



LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

Consultation report – council meetings

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Introduction

Council meetings are the mechanism by which council makes decisions. To ensure transparency, council meetings are held in public although certain matters can be heard behind closed doors. Council meetings also provide an opportunity for public question time.

The *Local Government Act 1995* establishes the framework for council meetings. This framework is further supported by standing orders set by council and enacted as a local law. These standing orders typically deal with matters such as:

- The order of business and standing items;
- Procedures for debating motions;
- Procedures for taking public questions; and
- Procedures for making representations at council meetings, known as deputations.

The rules concerning the operation of council meetings today have not changed significantly since 1995.

To guide discussions on whether there are opportunities to modernise council meetings, the department released a discussion paper. This report provides an overview of the feedback received during the consultation period.

How we consulted

Following the release of eleven discussion papers in September 2018, over 100 workshops, forums and meetings were held with community, local governments and stakeholders. This consultation included 28 community workshops across Western Australia and 'pop-up' stalls in shopping centres and community halls.

To ensure all Western Australians had an opportunity to have their say, multiple workshops were held in all Western Australia's regions.

The workshops provided an opportunity for attendees to discuss topics that were of interest to them. All attendees were also encouraged to provide a submission.

In addition, individuals and community groups, councils, elected members, local government staff, peak bodies in business and civil society, and anyone else with an interest in the Act Review, were invited to have their say by providing a written submission and/or completing online surveys on each of the eleven topics.

The objective of the consultation was to seek the views of as many people as possible, rather than 'scientifically' sampling the population. As a consequence, most responses were from people with a keen interest in local government, either because of their working relationship or because of their experiences with local councils (often their own).

Responses received

Overview

A total of 3,151 responses to the review were received. This was made up of surveys to each of the 11 discussion papers released, written submissions and informal 'post card' responses collected during workshops.

For every topic residents/ratepayers provided the largest number of responses.

The gender balance amongst survey responses was reasonably representative (55% male, 45% female), but the sample was skewed heavily towards older age groups. Around 75% of respondents were aged 46 years or over, with nearly half over 55. Less than 12% were aged 35 or under.

Breakdown of responses on Council meetings

A total of 279 responses addressed the topic of council meetings, which included 200 survey responses and 79 written submissions.

The 279 submissions were drawn from private individuals and residents/ratepayers groups (113); local government councils and zones (56); council members (40); local government staff and chief executive officers (61); government agencies (2); peak bodies (3); member of parliament (1) and stakeholders from business and civil society (3).

What we heard

The following sections provide data on and outline key messages in the feedback received on the topic of council meetings.

A common theme in many submissions was that council meetings offered opportunities for greater involvement by the community. This was linked strongly to the topic of community engagement.

Submissions calling for greater participation by members of the public advocated for council meetings or alternative forums to become a place where matters were debated by council and members of the public.

"Apart from question time, electors should be afforded the opportunity to participate in debate with councillors and specialists (e.g. in a workshop or special forum) on key issues which affect the whole community e.g. a new Local Planning Strategy." (Resident, Town of Cambridge)

"Residents and ratepayers should continue to be able to have input to council through questions at OCM and Annual Elector's meeting. These could be expanded to allow for electronic participation." (Resident, City of Belmont)

Areas of concern raised by both members of the public and council members particularly focused on behaviour at council meetings from members and how this could be better addressed, and the conflict of interest provisions.

Public question time

Currently, the rules for public question time are set by a combination of legislation and standing orders determined by council. This can result in variations in the process for public question time between councils.

Workshops

Feedback received during the workshops was varied, with some attendees requesting the removal of public question time (in place of written questions), while others argued its importance and the need for it to be retained. There were some suggestions from local government staff that the process for public question time needed to be reviewed, especially in relation to complaints.

A suggestion made during a community workshop was that councils should hold special meetings throughout the year where community questions can be put to council. It was also suggested that the public question time limit be increased, especially in relation to topical issues.

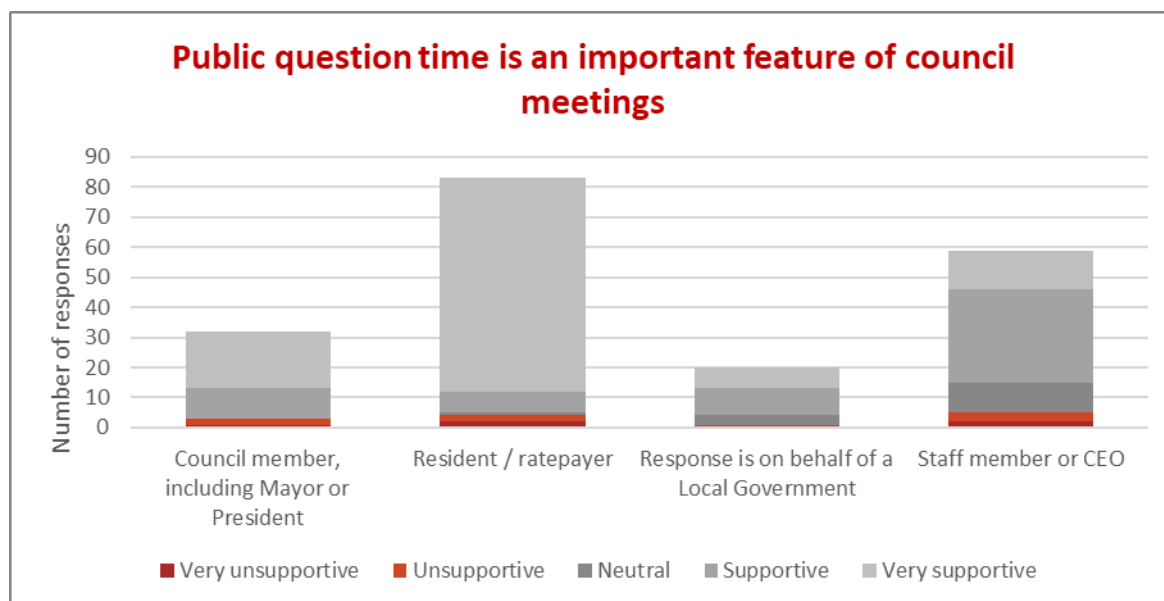
Surveys and written submissions

Most respondents who answered the question in the survey, supported making the process for public question time consistent. This included 82 percent of residents, 79 percent of staff, 71 percent of council members and 65 percent of responses submitted on behalf of local governments. Other responses argued that variation between standing orders was another means of ensuring the 'local' in local government.

Should the process for public question time be consistent between councils?	Number of survey responses	Yes	Neutral	No
Council member, including Mayor or President	32	72%	6%	22%
Resident / ratepayer	83	82%	10%	8%
Response is on behalf of a Local Government	20	65%	10%	25%
Staff member or CEO	59	80%	7%	14%
Peak body	1	0%	0%	100%
State Government agency	1	100%	0%	0%
Stakeholders from business and civil society	1	100%	0%	0%
Grand total	197	78%	8%	14%

86 percent of all survey respondents and 93 percent of respondents who identified as residents or ratepayers stated that public question was an important feature of council meetings. 85 percent of members of the public stated that they were 'very supportive' of public question time as an important feature of council meetings.

The importance of public question time was also largely supported by council members (90 percent), responses on behalf of a local government (80 percent) and staff (74 percent).



Peak bodies and other stakeholders

The Property Council of WA noted that there would be benefits to having consistent meeting procedures between local governments, especially in relation to public question time.

Public statement time

As a means of encouraging public engagement and promoting transparency, the discussion paper suggested that a period of time allowing members of the public to address council without asking a question could be introduced.

Surveys and written submissions

Several responses addressed the concept of public statement time. Responses from the Shires of Brookton, Manjimup and the City of Bunbury for example, supported public statement time, while the City of Joondalup stated that it currently used public statement time. The Marmion Sorrento Duncraig Progress and Ratepayers Association praised the City of Joondalup for providing public statement time and supported it being adopted by all local governments in the interests of community engagement.

Alternatively, one local government took a contrary position suggesting that:

“It would encourage some residents to grandstand even more than in Public Question Time and make it difficult for the Chair to manage.”

Managing interests

Councils often need to make important and difficult decisions that impact the community. It is important that these decisions are free from improper bias or influence. As council members are part of the community they serve, it is inevitable that from time to time they will have conflicts of interests.

Currently, a member with an interest in a matter to be discussed at a meeting is required to disclose the interest to the Chief Executive Officer prior to the meeting, or at the meeting before the matter is discussed. The interest is to be brought to the attention of the meeting prior to the relevant matter being discussed.

The Act identifies several different types of interests: direct financial interests, indirect financial interests and proximity interests.

Workshops

The key concerns at local government workshops where managing interests was discussed was around the need for legislative improvements to clarify and simplify the different interests and declaration provisions.

Surveys and written submissions

Several responses addressed conflicts of interest. Some responses argued that the provisions related to conflict of interest needed to be simplified with fewer and clearer categories of interest. There were also calls to prevent voting on any matter where any interest has been declared.

One response expressed concern that the rules concerning interests enabled council members to avoid voting on controversial matters by colluding to collectively declare interests where none exist.

Peak bodies and other stakeholders

The Commonwealth Department of Infrastructure, Regional Development and Cities recommended increasing the definition of proximity interest to include developments in the same street as a council member's property and workplace.

Remote attendance by council members

Council members are currently permitted to participate in council meetings remotely if they are in a council-approved place in a townsite that is at least 150 km from the meeting venue. A council is also not permitted to have members attend remotely for more than half of the meetings in a given financial year.

Workshops

The discussion in the workshops around "what does a 21st century council meeting look like" resulted in varied feedback. While there was some strong support from local governments (both metropolitan and regional local governments) to relax the current rules around remote attendance, others were of the view that in person meetings were preferable. Feedback was also received about the restrictive nature of the current legislation where a person has to be located in a "townsite" to participate in meetings remotely.

Surveys and written submissions

Overall, 70% of survey respondents supported council members being able to participate in meetings remotely.

Should council members be able to participate in meetings remotely?	Number of survey responses	Yes	Neutral	No
Resident / ratepayer	82	56%	7%	37%
Council member, including Mayor or President	32	75%	6%	19%
Response is on behalf of a Local Government	20	95%	5%	0%
Staff member or CEO	58	76%	7%	17%
Peak body	1	100%	0%	0%
State Government agency	1	100%	0%	0%
Stakeholders from business and civil society	1	100%	0%	0%
Grand total	195	70%	7%	24%

Peak bodies and other stakeholders

WALGA's submission advocated for a review of the ability for council members to attend meetings remotely. This was also the view of the Commonwealth Department of Infrastructure, Regional Development and Cities who noted that the attendance of council members remotely may assist local governments have a quorum.

Meeting procedures

It is important that council meetings are governed by a set of rules to ensure they are transparent and effective. These rules are set out individually by each local government in local laws. As there are 137 local governments in Western Australia, there is scope for considerable differences.

Workshops

One concern raised during workshops was the management of community members who might be disruptive during council meetings. It was argued that better regulations in relation to council meetings would limit vexatious community members and provide some protection for council.

It was also suggested that the standing orders are too rigid and don't allow for effective meetings.

Surveys and written submissions

There was broad support for consistency in standing orders between all local governments to ensure transparency and confidence in the process.

"Regulations that consists of a fundamental set of protocols that provides consistency and transparency across all Local Governments in regard to conduct at meetings. These protocols should address the minimum standard of conduct by elected members, staff and members of the public. Additionally, a standard methodology for meeting procedures should be included in legislation on uniform basis." (Shire of Brookton)

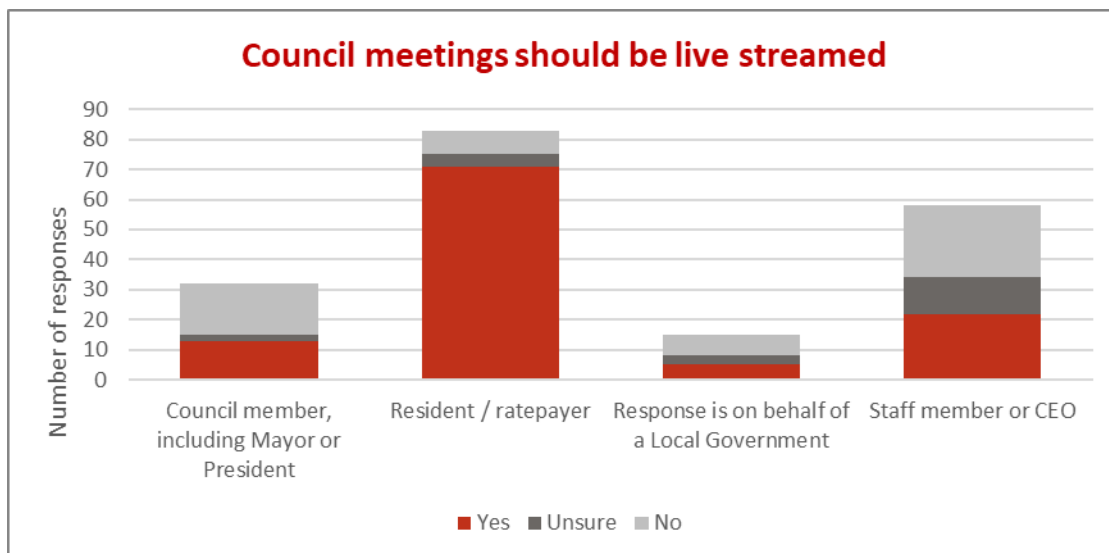
Both local governments and members of the public called for greater powers and oversight to improve behaviour at council meetings. Suggestions made included the

requirement for ratepayers to sign in when attending meetings and to accept that their behaviour needs to be appropriate during the meeting.

Most respondents also supported the introduction of requirements to publish unconfirmed council meeting minutes prior to the local government's next council or committee meeting. Over 80 percent of residents, staff, council members and responses on behalf of a local government supported the concept.

Feedback was also received in relation to the need for minutes to be more detailed and recorded as a direct transcript of the meeting, including who voted for and against each motion. It was also suggested that a Hansard style transcript be prepared of all meetings.

Whether council meetings should be live streamed was one of the main areas where viewpoints differed between residents and local government. 85 percent of residents supported live streaming of council meetings. By contrast, only 46 percent of council members, 37 percent of staff and 33 percent of responses submitted on behalf of local governments supported the idea.



Peak bodies and other stakeholders

WALGA's position is that there should be a requirement that all information presented in a council or committee agenda be included in the meeting minutes. WALGA also suggested that a revocation or change to a previous decision should not apply to council decisions once the decision is implemented.

LG Professionals suggested a new provision that would deem a member of the public and their complaints vexatious. This would, among other things, prevent them from speaking at meetings. A version of this concept was also proposed by WALGA.

The Chamber of Minerals and Energy of Western Australia suggested that there needs to be increased access to transcribed or Hansard type minutes of meetings that relate to financial decisions.

General Electors' Meetings

Currently, a general meeting of the electors of a district must be held once every financial year. The purpose of this meeting is to discuss the contents of the annual report and any other general business.

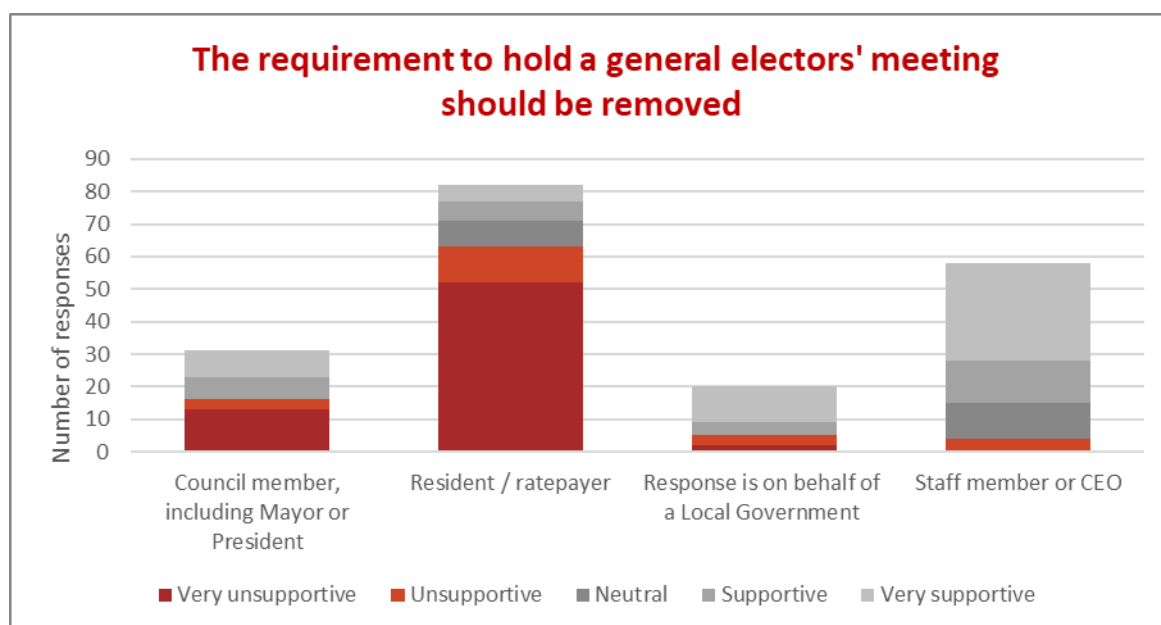
Workshops

Feedback received during the workshops, especially with local government staff, highlighted strong support to remove the legislative requirement for general electors' meetings. Generally, this was on the basis that there were very few attendees and there are other opportunities to share information with their communities. This was countered by views from the community who felt that general electors' meetings were important.

Surveys and written submissions

Cases were made in submissions for and against retaining general electors' meetings. Supporters of general electors' meetings noted the unique opportunity presented by the meeting to pose questions to council in a dedicated meeting.

While the majority of local government staff (71 percent) saw merit in combining the General Electors Meeting with an Ordinary Council Meeting there was less support from council members (59 percent), responses on behalf of local governments (65 percent) and especially residents (38 percent), the majority of whom did not support the idea.



The rationale for opposing merging the general electors' meeting with an ordinary council meeting varied between groups. Most residents opposed the idea because they want to retain the opportunity to ask questions directly to council. Most local government responses opposed holding general electors' meetings, either because meetings are generally not well attended or because there are other opportunities for the community to ask questions of council.

“The opportunity to ask hard questions only exists at the Annual Electors Meeting. If anything, there should be four Electors Meetings a year. This would be an attempt to balance the power struggle between a combined LG/Council and the Ratepayers who fund LG. It is not true to say elected Councillors represent the community due to the very low voter turnout, and the severe LG Restrictions councillors must abide by.” (Resident, Shire of Mundaring)

Peak bodies and other stakeholders

Submissions from both WALGA and LG Professionals suggested the general electors’ meeting should not be compulsory.

Special Electors’ Meetings

Special Electors’ Meetings may be called if a sufficient number of people within a district request one. The current requirement to call a meeting is either 100 electors or 5% of the total number of electors, whichever is less. These meetings are usually called by electors to discuss an issue affecting the district.

Workshops

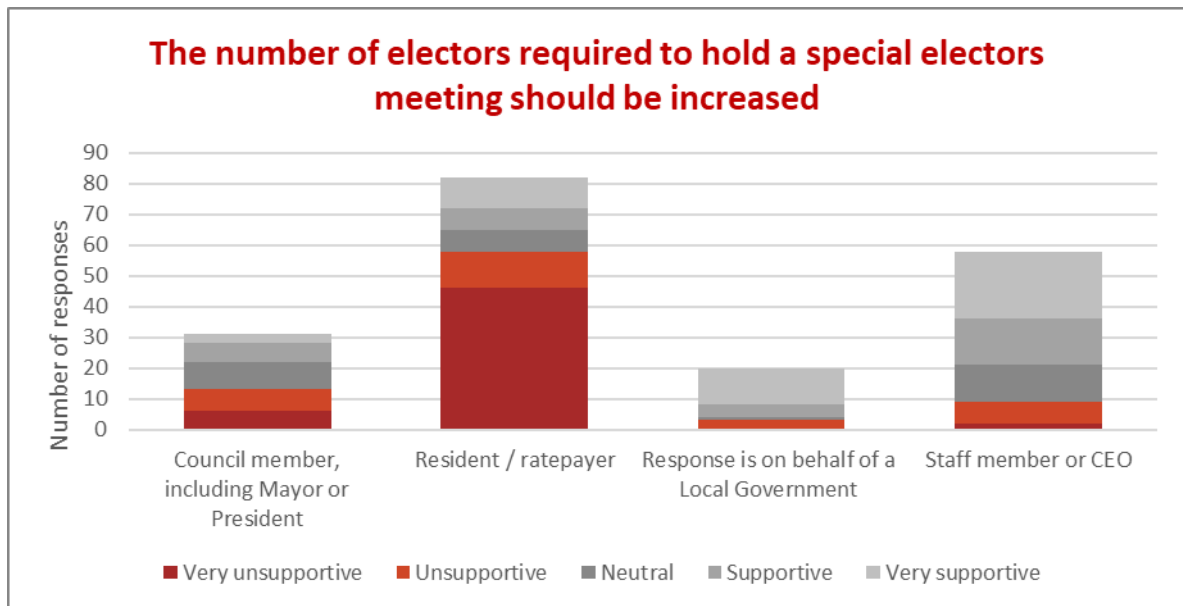
General feedback received through the workshops was that while the option for special electors’ meeting should be retained, there needs to be an increase in the threshold for the meeting to be called. One suggestion from a local government was to increase it to 500 electors (or 5% of the electors if this is less).

Surveys and written submissions

All groups broadly supported reforms that would result in special electors’ meetings being conducted in a uniform manner.

Special electors’ meetings should be uniform between local governments	Number of survey responses	Yes	Neutral	No
Resident / ratepayer	82	79%	13%	7%
Council member, including Mayor or President	31	68%	16%	16%
Response is on behalf of a Local Government	20	75%	5%	20%
Staff member or CEO	58	78%	16%	7%
Peak body	1	0%	0%	100%
State Government agency	1	100%	0%	0%
Stakeholders from business and civil society	1	100%	0%	0%
Grand total	194	76%	13%	11%

While 80 percent of responses provided on behalf of a local government and 64 percent of staff supported increasing the number of electors required to hold a special electors meeting, just 29 percent of council members and 21 percent of members of the public supported the concept.



Peak bodies and other stakeholders

Submissions from WALGA and LG Professionals suggested that there should be an increase in the number of electors that can call a special electors' meeting to 500 (or 5% of electors), whichever is fewer. They both also advocated that a special electors' meeting should not be called on the same issue within a 12-month period (unless council determine otherwise).

While both WALGA and LG Professionals suggested an increase in the number of electors to call a meeting, the Commonwealth Department of Infrastructure, Regional Development and Cities argued that due to the number of remote and regional local governments in Western Australia, the current provisions should be retained.

The Property Council of WA noted in their submission that special electors' meetings can be used to derail the decision-making process on particularly contentious issues. It was suggested that providing more opportunities for the involvement of stakeholders during council meetings may achieve better outcomes than the calling of special electors' meetings.

Summary

An analysis of feedback received through the consultation workshops and submissions has identified the following key themes:

- There may be an opportunity to streamline meeting procedures, including public question time, between all local governments.
- There is an appetite for the community to be more involved in meetings, whether through general electors' meetings or public question/statement time.
- There is a need for the conduct of meetings, especially in relation to remote attendance, to be reviewed.

- There is a need to ensure the conflict of interest provisions are simple and easy to understand.
- Transparency at council meetings was a concern for the community.

The feedback has also highlighted opportunities for local governments to introduce innovative ways to involve their community in council meetings without the need for prescriptive legislation. The City of Joondalup livestreams meetings and holds public statement time which are not legislative requirements but are welcomed initiatives by their community.

“Resident interaction should be encouraged not restricted. Question time and Statement time are very important for residents to interact with council. A healthy interaction is better than severe limitations.” (Resident, City of Joondalup)

In addition to community engagement, the key themes link strongly to other topic areas discussed during consultation, including local laws, complaints management and integrated planning and reporting.

Where to from here

Feedback and suggestions received during the consultation period will be used to inform the new Local Government Act.

Consideration will be given to balancing the legislated rules for council meetings, including what could be streamlined between local governments, with what should be determined locally.