

Dear Mr Templeman
Minister for Local Government
Minister.Templeman@dpc.wa.gov.au
cc. all members of WA Parliament

I note your correspondence dated October 26, 2020, your ref: 66-12657, with much sadness, as I do not understand why you feel such an insensitive need to disrespect and alienate those whom have the knowledge, skill and passion to voluntarily serve your best interests.

What single iota of measured substance can you or your DLGSC demonstrate, that will lead an unassailable conclusion, that your current reform process is in any way capable of delivering any skerrick of improvement on community outcomes from Local Government Legislation, new or existing?

You said that your government had been working since 2017 on a major reform of Local Government Legislation, yet in doing so you persevered in exiling and isolating those members of the Community whom drove you to initiate that review. You further implied your 2019 Panel had delivered “*high-level direction and guiding principles for a new Act*”, of which again were speculative with not one having Community endorsement, and not one accompanied by compelling demonstration of any capacity whatsoever to deliver Community benefit.

In open and stark contradiction to your mantra of “Agile, Smart, Inclusive,” The only activity you had permitted Community involvement was in providing written submissions. Across the various reviews and reports made public, the clear perception is that those Community submissions were considered an impost and nuisance to your reform agenda.

The following list of bias examples measure the extent to which your reform agenda is seen to be:

- Agile in avoiding Community participation in activity of substance.
- Smart in enabling Community written submissions in a manner in which the content of those submissions could be disregarded whilst claiming inclusion.
- Inclusive of exiling the Community from meaningful participation in the reform agenda

Applied bias #1 - Not one severely impact member of the public has been given opportunity to meet face to face with any reviewing body.

Applied bias #2 - Members of the Community who wrote submissions were forced to do so without any of the taxpayer support or resources that were made available to the employed and elected respondents.

Applied bias #3 – the changes to the current Act rushed through in 2019 under the guise they would increase Community engagement were measured and reported to have resoundingly proven the opposite was true and yet they remain in place.

Applied bias #4 – Your “Local Government Act Review Group” of 2017 did not have a single member of the community on its membership and did not hold any public meetings and nor did they offer any integrity or respect to the unsponsored and unresourced effort, of the Community views submitted. The public survey conducted by this group was a farcical narrow choice among preconceived directions devoid of measured value in respect of outcome benefit and totally reliant of speculative opinion.

Applied bias #5 – Your “Local Government Act Review Reference Panel” of 2019 did not have a single member of the Community on its membership and did not hold a single public

meeting and nor did they offer any integrity or respect to the unsponsored and unresourced effort, of the community views submitted.

Applied bias #6 – The 2019 “Panel of Experts” included a publicly known leader of a criminally convicted organisation and another whose management incompetence was highlighted by the Auditor General’s department. Is incompetence and criminal conviction now the WA Government’s measure of expertise?

Applied bias #7 – The lack of professional attention across the numerous Authorised Inquiries is identifiable through the intensity of focus on witch-hunting without any attempt whatsoever to address the root causations to the mismanagements.

Applied bias #8 – Despite significant similarity of issues between the City of Melville Inquiry and the Toodyay Inquiry, there is a stark difference between the treatment of the two. And in both cases the impact on the Community had been excluded from reparation consideration, while CEO’s and other recalcitrant senior staff, are seen to be protected.

Applied bias #9 – As your processes to date have in general, excluded the affected Community, what confidence can the Community have that your new legislation won’t further alienate the Community?

The following questions of concern were asked of you on or about April 10, 2019 and remain unanswered by you and have never been addressed in any of your reviews or reform proposals. Would you please answer these questions?

Questions April 10, 2019

1. Given that the absence of measurement and enforceability of the Object and Purpose of both S52 of the WA Constitution Act for - “*better government*” and Ss1.3(2) in the Local Government Act - “*this Act intends to result in; ‘better decision making’ greater community participation, greater accountability and more efficient and effective government*” has been the root cause of most if not all complaints and disputation.
 - a. **How will the Minister now make these objectives measurable and enforceable?**
2. Given that the WA Constitution Act states that local government shall be *elected*, and is starkly contradiction, the 1995 local government Act which states that local government is a *body corporate* staffed by employees.
 - a. **How will the Minister amend the Act to return to compliance with the Constitutional imperative?**
3. Given that the Minister’s theme for this review was given as Agile, Smart, Inclusive and that neither of the seven published policy positions from phase 1 nor the entire content of the current Act, mention any wording prescribing the inclusion of community in local government other than the election of councillors.
 - a. **What means will the Minister prescribe into legislation for ensuring the inclusion of community in local government.**

4. Given that on the 2nd August 2017, the State Government signed an agreement with public sector statutory bodies WALGA and LGPA to the exclusion of any and all community representative bodies.
 - a. **Will the Minister ever cause the State Government to sign a similar partnership with any community representative group to include the community in matters of local government and by doing so remove the installed bias?**
5. Volunteers are the single most valuable resource for local government yet they have no participatory role nor any protection within the Act.
 - a. **How will the Minister now cause the inclusion and protection of volunteers within the Act to at least match the protection legislated for employees.**

I look forward to your response.



Regards

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