

## **Submission Regarding Local Government Reform**

I write with regard to the request for submissions on Local Government reform. I reject that the problems pertaining to Local Government can be addressed with the “business as usual” approach and patches to the Local Government Act.

In 1988, in a constitutional referendum, the people of Australia firmly and resoundingly rejected Local Government as a third tier of Government. Now, thirty years later there has still been no action on implementing the will of the people. I wish to propose an alternative model which will finally fix this issue.

As local communities we do not need more Government to increasingly oppress us and infringe upon what should be our basic freedoms. Local councils have become their own reason for existence with exorbitant and uncapped increases to rates and bogus infringements aimed at raising revenue. When these infringements are challenged we discover that we are faced with the threat of having to pay the councils “legal costs” which makes any defence untenable.

These issues have become worse as there has been a failure to realise that the reason the Government is given the power to run certain monopolies is to provide these functions as “not for profit” and thereby avoid the exploitation of the public which would otherwise occur. With the crazy ideology that has been propounded in the last couple of decades the Government has become the exploiter and lost sight of its service role. Councils are especially bad as they attract the worst kind of “tin pot despots” and are not subject to the same degree of oversight and accountability which would apply to State and Federal Government. Furthermore they have been influenced by external global organisations such as ICLEI and hence are being used to erode our democratic rights, from the bottom up, by stealth.

I have difficulty in identifying any genuine function councils are performing which is not better retracted into the appropriate State Government department. The rubbish service is outsourced to an external organisation. The library and parks services can be handled by the State. Road works should be handled by Main Roads. Building approvals are subject to corruption and/or incompetence. The entire building approval model needs to change. There should be no room for “discretion” when a neighbour is adversely affected and any dispute should allow challenge by the adversely affected neighbour and not be a matter in the State Administrative Tribunal between the council and the entity seeking approval.

I propose a model in which these dysfunctional councils are replaced with voluntary Local Community Associations (LCA) which would genuinely represent the interests of local owners and residents. These would run much in the same way as Senior Citizens Associations with honorary positions such as Mayor, Treasurer, etc.

The LCA would be open to all individuals who are owners and residents in an area but would exclude organisations, property developers, real estate agents, etc. The function of the LCA would be to promote the local area; promote the interests of owners and residents; and, to protect the same from undue Government and other vested interests.

Funding would be by sponsorship from local businesses and by entry fees into local events and promotions. The current council buildings should be converted into a form of marketplace, perhaps

with a shop whereby donated local products and services may be showcased and sold. The “marketplace” might include a JP, community legal resource or Citizens Advice Bureau representative, representatives from relevant State Government services, a men's shed, etc. The “marketplace” should also offer assistance to the elderly, unemployed, etc. by offering work experience and arranging for the unemployed to assist the elderly with gardening and domestic chores, etc.

Different councils have different degrees of wealth, and decisions will need to be made with regard to writing off of debt and how much can be allocated as grants to the LCAs. There would initially need to be prototypes to establish concept and these should be selected from more active communities with experience in challenging poor council decisions. These communities would lead the way for the rest.

With regard to the discussion papers:

Local Government run businesses – absolutely not, totally inappropriate and moves focus from not-for-profit service that they should be providing.

Financial Management – State Government purchasing rules need to be changed to favour local suppliers and ban purchases from foreign entities. Where there is no local business they need to act to either produce the good or service in-house or encourage local businesses to provide.

Council conduct and governance – abolish all time related and other constraints upon making complaints and much harsher penalties for offenders especially with regard to trespass and building approvals which have caused detriment to neighbours. There should be retrospective compensation and/or redress.

Local government elections – most people do not know whether they are eligible to vote and possibly just proof of ownership of property or residency should be enough rather than any official enrollment process. There should be no reduction in frequency of voting and no introduction of preferential voting – this is the thin edge of politicalisation of local councils. Voting should remain voluntary.

Reducing red tape local laws – local government should not be making any laws. This is a clear violation of the *Australian Constitution*. There are too many laws and therefore people cannot be expected to even know what they are. The average law abiding citizen needs to be free to go about their business without inadvertently breaking some law they are not even aware of. We need an increasingly free society not a police state. The anger and irritation caused by unnecessary infringements for trivial minor matters permeates through society and makes things worse for all of us. It turns us against each other and is not conducive to harmonious co-existence.

Rates, fees and charges - Council rates need to be abolished. They are an unlawful state imposed tax<sup>1</sup> which should be prohibited under s51(ii) of the *Australian Constitution*. This also applies to Land Tax and Water Services charges, all of which cause undue hardship to retirees, property owners and renters. It should be possible to pay off one's home and then be free to live in peace without these unjustified Government imposts which amount to an annual rent upon what someone already owns and which is in violation of rights in fee simple. With the decline in employment, threats posed by increased foreign ownership, advances in robotics and movement towards more

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1 Also verified as such by the High Court of Australia.

voluntary work structures, addressing these issues is becoming increasingly urgent.

Council meetings – more appropriately dealt with via memorandum of association in LCA founding documents.

Complaints management – the number of complaints makes it clear that the current structure is totally dysfunctional and needs to be replaced. It should also not be possible for neighbours to make complaints which result in ongoing harrassment by councils, which is currently the case. I can provide details of horrendous detriment I have experienced due to bad building approvals and interference by councils in matters which should not be their concern. My attempts at resolving these matters via the standard complaints procedures have been totally ineffective. I attribute this in large part to a focus on “getting rid of”, rather than to addressing and resolving complaints.

Community engagement – resolved by replacement of “local government” with LCAs.

Thank you for the opportunity to comment on, and to present an alternative model for reform. Please feel free to contact me if you would like any further elucidation or assistance in implementing the genuine and much overdue required reform I have outlined.

Regards,  
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