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Review of Local Government Act WA Discussion Paper. Phase 1.

a review of the Act to **modernise local governments and better position them to deliver services for the community.**

Solution: Change the metro local government boundaries. Push in reform for new entities!

Then you can “empower them” and give them “autonomy”. Wider boundary local governments are smarter, efficient, modern, enabled, more inclusive.
33 is small factional groupings.

Otherwise, don’t empower them.

Local governments have a tough job. FALSE. It’s been very easy for some.

Local governments are an expression of their community. FALSE.

The framework will need to account for the diversity of Western Australia’s local governments and the varying roles that they perform to service their unique communities.
“Unique” being used too much.

The State’s 137 local governments and the two Indian Ocean Territories feature the largest and smallest in the country by size, the nation’s thirteenth most populous local government and the nation’s least populous.
Stupid.

All local governments regardless of their size or population are framed by the Act which in line with the power of general competence provides significant autonomy to local governments.

Given the diversity in their size, location and population, it is not surprising that local governments in Western Australia provide a variety of services, and to varying standards. All local governments in Western Australia provide core services including roads, parks, playgrounds.
Varying standards I must say.

While Western Australia’s local government structure is unique, lessons can be learned from other jurisdictions. Victoria –They reduced the multitude of metro local governments, well done.

Largely, the Western Australian community is well served by local government.
False. We don’t know real standard.

However, on occasion poor governance or ineffective management can result in community expectations not being met.

Result in time waste, money waste, inequality.

Add to my online effort:

Q.85.

Gifts.

Who should the framework apply to?

The working group recommended that the new gift disclosure provisions apply only to local government elected members and CEOs, with each local government required to adopt a gifts policy with which all other employees must comply.

With 137 local governments across the State and staffing numbers ranging from fewer than 20 to more than 800, there is no practical “one size fits all” approach.

Empowering local governments to develop their own gifts policies for employees gives the sector the flexibility to determine what gifts should and should not be accepted and to tailor each policy to the requirements of the district.

Worry of small, exclusive *Town of's* in metro Perth including Shire of

Gifts from relatives.

I think this is a reward mechanism for those with larger family: more children, more grandchildren, the greater the benefit.

Given the well-known situation of nepotism/family links in employment. Many sectors, businesses have a large vein of ‘related’ individuals. Therefore if a *Council Member* were to be elected from any of them –your gift rules would not capture ‘the undue influence’ of “gifts”.

From Attachment 2. “Within 10 days of receipt” is too soon. Allow more time, say 3 weeks.

Need a timeframe to publish on website. Around 6 weeks.

A gift from WALGA, the Australian Local Government Association or Local Government Managers Australia WA must be listed

Q.87. \$500 is too high.

Q.90. Loyalty cards.

Q91. Not exempt if Council Member intends to be a State/Federal political candidate. Not exempt if they are a Member of Parliament or have been.

Plus add to Q95.

The second method allows the community to judge whether they believe decision-making has been affected.

Public confidence in Local Government

Elected members make decisions on how funding is raised by the local government and how that money is spent. They decide development applications and give building approvals, determine what services will be provided and how these will be delivered.
FALSE.

Senior officers prepare reports and provide recommendations to council on a wide variety of matters. Officers are also responsible for the implementation of council decisions. Officers are not implementing 1980s stuff as don't care for that time period or decisions made then.

Transparency.

Western Australia is the only jurisdiction that has yet to follow suit. The Act is generally silent on electronic disclosure and local governments have been left to address this issue themselves.

Years overdue for WA. while local governments are making up the rules

Need all newsletters published online, plus all roadworks information put online. Many local governments don't list roadworks information.

True that electronic notices are:

Inconvenient for people who lack internet access.

May not be accessible for certain demographics

True. *If an electronic notice were to replace a State-wide notice, this could reduce transparency since people outside the district would generally have no reason to check the local government's website.*

False: *If an electronic notice were required in addition to print notices, this would increase the regulatory burden imposed on the sector, with an associated increase in costs.*

True: *the question also arises as to whether a particular type of notice is still appropriate in its current form.*

Q.96.

Prefer Option 6.

Though I do want the "centralised website" (from Option 7) included in this.

I have limited electronic access. I worry I won't find an electronic notice on a website – *local governments* can hide them on different links.

I agree that some print ads – generally at the rear of local newspapers announcing an introduction of a local law or gazetting are tedious. But I want better print ads – sometimes a large notice near the front of a local newspaper, AND a large notice on community noticeboards is the only way to find out anything being announced. Plus centralised website can bring together relevant information from many local governments.

Q.97.

A mix of Option 6 and Option 7. Though Tenders should only be published electronically on a website. Though need include a legacy view –so that it doesn't disappear from reference a few months later. I'd say keep the legacy view at least four years.

For Land notices –newspaper and print notices. Plus electronic notice –local government website AND a centralised metro website.

Land notices are very important –need extra effort. The public wants to know what is going on –too often they are hidden away, AND regionally we want to know all over Perth metropolitan –not search out many different individual websites.

Q.98. Yes.

Section 3.58. If Library books. Must give 2 month notice. Notice near front pages of local newspaper. Why –they all disappear, sold. It is as if no book before Year 2000 is allowed on the shelves. Many irreplaceable.

Section 5.50(1). Publish on website when in effect –ie. who, what paid. Tell us. If not want to list by Officer name, then list by Officer title/former title.

Section 5.50(2) Publish on website, plus keep on legacy view.

Section 6.11. At least 3 month. Plus a 'large' ad for public notice.

Q.99.

Section 3.59, Schedule 6.3, Functions and General Regulation 14,21 & 24AD, list on a State Government centralised website.

It may also be appropriate to make additional information available to enhance the transparency of local governments. Yes.

District maps that contain ward boundaries.

Adverse findings by the Standards Panel or State Administrative Tribunal against elected members.

Q.100. Option b. *A hybrid approach depending on the nature of the information: Some information is required to be placed on a local government website, while other more sensitive information is only provided in person.*

(Table as I did online table).

Q.101. Yes, due to the close boundaries, public should be able to in person to other metro LGAs.

Made available as per what I chose on the online table.

Q102. Yes. Newsletters and/or mailouts to the local government area NEED be placed online. For example adjoining local governments might have differing views on a State/Federal project proposed in the region. I want to see what other/adjoining LGAs have been communicating to their district(by email or mail).

Need online say whether Council Member/s are member of a State or Federal political party.

Q.104.

Include recordings of Ordinary Council Meetings online. Believe *Ordinary Council Meetings* be video and audio recorded, placed online.

Leave *Draft Briefings/Agenda Briefings* as not recorded so Council Members not afraid to talk widely on the items.

Q. 105. *Option 2: Additional reporting requirement.*

Under this option, local governments will need to provide the additional information on their own website. This will increase transparency, better informing community decision-making.

Q.106.

Video of council meetings on local government websites	Streamed meetings will give the public a better understanding of council matters. It will also allow community members an opportunity to observe and scrutinise the behaviour of elected members during meetings.
Elected member attendance rates at council meetings	Reporting this information will give the public an indication of whether elected members are attending meetings in accordance with their statutory duties.
Elected member representation at external meetings/events	The information will also assist ratepayers to assess whether an appropriate level of representation is occurring and whether expenses are reasonable.
Gender equity ratios for staff salaries	This information will indicate whether the local government is operating in a diverse and equitable manner.
Complaints made to the local government and actions taken	This will inform the public of how the local government deals with complaints and how often action is taken to resolve these issues. Partial YES to this.
Performance reviews of CEO and senior employees	Providing these reviews will allow ratepayers to assess whether CEO and senior staff are pursuing their duties with appropriate diligence.
Website to provide information on differential rate categories	This information will assist ratepayers to understand the rating system and how it applies in practice.
District maps and ward boundaries	This information will assist the public to identify the limits of local government's jurisdiction. This will also mean that the public can identify the correct authority to which they should refer a complaint or query.
Adverse findings of the Standards Panel,	This will inform district residents of critical governance matters.

State Administrative Tribunal or Corruption and Crime Commission	<p>which they might not otherwise be aware.</p> <p>While adverse findings may be the subject of public media, never a guarantee that this will occur. YES as less newspaper reporters and pages now.</p>
Financial and non-financial benefits register	<p>This would inform ratepayers of the amount spent on each member and senior employee for:</p> <ul style="list-style-type: none"> a. remuneration b. superannuation payments c. other monetary benefits d. fringe benefits, and e. any other non-monetary benefit which is significant and capable of being quantified.
NO to Diversity data on council membership and employees	No local government is reflective of local demographics, so NO.

Q.107.

Political Membership of major *State/Federal political parties*.

Political Involvement –if they were a prior candidate for any *State/Federal Election*.

If they were a campaign manager of any recent State/Federal party political candidate/ or current sitting *Member of Parliament*.

If they were a political powerbroker.

Red Tape reduction.

Q.109.

a). 33 Perth metro Local Government Authorities.

b). Duplication, inefficiencies, and money waste. All the sorts of problems stated and identified in the Robson Review(2012). Including unoptimal transport planning, road upgrades, library locations, unoptimal aquatic centre locations.

This problem costs the State of Western Australia hundreds of millions of dollars per year. Yet self-serving local governments, 33 CEOs, and 33 organisations –with all their Directors want to hide the problem, and job/high salary protect.

c). Solution is far less Perth metro local governments! Ten or Twelve is the maximum there should be. Resident populations of *Perth metro local governments* should be at least ~115 000 (ie. A western suburbs local government) to ~300 000 persons. The average populations should be 250 000 persons. *City of Stirling* has shown you can successfully do this in a metro area.

Note: There should also be gradual reduction in regional areas local governments – though population should not be a factor in that reduction as there are many small populated local governments already covering vast areas.

Q.110.

Remove Regulatory measure of individual polls for local government authorities with populations under 100 000 residents. It is near impossible for many smaller local governments to 'agree' to boundary or structure changes for local government reform. The voting method and decision-method (by a *State Government*) is too complex. Recent example is the complexity added to any efforts to shift the *City of Perth boundary* to again cover parts of Burswood –including the Casino and new Outdoor Perth Stadium. Plus the supposed 'difficulty in shifting the *City of Perth boundary* northwards, and westward (though it has shifted a bit to the west). It is small unnecessary *local governments* continually throwing spanners in the works. Impact is un-optimal local government boundaries continuing. Impact also is capital city local government (City of Perth) not being allowed to re-evolve to modern society.

We still have small local governments decades after when they should have be eliminated/redrawn.

The difficulty of *any State Government* to change boundaries. The Difficulty of votes carrying for reform.

Solution. *State Governments* need to be able to decide. If they choose, it happens. No need to pass legislation through Parliament –due to self-serving, fearful, political, *Members of Parliament* (on all sides of Parliament).

The *State Government* (of the day) will decide with information from *WA Electoral Commission* who understand populations more, and who understand how *political parties* have influenced pockets of *Perth metro* across the decades –ie. to give objective advice over 'the political shirt' of the *Local Government Minister and State Cabinet Members* of the day.

The false problem of 'identity being lost'. Solution: A Legacy System where 'histories', 'efforts', 'personal efforts', are recognised through new local government entities. Where metro citizens are assured 'the counter has not reset'. Irony is many local government staff/divisions reset the counter (in current 33 metro LGA system) and few public notice or bother to raise their arm.

Fact: *Federal Governments and WA State Governments* affect suburbs far more than *Local Government Authorities*. Keating, Howard, Rudd, Gillard have truly changed the balance & shape of most suburbs. State Governments of Burke, Richard Court, Gallop, Carpenter, recent Barnett-Grylls have influenced Perth metro suburbs and many local governments far more (generally) speaking than any Local Government.

The Legacy System I have suggested can include the recent decade of website material, plus reserving a corner of the room for the team(ex-local government) flag, and team song. If that is what it takes to keep the protesters happy then I am sure that (10 or 12) new Perth metro Entities can accommodate this.

Problem: WA Local Government Minister cannot sack CEOs, Officer Staff, or select Council Members. CEO protects the staff. Under-performing Council Members allowed to stay due to the expense of sacking the entire Council, installing a Commissioner, and launching an Inquiry.

Solution: WA Local Government Minister should be able to terminate a CEO, Should be able to punish local government Officers. Should be able to remove individual Council Members. Change the Local Government Act to allow this.

Regulatory Burden Measure.

- I think some Audit Report Paper pages need not be *published online*. Though still available to review at local government office.

Q.111. Do not remove provisions of special majority. No due to increasingly protest rebound vote/or the increasingly political voter or 'Ward-based focus' of many Council Members.

Q.112. No. essentially if Council trusts CEO, then CEO decides all employees.

Q113. Division heads only defined as 'Senior employee'. Rest of 'not senior'. Clearly a use for pay increases.

Though I'd say around 14 years in role at that local government could equal 'Senior' in that they have been around enough to see some staff turnovers, and different Councils. They might (no guarantee) have better perspective of the pitfalls (errors) of the specific local government.

Q.114. Needs disclosure between State Government and Local Government. To/from eachother.

Page 112 –bit.

Q.115. Yes if major equipment. ie. trucks etc.

Q.116. Yes trucks, graders, large roadworks equipment.

For a Trade in –no need to public auction or tender. Merely list price in Council public Agenda Papers.

Q.118. Worry is delay to achieve the auction or tender, evaluate, approve. If a qualified, reasonable local Government equipment officer says the equipment piece needs to go then it is best to act on it that week, that month, than delaying ...months later while its value erodes.

How is it 'best price' if paperwork, compliance on a single equipment piece takes four to ten months to bring to sale.

Regional Subsidiaries.

The State Government strongly supports local governments working collaboratively, and an effective subsidiary model. I worry this could be at the expense of Local government reform to deliver less metro local governments. Many Perth metro local governments have used the ‘hype’ of regional collaborations on Waste services to thwart reform.

Regional Subsidiaries.

The local government sector has requested that regional subsidiaries be permitted to borrow money, either from financial institutions or the Treasury.

Don’t want to fund anti-reform small LGA’s survival. Though I am a supporter of Cities of Stirling, Joondalup, Wanneroo forming a Regional Subsidiary as they are large metro local governments.

Agree: They could also use the model to share back-office functions, such as accounting, records management and human resources.

Agree: Establishment of subsidiaries will be easier, since once the subsidiary is formed, it can borrow money to assist with setting up its operations.

Disagree: Subsidiaries will require less funding from member councils, since they can borrow money when needed.

Your Disadvantages.

Agree with: If a subsidiary incurs significant levels of debt, this will make the subsidiary more vulnerable to financial or economic shocks.

Member councils may not foresee the need for these at the time of forming the subsidiary or may not have sufficient skills in this area to ensure that adequate safeguards are put in place.

There is no requirement for the managing body of a regional subsidiary to have any members from the local governments (whether elected members or officers). I say it needs Officers.

Once a subsidiary borrows money, it will need to pay the money back in addition to interest repayments.

Any money spent on interest repayments will divert money which could have been spent on service provision.

Banks will have little incentive to ensure that the subsidiary itself can repay the loan, since the debt can always be recovered from ratepayer money.

Banks that make risky loans to a subsidiary will actually be rewarded if the debt spirals out of control, since this increases the total profit that the bank will make.

Agree with legislative protections of:

- *Increasing the reporting obligations of a subsidiary;*
- *Only allowing borrowing to occur when permitted by the charter;*

- *Limiting the purposes for which money can be borrowed; or*
- *Limiting the amounts which can be borrowed by a subsidiary.*

I prefer that, *Subsidiaries can borrow money with Ministerial approval.*

Q.121. Prefer Ministerial Approval. Option 2.

Q.122. Yes, borrow from Treasury only.

Q.123. Fact is we are stuck with far too many *metro local governments*. For them to borrow outside of Treasury is far too risky.

Q.124. Limits on the size of the loan. Limits on the size of the interest.

Q.125. I am ok with Regional Subsidiaries being used for joint waste centres, aquatic centers, sports stadiums, performing arts centers, libraries, river paths over, or river (road)bridge over.

Additional Information.

On evaluation of CEO Performance.

Need to allow mechanism for public feedback. Public comment on. Public can submit to Department of local government at least, and to the Minister for Local Government.

Possible comments can be then uploaded to a website.

Why? Because if they send to a local government it gets ignored, or pushed aside.

Major Problems.

Non-notification.

Lack of newsprint ads, plus placement of ads.

Important ones get hidden at rear in black & white, while unimportant get front few pages, large, colour, etc.

Local Government Officers are rarely punished by CEO or local government, when they do wrong by the public. Therefore State Government needs to punish, reprimand them.

Public Question Time at Ordinary Council Meetings, Agenda Briefings, and their Minutes.

Has not been “meaningful, timely, and accurate.”

Local Governments deliberately do this.

You send your questions in, you read them exact. You send them by email again day/s later. Yet the Minutes are wrong.

You send again –rarely any change.

You ask at the next public Meeting/OCM etc.

Still no change.

Local Governments waste your time, WHEN THEY SHOULD copy your electronic files exact into the Minutes. Problem solved.

Public Submission Tables for items. Sometimes full, sometimes summarized.

Problem –summaries can mis-represent you.

You try to get the local government to fix the problem/s, they don't.

You ask OCM questions on it. They don't.

You email Council Members –they don't act, wave through Minutes unaltered.

You ask OCM questions to Council Members for 'full submissions' –they do nothing.

Solution –WA State Government and WA State Agencies to overrule Local Governments.

Thankyou.

Steve Walker.