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Director
Department of Local Government Policy Branch
Department of Local Government, Sports and Cultural Industries
140 William Street
PERTH WA 6000.

REVIEW OF THE LOCAL GOVERNMENT ACT 1995 – COMMUNITY ENGAGEMENT

Thank you for providing us the opportunity to present this paper in response to the forum held on Friday, 13 July 2018 at 246 Vincent St, Leederville by the Department of Local Government, Sport and Cultural Industries (DLGSCI). It also provides recommendations to the development of the discussion paper for public comment being released in September on how community engagement could be reflected in the modernised *Local Government Act 1995* (the Act).

This paper addresses how community engagement can be better referenced in the review of the Act to enable local government regardless of size and wealth to embed engagement within their organisation and deliver engagement activities relevant to their communities.

The essentials in community engagement should be embedded in a policy and built on the quality assurance standard for community and engagement. Local governments should also have the option to appoint advisory boards to support decision-makers. This will deliver more robust, transparent and genuine decision-making in a better practice environment.

About IAP2

The International Association for Public Participation (IAP2) is an international member association which seeks to promote and improve the practice of public participation or community and stakeholder engagement, incorporating individuals, governments, institutions and other entities that affect the public interest throughout the world. IAP2 is the leading public participation association globally and IAP2 Australasia is the largest IAP2 affiliate with more than 6,000 members.

As an international leader in public participation, IAP2 has developed tools that are widely used and acknowledged. These are the Core Values for Public Participation for use in the development and implementation of public participation processes; and the Spectrum which assists with the selection of the level of participation that defines the public's role in any community engagement program. The Spectrum is widely used and is quoted in most community engagement manuals, particularly local government. Additionally, there is the Quality Assurance Standard for Community and Stakeholder Engagement, which is recognised as the international standard for public participation practice.

IAP2 Australasia is committed to advancing the practice of community and stakeholder engagement through education, advocacy and building partnerships.

The Authors

Deanie Carbon and Caroline Walker are local government community engagement practitioners and licenced to offer training to the local government and business sector and not-for-profits in Australia and New Zealand. Both ladies are members of the WA IAP2 Branch (Deanie the Convenor and Caroline on the Committee). They are also members of the Local Government Community Engagement Network (LGCEN) working actively to promote better practice engagement in Western Australia.

Deanie was runner-up in the international awards for community engagement (IAP2) while working for local government in Queensland after successfully embedding a culture of engagement at the Logan City Council. She helped the Queensland Local Government Association write its first handbook on community engagement for use by local governments throughout Queensland. She was media advisor to the Minister for Local Government in WA during local government reform.

Caroline has worked in the local government (City and Regional) for approximately 20 years in Tasmania and in Western Australia since 2015 in middle management and corporate governance roles which included applying and implementing quality assurance standards and business excellence frameworks both locally and regionally. She has been actively involved in national working groups for embedding business excellence within organisations and as part of a team at the Hobart City Council, Tasmania received the Excellence Medal and Australian Business Excellence Organisation of the year in 2008 (Gold) and as runner up in 2005 (Silver).

1. Current situation

For the paper to have context, the authors have addressed the current situation from their position within local government and their experiences.

Western Australian Local Government Act 1995 and Administrative Regulations 1996

The current *Local Government Act 1995* (LGA) (Section 1.3) intends to seek better decision-making, greater community participation in the decisions and affairs of local governments, greater accountability of local governments to their communities, and more efficient and effective local government.

The *Local Government (Administration) Regulations 1996* (Section 19C (10)) provides for community engagement in the planning for the future by preparing a strategic community plan.

Local Government in Western Australia

Local governments (LG's) in Western Australia are varied in size, geography, population and demographics which directly impacts on the available resources and capacity to the extent in which they can deliver community engagement activities within their local and regional communities.

Many LG's employ community engagement practitioners who have a professional membership of IAP2 and have resources allocated for employees to attend training and development within the IAP2 framework. Many local governments also provide the training to employees who are actively involved community engagement activities at a project level.

There are still many LG's particularly the small and/or resource scarce councils whose practitioners undertake multiple roles within their organisation.

Community engagement profession

In recent years, the profession has grown to respond to increased emphasis and requirements to improve community participation in Council (and other governments) decision-making. Organisations will also have risk mitigation strategies within their strategic risk frameworks to address engagement and organisational reputation risks.

This is particularly evident by the growth of opposition and outrage from the communities against decisions that are perceived as being forced on them resulting in a growing distrust in governments at all levels. Community activist groups are forming for a whole range of issues and

these groups now include the mums and dads, children, youth and grandparents (for example the stopping of the Roe 8 Highway development) and are much more politically connected and aware.

The traditional letter to residents/ratepayers to inform of a decision is no longer the only option. Although still used, community engagement is now much more sophisticated with the aim of reaching the right people in the community to participate in making those decisions that will or may impact them. The tools used, including the traditional letters have grown, particularly the use of social media, dedicated software and technologies, and the emergence of more genuine and transparent contemporary practices (e.g. deliberative democracy, citizen juries) during project planning and design. The tools are changing constantly as new techniques emerge and the depth of engagement changes relative to community expectations, including those that are hard to reach. Best practices are now commonly available.

2. Building community resilience and long-term sustainability

The essence of community engagement at the local government level is about building community resilience and long-term sustainability. It encourages communities to participate in a genuine and transparent way in Council decision-making to support their wellbeing and their capacity to sustain themselves over the long term.

Community engagement is an essential element of providing good governance where it is a practice of doing business. This requirement limits the need to specify community engagement in various circumstances (refer legislation/exposure bill, Victoria). Contained within a governance framework, community engagement can be imbedded across an organisation and the Council can ensure it remains relevant to its community.

In addition, with the ever-changing demands on local governments, councillors and communities, it is important that everyone work together for the betterment of communities, particularly as Councils play an ever increasing and important advocacy and leadership role at the higher level, especially in times of community uncertainty, upheaval or distress (for example the planning schemes being applied across the western suburbs, particularly Nedlands and Subiaco Councils which are not consistent with the strategies developed and major infrastructure such as the Roe 8 Highway development).

Effective community engagement should progress a council to ensuring that they:

- know their community and the depth of engagement expected by them
- understand the weaknesses, vulnerabilities and opportunities within communities

- advocate on behalf of them to develop a community in which they can be proud of and is consistent with the vision of their Strategic Community Plan
- create networks within communities to build relevance, engagement and participation.

Communities now expect higher levels of participation in decision-making and increased leadership from Councils in securing their well-being. It will be expected that a modern Local Government can facilitate this outcome.

RECOMMENDATION:

2.1 In considering the importance of community engagement in a local government context, the current wording within the Act is considered relevant to a modern local government. Maintain the current wording in the Local Government Act 1995 (Section 1.3).

(2) This Act is intended to result it –

- (a) better decision-making by local governments; and
- (b) greater community participation in the decisions and affairs of local governments; and
- (c) greater accountability of local governments to their communities; and
- (d) more efficient and effective local government.

3. Consistent application of a community engagement framework

The words engagement and consultation are used in various ways. It is important that these words be used in a community engagement context and the meaning within the profession of community engagement. The community engagement program (or public participation program) defines the various levels of engagement, consultation is one of these.

The IAP2 has a universally accepted spectrum of public participation which is designed to assist with the selection of the level of participation that defines the public's role in any community engagement program. The Spectrum identifies the differing levels of participation which are Inform, Consult, Involve, Collaborate and Empower. This spectrum and the core values of engagement are highly recognised and referenced within local government.

IAP2 promote the Core Values (as follows) which many local governments reference to within their own community engagement frameworks and highly recognised.

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.

2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

To ensure the core values are embedded within an organisation and the community, the community should be involved in more than the decision-making process. They need to be represented at other levels, such as the planning and design phases. To achieve this, Advisory Boards with community representatives provide a pivotal and important role in achieving success.

In regard to Customer Service Charters as discussed at the forum, consideration could be given to a requirement for all local governments to have a community engagement charter. However, if the changes to the LGA propose that all local governments are to have a customer service charter and a complaint handling process, it is proposed that the Department of Local Government consider one charter for all three requirements and include behaviours expected of local government employees, councillors and the community.

RECOMMENDATIONS:

- 3.1 Develop a **Community Engagement Policy** to ensure community engagement is reflected as a pillar of good governance. Its importance should be emphasised and strengthened in a governance context and include broad principles of engagement to enable local governments to embed engagement across their organisation and deliver engagement activities in response to their community requirements.
- 3.2 Develop **Principles** within the legislation to address the following:
 - Defining engagement objectives, or the organisations principles of engagement
 - Determining the level (e.g. spectrum of engagement) and depth of engagement relevant to its community
 - Applying better practice techniques and methodologies
 - Demonstrating how engagement outcomes will influence Council decision-making

3.3 Appoint an **Advisory Board** to support public participation professionals and decision-makers in the delivery of the program to ensure the community is accurately and genuinely represented in decision-making.

3.4 Further consider the requirement for a **Customer Service Charter** and how what it means for local government.

4. Understanding effective engagement within our communities

To understand how effective engagement is, a number of existing mechanisms (strategy, procedures, quality assurance standards, risk mitigation strategies) can be used along with a policy and the principles of engagement.

Every local government is required to be financially audited each year with the financial statements certified by the Auditor-General. The audit program could be extended to include reviews against the legalisation and community engagement framework to understand the effectiveness of, and the depth of engagement within an organisation and its community.

Engagement could also become a requirement of Annual report. A number of Councils already provide an overview of engagement within their annual reports for example the City of Nedlands, City of Cockburn, City of South Perth and the Shire of Augusta/Margaret River.

Local governments also implement internal audit programs as part of their governance framework. This program could cover project reviews on how well community engagement is imbedded within the organisation.

Recommendation:

4.1 Prescribe for the reporting of community engagement activities within the Annual Report and a local government's audit program.

5. CONCLUSION

Community engagement is a profession with increasing importance in government at all levels and organisations who work with and within a constantly changing environment (social, cultural, economic, natural and built) and as such legislative requirements for engagement need to be sufficiently flexible to meet the needs of these continual changes, especially as laws remain in force for many years and a difficult to amend.

Many local governments apply community engagement practices at varying degrees which largely relates to the importance placed on engagement within a council (e.g. part of governance framework) and its resourcing capacity.

The current LGA provides for community which are consider sufficient however a policy for community engagement should be prescribed along with principles to provide to guide policy development and reporting to provide more rigour in assessment and continual improvement processes

To close, communities expect higher levels of participation in decision-making and increased leadership from Councils in securing their well-being. It is expected that a modern Local Government will facilitate that outcome through a combination of legislative reform and improvements at a local government level by ensuring community engagement is an activity of providing good governance.

The Authors are willing to appear to talk to the discussion paper to the Department of Local Government.

6. REFERENCES:

International Association for Public Participation (IAP²)

<https://www.iap2.org.au/Home>

Quality Assurance Standard for Community and Stakeholder Engagement,

<https://www.iap2.org.au/About-Us/About-IAP2-Australasia/Quality-Assurance-Standard>

Victoria Local Government Act review:

<https://www.localgovernment.vic.gov.au/our-programs/local-government-act-review>, and

https://www.localgovernment.vic.gov.au/data/assets/pdf_file/0022/91138/Local-Government-Bill-Exposure-Draft.pdf

Annual reports

City of Nedlands:

<https://www.nedlands.wa.gov.au/annual-reports>

City of Cockburn:

<https://www.cockburn.wa.gov.au/About-Cockburn/News/Latest-News/City-of-Cockburn-in-the-black-for-8th-consecutive>

City of South Perth:

https://southperth.wa.gov.au/docs/default-source/6-about-us/our-organisation/annual-reports/2016-2017-annual-report.pdf?sfvrsn=d775c6bd_2

Shire Augusta/Margaret River:

<https://www.amrshire.wa.gov.au/council/publications/?page=20>

Kind regards,

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

Marion Short
Chief Executive Officer