

From: [REDACTED]
Sent: Friday, 25 February 2022 1:34 PM
To: DLGSC Act Review
Subject: Private Submission: Local Government Reforms

Follow Up Flag: Follow up
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Good Afternoon,

I would like to lodge the following private submission in relation to the proposed local government reforms. [REDACTED]

My perspective comes from my role as working in governance and elections at two local governments. I felt it simpler to make my suggestions as an email. They are very specific suggestions around the owners and occupiers roll and elections based on managing the City of Perth Owners and Occupiers roll and facilitating several local government elections:

1. The owners and occupiers roll be abolished as property franchises have long since been abandoned for state and federal elections and place a view that property is equal or more important than living in an area and inconsistent with a modern democracy.
- 2.
- 3.
4. If 1 does not occur,
- 5.
6.
 - a.
 - b. Occupiers must have a lease that is registered with Landgate against the certificate of title. If this was the case a local government would not be required to assess the 'genuineness' of a lease or formulate opinions about them. While Landgate leases are do have require particular term, considering a person is voting for Councillors for 4 years, it is perhaps not that unreasonable to expect a longer term on the lease. Proper leases are registered with Landgate and a decent number of the leases that are supplied are Landgate leases. This also addresses matters like 'rent-a-desk' leases by eliminating any uncertainty.
 - c.
 - d.
 - e. Expiry of occupiers expires on the end of the current lease term; this makes more sense and because they must tender the lease/lease on title we can put that date in the register of owners and occupiers.
 - f.
 - g.

- h. Body corporate nominees must be associated with the company (in whatever way that exists in the relevant law, e.g., employee, shareholder, director, member of the association)
 - i.
 - j.
 - k. The act should be modified to address where more than one body corporate owns a property but should not allow for more than 2 votes. Currently there are various interpretations as to what occurs when more than one body corporate jointly owns a property. This uncertainty needs to be resolved.
 - l.
 - m.
 - n. The act should define 'majority' for the purposes of section 4.31(1E) and 4.31(1F) to mean the majority by shares in the property. It is unclear if this provision is the majority of 'persons' listed on the title or the majority by ownership shares.
 - o.
 - p.
 - q. A 'stop the clock' provision should apply when we require further information under section 4.32(5), similar to that for a development approval.
 - r.
 - s.
 - t. Where companies want to change their nominee, this should be added as a reason for immediate removal under section 4.35(1), provided we advise the nominee of their removal and who directed their removal.
 - u.
 - v.
 - w. The WAEC must provide written reasons for its decisions to the local government.
 - x.
 - y.
- 7.
 8. Preferential voting should be adopted as it is far more democratic and will ensure proportional representation in multiple vacancies. A clear example is at the City of Perth where a 'ticket' won all 4 seats with 40% of the overall vote. Under proportional representation this would have been 2 seats, with 2 alternative viewpoints having the opportunity to be elected.
 - 9.
 10. I am not supportive of the proposed number of Councillor changes. I think that arbitrary numbers like this can make drawing good wards difficult. I think they provide good guidelines to work with but it would be appropriate for the Advisory Board or Minister to provide an exemption where it would enable the better representation of communities of interest. I would likewise suggest a better methodology is
 11. a. 5 members up to 5000 on the basis of 1 member for every 1000 residents

12. b. up to 11 members for 55000 on the basis of 1 member for 5000 residents.
13. c. up to 15 members over 55000 up to 300000 for 1 member for every 25000 residents.
14. d. If a council ever exceeds 300000 residents it would be worth looking at if they should have further members.
5. Finally in respect of wards, if we are adopting a preferential/proportional voting system then a preference should be for multi member wards that enable the representation of different viewpoints.
- 6.
7. I am not supportive of publicly elected Mayors in the way that the Mayoral office currently exists (as Chair of Council). As I understand the only Councils to have been dismissed following a panel inquiry are those with a publicly elected mayor. In the Westminster system both the leader of the government and the chair of the body have to have the confidence of the majority of members. I don't think elected mayors lead to productive outcomes for local governments. I also think they create misunderstood expectations for the community who believe that Mayors have more power than they do and that an elected mayor should be able to resolve their issues alone.
- 8.
9. I would be supportive of WALGA's removal if they also lost their special privileges in respect of insurance, gifts, procurement and the like. Otherwise, they should be constituted under the act or as a regional subsidiary and subject to OAG audit based upon the amount of public money they are handling. Perhaps their structure should also be up for review in this given that 75% of people live in Perth but Perth local governments only get half the seats on the State Council and as I understand, even less of a vote at a general meeting.
- 10.
11. It might be worth transitioning Councils to 'governance rules' like Victoria instead of a local law for standing orders and if penalty's are being reviewed, the \$5000 maximum penalty under a local law should be as well, \$5000 is not a lot of money now days if they flagrantly disregard a local governments law, such as one to protect public health or safety.

I am supportive of all other reforms proposed, particularly majority independent audit committees and the local government inspectorate that covers both Council and CEOs. Please let me know if you require further information in respect of my submission.

Kind Regards,

