

Mr Duncan Ord
Director General
Department of Local Government, Sport and Cultural Industries
140 William Street
Perth 6000

Dear Mr Ord

Submission on *Local Government Act 1995* Review Phase 1 Consultation Paper

The Property Council is grateful for the opportunity to provide feedback on the *Local Government Act 1995* Review Phase 1 Consultation Paper and congratulates the McGowan Government on pursuing these welcome improvements to Western Australia's local government system.

The Property Council represents more than 300 companies across WA in the residential, retail, retirement living, industrial and hotel sectors. The property industry now employs more people in Western Australia than any other sector, with more than 233,500 jobs.

Many of our members have direct and indirect contact with local government through their business operations - the service provided by local government directly impacts on the ability of the property industry to deliver outcomes. The following comments are intended to provide insight into those aspects of the review that can add most value to the property industry, and assist with the critical role the industry plays in creating prosperity, jobs and strong communities for current and future generations of Western Australians.

The industry is supportive of the overall intent of the review, and of the Phase 1 focus on modernising local government, simplifying regulation and improving services. We particularly agree with the aims of better defining the roles of Council and administration; and improving transparency and accountability of decision making, to better meet public expectations and build confidence in local government.

The following detailed comments are provided on those aspects of the Consultation Paper which are most relevant to the property industry.

Defining the roles of council and administration

The property industry agrees that the different roles of council and administration should be better defined, and that elected members and staff should be clear about what these roles are. In our experience there is significant variation across local governments in the approach taken to separation and definition of roles, particularly in Councils' use of delegation to administration. Any

opportunity to add clarity and provide guidelines on appropriate levels of decision-making delegation would be welcomed by the property industry. Our members would also strongly value consistency of delegations across local government to create certainty of process and ensure a best practice streamlined approach to decision-making across WA.

More specifically in the area of clarity of roles, and linked to our comments below on training, there appears to be a lack of understanding among some elected members about their role as it relates to the role of administration and Development Assessment Panels. This is an issue we have raised with the planning portfolio, and we will continue to do this, but there is some overlap with the focus of the Local Government Act review so we also mention it here. Elected members need to be clear on what their roles and responsibilities are across the full range of local government functions, particularly relating to when it is appropriate for them to influence outcomes, to ensure integrity of the decision-making system, and the outcomes of that system.

Elected member training

The property industry considers that training of elected members should be mandated by State Government. We note that mandatory training is being implemented or considered in other States, and agree that the ability to confidently and effectively undertake the roles and functions of council is clearly reliant on each elected member having a strong understanding of matters related to those roles and functions. Training should be made available on topics such as financial planning, budgeting, strategic planning, governance, policy formulation and implementation. Completion of that training should be compulsory and we agree that ongoing professional development to maintain currency of skills and knowledge is also critical.

It is particularly important to the property council that elected members are adequately trained to understand and undertake their planning decision-making role. Both from the perspective of ability to interpret and apply the relevant policy and legislation, but also in being clear on their quasi-judicial role as decision-makers, distinct from being simply an agent of the local community. This is another issue we engage with the planning portfolio on. We see significant overlap with the work being done in the local government review and opportunities for the planning and local government portfolios to collaborate on ensuring elected members are equipped with the skills and understanding they need as decision-makers.

If mandatory training is not pursued, introduction of an incentive for completing training should be considered, potentially linking completion of training to other performance criteria, which should then be tracked and reported on MyCouncil or similar.

Members of the property industry and of the wider community would have a much greater level of confidence when engaging with local government if elected members were required and/or encouraged to develop the appropriate skills and knowledge to engage with stakeholders and make important decisions for their local area.

Elected member conduct

Industry would support any changes that strengthen the ability to review elected member conduct and for interventions to be imposed by the State Government where necessary. In recent years various questions have been raised and widely publicised about the conduct of a number of local authorities, some of which have resulted in official inquiries, and this causes significant uncertainty and concerns for our members when they need to engage with those councils.

Where questions around the conduct of specific authorities exist, it would be preferable for those questions to be resolved as quickly and effectively as possible so that any uncertainty is short-lived. It is critical for the property industry to have confidence that its engagement with local

government occurs in a way that is transparent and accountable, so that the community can be equally confident in the outcomes of this engagement.

Transparency

Industry is supportive of greater transparency of local government operations, decision making and performance. We support the proposal to make all notices and Council information available electronically, and we suggest that in line with trends in other industries and in the interests of sustainability electronic publication should be the default position, with hard copy documents only made available where needed by particular stakeholders.

The property industry regularly needs to access local government documents, which can be hard to locate or are only available on request. It is our preference that all Council-endorsed documents and local government documents containing contents which impact on external stakeholders should be publicly available on council websites. This should include the following documents that in industry's experience are not typically available on council websites: local planning policies, development contribution plans and their supporting documentation, disclosures, benefits and complaints registers, tender registers, reports tabled at Council and Committee meetings, and the register of delegations.

We also support the proposed live streaming of council meetings on local government websites. This would significantly improve the ability for our members and interested community members to access local government consideration of development and other proposals, and would ensure the same level of accountability and transparency that live streaming of State and Federal Parliaments imposes on elected members of State and Federal Governments.

Greater transparency should also extend to individual council performance monitoring and reporting. The Property Council has advocated for a number of years for public reporting by local government on progress in preparation and implementation of planning documents, and on processing of planning proposals and applications. In our *Benchmarking Greater Perth Local Governments* report, published in September 2016 (attached for your information), we recommended that the then State Government give consideration to adding statutory planning performance reporting to the *MyCouncil* website. We repeat this recommendation here in the context of the current Government's focus on improved transparency and accountability.

The Property Council thanks you for the opportunity to provide industry feedback on the first phase of this welcome review. Should you wish to discuss our comments, please don't hesitate to contact me on 08 9426 1200 or by email to liacomella@propertycouncil.com.au.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'L. Iacomella', written in a cursive style.

Lino Iacomella
WA Executive Director