelle Teoh I am a resident and ratepayer of Broome. From 2007 I was employed as Manager of Planning Services for the Shire of Broome until I was retrenched in 2015. Since then I have been engaged in a range of voluntary community activities. I attended the public information session held in Broome in November (?) 2018.

1. BENEFICIAL ENTERPRISES (BE)

I have grave concerns about allowing Local Government (LG) to establish such entities.

I refer to an actual situation that has occurred in Broome that makes me very suspicious of such powers:

- On 25 June 2018 the Shire of Broome Economic Development Advisory Committee recommended that the Council give a company by the name of Broome Futures Ltd \$100,000. A Special Meeting of Council was held on 28 June 2018; just three days later endorsed this. This timing implies that there was something urgent about this payment – it would seem like the co-ordination of finalising of minutes and calling of special meetings was carefully orchestrated. On the Shire webpage the majority of accompanying documentations were listed as confidential and so the community could not find out what this large contribution was for and why. Since then there have been several attempts under FOI to obtain the necessary documents but we are still unable to find out what this \$100,000 is for and why. The Broome Futures Ltd is listed on its website as a NFP but is not clear about what it does why or for whom. Why is there this lack of transparency and accountability?
- Last year Council withdrew the provisions of a free pre cyclone clean up (where residents can put certain materials out on the roadside and the Shire collects them) on the basis the service cost too much. A large proportion of Broome residents who, because they do not own vehicles nor cannot man handle 'stuff', are unable to get rid of things and hence we will now have an increasing amount of items stored in gardens that can become projectiles during storms or cyclones. If there is no money to provide what would normally be called a basic community service why are we giving an obscure NFP organisation \$100,000?

The Discussion Paper sets out that BE would be controlled by the Corporations Law and the community could become involved through 'public meetings'. The community will not be a shareholder therefore will have no legal rights yet it is the community's money that is being used. Vested interests, through the use of the 'commercial in confidence' LG provisions and the Corporation Law will be able to maximise their leverage on money that is rightly the community's. There will be no transparency and if inappropriate dealings are unearthed the process available to the community to seek restitution would be difficult or biased.

2. COUNCIL MEETINGS.

In the Shire of I have found the management of Public Question time – whether it is adversarial or a real opportunity to engage respectfully is very dependent on the mood of the Presiding Officer.

Last time I attended a Council meeting I thought if I was coming to one of these meetings unaware of what happens or the procedures I would wonder what the heck elected Councillors did. During the meeting there were no questions of clarification, there was no debate. The ‘papers’ are now available on overhead screens which are hard to read or now rather than provide hard copies there are a number of tablets for members of the public gallery to follow proceedings although not everyone is comfortable in using such devices. Technology can facilitate better access but it also has to be applied in a manner that is useable and workable for the user’s not just convenience of the organisation.

Now days with the demands of modern life people cannot be expected to attend Council meetings in person. Meetings could be live streamed.

The idea of using social media as a mechanism for asking questions - I see advantages but more disadvantages. I am not convinced it would be a useful tool. Social media is easy to use – just make a click – and somehow people feel they have contributed or made a difference but it is also an easy platform for belligerent /bullying complaints. Let’s be practical re engagement if people do want to engage then they also have to make an effort and not just open their phone click on yes or no and expect everyone else to arrive at a solution that suits them.

Remote attendance for Councillors should be permitted. If the Shires in the NW are to have real representation from the communities located outside of town this is essential. I would suggest for this to operate effectively people should only exercise this right if within WA and there should also be a requirement for the Councillor to attend one meeting in person (it could be the meeting that is held remotely).

Annual Elector meetings (AEM) are a bit of a waste of space there is plenty of opportunity for the public to ask questions of council during the year. When I used to attend them I felt insulted that Councillors (except the presiding member) choose not to attend implying that the issues raised by the community are of no importance.

Special Elector Meetings must be retained – this is the only mechanism the community has to ensure accountability. 100 signatures is sufficient.

3. COMMUNITY ENGAGEMENT AND INTEGRATED PLANNING REPORTING

3.1 Engagement /consultation or is it something else?

Excuse me if I am a bit jaded about these buzz words – ‘community engagement’ ‘integrated planning’.

There is a very strong distrust of Local Government at a community level. When I worked for the Shire I limited my social network and attendance of events as I got tired of frequently being berated about what the Shire was doing, whether or not it was within my responsibilities.

Let's not pretend that if this or that process is applied the outcomes will be good. Before I worked in the Shire I was a senior Manager in Queensland Transport (Transport Planning) – I was often involved in consultation processes associated with a new transport corridors – fairly emotive situations when people homes and lifestyles are being impacted/destroyed. Let's be realistic consultation/engagement is frequently focussed on delivering a particular outcome. First you work out where you want to get to and then design the process accordingly being sure, along the way, to tick all the social inclusion boxes.

3.2 Integrated Planning – Yes, but the challenge is to embed its delivery

I strongly support the process called 'integrated planning'. I was a bit amazed when I first arrived in Broome there was nothing like this in place. Any business, public or private, needs to know where they want to go and have in place operational and financial processes to get there. I am however just a little jaded about the way in which Strategic Community Plan (Broome) was created. I was a part of the process but after the large warm and fuzzy meeting and discussion there was absolutely no feedback to participants (or only a selected few) and somehow the direction that was set seemed to align to something a little bit different than what I thought was discussed.

Once having put in place such a framework the challenge is then for the organisation to embed it into the everyday operations. If for instance, there is a commitment to protect the water quality of Roebuck Bay the operations side of the Shire responsible for maintaining swales needs to ensure graders are not sent down every swale clearing every living thing so that in the first flush there is a huge sediment load washed out into the Bay. This embedding of delivery is especially difficult in Broome with the high staff turnover both within the indoor and outdoor staff.

Yes include Performance Indicators --- start off with an achievable number otherwise the organisation's time is going to be consumed by reporting. Make them meaningful – there is a well-established PI methodology that can direct how this is done.

Make sure the Council reports back to the community about how it is doing ---- there were some moves years ago to do an annual community survey in Broome. I have never seen anything and not sure what has been done and if there has been one what the results were.

3.3 Community Engagement Charter and Policies

In the Community Engagement and IPR Summary Discussion Paper options are provided re a 'Charter/policies' but there is no evaluation as to whether any of them actually delivered on what they state they will do and so I cannot say which I would prefer.

3.4 A model that might work – the foundations are already in place

Towards the end of my tenure with the Shire of Broome, Planning Services established a Development Control Unit (DCU) - a report is posted on line every week. This allows anyone who is interested to see what applications had been received by different units - Planning Building, Rangers and Events - the subsequent processing is also tracked. I know the tracking is pretty good for Planning and Building but the processes relating to Rangers and Events I am not so certain about. Theoretically if the community are aware of this record people can check it

regularly and when there is an application they want to know more about, make queries about it and if necessary make submissions even if under the relevant legislation there is no requirement for consultation. Refer:

<http://www.broome.wa.gov.au/Building-Development/Planning/Development-Control-Unit>

If people are informed of what matters are being considered by Council when they are formally received it will be a vast improvement on what currently happens now. (Even this though can be fraught with difficulties as lobbyists /developers can, even before any matter is formally referred to Council for consideration, influence decision makers /processes but I guess that is democracy). But there needs to be some improvements made for it to work effectively:

- People need to know about how applications are reported on
- Detailed information has to be provided about the relevant application
- The matters submitted to Rangers and Events need to provide more information about what they are and the subsequent processes.
- If a submission was made on a matter when the legislated process does not require consultation it has to be clear how processing officers will handle the submissions or concerns raised.
- Any submitter needs to be advised of the outcome in a timely manner. I have made a number of submissions through formal processes and never received any advice on what the decision was.

3.5 Engagement Policies often do not work

The Shire of Broome has a Community Engagement Policy

<http://www.broome.wa.gov.au/files/assets/public/council/policy/policy-2018/346-community-engagement.pdf>

It is administered by the Manager Community and Economic Development. From my perspective this would follow many of the principles set out in the options paper – yet why did the recent application to establish a new beach activity (jet skis) not be dealt with adequately? People did not know the application was being considered until it appeared in the Council agenda 6 days before an officer recommendation was rubber stamped.

http://broome.infocouncil.biz/Open/2018/10/CO_25102018_MIN_1536_AT_WEB.htm

There was no consultation with the Community led turtle monitoring program that has been running for over 10 years, none of the community who use the only part of Cable Beach where there is no vehicle noise or traffic were consulted and the impacts of such activities on marine life were ignored because the actual activity would occur outside the LG boundary! After the Council decision there was ongoing dialogue in the community both for and against and many people got very angry with the apparent dismissal of their legitimate concerns especially when people were labelled ‘emotional’.

The current processes are not transparent – how long was that application with Council? – there would have been at least one session with Councillors where the matter would have been

discussed. At the very least on the Monday evening before the Council meeting at a pre Council meeting agenda briefing Councillors could have sought clarification. For the community though the odds are stacked against them – the agenda would have been posted the Friday before the Council meeting (3 days before the pre Council meeting briefing) some community members may have been able to read it and then over the weekend they have to try and contact relevant Councillors. But, all of this occurs after a long internal process where decisions have been framed and opinions formed. There is no way that any questions raised at the beginning of the actual Council meeting are going to sway the Council decision.

3.6 Participatory Budgeting Citizen Juries

I was interested to read about these models

- I did not get any sense that the Participatory Budgeting process made any headway in terms of youth and disadvantaged as all the line items that I associated with such groups scored low.
- How are the disenfranchised, youth, Aboriginal interests included in such processes? it is not clear
- If a Strategic Community Plan (SCP) has been developed that sets out the community's priorities why is there a need to institute another process? The SPC sets the priorities and the budget has to align with that. What would be better would be to allow the community to re view the preliminary draft budget (make it a requirement of the budget making process)- much better than the superficial 6 days we currently have when agenda papers are posted on the website.
- Lots of different names but I suspect the same groups will coalesce to influence outcomes/outputs. I am loath to apply 'new names' unless the value in changing is worthwhile otherwise let's make an effort to improve what we have.

4. LOCAL GOVERNMENT ELECTIONS

4.1 Voter Eligibility

Give one person one vote. No preference for people who own companies or people who own property etc. The idea that the only reasonable people are those who engage in trade and own land so they warrant more voting rights went out with the dark ages.

Voting should be compulsory. At the moment the ridiculous situation occurs where a Councillor can get in with less than 200 votes. Makes a mockery of the situation

Use the AEC electoral role and anyone who is registered in Broome would be eligible to vote in the local government elections

4.2 Frequency of voting

It should be every 4 years. Everyone goes at the same time

4.3 Method of voting

Follow the system used by the WAEC and institute electronic voting system if there is a secure system rolled out at a state or federal level.

In the meantime personal voting is preferred and if people ask for it they can lodge a postal voting. Voting opens weeks before the actual date of the election so people have plenty of time to cast a vote

4.4 Preferential Voting

Yes.

4.5 Advertising and gift limits

Yes – to both

Ban any donations from developers, mining companies or similar. Donations should be declared on the Council website and in a local paper within 7 days of being made not 12 months after the election.

4.6 Election of Presidents

Should be by the elected Councillors as occurs currently.

4.7 Candidates profile

Yes and a public session where candidates have to attend and present their case and answer questions

4.8 Wards

Keep them for Broome – the needs and requirements of people who live outside of Broome are important and need to be represented.

Wards within the town site would ensure Councillors have some commitment to the local community.

Determination of boundaries should be based on population and overseen by the WAEC