

**From:** Andrew Main [REDACTED]  
**Sent:** Friday, 25 February 2022 11:27 AM  
**To:** DLGSC Act Review  
**Subject:** Feedback - Local government reform proposals

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Feedback - Local government reform proposals

#### Overall comments

The consultation for this reform package has been very disappointing. The vagueness of many proposals as well as the unknown impact of many of them, means that providing considered feedback very difficult. Community forums would have been very desirable, so as to obtain greater clarity about what the government is proposing, why it's proposing it, what other alternatives were considered, and why these alternatives were not pursued.

Further to this, this would provided the opportunity to understand why recommendations made by the local government reform panel were not progressed. Many of the proposals and recommendations of this panel were sensible and desirable, however there is no indication of why many of these have not been pursued.

If this is the biggest reform to local government in 25 years, the community engagement has fallen well short of what is desirable. I would like to see the government pause this current process, and preferably develop a detailed report or green bill which clearly indicates what its amendments will be and to provide more information so that feedback can be informed and well considered. In addition, community forums to seek community feedback on suggested reforms and to provide new ideas should be held.

If the consultation and engagement process presently undertaken by this government is to be seen as something that local government should aspire to then I'm quite concerned about what lies ahead. The state government should be leading and adopting best practice for such an important initiative.

Having said this I provide comments below for your consideration.

Regards  
Andrew Main  
North Perth

#### Item specific comments

##### 1.1 Local government inspector

The information provided does not indicate why this proposal is required and what other options that could be adopted that would achieve the same outcome. For example, most, if not all, of the powers envisioned for the inspector current exist within the Department of Local Government. As such, why doesn't the government simply reinstate the funding and resources allocated to the Department of local government back to the levels in previous years?

Setting up another government agency doesn't make sense, it will be costly and take time.

What will be the role of the Department if an Inspector Office is established?

There are so many unknowns with this proposal that it is impossible to respond with confidence.

## 1.2 Appointment of monitors

The same issues apply as for proposal 1.1

If this proposal does go ahead then inspectors should also be sourced from the general community rather than ex-local government people or people with technical expertise.

## 1.5 Red card

Strongly oppose this proposal. It places too much power in the hands of one individual. It has the potential for misuse, particularly when they are factions on council and the power is used to silence those speaking in opposition to the faction or Mayor.

No elected member should have the power to prevent a fellow elected member from participating at a council meeting. It is undemocratic.

## 1.6 Vexatious complainant

Strongly oppose this proposal. This will have impact on freedom of speech and have potential to be misused to silence members of the public raising valid concerns. The local government sector has not provided any quantifiable evidence or data as to why there is a legislated need to be able to stop a person from communicating with a level of government. At present local governments are declaring people vexatious without a documented policy by which to govern decisions, and natural justice is not being provided to these members of the public.

In relation to the theme of complaints management, the consultation conducted by the Department in 2018 found that there were other issues that were as important to address (see link below). These were as follows.

- There is general support for local governments to have complaints management policies and procedures (possibly in the form of a customer service charter) and for these to be made public on the official website.
- There may be an opportunity to introduce a dedicated oversight body that deals with unresolved complaints.
- Local governments are seeking support for dealing with vexatious and frivolous complaints.

It is my submission therefore, that if vexatious complainant provisions are to be introduced into legislation, that there also be a legislative requirement for local governments to answer queries raised by members of the public in a timely and comprehensive manner. In addition, the legislation should also include provisions for a member of the public to request that a third party agency resolve issues where answers are not received, or the answer does not address the issues raised.

It is my contention that if local governments were genuine in answering initial issues of concern raised by members of the public, that situations would not escalate where there are continual approaches made by member so the public to receive an appropriate response to the issues they have raised with a local government.

I also believe it is important that if vexatious complaint provisions are adopted that local governments be required to have a formal policy they follow when making determinations about whether a person should be vexatious. This should include provisions for natural justice for an individual the subject of a proposal to be deemed vexatious, a requirement for council to approve deeming a person vexatious, and the right for a member of the publication to appeal to a higher authority for resolution of any issues or disagreements that arise through the process.

[https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/consultation-reports/consultation-report---complaints-management.pdf?sfvrsn=1938da88\\_2](https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/consultation-reports/consultation-report---complaints-management.pdf?sfvrsn=1938da88_2)

## 2.6 standardisation of council meeting procedures

My concern with this proposal is that a Statewide set of minimum standards may reduce progressive practices they are currently in use at many local governments. The government must ensure that the standard of meetings is raised for laggards, and that those above average councils are not brought down to a lower standard.

### 3.4 additional online registers

I support the registers proposed. It is important that all current and proposed new registers are updated as soon as there is a change required and legislation should ensure this occurs.

In addition, the legislation needs to state that all current and proposed registers are to remain on websites indefinitely. For example, the tender register on the City of Vincent website only has the last 12 months of data. Whereas the city of Swan tender register has information dating back more than a decade. Viewed through a lens of accountability and transparency, the City of Swan approach is preferable.

I also support the following additional registers and believe legislation should require:

An elected member political affiliation register. The City of Bayswater presently has one in place.

A register of consultants used.

### 4.1 community engagement charter

While a charter is not opposed, it falls short of what I believe is required in this area. The local governments review panel provided a range of principles in relation to engagement that it recommended be detailed in the local government legislation. There is no explanation provided by the government as to why that panel recommendation was not adopted.

It is my submission that community engagement principles of this nature, as well as the requirement to have a charter should be in place.

In addition, there needs to be a mechanism for holding local governments to account if they do not follow their charter. For example, a legislated right for complaints to be made to an independent higher authority to resolve issues. To illustrate this point, the City of Vincent has a customer service charter, which requires the council to do various things including responding to customer requests within a certain time period. There are many occasions where that commitment has not been met, yet there are no consequences if the city clearly breaches provisions of that charter.

I also believe that whether it's within the community engagement charter or a separate provision of the legislation, councils should be required to adopt an advocacy policy. This policy will stipulate when it will provide an advocacy role on behalf of the community - particularly when dealing with state and federal government entities. There have been several instances in the City Of Vincent where it has not been prepared to take a stand against the state government and represent the interests of its community.

### 4.2 customer satisfaction surveys

Supported, but more information is required.

Questions need to be standard for all local governments.

The process is to be run by the State government, not individual local governments.

The questions asked need to be meaningful and cover the whole range of local government operations. It is important that people that answer questions are informed and well considered. That is, if people have no interest or limited or no involvement with the operation of their local government, their ability to respond to questions in an informed manner will be questionable.

### 4.3 Preferential voting

Support optional preferential voting.

I also support compulsory local government elections held every four years. Elections should be held in person and not using postal or electronic means. That is, the same approach used for State and Federal elections.

Only residents should be able to vote. That is, businesses and non-resident property owners should not be able to vote. The ability for these groups to vote is outdated and inconsistent with other tiers of government.

### 5.1 principles in the act

The Act already has principles, will these be removed?

### 5.2 roll clarity

Based on what has been provided by the Government, I cannot provide a considered response to the proposals to change roles statements for elected members, Mayor/President, Council, and CEO.

There needs to be comprehensive information provided about the pros and cons of the various proposed changes.

### 5.6 election caretaker period

No objection to a caretaker period.

I believe the legislation should also be amended to require caretaker policies to include provisions that prohibit current elected members providing public support or endorsement of candidates. This practice creates a fertile ground for the creation and maintenance of factions. Way back in the early 1990s, the Royal Commission into the City of Wanneroo stated that factions are not desirable.

There should also be penalties for non-compliance with this provision.

### 5.7 remove WALGA from the act

What is the rationale for removing WALGA from the LG legislation?

The existence of WALGA and its role needs to be thoroughly investigated by an independent government body or appointed commission.

Its preferred supplier panel needs to be examined whether it provides benefits through lower costs to local governments and ratepayers. For example, why is it appropriate for WALGA to take a commission from contracts entered into with businesses on the PSP when State government agencies do not pay an additional fee when using businesses on the common use contract panels?

WALGA needs to be subject to greater public and member scrutiny in whichever way it eventually becomes reconstituted.

In relation to WALGA's preferred supplier and insurance service programs, new oversight measures for these programs is required. This includes the power for the auditor general to conduct audits and that there be an independent cost benefit analysis conducted of the programs.

WALGA must be covered by the same financial and conflict of interest provisions that local government elected members and staff are presently governed by.

Income derived from WALGA's preferred supplier and insurance programs should be used for the purpose of reducing local government contributions, and not used for the benefit of the WALGA organisation.

In relation to

The monopoly on appointment to local government boards and committees afforded to WALGA and LGPro through the legislation needs to be removed. In addition, local government members must not be able to have a majority or balance of power on any of these committees.

The state government should be required to appoint community representatives (as well as local government sector representatives) to relevant boards and committees.