



PO Box 513  
Bullsbrook 6084  
[www.bullsbrook.org.au](http://www.bullsbrook.org.au)

## LOCAL GOVERNMENT REVIEW

The Bullsbrook Residents and Ratepayers Association Inc (BRRRA) is pleased to have the opportunity to respond to the call from the Minister for Local Government for feedback on the current Local Government Act of 1995, how it is functioning at a practical level, and what opportunities for improvement can be identified.

According to the City of Swan's description of the location of Bullsbrook, it is...

“predominantly a rural area with a forecast population of 5,448 and a housing stock of more than 2,000 dwellings in 2017. It lies in the north of the City of Swan and includes the localities of Bullsbrook, Melaleuca and Cullacabardee. There is a small township in Bullsbrook and the Pearce RAAF Base is situated west of this.”

As the community body representing local residents, business owners and rate-payers, BRRRA has significant contact with the City of Swan, and these experiences inform the considerations made in this submission. We are mindful that experiences of local government, and the capacities of individual shire and city administrations vary widely across Western Australia, but we trust that if a diverse sample of Residents Associations respond to the Minister's call for submissions, the aggregate profile will prove instructive and helpful.

The Minister's description of considerations to be addressed in Phase 1 of the review focused on the issues of:

- meeting community expectations of standards and performance
- transparency
- making more information available online
- red tape reduction.

We address our submission around these benchmarks and how they are currently being applied by our City administration, and hopefully provide some constructive suggestions or observations.

### 1. MEETING COMMUNITY EXPECTATIONS OF STANDARDS AND PERFORMANCE

- **Public consultation** – Unfortunately, there have been several situations of recent note where the City of Swan has failed to consult, inform or engage ratepayers and residents in issues of prime importance to those stakeholders. Clearly then, there is some gap in the requirement for actively consulting affected customers and working with them *prior to final decision making*, to achieve more acceptable outcomes. Failure to communicate or consult with residents and ratepayers could be construed as a fundamental failure for a public servant to serve the public. In order to serve communities, the administrative

staff need to understand those communities better and to communicate in an appropriate manner.

- **Holistic Decision Making** – We believe it is reasonable to expect our decision makers to consider the benefit and impact to the entire community of each determination that they make. This will require them to look not just at the individual merits of an application or activity, but at the aggregate result that it will have on the surrounding area, other approvals or affected population. If decision makers are presented with several alternative interpretations of a situation, then the records surrounding a decision should be able to clearly identify why one alternative was chosen over another, instead of appearing to adopt the alternative that appeared to favour the council to the detriment of ratepayers.
- **Integrity of Process** – Stakeholders should be able to make an enquiry and receive at the first inquiry all relevant and pertinent information from all departments so that applications and transactions can be prepared and efficiently enacted without a whole lot of “toing and froing”.
- **Inconsistent judgements** – Recent experience has shown that two apparently similar cases can render two very different outcomes which leads to frustration, distrust and anger in the community. This possibility tends to suggest too high a dependence on individual interpretations of rules, regulations or guidelines, leading to sometimes opposing rulings. Training might assist this situation, but clearer guidelines, or more consistent oversight of decisions would also be helpful.
- **Code of Conduct** – It was noted in the discussion paper that the Code of Conduct is under scrutiny to assess its value and purpose. We note that whilst Western Australia currently does have a Code of Conduct attached to its requirements, there appears to be no penalties or consequences applied for breaches of the CoC. BRRR is of the opinion that a robust Code of Conduct can set a standard for behaviour and work culture that discourages bullying, acknowledges ethical performance and promotes functional behaviour, but only if it is actively enforced. If there are no consequences for breaching the CoC, then its efficacy will be largely negated.
- **Staff Performance** – It has been raised as a matter of concern that there are many times when the administrative staff have engaged with ratepayers and other affected community stakeholders in an adversarial manner. Whilst BRRR acknowledges that administrative staff are no doubt regularly at the receiving end of angry or disaffected residents or complainants, some high level customer service and conflict resolution training may assist officers to defuse volatile complaints and achieve meaningful solutions and community relationships. It is unreasonable for staff to disengage with a complaining customer and effectively “blacklist” them by deeming them a nuisance or mischievous complainer.
- **Staff turnover** – It has been observed that a high turnover of staff can result in uneven service delivery, and the potential for poor transition of information from one staff member to another. Improved training, good support and higher job satisfaction may reduce turnover, but at the very least, standard operating procedures for handover should be more effectively implemented.
- **Use of Consultants Services** – Reports justifying decisions to use consultants should be easily accessible for community scrutiny and comment.

## 2. TRANSPARENCY

- **Personal Data Integrity** – Recent situations in the Bullsbrook area have brought to light potential concerns about the integrity of personal data being collected and stored by the City of Swan administration. BRRRA recommends clearer guidelines to the City on what personal information can be requested and retained and how it will be treated.
- **Disclosure** – BRRRA is concerned that administrative bodies like the City of Swan should be committed to a policy of transparent transactions and dealings. The pursuit of autonomy should never be unshackled from the need for accountability.
- **Delegated Authority Processes** – It is of significant concern that the use of Delegated Authority powers could be abused, resulting in a “bypass” of due process and disclosure in getting projects or activities approved.
- **Version Controlled Public Information** – In some recent highly controversial interactions between the City of Swan and several thousand ratepayers relating to changes of ratings from UV to GRV, the Frequently Asked Questions page on the City of Swan website changed almost daily, with answers and responses manipulated to favour the City’s position. More clearly defined rules on version control on information provided to the public may reduce these behaviours.
- **State Government / Local Government Overlaps** – BRRRA would like to see a clarification where appropriate at where jurisdictions of state and local government blur or overlap. It appears that state government can override local decisions, but it is not always clear under which circumstances this can occur.
- **Relationships and Mutual Interests With Third Parties** – The community deserves clearer information on relationships between councillors, developers and city administrative bodies. Planning documentation should be easily accessible and published on the City’s website and published in local papers, and mention of vested interests should be included in these publications.
- **Disclosure of Performance** – The current practice of not looking at past breaches of laws or conditions when considering planning applications has resulted in a situation where “rogue” developers are permitted commercial opportunities and advantage in spite of unlawful previous performances. BRRRA regards it of benefit for an organisation’s previous performance be considered in development applications.

## 3. MAKING MORE INFORMATION AVAILABLE ONLINE

- **Live streaming of meetings** – As a community engagement and inclusion mechanism, technology should be engaged to provide live streaming of all council meetings. Application of this technology would address issues of accountability and also provide a virtual means of access for the community who may otherwise be precluded from council proceedings through distance, disability or other access issues.
- **Hansard level recording** – The minutes from council meetings are somewhat truncated, without necessarily providing record on the discussions that preceded a proposal or vote. Hansard level recording would render a true and accurate historic account.
- **Digitalising records** – Given the level of digital information that is available in the community on the internet, there is no good reason why more information cannot be made available in an electronic format by councils.

#### 4. RED TAPE REDUCTION

- **Autonomy** - We acknowledge the Minister's intention to empower and enable local government, but are concerned that the "regulatory burden" could also be perceived as a "regulatory safeguard." Without increasing the Minister's powers of intervention, we are cautious about awarding any greater level of autonomy to local government bodies.

#### 5. RESTORATION OF SECTOR REPUTATION

We sincerely hope that addressing the above recommendations will go some way to restoring the reputation of local government institutions. In canvassing opinions and frustrations of members the following issues and suggestions came to the fore:

- **Train the councillors** – better trained councillors will provide better services and will be less vulnerable to undue influence from more knowledgeable operators. A minimum level of training should be provided on a mandatory basis to all councillors to ensure they broadly understand the issues they are charged to deal with.
- **Respond more quickly** – many disaffected residents reported long delays in response to enquiries or complaints. In some cases, months went past. This is unacceptable for residents who may be experiencing significant stress while waiting for a response. This equally applies to the distribution of information to affected ratepayers following decisions being made by council. In the recent proposed changes in rating from UV to GRV, the notification of decisions of council took several weeks to be communicated to affected ratepayers, despite the fact that the ratepayers were required to provide their response in 21 days. This meant that many affected ratepayers spent several weeks anxiously waiting for an official notification from the council.
- **Bullying is not acceptable** – being threatened with bailiffs or debt collectors is not a good way to engender respect in the community.
- **Admit when a mistake has been made** – one bad decision should not be covered up by another one. Accountability and genuine consultation with the community, with active listening and solution driven enquiries would be result in a welcome rise in public estimation.
- **Know your community** – In Bullsbrook, we have spent several months discussing the term rural, and how it relates to the rating of many properties within the district. The City has chosen to apply a definition that would entitle them to re-rate many properties from Undeveloped Land to Gross Rental Value. However, as MLA Jessica Shaw notes in her submission:

"The characteristics of 'rural land' are clearly broader than just conducting agriculture in an area or on a particular property. Ratings should rightly look to other factors like the density of housing, general amenity and population, as well as the industries in an area. Another approach that could be considered would be to characterise everything outside of urban areas as being necessarily rural in nature. It would also be inappropriate to characterise land as being non-rural on a lot by lot basis rather than looking at areas as a whole."

For administrative staff to demonstrate their knowledge and understanding of the local characteristics, needs and challenges of a particular community would also go a long way to reduce community suspicion and distrust of their city officials and officers.

Having made these observations, BRRA also acknowledges that the City of Swan, like most local government bodies, does a difficult job under sometimes trying circumstances. We also acknowledge that over the years we have witnessed a distinct improvement in the way the City engages with our association and the wider community. If this Review provides a clearer framework for decision-making and relationship building, we can only hope that the principles of continuous improvement will bring even more benefits to local government and community engagement.

We agree that this submission be made public and published in full on the Department's website

**Name:** Anne Sibbel on behalf of Bullsbrook residents and Ratepayers Association Inc.

**Address:** PO Box 513 Bullsbrook, WA 6084

