

Local Government Reform

Submission from:

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One major issue not covered in the reform themes is the proper exercise of the discretionary powers given to Councils in granting planning approvals. Unlike the applicant for a planning approval, an affected third party cannot refer a council decision to the State Administrative Tribunal (SAT). Apart from the general unfairness of this imbalance, two adverse outcomes can emerge:

1. Council planning decisions are biased. I have been at council meetings where councillors have ruminated about how their imminent planning decision could be viewed by SAT. In other words, any benefit of doubt is given to the applicant, and not to an affected third party (because they have no rights of appeal).
2. The doorway to corrupt councillor behaviour is kept open. If an actual planning approval can never be tested by an independent body like SAT, then there can be no uncovering of shonky councillor conduct, nor any appropriate consequence applied.

I am supportive of the proposals contained in Theme 1, but I submit:

1. The Chief Inspector and the Inspectorate are independent under law.
2. The Inspectorate is given the means to provide whistle-blower protection, particularly to local government employees.

All five proposals in Theme 3 are strongly supported. I would add:

1. Under 3.3, I believe there is some real urgency in addressing the issue of confidentiality/secretcy around council meeting items.
2. Under 3.5, not only would I like to see the KPIs of the CEO published, but also information about incentive payments to the CEO (for example, the ratio of fixed annual salary to incentive payments, both paid and those subject to future achievement).

In considering 5.1, I hope the principles will capture the idea that the community benefits from robust public debate about local issues. From my observation of the current situation, there seems to be an unhealthy priority given to council solidarity around decision making. Suppression of dissent has taken the form of referrals to the Standards Panel. Public disagreements are not necessarily bad. Good idea about WALGA.

I strongly endorse the proposals outlined in Theme 6, particularly the independent audit oversight as per item 6.6.