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23 August 2018

The Hon. Mark McGowan MLA
Premier; Minister for Public Sector Management;
State Development, Jobs and Trade; Federal-State Relations

Re: Submission to the review of the Local Government Act by the Swan Chamber of Commerce

This review of the Local Government Act presents a once in a generation opportunity to modernise the State's last remaining colonial processes and the Minister and the Government should be congratulated for taking on such a major challenge.

Sadly, the responses to date have not risen to meet that challenge and few of the significantly underwhelming submissions promote any real change, with the majority pushing their hobbyhorse issues while overlooking the great opportunity this review presents.

Simultaneously being the reviewer, regulator, prosecutor and advisor, hopelessly compromises the Department. And that is in a sector dominated by an incestuous club consisting of the Department of Local Government, WA Local Government Association (WALGA) and the Local Government Professionals (WA).

Successive Royal Commissions and inquiries have demonstrated this behaviour always fails, so we know that having regulators review their own performances and laws is akin to asking the tobacco or asbestos industries to self-regulate.

The review team known as the Reference Group is chaired by the Member for Balcatta and has twelve other members. This group excludes any elected officials and members of the public, while the club holds an astonishing nine of the positions on it.

Clearly this is a review process that has been hijacked by the club reviewing itself and this should not happen in such an important process; this must change.

The recommendations should address each of the four following interrelated components: Democracy; Boundaries; Planning; and Power. Unless all of these components are competently addressed, the local government system will remain its moribund self, only ever capable of producing more of the same. The Swan Chamber hope to see the aforementioned components address through the following:

- Improvement in accountability, reporting and enforcement.
- Enactment of legislation to divide the Department into independent regulatory and administrative bodies. Or alternatively, to create an independent ombudsman for local government.
- Make the WA Electoral Commission responsible for setting boundaries and conducting all local Government elections.
- Change the voting system to compulsory, optional preferential postal voting.
- Base boundaries on a community of interest.
- Introduce legal and binding obligations on elected office holders.
- Correct the power imbalance between elected and non-elected office holders.

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- Remove the WA Local Government Association's (WALGA) legislated monopoly.
- Prevent the introduction of Beneficial Enterprises.
- Require live time reporting of donations and gifts.

A significantly smaller, modern law creating powers, defining roles and functions, with timely and enforceable reporting can do this while also requiring increasing levels of democracy, accountability and transparency.

Such a law would enable quicker and more competent responses to changes in processes, procedures and technology through regulatory changes that will be overseen by the Parliamentary Delegated Legislation processes.

Given some goodwill and with a minimum of political risk, there is a real opportunity to design a system of local government for the ages and that is so because the political landscape could not be better if positive change is to be implemented.

The government has a huge majority; the minister in charge is experienced in both levels of government, the public is seeking change, there are few arguing for the status quo and the government has the wherewithal to fund significant change.

We look forward to the outcomes of the Local Government review and if you would require any further information please do not hesitate to contact our offices.

Yours sincerely

Gerry Hanssen

President
Swan Chamber of Commerce

