

Councillor Patrick Hall
City of Canning
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Western Australia, 6107

12 March 2019

Department of Local Government, Sport
and Cultural Industries

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RE: WA Local Government Act Review

Please accept my personal submission regarding the current Local Government Act Review. I am a serving Elected Member on the City of Canning Council and was first elected in 2015 (initial 2-year term) and re-elected in 2017 for a further 4-year term.

Professionally, I am a Senior Risk Management Coordinator for the Department of Health, have previously been engaged in the Policy and Governance Division of the Department of Education, and more recently was employed in the Professional Standards Division of the Department of Justice.

1. Council Meetings

With respect to meeting conduct, a gap exists in the ability to control the behaviour of the public during 'public question time'. Misbehaviour is becoming more prevalent, and the sole responsibility for regulating this aspect of a meeting is left to the residing Member (the Mayor).

The City of Canning's Standing Orders determine the behaviour of 'Members' (Elected Members) and allow for a 'point of order' to be called in the event of behaviour that falls outside of expected standards.

This does not extend to the behaviour of members of the public during question time.

Elected Members are unable to call a 'point of order' if they believe that a member of the public (during public question time) is breaching the Standing Orders in relation to matters such as adverse reflection, or derogatory public comments relating to the Council or an employee of the City.

The Presiding Member alone has sole discretion to determine what is - and what isn't, misbehaviour by members of the public.

In theory this may be acceptable, but what if the Mayor is complicit in the behaviour? What if it is in the Mayor's benefit to allow an attack on a member of the Council to continue? Or, he does not have an adequate knowledge of the Act or Standing Orders and does not correctly rule on the misbehaviour.

Currently, Councillors are mute to intervene and are unable to raise a point of order.

Public question time has become increasingly hostile and is being used by interest groups to passionately (often aggressively) to progress their point of view. The Wave Park issue at City of Melville is one such example.

Allowing public question time to continue in this manner is counter-productive to the Minister's wish that the public become more involved in local government, as the often aggressive behaviour is turning people away from attending meetings. Residents (many of whom are first time attendees at a Council meeting) are often openly shocked by the behaviour of the vocal minority and vow not to return.

Our meetings (at least at Canning) have an overrepresentation of highly vocal agitators – many of whom attend every Council meeting, and they are significantly affecting attendances.

My view is that Ordinary Council Meetings are a meeting between the Council and its Administration. Members of the public are 'observers' and play a non-essential role in the general conduct of a meeting. Their behaviour should therefore be strictly governed, and the Act should provide the instrument to do so.

Recommendations:

- That the behaviour of the public during Public Question Time be regulated and governed through Standing Orders and specifically addressed in the Act.
- That Elected Members can draw attention to misbehaviour by a member of the public during Public Question Time by raising a point of order.

- That a City's administration be permitted – under the Act, the ban a member of the public from personally attending a Council meeting and contributing during Public Question Time.
- That a person referred to above still be permitted to submit questions to Council (for consideration in Public Question Time) in writing.

Remote attendance

I agree that this matter needs to be addressed. I was recently overseas and absent for the City of Canning's February OCM where a number of critical matters were considered. Two of these matters resulted in a 5-5 drawn vote, which required the Mayor's discretionary vote to break the deadlock.

I was prevented from participating in the meeting despite having access to a Business Centre in the hotel I was in, and despite Skype and other technologies being available for me to utilise.

If good governance is a key outcome of local government, then remote access is a critical requirement.

Recommendations:

- That Elected Members be permitted 'remote attendance' at Ordinary Council Meetings – with debating and voting rights.
- That the Administration establishes a process to verify the identity of the remote attendee (if deemed necessary)

2. Interventions, oversight and enforcement under the Local Government Act

I have been involved in a recent matter which was adjudicated by the LG Standards Panel.

Once the adverse finding was made, that person was afforded the opportunity to make a submission to the Panel regarding the potential penalty, and this then mitigated the penalty.

Unlike the common and criminal law (victim impact statement), no such opportunity is afforded to the Complainant and I was unable to provide a submission to be considered by the Panel during their deliberations on penalty.

Recommendations:

- That a more balanced approach is adopted regarding the Local Government Standards Panel, and complainants be afforded the equal opportunity to make a submission regarding proposed penalty – in the event of an adverse finding.

3. Elections

Compulsory voting: I strongly oppose compulsory voting on the basis that it is highly likely that it will lead to;

- residents voting along party political lines
- Councils being run on party political lines ... as is the case in the eastern states
- The policy position of major parties dominating local government decision making, rather than what is in the best interests of the 'community'

An inadvertent consequence of the above may be;

- The unique apolitical and bipartisan position of local government will be irrevocably erased
- the number of complaints to the Local Government Standards Panel will increase as party political animosity creeps into local government.

In 2017 I was returned to the Canning Council with 2400 votes and approximately 60% of the vote in a 4-way election. The turnout in my Ward was more than 30% and was driven by the advertising and media profiles of the candidates.

My view is that greater voter participation could be achieved through more extensive marketing by Local Government. In Canning, our administration spent very little (the minimum required) on advertising the elections. Many residents were completely unaware of the election date or were confused about whether or not they needed to vote.

Recommendations:

- That Local Government's be required to spend a mandatory amount on advertising local government elections
- That the mandated amount to be spent be linked (as a %) to the amount spent by that municipality to stage the election i.e. no less than 20% of the cost of running the election. In 2019 the City of Canning has budgeted nearly \$200K for the WA Electoral Commission to run the election on its behalf.

Changing the election cycle

I agree. Changing the cycle will provide cost savings to communities, and will provide relief from the never ending cycle of local, state, and federal elections.

Candidates

In my view, members of political parties must be required to declare their affiliation – as is the case in other states. If transparency is truly a tenet of good governance, then declaring party affiliations must be implemented.

It is the right and prerogative of any person to join a political party. I take no issue at all with that. But it should be mandatory to declare the membership.

It is not in the interests of good government to allow the situation whereby a resident may inadvertently vote for a candidate who holds opposing views and has a completely different set of values.

Requiring party members to declare their affiliation does not and will not cause detriment, in fact in many cases it may provide an advantage. That is not the point. The point being that openness and accountability are as important as transparency, and if a candidate is a member of a political party (or has been) then it is the right of voters to know.

It is ludicrous that candidates are required to declare the name of the printer used for electoral material, but are not required to declare membership to a political party.

Thank you for considering my submission

Kind regards

Councillor Patrick Hall

City of Canning

