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Standing Committee on Environment and Public Affairs
Parliament House Perth WA 6000

27 December 2013

Re: Petition No 26 – Submission on issues raised

This submission relates to the Local Government Amendment Act (2013) and does not involve the Ombudsman. It raises substantially more important issues than whether or not it is possible to reduce local government rates, which is claimed to be the motive for changes to Schedule 2.1 of the Act (Amalgamation process). These changes have implications for sovereignty and impacts on other fundamental principles of our system of government such as accountability and separation of powers. These are the principles that underpin the success of our systems of government and it is exactly this higher scope of review that the Legislative Council is there to perform.

The logic of the petition that this submission addresses is that by removing clauses from proposed legislative amendments that subjugate existing accountability and independence provisions, the threats to sovereignty and related principles are resolved. Moreover, the stated objectives of local government reform, regardless of whether they are justified or not, can be achieved under existing law without amendment.

The constraints being removed from Schedule 2.1 are compelling evidence that previous legislators had a deep and nuanced understanding of the sovereignty and accountability issues involved. Municipal government was established before State Government – 14Dec1870 and the limits in Schedule 2.1 together with the overall tenor of the Act shows that local government autonomy was intended. The removal of these, limited by time and geography, shows a clear intent to suspend valid constraint, as is usually done to deal with an emergency. There is of course no emergency, nor indeed any other justification for abandoning principle, just an anticipated reaction by the residents affected; against one government they elected being usurped by another one that they elected, against which avenues of protest would be blocked.

Notwithstanding the predicted reaction against amalgamations documented in the Robson Report, the Premier's counter to criticism of state level government usurping community level government is that; "nobody much cares". Even if this opinion was based on polling, it would be subject to how well implications were understood, if indeed the matter had at all been deliberated upon at all. How well people are engaged with politics is a wider, more critical issue.

The engagement of electors is such a high level indicator of the health of the nations political process that it tends to be considered almost philosophical and beyond the scope of day to day governance or legislating. However, such considerations are exactly the province of a house of review. It is widely accepted that our almost ubiquitous wealth and increasing time demands of an ever more specialised work-life has decimated the membership of the main political parties (see Howard 2003, Para 4).

Very low party memberships means concentration of power and lack of internal review. This is an insidious problem because any party that goes public with it risks election defeat. However, our system depends upon parties being representative and internally accountable rather than just being an advertising brand. This is acutely relevant to local government because it is the level of government closest to the people and thus where it is feasible to foster citizen's participation and engagement with the political process.

There are nations which have very successfully used mechanisms at the local government level to foster engagement with their overall system of government. In Western Australia, that principle is partially illustrated by the proportion of members of Parliament from country areas that have earlier served in local government. Indeed, many shire meetings in the Wheatbelt are conducted before or after National Party meetings. It is reasonable to suppose that this is exactly why the proposed amendments are limited to the metropolitan area. It is not unreasonable for the Nationals to protect a mechanism that fosters their links to community, in fact all political parties have a duty to do just that.

The health of our system of government is affected by the accumulation of compromises to the core principles our system is based upon. From time to time it's important that something happens that forces us to stand back and assess if cumulative compromises have taken us to a point of danger. The bottom line here is that the proposed changes to Schedule 2.1 and 2.5 are an assault on many of the most important principles we rely upon.

It is widely accepted that in the 1970s a tipping point for political partisanship was reached and after that the propensity of people to join organisations generally went into decline. The reaction of the political system to this change is a little like frogs that don't react to gradually heating water until they are killed by it. The fact that there was no great hue and cry about Local Government reform is a reflection of the problem of disengagement from politics not a tacit acceptance of the Premier's view, as polling is bound to soon show.

There is great deal more at stake in the amendments to Schedule 2.1 than is the case for most legislation and I encourage the Committee to consider them from the wide perspective that this matter deserves.