

Local Government Act 1995 – Review – Phase 1

Submission by Michael TUCAK

This is my personal submission to the *Local Government Act 1995* (“Act”) Review, Phase 1.

I am a current Councillor at Town of Cottesloe, however this submission is my own personal one

I have set my submission out as general comments, then addressed Consultation Paper questions.

General Comments

Based on my experience of local government so far – as a resident, community group board director and chair, and now as a new Councillor – I believe there is an issue of effectiveness in local councils being able to accurately and effectively respond to the needs of the community. I believe this issue is reflected in the unfortunately all too common view local councils “get it wrong”, “don’t do enough” or are too bureaucratic or cumbersome, despite having only community members in the position of elected members of ‘Council’. I do not believe elected members suddenly become ineffective in their drive or determination to address local issues upon election to council, but the above view seems to prevail – there appears to generally a lack of trust or confidence in councils, whether staff or Council.

I believe, based on my experience, this issue can be addressed by tackling these interlinked issues:

- **Council (in the form of Elected Members) need more executive capacity** – the prohibition in the Act on Council “directing” staff (eg CEO) is a material limitation on what Council can ensure gets done. It appears Council resolutions often take significant time to be addressed or be addressed in the manner intended, or in following up progress over time. Of course, it falls to the CEO to do these things, and Council’s only real recourse is to replace the CEO. My experience on organisational boards is that the “elected members” (ie board or committee) are able to exercise considerably more direction over the CEO or staff’s actions, and that this does in fact result in progress. By comparison, Council appears almost impotent to ensure its resolutions or other resident’s needs are actioned appropriately (I do not mean to say it just doesn’t happen, I mean that Council lacks this ability, which manifests in various problems). It is my submission that giving Council a greater executive function (similar to that enjoyed by the other two tiers of government), even if restricted in some way, would be beneficial.
- **A higher quality of Elected Member should be a primary Act objective** – I accept that one reason Council has a lack of executive function is that elected members are arguably not in the best position often to exercise it effectively. For that reason, the current role of Council as “community representatives” who are in effect conduits for the views of the community being passed onto a CEO and staff, but with little role to play after that view is decided and passed on in the form of a Council resolution, is understandable. A lack of executive role is a protection against “community representatives” being able to take too much control. This is not a valid argument however if Elected Members are suitably qualified, in a similar way to a board or committee consisting of people with appropriate skills – professional or otherwise. I believe that achieving a high quality of Elected Members not only allows Council to take on an executive function (as above), but to be more effective as “community representatives”. I do not mean that only suitably qualified people could be elected to Council, but that steps to ensure the community members who are elected are better able to fulfill their roles, through compulsory (no or low cost) training and ongoing and targeted professional development.

- **Compulsory voting in local government elections should be considered** – not only would this be likely to increase the community’s engagement with the role of their local council – and the actual roles and interactions of elected members and staff, respectively – but it is also likely to result in a higher quality of Elected Members due to the scrutiny of the voters. There may also be higher levels of accountability of elected members to their community, which would support some level of executive function being exercised by elected members. My view is that compulsory voting is not likely to result in more political party candidates in local government elections this could happen currently, and may in fact happen “indirectly”. If necessary to avoid ‘voter fatigue’, local government elections could be held more aligned to State government elections (eg 6 months after a State government election), along with greater degrees of voter education about each of the three opportunities to ‘have their say’ (namely, in their local government, State government and Federal government elections).

I consider that the above three interlinked issues can allow more effective local governments – an **executive** function able to be exercised by a **high quality of more accountable elected members**.

Specific Questions

- 3) What other comments would you like to make on the roles of council and administration? **As above (greater executive function of Council)**
- 6) What competencies (skills and knowledge) do you think an elected member requires to perform their role? **Thorough and ongoing training in the role of elected member, specific competencies (planning and development laws, other relevant legislative regimes, communities)**
- 8) Who should pay for the costs of training (course fees, travel, other costs)? **The State for essential training, local government for any additional.**
- 10) Should elected member training be mandatory? Why or why not? **Yes, as above to ensure elected members can exercise an executive function.**
- 11) Should candidates be required to undertake some preliminary training to better understand the role of an elected member? **Yes (the same reason) and consideration should be given to remuneration whilst at training.**
- 13) What period should apply for elected members to complete essential training after their election? **Training should be specifically managed to ensure an elected member can take up their role promptly (ie specific training modules/timing) and ongoing annual refreshers and updates. Consideration to a transitional period for new members to take office after their election for an initial ‘concentrated training’ to occur prior.**
- 14) Should ongoing professional development be undertaken by elected members? **Yes, as above, including in areas specifically identified for each elected member based on self-assessment or third party input (a process for identifying areas for improvement, similar to employees).**

[end]