Date: 31 March 2019

To: Local Government Act Review
By email: info@dlgsc.wa.gov.au

Copy to: Hon. David Alan Templeman, Minister for Local Government; Heritage; Culture and the Arts
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Submission: Review of Local Government AC (LGA) 2019

My submission is in response to the Department of Local Government, Sport and Cultural Industries invitation for public comment on its 'Review of the Local Government Act'.

With reference to **Reducing red tape – local law**:

1. *Provide more consistency in local laws between districts*.
    - The point of local government is for it to govern locally. If there are matters that traverse or effect more than several non-neighbouring LGA's then they are probably matters that should come under the jurisdiction of the state or federal government.
    - The sole purpose and only justification for another layer of government is for Local Government to respond to the needs and goals of its immediate stakeholders, that is, the residents and ratepayers. Given that, LGAs must have the responsibility for local laws and bear the consequences for the imposition of these laws. Some local laws may be welcomed and others not so much. Welcome to the art of politics!
    - If the state and/or federal government wish to impose their writ then they eliminate LGA and set-up administrative units. Then then is no confusion as to who has the mandate to establish and manage policies such as rubbish collection, planning, etc. In this case the LGAs can be renamed, Local Management Authority or LMA.

2. *Require local governments to have their local laws certified by a legal practitioner.*
    - Not under any circumstance. The certification by a legal practitioner is only going to be valid when a Supreme Court Appeal decision determines it is in conformity with state legislation and that it is does not conflict with other legislation.
    - This practice will encourage those with means to challenge local government legislation. Ratepayers expect the state to provide an oversight of the legislation (regardless of source) passed in the Crown's name and to be ultimately assessed by the Crown as this is what our taxes are already paying for the state government to do.

Related matters associated with Local Laws:
Consultation: 6 week submission period to remain. It provides sufficient time to advertise for submissions and then a period of time for the submissions to be received.

Review of local laws Support a review every 8 to 10 years. This period of time would enable LGAs to assess which local laws were redundant and which needed to remain and maybe improved if there have been issues relating to lack of clarity in wording and/or purpose.

3. *Combine the functions of the Local Government Grants Commission which provides financial assistance grants to local governments across Australia, and the Advisory Board, which makes recommendations to the Minister for Local Government on proposals to change local government boundaries, wards and councillor numbers.*
    - No. The objects and goals of these bodies are distinct. Not only should they remain as two independent bodies, the composition of individuals should be different and there should not be any intersection between the two.

      I note that in the discussion paper the following is noted as positive reason for reform: "*Both bodies are already supported by the same team within the department."*
    - I again to refer to my earlier point, "If the state and/or federal government wish to impose their writ then they eliminate LGA and set-up administrative units."
    - If the government establishes the LMA's it can set-up the boards and commissions with as much intersectionality as it likes on the grounds of cost-savings and efficiency. Whether either will be achieved is not a matter for discussion in this review.

4. *Remove outdated sections of the Act*.
    - No objection — as long as the sections to be removed are considered by a parliamentary committee charged to do just that. The review of legislation is for representatives of the people to undertake not a matter to be left the preserve of bureaucrats who have a vested interest in the Act (old or new) as it supports their own livelihood.

With reference to **Council Meetings**

5. *Public question time*
    - With respect to question time being "difficult" because people sometimes, not all the time, make statements rather than ask questions, ask repetitive or inappropriate question and even ask a large number of questions, may I just say WELCOME TO DEMOCRACY IN ACTION!
    - Yes, at times it can be difficult for councillors, the mayor and staff.
    - Working backwards, staff are getting paid to respond to ratepayers questions. When staff pay their own salaries then they can define what 'difficult' is, and take steps to eliminate that difficulty from their lives.
    - Councillors are elected to represent residents and/or ratepayers to a Local Government Authority. If they do not wish to be questioned, held to account (even in inappropriate manner) and are bored with repetitive questions, then maybe the councillor concerned needs to re-think why he or she volunteered to sit on council.
    - The Mayor has either put herself or himself forward for the position, either by election or nomination. The Mayoral position carries with it high prestige, and along with any high prestige position comes high pressure. If the Mayor has trouble dealing or even accepting that difficult people and situations will arise then maybe that Mayor should step down.
    - People attend a Council meeting to demonstrate to their elective representatives and staff that the matter under consideration is very important to them and Council and staff will listen to their concerns, even under duress.

- Social media does not foster greater community interaction, does not strengthen inclusivity (please refer to the debate with respect to Twitter and Instagram bullying) and will not increase the utility of public question time. This is a very lazy suggestion possibly put forward by those who have difficulty with face-to-face discussions that do not go the way they would like them to.
- With respect to remote attendance that certainly has application for some regional councils and where applicable should be permitted.

With reference to **Meeting procedures**

6. Minutes of council and committee meetings.
    - The presiding office is to remain responsible for keeping minutes of council in line with common practice in the private and government sectors. There is nothing that special about LGAs that excludes them from following common practice. The writing of the minutes is an administrative function. Responsibility is not an administrative function it is inherent in the role of being the presiding officer.

    Minutes of confidential portions of meetings
    - Agree that greater clarity is required in legislation.
    - What should also be clarified by legislation is what council and/or the presiding officer can determine as a confidential matter.

With reference to **General Electors' Meetings**

7. General Electors' meeting are to be retained as it is the one and only place where residents and ratepayers set the agenda and where staff and council members are required to hear directly how their local community thinks they are going.
    - Residents and ratepayers generally do not attend General Electors' meeting when there are no major issues facing their community. However, when there are major issues facing their community they require a forum in which those concerns can be aired and publicly address.
    - The scrapping of the requirement for General Electors' Meetings is a **disgraceful suggestion** and WALGA and the local government sector should be ashamed to have put it forward in this Review.
    - It clearly demonstrates the agenda driving this Review, which is, WALGA and local government sector control over LGAs with minimal input by ratepayers. If this is what WALGA and the local government sector want they can publicly and collectively approach the state government with the request that LGAs be eliminated and Local Management Authorities (LMAs) be established in their place.

With reference to **Special Electors' Meeting**

8. The requirement that Special Electors' Meeting can be called either at the instigation of 100 electors or 5% of the total number of electors is to be retained.
    - These meetings are called to "provide an opportunity for people to have their say" and the reason people want to have a say is because there is in the majority of cases **already a conflict between the council and electors**, that is the reason why they a being called.
    - It is misleading at best to say they 'maybe unhelpful due to the potential for conflict between the council and electors' because the conflict is already there, that is why the Special Electors' Meeting is being called.

- No argument has been provided as why the Special Electors' Meeting are to be discontinued, other than there may be conflict and I have responded to that argument. There is a statement of fact as to what happens elsewhere in the Commonwealth but no argument as to which of alternatives is the better option than WA's current practice and/or why they should prevail over WA's current practice.
- If Special Electors' Meetings were to adopt Council meeting procedures, the control of the agenda would not reside with the ratepayers. The proposal put forward by the Review is for the agenda of all meetings to remain with staff and council. This is why the Special Electors' Meeting and the General Electors' Meeting are integral to the running of a **local** government. It is people taking the opportunity of presenting and controlling the agenda of a deliberative meeting.

With reference to **Access to information for council members**

9. Agree with the proposed reform to "include a mechanism with the Act to allow review" of the CEO's decision.