

20th February 2022

Local Government Reform Review

Department of Local Government, Sport & Cultural Industries (DLGSC)

PO Box 8349, Perth Business Centre WA 6849

actreview@dlgsc.wa.gov.au

Dear LG Reform Officers,

Submission to LOCAL GOVERNMENT REFORM

Thank you for the opportunity to contribute to this important law reform.

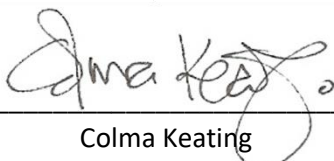
PART 1: Submission on MISSING LOCAL GOVERNMENT REFORMS

We wish to support the Urban Bushland Council's submission <https://www.bushlandperth.org.au/campaigns/local-government-reform/> including their highlighting of reforms that were not considered and ask that these be incorporated in the final reforms:

1. Better outcomes for the natural environment.
2. No further net loss or degradation of native vegetation on the Swan Coastal Plain.
3. Protecting and managing Bush Forever Sites.
4. Compulsory development and application of a Local Biodiversity Strategy and Local Biodiversity Plan by each LGA and associated formal incorporation into their Town Planning Scheme (TPS).
5. Introducing 'local biodiversity conservation land use' category in Model Scheme Text (MST) and Local Planning Schemes (LPS) that have appropriate protections.
6. Compulsory development and application of an Urban Forest Strategy by each LGA including adopting and applying the WA Planning Commission (in collaboration with the WA Local Government Association) Guide for Better Urban Forest Planning.
https://www.wa.gov.au/system/files/2021-05/PRJ_Better_Urban_Forest_Planning.pdf
7. Protecting and enhancing green space to ensure adequate, resilient ecological linkages.
8. Reducing the 'heat-island-effect' whilst actively demonstrating accountability to State Government and Local Government Laws, Policies and Strategies to reduce 'heat-island-effect' such as application of each LGA's Urban Forest Strategy and Native Vegetation Protection Policy.
9. Establishing a "Tree Protection By-law on private and public lands" (including penalties for damage or removal).
10. In addition to required 'green space', establishing and managing on all freehold and lease-hold properties a living, green space (i.e. not plastic or non-living lawn, plants, greenery) that covers at least 15% of the land area.
11. Limiting population growth and urban sprawl.
12. Carbon neutral status for all LGAs.
13. Compulsory voting for all LGA elections.
14. Introducing Third Party Appeal Rights (TPARs).
15. Stopping political donations from property developers.
16. Amending *Integrity (Lobbyists) Act 2016 (WA)* to apply it to "local governments" and "town planning".

Please see ATTACHMENT for our responses our specific proposed LG Reforms.

Warm reagrds,


Colma Keating

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PART 2: Submission on specific PROPOSED LOCAL GOVERNMENT REFORMS

LG REFORM: Theme 1 – Earlier intervention, effective regulation and stronger penalties

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
1a	The LG Inspector	✓			<p>We support this with a re-direction of staff & resources from Department of Local Government, Sports and Cultural Industries (DLGSC). I.E. We are concerned that the LG Inspector and associated executive, researchers and monitors etc could become a large agency that will be requiring significant State Government budget whilst duplicating roles in the State agency of DLGSC.</p> <p>Will there be a 'user fee' for LG Monitors to ensure that LGAs do not inappropriately use them to provide mediation, governance advice, legal guidance, HR and procurement guidance?</p> <p>Who pays for Proposed Conduct Panel?</p>	Introduction of 'user fee' for certain levels and/or quantities of specialist assistance/guidance provided by LG Monitors.
1b	LG Monitors	✓				
1c	Stronger penalties	✓			Including for environmental damage.	
1d	Mandatory Training	✓			<p>Include knowledge and understanding of:</p> <ul style="list-style-type: none"> • the natural environment • intrinsic values of natural environment • economic value of natural environment as estimated by the ecosystem services it provides including the health and wellbeing of residents and what is required to manage it properly • Bush Forever and ecological linkages • all environment policies, strategies and action plans including: <ul style="list-style-type: none"> ○ Local Biodiversity ○ Urban Forest ○ Climate Change Action 	

					<ul style="list-style-type: none"> ○ Water Course Reserves Strategies and Plan ○ Storm Water ○ Street Tree ○ Urban regeneration and Greening ● Local Community Volunteer Groups that care for bushland and wetland in the LGA ● Community Engagement Charter (refer 4f). 	
1e	Rapid Red Card Resolutions	✓				
1f	Other Amendments	✓ ✓			Support the sector-wide Guidance Notice approach Support the Vexatious Complaint Referrals	

LG REFORM: Theme 2 – Reducing red tape, increasing consistency and simplicity

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
2a	Standardised Meeting Procedures across all Local Governments	✓				
2b	Greater Consistency for Small Business			✗	Do not support without more clarity around what these might be. Big concerns that this could mean ‘cutting corners’ or reducing what some people incorrectly refer to as ‘red tape’ that is actually, critical assessment processes that protect our natural environment and/or good governance requirements.	
2c	Streamlining Local Laws	✓				
2d	Creating Flexibility to Enable Resource-Sharing	✓				

2e	Standardising Residential Crossovers/Driveways	✓				
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LG REFORM: Theme 3 – Great transparency and accountability

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
3a	Mandatory Recording of Council Meetings	✓			Access to how agenda items were discussed, and decisions made is critical for community understanding.	Including recording of contributions from the visitor gallery including: <ul style="list-style-type: none"> • Deputations • Questions, and • Discussion of Deputations and Questions.
3b	Guidance for Confidential Meeting	✓			This removes the temptation of some councils to use this 'confidential' facility inappropriately.	
3c	Transparency and Accountability	✓			Transparency and accountability are critical components of good governance. The community (e.g., members of local 'friends of groups' whom are volunteering to care for bushland owned and/or managed by their council) need to be able to understand how decisions are made and what resources, actions and timings are involved.	
3d	Transparency of CEO Key Performance Indicators	✓				
3e	Consistent Recording of all Votes	✓			Important that Councillors and Mayors are visibly accountable for how they vote and thus impact on the delivery of services and management across the LGAs.	

Theme 3: OTHER COMMENTS

Strongly support the good governance and transparency of the introduction of mandatory reporting as **online registers** for:

- Leases
- Community Grants
- Interest Disclosure
- Applicant contribution
- Contracts Register

We also support the mandatory **quarterly updating of these online registers**.

LG REFORM: Theme 4 – Stronger local democracy and community engagement

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
4a	Direct Election of the Mayor or President	✓			We already have this in the City of Canning.	
4b	Preferential voting			✗	Concern that the major parties will dominate to the detriment of good local individuals.	Political parties not being allowed to endorse or sponsor candidates.
4c	Consistent Number of Elected Members	✓				
4d	No Wards for Small Local Governments Wards	✓			Seems to be a more sensible approach and will save resources for smaller councils.	
4e	Reforms to Ensure Valid Candidate and Voter Eligibility	✓			Absolutely. Having valid candidates is critical. Non-valid candidates waste resources, time and consideration of residents and ratepayers and can have a big impact on the council operations.	
4f	Community Engagement Charter	✓			The consultation process must mean that people are involved in the decision-making process, not just informed about a decision. Having a clear charter is critical to enabling residents and ratepayers to understand how and when they will be consulted and what the level of community engagement will be, as per the International Association of Public Participation’s Spectrum (e.g.	For proposed developments, there must be a requirement to detail how the development aligns with engagement of the community (including those who use and care for the area). Note: Unfortunately, community workshops are often misused as vehicles for disseminating the developers plans rather than truly engaging the community

					<p>Inform; Consult; Involve: Collaborate or Empower). https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf)</p> <p>As you are aware, the local voluntary community conservation contribution via ‘Friends of Groups’, ‘Urban Landcare Groups’ and ‘Urban Coastcare Groups’ to the protection and management of local neighbourhood nature is extremely significant. Added to this the development and nurturing of local community provides a key contribution to the wellbeing of the local community.</p> <p>In fact, these natural areas and the local community would suffer, if not for such volunteer efforts. These reforms need to acknowledge this and ensure that such community groups will be given ‘group collaboration status’ and actively included in the management decisions for these important local areas of bushland and wetland.</p>	<p>for the best environmental, social and cultural outcomes.</p> <p>All LGA’s to endorse and apply the Department of Planning, Lands and Heritage Planning Engagement Toolkit for Western Australia https://www.dplh.wa.gov.au/getmedia/73a54d99-d65e-4803-91f8-70570fb1017b/PRJ-Draft-Planning-Engagement-Toolkit-for-Western-Australia</p>
4g	Other Amendments	<p>✓</p> <p>✓</p> <p>✓</p> <p>?</p>			<p>Support proposals such as reforms to prevent the use of ‘sham leases’ that aid effectively illegal candidates from running for council &/or being elected.</p> <p>Support standardising candidate profiles</p> <p>Support standard process for recounts</p> <p>Unsure what the specific rules concerning LG council candidates use of electoral roles – if it is to tighten the use, then we would support</p>	

LG REFORM: Theme 5 – Clearer Roles and Responsibilities

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
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5a	Principles	✓			Support: <ul style="list-style-type: none"> recognition of the unique status of Aboriginal West Australians guidance for community engagement guidance for financial management 	How Indigenous guidance has influenced decision making must be acknowledged and documented.
5b	Communication agreements	✓				
5c	Elected members					
5d	Statewide Caretaker period	✓				
5e	Superannuation allowances			✗	Being a Councillor/Mayor is not a career nor 'a job'. It is effectively a community volunteer role, with a small stipend. We are grateful for their significant contributions to our local community.	
5f	CEO recruitment	✓				
5g	The role of CEOs	✓				
5h	WALGA no longer consulted under the <i>LG Act 1995</i>	✓				

Theme 5: OTHER COMMENTS

Support roles and responsibilities of elected members and senior staff be better defined by law

LG REFORM: Theme 6 – Earlier intervention, effective regulation and stronger penalties

Ref.	Proposal	Support	Neutral or N/A	Do NOT Support	COMMENTS	IMPROVEMENTS
6a	Model Financial Statements	✓			The proposed reforms include Simpler Strategic & Financial Planning – our concern is that it is not 'too simple'. These are critical and complex aspects of	Only concern is that some Councils may wish to improve on the 'model financial statements'. There should be this flexibility.

					good governance and transparency – and can't be dumbed down to 'too simple'.	
6b	Rates and Revenue Policy	✓				
6c	Reforms for Financial Ratios	✓				
6d	Credit Card Statements Publicly Reported to Council	✓				
6e	Other Minor Reforms	✓ ✓		×	Audit & Risk Committees Fixed term loans LGAs need to apply their funds into their LGA Transparency for waste services costs important that people are aware of such costs.	

Theme 6: OTHER COMMENTS

To ensure non-selective reporting, increased understanding and transparency, the reform of *LG Act 3.59* Business Plans need to clearly document:

1. Indigenous cultural values,
2. Environmental values,
3. Social values, as well as
4. Economic values.