

ITEM **MAYORAL MINUTE - LOCAL GOVERNMENT
AMENDMENT (EARLY INTERVENTION BILL) 2013**

Department **Executive Services**

Author Initials: **AT**

REPORT

I would like to bring to the attention of Councillors, a Bill currently before Parliament that gives the State Government ultimate power to interfere in local Councils by increasing the power of the Minister to suspend Councils for up to six months without a publicly accountable process.

The legislation will enable the Minister to issue Councils with a “Performance Improvement Order”. If the Council does not comply, the Minister can suspend it for up to six months and appoint a temporary administrator. The Minister can suspend the Council for a further 3 months without notice.

The Bill has no definition of ‘poor performance’ and leaves it with what the Minister ‘reasonably’ considers is needed. While there is a 21 day, “Consultation Period”, it can be waived if the Minister considers the issue urgent or if notice would serve ‘no useful purpose’. There are no avenues of appeal or review.

Will Councils who put the views of their communities first, ahead of the dictates of the Minister be regarded as ‘performing poorly’? This legislation can be a tool against Councils that disagree with the State Government.

This Bill has serious implications for Local Government. It pre-empts two Local Government reviews now underway and due to report later this year.

I seek Council’s support in requesting the Minister to withdraw or defer this Bill so as a full, proper and transparent debate about its impact on Local Government can be undertaken through an appropriate public consultation process.

RECOMMENDATION

THAT Council write to the Minister for Local Government and demand the withdrawal or deferral of the Early Intervention Bill to enable a full and proper consultation to be undertaken with Local Government.

THAT Council write to the opposition Minister of Local Government raising our concern over the Bill and seeking support to have it withdrawn or deferred.

