

Our Local

A history of local government services
and building community resilience



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Our Local: a history of local government services and building community resilience

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AUTHOR: This report was prepared by Lyn Fraser, ASU National Research Officer.

INQUIRIES: All inquiries about this report should be directed to David Smith, ASU National Secretary, info@asu.asn.au, 03 9342 1400.

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Australian Services Union
Ground floor
116 Queensberry Street
Carlton South VICTORIA 3053
E: info@asu.asn.au
W: www.asu.asn.au
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Authorised by David Smith, National Secretary, Australian Services Union, Ground floor, 116 Queensberry Street, Carlton South, Victoria, 3053, Australia.

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FOREWORD

This report will serve as a resource providing useful background information about the development and evolution of local government in Australia. The report contains material which may assist in campaigns aimed at highlighting the need for more adequate funding of council services as well as the need for an increased understanding and appreciation of the role of local government in communities.

One of the strengths of local government is its closeness to its communities. As a result of increased community participation in planning processes and improved means of identifying gaps in services, local governments now have the capacity to more effectively plan for communities and advocate for them in state and national forums.

The Australian Services Union has members employed in various industries and sectors of the economy, including local government and the not-for-profit social and community services sector. These two sectors often work together to play a critical role in strengthening the resilience of local communities.

While the impetus for this research report arose out of discussion by the National Executive of the Union, members of the Union's Local Government Division also provided direction on the structure and general content of the report.

The report is not focussed on industrial relations issues and at times only provides a basic introduction to some complex issues. Nevertheless the extensive references direct interested readers to useful sources for more comprehensive discussion. One of the most valuable contributions of the report is that it reveals a broad range of interests and concerns which are at the heart of the Union. The Australian democracy begins at the local government level. Communities fail when their ownership and options to have a real say in their immediate environment is weakened. These concerns indicate the extent to which the Union is passionate about fairness and equity in the broader society.

This report has been written at a critical time when local communities are experiencing the negative impacts of significant cuts and spending restraint imposed by all levels of government. Nevertheless it is a time when investment in services and infrastructure is of utmost importance to the resilience of local communities. It is therefore understandable that the report concludes with a call for ongoing attention on the issue of financial sustainability for local government.

Robert Potter

ACTING ASSISTANT NATIONAL SECRETARY

ABOUT THE ASU

The Australian Municipal, Administrative, Clerical and Services Union (ASU) is one of Australia's largest unions, representing approximately 135,000 members. The ASU was created in 1993. It brought together three large unions – the Federated Clerks Union, the Municipal Officers Association and the Municipal Employees Union, as well as a number of smaller organisations representing social welfare workers, information technology workers and transport employees.

Today, the ASU's members work in a wide variety of industries and occupations and especially in the following industries and occupations:

- Local government (both blue and white collar employment)
- State government
- Social and community services, including employment services
- Transport, including passenger air and rail transport, road, rail and airfreight transport
- Clerical and administrative employees in commerce and industry generally
- Call centres
- Electricity generation, transmission and distribution
- Water industry
- Higher education (Queensland and South Australia).

The Union has a long history of involvement in the electricity industry and water industry. That history reaches back through our local government heritage - with local government involvement in water supply going back to 1871 and electricity from the mid 1890's. We are a community-based organisation that continues to maintain a strong interest in local government, state government and the privatised industries.

The ASU has members in every State and Territory of Australia, as well as in most regional centres. Our members tend to live in the communities where they work.

In both urban and regional areas, the local council is often the largest single employer; therefore, uncertainty has significant economic impacts locally. The economic interests of Australian urban, rural and remote communities need a resolution.

Therefore, ASU advocacy extends beyond negotiated industrial outcomes for members. The ASU has a true commitment to the local government industry with a proud history; since 1871, of representing employees and that has a far-reaching effect on the sustainability of all communities.

CHAPTER 1: EXECUTIVE SUMMARY AND INTRODUCTION

Executive Summary

This report will provide a general outline of the evolution of local government service provision within the legislative and historical contexts. These services often develop to meet local community demand but some may also be established or inhibited as a consequence of actions or inaction by other levels of government.

There can be many positive outcomes when local government effectively provides for the needs of local communities. They can provide:

- essential infrastructure and services
- boost local economies
- assist in the protection of natural resources
- contribute to the health and safety of community members
- build social capital and cohesion
- provide support for those who face disadvantaged in society
- improve local training and employment opportunities
- a range of other benefits.

These benefits can help make communities and the nation more robust and capable of meeting the challenges of the future.

However, this report has been written at a critical time when local communities are experiencing the negative impacts of significant fiscal restraint imposed by all levels of government. Nevertheless it is a time when investment in services and infrastructure is of utmost importance to the resilience of local communities.

Union policy considerations

Comments about the ASU's position on particular issues appear in various parts of the report.

Whilst the document is not focussed on industrial relations issues, it does reveal a wide range of interests and concerns which are at the heart of the Union. These include the following:

- The importance of ensuring that local government is well resourced to meet the needs of local communities
- The need for a fairer distribution of wealth, power and resources in Australia
- An acknowledgement of the history, culture and experience of the First Nation's People – the Aboriginal and Torres Strait Islanders on whose land the nation of Australia was formed
- The need to increase an understanding of the implications of this acknowledgement and the social justice actions which must follow as a consequence
- The importance of having local governments adequately reflecting and servicing their diverse communities
- Recognising that there are structural issues which need to be addressed in order to fully address inequalities and unleash the potential of local communities
- The need to scrutinise policies which undermine local jobs and local potential. Policies of particular concern include those that result in the depletion of public sector funds, unfair inter-governmental funding arrangements, the imposition of council amalgamations, cost shifting which increases the financial burden on councils, the freezing of funds by way of rate pegging, and the expansion of privatisation which has the potential to significantly reduce local jobs, resources and progressive social outcomes.

In short, the Union is of the view that the resilience of local communities (particularly those in regional and rural areas) is largely tied in with the resilience of their local government – and vice versa. As such, this document indicates that the Union stands with community members who want a fairer society and a better deal for their local communities.

Introduction

This report will focus on Australian local government and the activities of individual local councils which form part of this vibrant sphere of government.

It will include a brief exploration of some of the historical institutional context and issues relating to the range of councils, including Aboriginal and Torres Strait Islander Councils. The document reveals the importance of local government to communities and the critical connection it has with local, diverse populations.

Impetus for the research

While the impetus for this research report arose out of discussion by the National Executive of the Union, members of the Union's Local Government Division also provided direction on the structure and general content of the report.

Structure of the report

Chapter 1: provides an introduction and brief summary of the report.

Chapter 2: provides discussion on some contextual issues. It places Australian local government within a federal system established on an ancient land inhabited by people with rich cultures and traditions.

Chapter 3: This chapter discusses the diversity of local government and provides an overview of the infrastructure and services provided.

Chapter 4: Examples of service provision and organisational arrangements are provided in this chapter. These give more in-depth detail to assist with an understanding of the theoretical discussion contained in the report.

Chapter 5: This chapter includes discussion on community engagement in local government planning processes, the importance of local government to communities as well as providing brief comment on some problematic policies and practices which undermine local government sustainability and the employment security of local government workers.

Chapter 6: This chapter brings together and summarises, the various strands of discussions covered in the report. The chapter also identifies the need for further research on local government finance issues and processes which can ensure the future of services and local jobs.

CHAPTER 2: LOCAL GOVERNMENT IN CONTEXT

Overview

The three spheres of government operating in the Commonwealth of Australia – federal, state and local, all have a role to play in governing and service provision for the Australian people. Each sphere of government has different powers and functions.¹

The Australian Constitution defines federal and state government roles. However, it is the various Acts of each state/territory parliament which specify local government powers, duties and functions.

This chapter will focus on placing local government within its legal and historical context. This will begin with an acknowledgement of prior occupation of the continent.

¹ For more detail see Parliament of Australia, 'Infosheet 20- The Australian system of government', Parliament of Australia, http://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_20_-_The_Australian_system_of_government.

Heritage

To understand the nature of the establishment of institutions and governments in Australia, it is important to acknowledge the context of the birth of the Australian nation and formation of a federal system of government.

The first point to make in this regard is that the establishment of British colonies and the birth of the Australian federation took place on an ancient land inhabited by Indigenous people. They had their own laws, diverse language groups and custodial relationship toward the land. This is explained in the following statement by Australians Together² (a group working to build better relationships between Indigenous and non-Indigenous Australians.)

Prior to British settlement, more than 500 Indigenous nations inhabited the Australian continent, approximately 750,000 people in total. Their cultures had developed over 60,000 years, making Indigenous Australians the custodians of the world's most ancient living culture. Each group lived in close relationship with the land and had custody over their own traditional country.³

Over the centuries many of the original inhabitants had encounters with people from other countries far away. They were known to have traded with people from Asia and the Pacific but also had contact with people from further afield (such as the Dutch and Portuguese).⁴ However, the British invasion had a devastating impact, particularly as a consequence of diseases introduced, settler claims made on Indigenous lands and violent conflict as white settlement spread and military action became increasingly violent⁵. Successive government policies as well as practices by various institutions have tended to further erode Indigenous language and cultural practices, particularly as people were dispossessed of their traditional lands.

The reality of the first collision of cultures between Indigenous Australians and British colonials has gone unacknowledged for most of our shared history. Many Indigenous Australians have wrestled

² See Australians Together website for information on various related topics
<<http://www.australianstogether.org.au/about>>.

³ Australians Together, 'Discover stories: Era 1 Colonisation', Australians Together
<<http://www.australianstogether.org.au/stories/detail/colonisation>>.accessed 10 May, 2016.

⁴ For example see Museum of Victoria, 'Aboriginal people and trade', Museum of Victoria, 8 May, 2010
<<https://museumvictoria.com.au/discoverycentre/discovery-centre-news/2010-archive/aboriginal-trade/>>
accessed 17 May 2016.

⁵ Australians Together, 'Era 1: Colonisation', loc. cit.

with defining their identity when so much of their traditional culture has been lost, and at the same time their relationship with majority Australian culture is complicated by its role in their own loss of tradition.⁶

The ASU has a relatively long history of acknowledgement of the heritage and cultures of Aboriginal and Torres Strait Islander people. Large numbers of ASU Indigenous members work in local government, the social and community services sector, Aboriginal community councils and other organisations. Their views and activity can assist in guiding the union's social justice commitments. Included among these is the ASU support for the 'Close the Gap' strategy to reduce disadvantage encountered by Indigenous Australians on a daily basis⁷. The Close the Gap objectives will be discussed in more detail later in this report.

The ASU is of the opinion that it is important to acknowledge the history of the Indigenous inhabitants and their struggle for justice. Indeed, Australia's history has a wealth of examples of activism to achieve justice.⁸ It is evident that there are many issues which are still to be addressed, particularly as communities face disadvantage, discrimination and unfinished business relating to sovereignty issues.

⁶ Ibid.

⁷ For example see Australian Human Rights Commission (AHRC), 'Close the Gap urges Government to deliver on its commitment', ASU National, 14 May 2014
<<http://www.asu.asn.au/news/categories/community/140514-close-the-gap>> accessed 17 May, 2016.

⁸ For a brief introduction to some of these struggles and achievements (including civil rights campaigns, land claims, Freedom Rides and other actions) see examples from the following websites –Australian Government <<http://www.australia.gov.au/about-australia/australian-story/reconciliation>> accessed 17 May, 2016; Reconciliation Australia <<https://www.reconciliation.org.au/>> accessed 17 May, 2016; National Museum Australia, 'Collaborating for Indigenous Rights' <http://indigenoustrights.net.au/civil_rights> accessed 17 May, 2016.

Formation of the Commonwealth of Australian

Prior to federation, the six colonies experienced a degree of self-governing while still subject to British law. Attitudes toward a range of issues were beginning to fester. Special meetings and conventions started to take place in the colonies with a view to establishing a federation.⁹

After much effort, discussion, voting and representations, the Australian Constitution was accepted and in 1900 it was initially passed as an Act of British Parliament called the *Commonwealth of Australia Constitution Act*.

The Constitution, which became effective on 1 January 1901, united the new states within the Commonwealth and enabled the sharing of power between the federal parliament and state parliaments. A ceremony marked the birth of the Commonwealth of Australia and the first Prime Minister (Sir Edmund Barton) and the various federal ministers took the oath of office.¹⁰

The Australian Constitution

The Australian Constitution established the legal framework for the nation. As noted above, the division of powers between the federal parliament and state parliaments was set out in the document. (Broadly speaking, the federal parliament legislates for the whole of Australia while the states and territory parliaments legislate for their state or territory, however in some cases responsibilities will overlap).¹¹

⁹ See Parliamentary Education Office (PEO), Fact Sheets, 'Federation', PEO <<http://www.peo.gov.au/learning/fact-sheets/federation.html>>.

¹⁰ Ibid. Agreement was reached between the colonies of New South Wales, Victoria, Queensland, South Australia and Tasmania enabling them to be united as states of Australia, known as the Commonwealth of Australia. While Western Australia was not a party to the initial agreement, it subsequently agree to join the federation before 1 January 1901

¹¹For basic discussion on the three levels of law-making see Parliamentary Education Office (PEO), 'Governing Australia; Three Levels of Law Making', PEO, <<http://www.peo.gov.au/learning/closer-look/governing-australia.html>>.

The Australian Constitution enabled the Australian federal system to encompass some of the features of the British Parliament and some of the United States system of governance. However, from time to time there have been amendments made to the Constitution¹² and movement toward further changes are likely to continue. Whilst some efforts have resulted in success, this has not always been the case because the process requires a referendum on the issue which needs to meet the approval of a majority of voters in a majority of states. Experience has shown that success is more likely to be achieved where there is bi-partisan support on the issue and the general public is persuaded of the necessity for change.

There are a number of issues relating to the Constitution which have resulted in calls for change which continue to the present time. Two examples include the following:

- the issue of local government recognition (this is discussed later in this report)
- the recognition of Australia's Indigenous people (this is briefly referred to below)

Noel Pearson,¹³ in his Whitlam Oration in 2014, included discussion about changes already made to the Constitution with regard to Indigenous people. He then proceeded to highlight the need for future change. The following is an extract:

... the Constitution now makes no mention of Indigenous peoples whatsoever. As a founding, historical document, our Constitution is inadequate. Mabo overturned the doctrine of terra nullius in Australian domestic law. But our Constitution fails to recognise that this land was not empty when the British arrived. There is no mention of the Indigenous contribution to Australia's heritage and history.¹⁴

Policy makers would need to undertake more extensive consultations and respectful engagements with communities with regard to further changes needed to the Constitution and the desire for other approaches and actions so as to ensure that changes are not merely symbolic in nature.

¹² For example, the 1967 referendum dealt with a number of constitutional issues regarding Indigenous peoples (such as the deletion of Section 127 of the Constitution which prevented Indigenous people from being counted in the Census); See National Museum Australia, 'Collaborating for Indigenous Rights', <http://indigenoustrights.net.au/civil_rights/the_referendum_1957-67>.

¹³ Noel Pearson has been a long time campaigner for the rights of Cape York Aboriginal people and played a pivotal role in the establishment of the Cape York Land Council in 1990. He is currently the Chair of the Cape York Group.

¹⁴ Noel Pearson, Whitlam Oration, Whitlam Institute, University of Western Sydney, as cited in 'Time to complete our Constitution', *Reconciliation News*, Issue No. 29, May 2014, p17. Readers are encouraged to read the full text of this article to gain a more complete understanding of Pearson's position on these issues.

Local Government Powers Determined by State and Territory Governments

Local government is often referred to as the third, 'level', 'tier' or 'sphere' of government. It is also said to be the level of government that is closest to the people, this is partly because most Australians have some form of regular contact with their local council.¹⁵

Whilst local government is not recognised in the Australian Constitution, all state constitutions establish systems of local government. In addition, Acts of each state/territory parliament specify local government powers, duties and functions. (In the Australian Capital Territory however, the responsibilities usually undertaken by local government are administered by a department of the territory government.)

Local government powers do enable councils to make local laws (called by-laws) for their region or district. However it could be argued that these local laws are a form of delegated legislation because the state government delegates the authority to councils to make laws on local issues. Consequently council by-laws may be overruled by state laws.¹⁶

Under state and territory laws in recent times, local government has been increasingly required to do more in areas such as planning, environmental management, public health, emergency services and local regulations.¹⁷ This can be a source of concern for councils if additional responsibilities are not matched by the addition of adequate funding. When this happens, it is often referred to as a form of cost-shifting because the council is left with the burden of paying for the cost of the additional responsibility shifted from another level of government.

Relations between state and local government can be under immense strain from time to time as a result of cost-shifting practices and other issues. Tensions also erupt when state governments seek to impose council amalgamations against the will of local communities. Rate capping is another area of contention, when state governments impose restrictions on the amount of rates that councils may charge for services. All these arrangements (forced amalgamations, rate capping and cost

¹⁵ There are various publications which provide a general introduction to Local Government, for examples see Local Government Association of South Australia (LGA SA) *Introduction to Local Government Handbook*, June 2015, available from the LGA SA website <www.lga.sa.gov.au>.

¹⁶ For resources on these topics see commentary and links on the Parliamentary Education Office website <<http://www.peo.gov.au/learning/closer-look/governing-australia.html>>.

¹⁷ Local Government Professionals Australia (LGPA), University of Canberra, Institute for Governance & Policy Analysis, *Australia in a Century of Transformative Governance: A Federation for Communities and Places*, 2016, Launch paper available through the Local Government Professionals Australia website <<http://www.lgprofessionalsaustralia.org.au>>.

shifting) can have dramatic impacts on the financial viability of councils and subsequently the type of services that they are able to provide communities.

Need for Local Government Recognition in the Constitution

When we turn to issues of local government, it is also evident that the Constitution does not give recognition to the role and importance of local government within our federal system. This is a situation which creates a number of problems for local government and is a matter which has drawn the attention of many local government reform advocates. The nature of the recommended changes were summarised in a Parliamentary Library research paper as follows:

- symbolic recognition in the Preamble of the Constitution or its body
- practical recognition in the body of the Constitution, whereby symbolic recognition is accompanied by measures designed to protect local government interests or
- financial recognition of local government in the body of the Constitution¹⁸

The ASU has been a key supporter of having local government recognised within the Australian Constitution. This has been evident in various union activities as reflected in ASU News Reports. By way of example, the following extract from an ASU article of 30 July 2013 explores some of the historical and financial context of the advocated reform:

For more than 40 years, federal governments have given funding to local councils to ensure our communities can continue to provide these vital services.

This has at times been via direct project funding which has helped build and restore services. We saw this during the global financial crisis injection of monies into communities, supporting local employment and local spending. This, in turn, built more jobs and services in our communities, like local store purchases, schools, hospitals, ambulances and much more.

There is also a need to realise that local government faces increased demands from the community as standards of living grow and the population grows (in both numbers and age).

Federal government financial support is now, more than ever, critical to local government and our communities but in recent times questions around that funding have been taken

¹⁸ Dr Lyndon Megarrity, Parliamentary Library Research Paper No. 10 2010-11, 'Local government and the Commonwealth: an evolving relationship', Australian Parliament House, 31 January 2011 <http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1011/11RP10> accessed 17 May, 2016.

to the High Court. Judicial decisions have now left the door open on ending funding direct to local government from the federal government of the day.

The country's top legal minds have said the federal government's direct funding to local government is in danger and that local government must be recognised in the Constitution to ensure it can continue to be funded by the federal government and have certainty that it can continue to provide services.¹⁹

A senior official of the ASU, Greg McLean OAM, was a member of the Expert Panel on Constitutional Recognition of Local Government that advised the federal government. An ASU News report captured the following quotes made by Mr McLean at the time:

'I endorse the ASU's position as well as the Minister's comments and the Government's proposal for the referendum as the best way to ensure funding for our communities and more decisions made locally and more local employment.'

'It's been a long time coming and with the support of all politicians it can happen. With the growing reliance on local government to provide services in times of flood, bush fire and as well as in ordinary circumstances, this security is needed by our communities. I would urge all ASU members and their families to spread the word and support this important community recognition campaign,' Greg McLean concluded.²⁰

Current efforts to address the funding needs of local government inevitably lead to discussion about the funding imbalance between the three levels of government (often referred to as the 'vertical fiscal imbalance'). As noted above, the Union is of the view that Constitutional recognition of local government will assist in the provision of fairer funding arrangements because local services and infrastructure require financial input from the three levels of government – federal, state and local.

¹⁹ ASU National, 'ASU supports YES vote in referendum for local government', 30 July 2013
<<http://www.asu.asn.au/news/categories/localgovt/130730-local-govt-referendum>>.

²⁰ ASU National, 'ASU supports recognition of local government in the Constitution', 17 May 2013
<<http://www.asu.asn.au/news/categories/localgovt/130517-local-government>>, viewed 29 March 2015.

Constitutional Corporations

One issue which has received considerable attention over recent years relates to the way the Commonwealth Government has utilised the 'corporations power' of the Constitution, in order to extend federal influence over industrial relations matters. As this has had implications for arrangements in local government, some key aspects will be briefly explained.

Over previous decades Section 51(xxxv) of the Constitution had been relied upon by the Commonwealth Government to make laws with respect to 'conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State'.

However in 2005 the federal government, under the Liberal Prime Minister John Howard, sought to extend coverage of the federal industrial relations system by relying on the corporations power of Section 51(xx) of the Constitution. This section refers to 'Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth'.

This strategy was deliberately used in an effort to create a unified industrial relations system and impose draconian measures which would effectively strip workers of rights and entitlements. To achieve this goal, the government introduced the Workplace Relations Amendment (Work Choices) Bill 2005 (Cth), commonly referred to as 'WorkChoices'.

Opposition to the legislation sparked nationwide protests, campaigns and legal challenges. But uncertainty around the validity of the approach also raised a number of other issues and uncertainty affecting other levels of government.

In 2006 a Decision by the High Court upheld the *WorkChoices* legislation²¹ after finding that the federal government could use the 'corporations power' to regulate industrial conditions of people working for a constitutional corporation.²²

However Professor George Williams observed that 'although Work Choices was valid, there was no clear answer as to how far it extends.'²³ He also concluded that the federal government would not be able to achieve such a national law on its own without co-operation from the states.²⁴

²¹ The Workplace Relations Amendment (Work Choices) Bill 2005 (Cth)

²² *New South Wales v Commonwealth (Work Choices Case)* (2006) 229 CLR 1.

²³ George Williams, Chapter 5, 'A Cooperative Model for a National System of Workplace Relations' in *Remaking Australian Industrial Relations*, Joellen Riley and Peter Sheldon Eds., CCH Australia Limited, 2008, p44

²⁴ *Ibid*, p47

When considering the position of local government, it is worthwhile noting the 2008 Decision of Justice Spender²⁵ in relation to Etheridge Shire Council (in Queensland) in which it was concluded that Etheridge Shire Council was found not to be a constitutional corporation.

In NSW, specific legislation declared that local and county councils have the status of 'bodies politic of the State'. *The Local Government Amendment (Legal Status) Bill 2008* obtained assent on 20 November 2008, amending the *Local Government Act 1993*. The result being that local and county councils will not be constitutional corporations for the purposes of laws of the Commonwealth.²⁶

Similar legislation to that in NSW was enacted in Queensland. Diverse arrangements are in place in other states. Whilst the WorkChoices legislation was repealed by the newly elected Labor government in 2007, ramifications were ongoing. The consequences for local government are that industrial relations, contractual arrangements (and to a certain extent service provision) has become more complex with some council arrangements captured under federal jurisdiction while others are not.

²⁵ Australian Workers' Union of Employees, Queensland and Ors v Etheridge Shire Council (2008) FCA 1268

²⁶ See *Local Government Act 1993* (NSW), s 220 and s 388.

CHAPTER 3: LOCAL GOVERNMENTS AND THEIR SERVICES

Overview

As already noted, local government is often referred to as the level of government that is 'closest to the people'. This is partly because most Australians have some form of regular contact with their local council. In addition, local government is often a focal point for local communities because of the wide range of services, programs and activities providing many points of contact with community members. For example, families and individuals may come in contact with councils through visits to the library, sporting facilities, early childhood education programs; contact through regulatory activities such as building developments; or as recipients of weekly services such as waste collection services.

This chapter aims to provide an indication of some of the diversity within Australian local government and the evolution of services. It also provides a particular focus on Indigenous communities and Indigenous Local Governing Bodies.

Chapter 4 will follow up with the provision of more detail about particular services and organisational arrangements.

In some respects, both of these chapters lay the groundwork in preparation for Chapter 5 which will discuss local government from a more strategic perspective.

Number of Councils

In 1910 there were 1,067 local governments across Australia. However, state and territory governments have dramatically reduced this number (down to 555 by 2013).

The table below shows the reducing number of local governments across Australia from 1910 to 2013.²⁷

Table 1: showing the number of local governments in each state as well as the Northern Territory during the years 1910, 1991, 2001, 2008, 2013.					
Year	1910	1991	2001	2008	2013
New South Wales	324	176	172	152	152
Victoria	206	210	79	79	79
Queensland	164	134	125	73	73
Western Australia	147	138	142	140	138
South Australia	175	122	68	68	68
Tasmania	51	46	29	29	29
Northern Territory	N/A	N/A	7	61	16
Total	1067	826	622	602	555

Source: *Department of Infrastructure and Regional Development (DIRD), Local Government National Report: 2012-13 report on the operation of the Local Government (Financial Assistance) Act 1995, Commonwealth of Australia 2015, p 42*²⁸

NB: The figures do not include 'declared' local governing bodies.

The reduction in council numbers shown in the table above, from 1067 to 555, is despite the inclusions for NT in the figures from 2001.

When we look at individual states, we see varying rates of reductions. It can be seen, for instance, that between 1910 and 1991 there was a dramatic reduction in the number of councils in NSW (from 324 to 176). South Australia also experienced a significant reduction between 1910 and 1991 (from 175 to 122).

²⁷ Department of Infrastructure and Regional Development (DIRD), *Local Government National Report 2012-13 report on the operation of the Local Government (Financial Assistance) Act 1995*, Commonwealth of Australia, Canberra, 2015, p42 <http://regional.gov.au/local/publications/reports/2012_2013/INFRA2378_LGNR_2012-13.pdf> accessed 24 May, 2016.

²⁸ For 1910 and 1991 statistics, DIRD cites Sproats, K 1996, 'Comparison of agendas and processes in Australian Local Government', a paper presented to the Local Government in Queensland Centenary Conference, p. 5.

After 1991, council amalgamations resulted in further significant reductions in the number of councils in some states. For example: in Victoria (from 210 in 1991 to 79 in 2001), in South Australia (from 122 in 1991 to 68 in 2001) and in Tasmania (46 in 1991 to 29 in 2001).

There have, however, been some recent reverse amalgamation processes (referred to as 'de-amalgamations') and consequently the *Local Government National Report 2013-14*, recorded 559 local governments across Australia (up from 555 recorded in the 2013 ABS statistics). When including the 10 *declared* local governing bodies, a total of 569 local governing bodies were eligible to receive funding under the Australian Government's Financial Assistance Grant program in the 2013-14 financial year.²⁹

It should be noted however, that the 'declared' local government bodies have different legislative obligations compared to other local governments. (Declared local government bodies include five Indigenous local government bodies and the Outback Areas Community Development Trust in Australia; the Trust Account in the Northern Territory; and the Silverton and Tibooburra villages and Lord Howe Island in NSW.)³⁰

²⁹ DIRD, *Local Government National Report 2013-14 report on the operation of the Local Government (Financial Assistance) Act 1995*, Commonwealth of Australia, Canberra, 2015, p1
<http://regional.gov.au/local/publications/reports/2013_2014/INFRA2466_LGNR_2013-14.pdf > accessed 17 May, 2016.

³⁰ Ibid.

Diversity of Councils

There are approximately 6,600 elected councillors³¹ in Australia and approximately 187,200 local government employees.³²

The main roles of local government are summarised in the Australian Government's *Local Government National Report 2013-14* which state that:

The main roles of local government are governance, planning, community development, service delivery, asset management and regulation.³³

There are many factors influencing the nature of councils and the services they provide. These can include (but are not limited to) the following:

- Legislative requirements, policy directions and additional responsibilities imposed by other levels of government
- Size and characteristic of the council (e.g. whether it is a metropolitan, regional or rural council)
- Local population demographics and diversity
- Levels of social inequality in the local community
- Community expectations, needs and demands
- Level of services and support provided by other levels of government and other sectors of the economy
- The level of support and co-operation provided by other councils and networks.
- The level of financial sustainability of the councils
- The political make up and commitment of elected councillors
- Local geography and climatic conditions
- The nature of local skill shortages
- The physical condition and adequacy of existing infrastructure

³¹ Australian Local Government Association (ALGA), 'Local Government Roles and Responsibilities' ALGA website, < <http://alga.asn.au/?ID=42&Menu=41,81>> viewed 17 March, 2016.

³² This figure is based on Australian Bureau of Statistics (ABS) Cat. 6248.0.55.002 *Employment and Earnings, Public Sector*, Australia, 2014-15, released 5/11/15, Commonwealth of Australia, Canberra <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/6248.0.55.002>> accessed 28 June 2016.

³³ DIRD, *Loc.Gov. National Report 2013-14*, Loc. Cit. This report provides a significant amount of information on the funding arrangements and workings of local government across Australia as well as noting information about the diverse nature of councils, their communities and the services provided to those communities.

A mix of these and other issues play a role in the nature of services that are actually provided by specific councils within the system of local government in each state or territory. For example, a House of Representatives Standing Committee report published in 2003 noted that 'water supply and sewerage is a local government function in Queensland, Tasmania and rural NSW, but a State responsibility elsewhere...'³⁴

The relative autonomy of councils will also ensure a degree of diversity among neighbouring councils which will not necessary provide the exact same services as each other nor provide the same job titles for employees who perform the same duties. (See Chapter 4 example –Rangers and Parking Patrol Officers)

³⁴ House of Representatives Standing Committee on Economics, *Finance and Public Administration, Rates and Taxes: A Fair Share for Responsible Local Government*, October 2003, p6.

The Evolution of Diverse Services

In Australia's early colonial period, the establishment of local government began slowly but later gathered pace. This is reflected in a recent Parliamentary Library paper which stated:

Local government was slow to develop in Australia. Adelaide can boast the establishment of the first elected municipal council (1840), followed by Sydney and Melbourne (both 1842). After the British Government granted self-government to several colonies in the 1850s, the establishment of elected local councils grew more rapidly. The growth in local authorities was largely achieved through the active encouragement of the six colonial governments.³⁵

As we look back into the early phases of local government in Australia, there are indications that there was an initial focus on 'services to property'³⁶ and various responsibilities were gradually devolved from other centralised authorities including drainage, water supply, public transport, roads, gas, and other local infrastructure. Some of these services were later referred back to other levels of government.³⁷ Nevertheless local government responsibility for many forms of infrastructure continues today and has a critical role to play in the life of local communities and the national economy. This latter point is evident, for instance, when we consider the role of local roads. A description of the importance of local roads is aptly summarised by the Australian Local Government Association in the following statement:

Local roads are the capillaries of our communities linking our homes, schools, farms and business. They are the building blocks of our nation's transport network providing access to and from our front gates to local, regional, state, national and international services and markets... The National Transport Commission has estimated that 36 per cent of all kilometres travelled in Australia are on local roads.³⁸

³⁵ Megarrity, 'Local government and the Commonwealth: an evolving relationship', loc. cit.

³⁶ For example see Department of Transport, Planning and Local Infrastructure (DTPLI), State Government of Victoria, 'Melbourne's strategic planning history', DTPLI, last reviewed on 28 January 2015, <<http://www.dtpli.vic.gov.au/planning/plans-and-policies/planning-for-melbourne/melbournes-strategic-planning-history>> accessed 7 June, 2016.

³⁷ Ibid.

³⁸ Australian Local Government Association (ALGA), *Investment in an Innovative and Prosperous Future, Submission to the 2016-17 Federal Budget*, ALGA, 28 January, 2018, p9 <http://alga.asn.au/site/misc/alga/downloads/budget-submissions/201617/ALGA_BudgetSubmission2016.pdf> accessed 3 June 2016.

After the Second World War, local government increasingly gained responsibility for community welfare and quality of life issues. This development accelerated in the context of rising community expectations and the post War baby boom era. Consequently demand increased for services such as early childhood education and care, facilities for young people, swimming pools, libraries and other services.³⁹

Australia has experienced various waves of migration since the time Europeans first arrived. But immediately following the Second World War there was a concerted effort to increase immigration under the catchphrase 'populate or perish!' Agreement was reached to accept over two million displaced people from Europe as a result of this war.⁴⁰ Since then, waves of migration have helped to build what has become a culturally diverse nation. Such diversity also helped to stimulate government commitment to various multicultural and harmonisation policies as well as services and activities which celebrate community diversity in its many forms. Local governments have continued to play a significant role in the organisation of such activities in their local areas.

So, over the decades, communities have now come to expect a broader range of services from local government than had been provided in the past. It has also been noted that services and responsibilities have expanded in response to shifts in public policy from other levels of government.

Local councils are now better able to identify community needs, particularly when they engage in community consultation as part of their planning processes. Where legislation and funding permits, councils can have the potential to develop services which reflect community diversity and needs. This is indicated in the *Local Government National Report 2013-14*, which stated:

Local governments are close to their communities and have a unique insight into local and community needs. Councils determine service provision according to local needs and the requirements of state and territory legislation.⁴¹

³⁹ Ibid.

⁴⁰ National Maritime Museum (NMM), 'Australia's Immigration History', NMM website <<http://waves.anmm.gov.au/Immigration-Stories/Immigration-history.aspx>> accessed 3 June 2016.

⁴¹ DIRD, *Local Government National Report 2013-14, Op. Cit.*, p1. This report provides a significant amount of information on the funding arrangements and workings of local government across Australia as well as noting information about the diverse nature of councils, their communities and the services provided to those communities.

Local governments also tend to play a significant role in response to sudden or unexpected events. For example councils often play a critical role in mitigation of natural disasters and responding to the devastation which follows events such as floods, cyclones and fires. (For more detail on this see discussion in Chapter 4 – Natural Disaster Responses)

Whilst diversity exists across councils and between state/territory jurisdictions, the Australian Local Government Association (ALGA) has listed the following broad range of local government functions:

- infrastructure and property services, including local roads, bridges, footpaths, drainage, waste collection and management
- provision of recreation facilities, such as parks, sports fields and stadiums, golf courses, swimming pools, sport centres, halls, camping grounds and caravan parks
- health services such as water and food inspection, immunisation services, toilet facilities, noise control and meat inspection and animal control
- community services, such as child care, aged care and accommodation, community care and welfare services
- building services, including inspections, licensing, certification and enforcement
- planning and development approval
- administration of facilities, such as airports and aerodromes, ports and marinas, cemeteries, parking facilities and street parking
- cultural facilities and services, such as libraries, art galleries and museums
- water and sewerage services in some states
- other services, such as abattoirs, sale-yards and group purchasing schemes⁴²

The list above serves to convey a sense of the nature of the broad range of functions provided. Whilst many additional examples could be placed alongside the functional areas, those listed do assist with an understanding of the type of activities that form part of those broad functional areas.

However it is worth noting that in recent times some councils have significantly increased the range of services provided - particularly in community services and law enforcement. For example (in relation to community services) some councils take action to address increased demand for support and shelter for family members escaping domestic violence. The demand for such services has

⁴² Australian Local Government Association (ALGA), 'Local Government Roles and Responsibilities' ALGA website, < <http://alga.asn.au/?ID=42&Menu=41,81>> viewed 17 March, 2016.

reached crisis point in some areas and requires additional funding support from other levels of government. In relation to law enforcement expansion, in some jurisdictions state legislation has resulted in increased law enforcement responsibilities being shifted to local government, for example – the safety of backyard swimming pools, the public consumption of alcohol and smoking in certain public areas.

Whilst expansion in other areas is also evident, it is sufficient to note that the role of local government has significantly developed, as explained by the Australian Centre for Excellence in Local Government (ACELG), which stated:

Australian councils moved beyond the traditional narrow emphasis on ‘roads, rates and rubbish’ towards broader objectives to promote the social, economic, environmental and cultural wellbeing of communities.⁴³

As well as playing an important role at the local level, local government makes a significant contribution on key issues of national concern. This was highlighted by a study released by the Local Government Professionals Australia (LGPA) which listed various ways in which this occurs. They included the following:

- Strengthen civic identity and build social capital and cohesion
- Engage communities and other stakeholders in a conversation about future aspirations and opportunities
- Inform policy and program development by providing local and regional data on community characteristics, needs and trends
- Capture and disseminate innovative ways of working from hundreds of diverse localities across Australia
- Undertake and promote place-based integrated planning and development across economic, social and environmental agendas
- Facilitate collaborative arrangements to deliver packages of services that address individual needs and advance community wellbeing
- Unlock additional local resources to provide essential services and infrastructure
- Support new frameworks for regional governance.⁴⁴

⁴³ Glen Walker & Michael Gray, *Service Delivery Reviews in Australian Local Government*, Australian Centre of Excellence for Local Government (ACELG), University of Technology, Sydney, 2012, p5. This publication is available from the ACELG website < <http://www.acelg.org.au> >

⁴⁴ Local Government Professionals Australia (LGPA), *Australia in a Century of Transformative Governance: A Federation for Communities and Places*, (Launch Paper), Local Government Professionals Australia, University of Canberra, Institute for Governance & Policy Analysis, March 2016, sec. 2.1

Many of the contributions that local government makes to national issues also have international aspects. For instance note the following LGPA comment:

A growing number of councils are also heavily involved in important national and international agendas, notably around economic development, digital futures, urban growth management, environmental sustainability and climate change. Traditional Sister City links are being transformed into economic relationships....⁴⁵

In summary, local government plays a significant role at the local and national level, while increasingly having an impact in the global arena. Consequently there should be increased appreciation of what local government already does and what it can achieve when adequately funded.

⁴⁵ Ibid. sec. 1.6 'New Look' Local Government.

Indigenous Communities and Local Government

According to the Australian Bureau of Statistics, in 2011 the estimated resident Aboriginal and Torres Strait Islander population was approximately 669,900.⁴⁶ The table below indicates the distribution of the population across the states and territories:

Jurisdiction	Number	As a percentage of total population
NSW	208,476	2.9
Vic.	47,333	0.9
Qld	188,954	4.2
SA	37,408	2.3
WA	88,270	3.8
Tas.	24,165	4.7
NT	68,850	29.8
ACT	6,160	1.7
Aust.(includes other Territories)	669,881	3

Based on ABS, Cat. No. 3238.0.55.001 Estimated resident population, Indigenous status, 30 June 2011.

As note in the table above, the Aboriginal and/or Torres Strait Islander population represents approximately 3% of the total population in Australia. The largest number of Aboriginal and/or Torres Strait Islander people live in NSW, followed by Queensland. However, the Northern Territory has the highest percentage relative to the total population of the Territory.

Data from the ABS also indicates the distribution of the population across Australia.

- 34.8% live in major city areas
- 22% Inner regional
- 21.8% Outer regional
- 7.7% Remote
- 13.7% very remote⁴⁷

⁴⁶ ABS, Cat. 3238.0 *Estimates and Projections, Aboriginal and Torres Strait Islander Australians 2001 to 2026*, updated 27/1/16

<<http://www.abs.gov.au/ausstats%5Cabs@.nsf/0/9E334CF07B4EEC17CA2570A5000BFE00?Opendocument>> accessed 19 May, 2016.

⁴⁷ Ibid.

Despite the resilience, wealth of talent, cultural, legal and other contributions to the nation, Aboriginal and Torres Strait Islander communities continue to face significant disadvantage compared to non-Indigenous Australians across a range of social indicators. These include areas such as health, life expectancy, education and employment outcomes as well as experiencing high rates of incarceration and contact with the criminal justice system.⁴⁸

In 2008, the Council of Australian Governments (COAG) agreed to six targets for closing the gap between Indigenous and non-Indigenous Australians in urban, rural and remote areas. The targets aimed to:

- close the gap in life expectancy within a generation (by 2031);
- halve the gap in mortality rates for Indigenous children under five by 2018;
- ensure access to early childhood education for all Indigenous four year olds in remote communities by 2013;
- halve the gap in reading, writing and numeracy achievements for children by 2018;
- halve the gap for Indigenous students in Year 12 (or equivalent) attainment rates by 2020; and
- halve the gap in employment outcomes between Indigenous and other Australians by 2018.⁴⁹

During 2013-14, the DIRD National Report stated that ‘all jurisdictions pursued initiatives aimed at promoting the delivery of local government services to Aboriginal and Torres Strait Islander communities’.⁵⁰

Section 16 of the *Local Government (Financial Assistance) Act 1995 (Cwlth)* requires the reporting of the performance of local government delivery of services to Aboriginal and Torres Strait Islander communities.

⁴⁸ For Social Survey data see ABS Cat. 4714.0 *National Aboriginal and Torres Strait Islander Social Survey, 2014-15*, updated 28 April 2016, <<http://www.abs.gov.au/ausstats/abs@.nsf/0/AD174BBF36BA93A2CA256EBB007981BA?Opendocument>> accessed 19 May, 2016.

⁴⁹ Council of Australian Governments (COAG), ‘Closing the Gap in Indigenous Disadvantage’, COAG, <https://www.coag.gov.au/closing_the_gap_in_indigenous_disadvantage> accessed 19 May 2016.

⁵⁰ DIRD, *Local Government National Report 2013-14*, Op. Cit. p 41.

Many councils across Australia are working toward reducing the gap in social outcomes and contribute toward the building of respectful relationships and progress on this will be needed into the future. Some councils have committed to particular programs and have been recognised for their outstanding achievements. From the DIRD report we can note the following examples from Victoria.

There are two notable examples of Victorian councils that have actively engaged with Victorian Aboriginal and Torres Strait Islander communities: Latrobe City Council which won the 2014 National Award for Excellence in Local Government and also the National Award for Youth Employment for its Steps to the Future Indigenous Employment Program, and Hume City Council which won the 2014 National Award for Excellence in Local Government for Disability Access and Inclusion in its School Holiday Program for Indigenous Children with a Disability.⁵¹

However, since the COAG Close the Gap targets were set, the results have been mixed and in February 2016 Prime Minister Malcolm Turnbull delivered a disappointing report which showed that few of the target areas are on track to reach their goals.⁵² In addition to these disappointing results, there is mounting concern about the over-representation of Aboriginal people in the prison system. This situation was recently referred to as a 'national disgrace' by the nation's peak body, the Australian Bar Association, which called on state and territory governments to implement a range of measures such as the scrapping or amending of mandatory sentencing laws for minor crimes.⁵³

From all this, it can be deduced that much more needs to be done in this area and that local government can play a useful role in working with communities to address some of the issues.

⁵¹ Ibid. p42.

⁵² For an example of media coverage of these results see News Corp Australian Network, 'Closing the Gap report reveals how Australia is not progressing to help its indigenous people', February 10, 2015, 1:07pm <<http://www.news.com.au/national/politics/closing-the-gap-report-reveals-how-australia-is-not-progressing-to-help-its-indigenous-people/news-story/e0763c0dfe42c0b605df60d553743105>>

⁵³ Michaela Whitbourn, 'It's a national disgrace', *Sydney Morning Herald*, 8 April, 2016, p1 &p9.

Union approach to this issue

The Union is aware that much more needs to be done in relation to the *Close the Gap* initiatives. In addition more is needed in other areas of economic, legal and social justice outcomes for Aboriginal and Torres Strait Islanders. The Union is of the view that the best way to achieve those goals is by working in partnership with the communities and supporting their struggles wherever possible. The Union is also of the view that local government can play a significant role in *Closing the Gap* through such approaches.

The ASU website provides an indication of commitments and views on a range of issues. For example, the ASU supported the broader Union movement in its condemnation of government proposals aimed at forcibly closing Aboriginal communities in Western Australia. (See ACTU article in ASU News, 'Union movement condemns forcible closure of Aboriginal Communities', of 30 March 2015).⁵⁴ The ASU also objected to financial cuts and policy changes which would undermine a targeted strategy to Close the Gap and address disadvantage. (See News Item, 'Close the Gap urges Government to deliver on its commitment', 14 May 2014.)⁵⁵

⁵⁴ Australian Council of Trade Unions (ACTU), 'Union movement condemns forcible closure of Aboriginal Communities', ASU National, 30 March 2015 <<http://www.asu.asn.au/news/categories/aim/150330-condemn-closure-aboriginal-communities>>.

⁵⁵ AHRC, 'Close the Gap urges Government to deliver on its commitment', ASU National, 14 May 2014 <<http://www.asu.asn.au/news/categories/community/140514-close-the-gap>>.

Indigenous Local Governing Bodies

Whilst a large proportion of Aboriginal and Torres Strait Islander people live in cities and regional settings throughout Australia, this section of the report will focus on Indigenous local governing bodies – some of which are in remote and isolated areas.

There are various Aboriginal and Torres Strait Islander organisations, local and regional councils and Land Councils across Australia with their own histories, goals and activities. However, this section of the report will only focus on those councils which are part of the local government network as discussed by the Department of Infrastructure and Regional Development (DIRD) in the *Local Government National Report 2013-14*.⁵⁶

The DIRD report describes the different legislative frameworks used to establish Aboriginal and Torres Strait Islander Councils - also referred to as Indigenous Local Governing Bodies – ILGB. These councils are eligible for Federal Assistance Grants.

Aboriginal and Torres Strait Islander councils have been established under different legislative frameworks. They can be:

- established under the mainstream local government legislation of a jurisdiction;
- established through distinct legislation; and
- ‘declared’ to be local governing bodies by the Minister responsible for local government on advice from a state minister for the purpose of providing funding under the Financial Assistance Grant programme.⁵⁷

It has been noted previously in this report however that ‘declared local government bodies’ are strictly speaking not local governments and have different legislative obligations.⁵⁸

⁵⁶ DIRD, *Local Government National Report 2013-14*, Op. Cit. p2.

⁵⁷ Ibid.

⁵⁸ Ibid, p1.

The table below sets out the number of ILGB, within the various state and territory jurisdiction, which were established under the above arrangements.

Table 3: Number of Indigenous Local Governing Bodies as at 1 July 2013				
State	Established under state local government legislation	Established under distinct state legislation	Declared local governing bodies	Total Indigenous local governing bodies
Qld	16			16
WA	1			1
SA		2a	3	5
NT	9			9
Total	26	2	3	31

Source: DIRD, *Local Government National Report 2013-14 report on the operation of the Local Government (Financial Assistance) Act 1995*, Commonwealth of Australia, Canberra, 2015, Table 4.1, p44.

a. Established under the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 (SA) and the Maralinga Tjarutja Land Rights Act 1984 (SA).

As can be seen from the table above, Queensland, Western Australia and the Northern Territory have ILGBs established under state local government legislation. As such, they may provide some of the broad range of services that are often associated with general purpose councils.

In South Australia however, such bodies have been established under distinct state legislation or have been declared to be Local Government Bodies by the Minister. These different arrangements will invariably contribute to some of the diversity in objectives and service provision.

Many differences between Indigenous local governing bodies can be attributed to differences in geographic features and the size of their geographic areas, population numbers, languages spoken, history, culture and customs. (See Chapter 4 Examples of Indigenous Local Governing Bodies).

Some communities have had a long association and connection with the land that they currently live on (sometimes spanning tens of thousands of years) while others have a more recent history which has been a result of dislocation (such as that which has arisen from government policies and the establishment of Christian mission stations).

In many cases the total population can be relatively small and somewhat isolated (such as on the Torres Strait Islands). Some communities populate lands that stretch beyond the borders of a single state (for example the communities of Anangu Pitjantjatjara Yankunytjatjara). However, other council populations may be more concentrated in smaller areas (such as Palm Island in Queensland).

Funding

The main source of funding for Indigenous councils is from grants and subsidies (including those sourced from the Australian Government financial assistance grants). Other funding sources include sales, interest and dividends, rates and other sources. In comparison to non-Indigenous councils, funding sourced from local rates is considerably smaller. As explained in a submission to a Productivity Commission Inquiry, the Local Government Association of Queensland stated that the Indigenous councils in that state do not have any rateable land but have some limited capacity to levy service charges. Their submission highlighted the limited personal income of residents, as can be seen in the following extract:

However, the limited personal income available to community members limits capacity to raise any significant own-source revenue. Personal income levels in indigenous communities are on average less than half that of the wider Australian community. The first priority for councils has been to obtain a reasonable contribution to housing maintenance through rentals, and again in rental levels set based on typical housing commission standards is insufficient to cover actual housing related costs.

Indigenous communities are therefore almost completely reliant on grant funding for general operational revenue...

The needs of indigenous communities and the issues in determining their revenue capacity must therefore be treated separately from the wider non-indigenous councils.⁵⁹

⁵⁹ Local Government Association Queensland (LGAQ), *Submission to Productivity Commission Inquiry into Assessing Local Government Revenue Raising Capacity*, submitted by LGAQ, 2008, p23 & 24.

CHAPTER 4: EXAMPLES OF SERVICES AND ORGANISATIONAL ARRANGEMENTS

Overview

This chapter provides examples of service provision and organisational arrangements in order to providing more in-depth detail to assist in an understanding of the theoretical discussion contained in earlier chapters of this report. It covers five topic areas:

- Early Childhood Education and Care – this section indicates the considerable depth and breadth of services provided by local governments as well as indicating the extent to which parents highly regard such services. (Information is drawn from experience in various states).
- Clean Energy – this section indicates that local government is in an ideal position for leadership in generating local clean energy initiatives.
- Natural Disaster – particularly in relation to the important role of local government in responding to natural disasters.
- Rangers and Parking Patrol Officers – refers to a case study which included commentary about the diversity of approaches by councils within one state jurisdiction (NSW).
- Examples of Indigenous Local Governing Bodies – this information is drawn from the websites of various bodies in Queensland, Western Australia, South Australia and the Northern Territory.

Early Childhood Education and Care

Discussion about early childhood education and care is included in this report for a number of reasons. Most notably, it indicates that there is a considerable depth and range of services provided by local government. It also makes it clear that some local governments provide large numbers of such services. Finally, there are indications that parents tend to hold council-run services in high regard.

By way of background, it is important to note that there is considerable evidence about the value of quality early childhood education and care for children. It is particularly important for children from disadvantaged backgrounds who have much to gain from good quality programs.⁶⁰ In addition, the provision of such education and care increases options for families – including enabling parents to participate in the workforce.⁶¹

The information below aims to increase an understanding about the provision of Early Childhood Education and Care by local governments. It draws upon researched information gathered for an ASU submission (for a Productivity Commission Inquiry in 2014⁶²) along with additional updated notes.

The first point to make is that the level of local government involvement, in the provision of early childhood education and care services, varies from state to state. Within states there is a considerable amount of diversity as well. For example, in comparison to urban centres, there are additional challenges in rural and remote areas. Some of these challenges relate to skill shortages and difficulties in retaining qualified staff.

⁶⁰ Community Child Care Co-operative(CCCC), Cred Community Planning, Australian Community Children's Services (ACCS) NSW, *Childcare, roads, rates and rubbish: NSW Local Government and Early Education and Care*, Community Childcare Co-operative Ltd (NSW), January 2013, p9 <<http://cccensw.org.au/wp-content/uploads/nsw-childcare-fa.pdf>> accessed 21 June 2016.

⁶¹ *Katrin Elborgh-Woytek, et.al, Women, Work, and the Economy: Macroeconomic Gains from Gender Equity*, IMF Staff Discussion Note, September 2013, SDN/13/10, <<https://www.imf.org/external/pubs/ft/sdn/2013/sdn1310.pdf>> accessed 21 June 2016.

⁶² ASU, *Submission to Productivity Commission, In Response to the Draft Report on Childcare and Early Childhood Learning*, submitted for the ASU by Assistant National Secretary, G. McLean OAM, 2014, available from ASU website <http://www.asu.asn.au/resources/submissions>. This submission includes the findings of an extensive survey on issues relating to early childhood education and care.

Nevertheless the overall contribution which local government makes to quality early childhood education and care is significant.⁶³ Local government involvement may include the following:

- Planning and regulatory enforcement. This includes the implementation of state laws. Council planning instruments endeavour to balance a range of community priorities including consideration of health or safety risks for children as well as other considerations such as noise, traffic generation and on-street parking issues.
- Infrastructure support and sponsorship. Councils develop and maintain lease and service agreements with various childcare operators. Other forms of support or sponsorship may include professional development opportunities, co-ordination of network meetings, advice to committees of management, provision of toy and library resources and other services.
- Co-ordination of Family Day Care (FDC). Some council employees fulfil professional co-ordination roles for FDC. Their advisory role assists family day care workers to deliver quality education programs. The council workers engage in supporting, mentoring and supervising FDC educators through regular visits and contact.⁶⁴
- Development and support of Networks and Hubs. For example, at Port Phillip Council (Vic.) integrated child care and early childhood services have been placed along-side family support services, parenting support, health services as well as community activities and educational services.⁶⁵
- Direct service provision. Many councils continue to provide early childhood education and care services directly to their communities. These are explained in more detail below.

⁶³ See Municipal Association of Victoria (MAV) and State Government Victoria – Department of Education and Early Childhood Development, *Municipal Early Years Planning Framework and Practical Resources Guide*, Municipal Association of Victoria 2011 available from MAV website www.mav.asn.au.

⁶⁴ See Family Day Care Australia website
<<http://www.familydaycare.com.au/index.php/main/Become%20an%20Educator#M1>>

⁶⁵ See Port Phillip Council website: <www.portphillip.vic.gov.au/integrated_family_and_childrens_centres.htm> accessed 31 May, 2016.

The nature of direct services provided by local government may vary from council to council and state to state but can include the following:

- Long Day Care services (typically open from 7am to 6pm)
- Preschool services (typically open from 9am to 3pm public school terms)
- Before and After School Care Services (typically open 6.30am to 9.30am and 3pm to 6pm)
- Occasional Care Services (typically 8.30am to 4pm)

Some large councils operate several services.⁶⁶ Below are a few examples from NSW and Victoria:

In NSW

- Penrith City Council (NSW) advertised over 20 council run ECEC centres on their website in May 2016.⁶⁷
- Blacktown City Council has 25 Child Care Centres including Long Day Care, Pre-Schools, Before and After School Care and Vacation Care. In addition the council provides co-ordination and support for various Family Day Care providers.⁶⁸

In Victoria

- The City of Melbourne owns and operates five children's centres in the municipality.⁶⁹
- The City of Yarra council operates four child care centres and also provides occasional care at a number of centres.⁷⁰
- Knox City Council has a Family Child Care Network operated by the Council. It consisted of Home Based Care (Family Day Care), five long day care centres and one occasional care centre.⁷¹

⁶⁶ CCCC, Op. Cit., p11.

⁶⁷ Penrith City Council, 'Our Childcare Centres', Penrith Council website
<<https://www.penrithcity.nsw.gov.au/Services/Children/Childcare-Centres/>> accessed 31 May, 2016.

⁶⁸ Blacktown City Council, 'Children's Services',
<http://www.blacktown.nsw.gov.au/Resident_Services/Childrens_Services/> accessed 31 May 2016.

⁶⁹ Melbourne City Council, 'Education Child Care Options', Melbourne City Council website
<<http://www.melbourne.vic.gov.au/community/education-child-care/Pages/child-care-options.aspx>> accessed 2 June 2016.

⁷⁰ Yarra City Council, 'Child care', <<http://www.yarracity.vic.gov.au/Services/Family-and-Children-Services/child-care/>> accessed 2 June 2016.

In 2013, the Community Child Care Co-op reported that 91 councils in NSW directly provided early childhood education and care services; 46 councils provided family day care services and that 102 out of school hours care schemes were provided by local government.⁷²

A 2014 Australian Local Government Association (ALGA) submission indicated that 18 councils in Victoria directly operate child care centres⁷³. In addition, the submission stated that

all councils in Victoria undertake early years planning for their municipalities and many undertake precinct planning which includes ensuring that there is adequate childcare infrastructure for local neighbourhoods.⁷⁴

Generally speaking, local government operated services tend to be viewed by communities as providing good value for money in the provision of quality services. This point was borne out by an extensive research project commissioned by both the Community Child Care Co-operative (NSW) and Australian Community Children's Services NSW. The project focussed on children under school age (0 to 5 years). The ensuing report, titled *Childcare, roads and rubbish: NSW Local Government and Early Education and Care*, compared National Quality Standards of various types of ECEC providers.⁷⁵

The report revealed a number of differences in quality standards when comparing council run services with other operators across NSW. The comparison between the quality of council run services and private for-profit services was particularly stark as the following data indicates:

87% of council services exceeded or met the National Quality Standard (NQS)

67% of not-for-profit community-based services exceeded or met the NQS

29% of for-profit services exceeded or met the NQS.⁷⁶

⁷¹ See Knox City Council network < <http://www.knox.vic.gov.au/childcarenetwork>>

⁷² CCCC, Op. Cit., p11.

⁷³ Australian Local Government Association (ALGA) *Submission to Productivity Commission Childcare Inquiry*, submitted 3 February 2014, p3

⁷⁴ Ibid.

⁷⁵ CCCC, Op. Cit., p18.

⁷⁶ Ibid., p 3

The report concluded that council service providers ‘scored higher ratings to date against the National Quality Standard for early childhood education and care services’.⁷⁷

The report also referred to ongoing quality ratings data by the Australian Children’s Education and Care Quality Authority (ACECQA). This data was said to have ‘delivered quantitative evidence that not-for-profit community-based early childhood education and care services [this includes council services] are providing a higher quality of service than for-profit services.’⁷⁸

The quantitative data was backed up by comments which reflect on the experience at a number of councils. For instance, a couple of quotes in the report state:

‘There is a preference for Council and community operated services over private services. Parents coming from private centres to Councils wait list and services often express dissatisfaction with and complaints about poor quality, high cost and poor child supervision in some private centres. Generally, we do not hear this about community operated services.’(NSW local council).

‘Some feedback suggests that families deliberately choose a Council centre due to the governance, Councils reputation in the community re: inclusion and its profile of providing quality centres. Some families choose a Council centre because Council has been providing childcare for 35 years and we know what we’re doing and will be around for the long haul’ (NSW local council).’⁷⁹

One key issue for some parents is that local government is more likely to accept children with complex needs and those from low income families. In contrast, private for-profit providers are less incline to accept such children in the absence of sufficient return on their investment.⁸⁰

⁷⁷ Ibid., p18

⁷⁸ Ibid.

⁷⁹ Ibid., p17

⁸⁰ LGAQ, *Submission to the Productivity Commission, Op. Cit.*, p5.

Clean Energy

The following information was gathered for an ASU National Office draft report researched and written in 2015. It is included here to assist in an understanding of the current activities and potential role that local government can play in the move toward a more sustainable energy future.

Indeed, the various roles and responsibilities of local government put it in an ideal position for leadership in generating local innovative energy projects. This can be particularly important as the nation endeavours to shift away from fossil fuel toward renewable energy sources and reduced carbon emissions. Some of the related activities already undertaken by local government can provide an indication of opportunities for an expanded role in the clean energy future. For example:

- Supporting local communities in the switch to renewable energy
- Improving energy efficiency and reducing emissions
- Community engagement, education and advice
- Standard setting and leading the way locally
- Local electricity generation

A number of councils are already assisting local business and community groups to switch to renewable energy. For example, Townsville City Council is a notable example with its successful Citysolar Program. The programme has a whole-of-community approach with a collaborative framework for action that includes community involvement sustainability initiatives and programs as well as building the community's capacity to manage its future. Under this program the Townsville community has implemented various solar initiatives to reduce the impact of climate change.⁸¹

In NSW, The City of Sydney has funded a community solar group, Pingala, to install a rooftop solar plant on top of a local brewery. Projects such as these are consistent with the City of Sydney's renewable energy master plan, which provides a blueprint for harnessing 100 per cent of the city local government area's electricity, heating and cooling from renewable sources by 2030.⁸²

⁸¹ See Local Government Association of Queensland (LGAQ), *Awards Showcase*, <<http://lgaq.asn.au/awards-showcase>>

⁸² Sophie Vorrath, 'Sydney brewery taps community solar, with local government support', *One Step Off the Grid* website article <<http://onestepoffthegrid.com.au/sydney-brewery-taps-community-solar-with-local-govt-support/>>.

In 2014 the town of Uralla successfully secured \$105,000 from the NSW government to conduct a feasibility study to investigate a mix of renewable energy sources to shift the town onto 'green power'. Support from local government was viewed as a critical element in the success of the selection of the town – along with support from the community, local business and local residents.⁸³

Increasing numbers of councils engage in energy reduction through a range of means, for example the Clean Energy Finance Corporation noted:

Baw Baw Shire Council and Warrnambool City Council in Victoria have used finance through the CEFC and Low Carbon Australia and grant funding to upgrade their streetlights. Baw Baw's upgrade is expected to save \$160,000 a year and reduce the council's overall carbon emissions by 18 per cent and Warrnambool is expecting to reduce its street lighting bill by more than \$100,000 at current prices. Richmond Valley Council in New South Wales realised similar street lighting savings using Low Carbon Australia finance.⁸⁴

Australian councils (in rural and metropolitan areas) are increasingly co-ordinating innovative, local sustainability projects through the engagement of business, industry, residents as well as other levels of government. Examples of this are evident in the reports of the not-for-profit organisation International Council for Local Environmental Initiatives – Local Governments for Sustainability (ICLEI). For example, an article in *Ecos Magazine*, April-May 2007, noted the following:

Since 1997, local governments across Australia have saved the equivalent of 8.8 million tonnes of carbon dioxide through local actions – comparable to taking 2 million cars off the road for one year. As part of this effort, one, the City of Melbourne, was last year recognised as a key player in the global fight against climate change because of its domestic and international impacts. Increasingly, local governments are taking the initiative on economic, social and environmental sustainability issues within their own operations and in the communities they serve, with impressive results⁸⁵

⁸³ Kelly Fuller and Jennifer Ingal, ABC- New England North West, 'Uralla to become State's first town OFF the energy grid', *ABC New England North West*, 27 November, 2014
<<http://www.abc.net.au/local/stories/2014/11/27/4137142.htm>> accessed 3 November, 2015.

⁸⁴ Clean Energy Finance Corporation (CEFC), 'Local government and community sector', CEFC
<<http://www.cleanenergyfinancecorp.com.au/energy-efficiency/local-government-and-community-sector.aspx>> accessed 11 November 2015.

⁸⁵ Wendy Pyper, 'Council achievers have a global reach', *Ecos Magazine*, April- May 2007, p135
<http://www.ecosmagazine.com/?act=view_file&file_id=EC136p10.pdf> viewed 10 November 2015.

In summary, examples of strategies used to reduce emissions can include such things as: increased use of renewable energy (solar, wind, electric vehicles); improvements in energy efficiency; where appropriate the use of decentralised power/water systems; solar PV; use of biofuels; greening; waste reduction; improved urban planning and other measures.

Local government can help push toward best practice and leadership in sustainability and emissions reduction in Australia. For example, some councils in Australia have received awards and international recognition for being leaders in sustainable practices. These have included Yarra City Council in Victoria and the City of Fremantle in Western Australia

In 2012 the Australian Centre of Excellence for Local Government (ACELG) published a discussion paper titled *Local Action For a Low Carbon Future*.⁸⁶ The document was compiled by both the ACELG and the Council of Capital Cities Lord Mayors. It identified four primary strengths of local government which show how this level of government can be an integral player for delivering a low carbon and clean energy future for Australia. These strengths are reproduced in the below list:

- Effectiveness in building partnerships and working collaboratively at multiple levels
- Proximity enables councils to connect frequently and directly with citizens, local businesses and a range of community stakeholders
- Unlocking investment capital and embarking on innovative and transformative practices and projects
- Unique access to increasingly fine-grained land use and employment data to assist in carbon emission reductions.⁸⁷

⁸⁶ H. Storey, M. Brennan, S. Pillora, C. Thomas, *Local Action for a Low Carbon Future*, Australian Centre of Excellence for Local Government, University of Technology, Sydney, (June 2012).

⁸⁷ Ibid. p5.

Natural Disaster

One particular issue of concern to many communities is that of extreme weather patterns and natural disasters.

Natural disasters can include events such as bushfires, floods, earthquakes, landslides and severe storms. These events can result in great financial hardship, destruction and possibly loss of life.

The ASU is aware that local government plays a significant role in mitigation against natural disasters, responding to urgent needs following disasters as well as providing avenues for community education and building community resilience. As the critical role of councils is often unacknowledged, the ASU has made submissions to government inquiries in an effort to highlight the work they do in response to catastrophic events. For example, the following is a summarised extract from an ASU submission to a Productivity Commission Inquiry into natural disaster funding in 2014⁸⁸:

In addition to supporting emergency services, relief centres and community recovery, council workers share local knowledge with other services to help protect community members, their property and local infrastructure. After flooding or cyclone damage there can be an urgent need for roads and drainage engineers, building inspectors and/or surveyors and environmental health officers. As such, councils help safeguard and rebuild networks and local infrastructure.

Councils which maintain sizeable plant and machinery are able to use these at times of emergency following floods or fires. Council labour is a valuable resource for local communities as they are able to respond in a flexible manner to attend to the consequences of natural disasters. For example council bulldozers are often used to assist in fire prone areas, which can be extremely critical in rural areas where communities may otherwise be isolated and there are no other sources of urgently needed plant and equipment...

Often local government is the lender of resources to state emergencies services and other community service organisations during bush fire events. It is not uncommon for the army, navy, or civil defence organisations to call upon local government for assistance, not to mention the call from state government and national governments during times of emergency.

In recent times, communities in Australia have become more aware of the increased occurrence of severe weather patterns. It also appears evident that the impact of warmer oceans puts coastal

⁸⁸ ASU Submission to Productivity Commission, *Inquiry into Natural Disaster Funding*, submitted for the ASU by Assistant National Secretary, G. McLean OAM, 2014, available from ASU website <<http://www.asu.asn.au/resources/submissions>>.

communities at particular risk. Such circumstances call for increased investment in infrastructure and the revision of planning laws.⁸⁹

Severe weather patterns and other natural disasters can place considerable pressure on already cash strapped local governments and other authorities.⁹⁰

⁸⁹ For information about increased ocean temperatures see Union of Concerned Scientists, 'Ocean Temperature', *Climate Hot Map: Global Warming Effects Around the World*, 2011, <<http://www.climatehotmap.org/global-warming-effects/ocean-temperature.html>> accessed 21 June 2016.

⁹⁰ Barbara Norman, 'More storms will come, so let's plan for that now', *The Drum -Australian Broadcasting Commission*, 7/6/2016 < <http://www.abc.net.au/news/2016-06-07/norman-more-storms-will-come,-so-let's-plan-for-that-now/7484260>>, accessed 21 June, 2016

Rangers and Parking Patrol Officers

As noted previously, the relative autonomy of the councils can encourage a degree of diversity. For instance, it can be observed that neighbouring councils will not necessarily provide the exact same services as each other nor provide the same job titles for employees who do perform the same duties.

Examples of this can be found in a United Services Union study (NSW) on safety issues affecting rangers and parking patrol officers.⁹¹ It can be noted in the report that definitional issues were made more complex as a result of the diversity that existed between councils. So for instance, the report noted:

Nevertheless there remains some vagueness about the term 'ranger'. This is because the role and array of duties performed by rangers can vary from council to council. In addition, position titles of officers can vary from council to council despite the fact that the officers may be performing similar or the same duties.⁹²

After outlining possible duties which may be performed by rangers, the report then drew some comparisons between the roles of rangers in some regional areas as compared to metropolitan councils.

In regional areas, generalist rangers may have broad spread of duties such as: parking patrol; animal control; illegal waste dumping; general environmental protection; and public safety and order. In rural areas rangers may also have additional responsibilities which tend to be absent from those of urban rangers, such as – dealing with the movement of stock (such as sheep and cattle).

In some large metropolitan councils a degree of specialisation has developed. For example, there may be rangers who specialise in 'environmental education' while others

⁹¹ Lyn Fraser, *Moving-On For Safety: the Experiences and Perspectives of Rangers and Parking Patrol Officers in NSW Local Government*, United Services Union (USU), Sydney 2009, available from the USU website <<http://www.usu.org.au/localgovernment/rangers.html>>

⁹² Ibid. p21

specialise in 'law enforcement relating to illegal waste dumping'. In large metropolitan councils 'parking patrol units' may also operate separately from 'ranger units'.⁹³

In some cases, differences are said to reflect differing approaches of elected representatives or managerial styles adopted by councils.

Whilst councils often combine a law enforcement approach with a compliance approach, Councils may vary in their emphasis. For example, some councils will place more emphasis on 'enforcing the law' and issuing penalty infringement notices, while others may have a greater emphasis on encouraging 'compliance' of laws through such means as public education. These differences may reflect the varied approaches of the elected representative and the managerial style adopted by the councils.⁹⁴

⁹³ Ibid.

⁹⁴ Ibid.

Examples of Indigenous Local Governing Bodies

The following councils have been fairly randomly selected from all four jurisdictions which have Indigenous local governing bodies as defined in the Annual Report of the Department of Infrastructure and Regional Development (these jurisdictions include Queensland, Western Australia, South Australia and the Northern Territory)⁹⁵ The commentary is brief and does not provide detail on the nature or activity of the councils. Nevertheless the examples may serve to indicate some of the diversity and features of the councils, the land and the occupants. (For more information about these councils, readers are encouraged to visit the relevant websites).

East Arnhem Regional Councils – Northern Territory

As has been noted, there are 9 Indigenous Local Governing bodies in the Northern Territory. Many of these councils cover huge geographical areas and encounter severe climatic conditions. For example, East Arnhem Regional Councils (in the far north-eastern corner of the Northern Territory) is classified as a rural remote large council.⁹⁶ It covers a land mass of approximately 33,295sq km. Five of the Council's nine communities are located on islands. In 2011 the estimated resident population was 9,098 people.⁹⁷ In the past year, the region experienced two severe tropical cyclones which had devastating effects on their communities.⁹⁸ The isolation of some communities and the severe climatic conditions present some significant challenges for the council.

The Vision of the East Arnhem Regional Councils as it appears in the Annual Report of 2014-2015 includes the following:

A region whose people are healthy, happy and positive about their future.

East Arnhem Regional Council strives to be a recognised and respected leader in Local Government. This is done by forming partnerships, building community capacity,

⁹⁵ DIRD, *Local Government National Report 2013-14*, Op. Cit.

⁹⁶ Ibid. p179

⁹⁷ East Arnhem Regional Council, *Annual Report, 2014-2015*, p13, <http://static1.1.sqspcdn.com/static/f/993684/26709345/1449018159433/EASC_AR2015_vol1_rev3_web.pdf?token=ESRQxu6ajc8BMx%2FcwWHj8Sr1670%3D> accessed 31 March 2016.

⁹⁸ East Arnhem Regional Council, 'President's Welcome', *Annual Report 2014-2015* <http://static1.1.sqspcdn.com/static/f/993684/26709345/1449018159433/EASC_AR2015_vol1_rev3_web.pdf?token=ESRQxu6ajc8BMx%2FcwWHj8Sr1670%3D> accessed 31 March 2016.

advocating for regional and local issues, maximising service effectiveness and linking people with information.

Providing high quality services, sustainable employment and development for the people of East Arnhem Land.

Dedicated to promoting the power of people, protection of community and respect for cultural diversity.⁹⁹

The Council's CEO¹⁰⁰ highlighted some of the achievements within the Annual Report, noting the following:

Council's ongoing commitment to improving our waste management processes, environmental policies and litter control efforts were again recognised at the 2014 Territory Town Awards.

Awarded the Energy Conservation Award and Water Conservation Award, as well as Council Services Manager Richard Fitowski recognised for his research and implementation of biodegradable 'Biopak' products in his community.

Our fantastic peninsular community Gunyangara was awarded the Small Community Award for the second year in a row for their outstanding work in keeping community tidy. A small population doing big things!

Gerard Community Council Incorporated and the Nipapanha Community Council - South Australia

The Department (DIRD) identified 5 Indigenous local governing bodies in South Australia. When viewing websites of some of the organisations, it can be observed that they often describe social, cultural, educational and economic aspirations which motivate their activity.¹⁰¹

For example, in South Australia, Gerard Community Council Incorporated and the Nipapanha Community Council list the following as their aims and motivations for the management of the property:

- Provide a good place to live/recreate;

⁹⁹ East Arnhem Regional Council, *Annual Report, 2014-2015*, Op. Cit.p37

¹⁰⁰ Ibid., p35

¹⁰¹ For example see information about the activities of Gerard Community Council available on their website <<http://www.alt.sa.gov.au/gerard-community>> accessed 31 March 2016.

- Generate paid work for community members;
- Develop skills;
- Commercial enterprise;
- Restore and maintain cultural heritage and links to the land;
- Generate some income to cover management costs;
- Maintain and restore the natural environment;
- Preserve culture for future generations;
- Promote self determination/provide economic base;
- Provide relief from problems associated by substance abuse in towns.¹⁰²

According to the DIRD National Report, Gerard Council is a rural remote extra small council and has a population of 241 residents.¹⁰³

Anangu Pitjantjatjara Yankunytjatjara (APY) Councils -- South Australia

Anangu Pitjantjatjara Yankunytjatjara is classified as rural remote medium size. It has a population of approximately 2,840 residents.¹⁰⁴ Populations from the various communities are located in the north of South Australia, Western Australia and the Northern Territory. Because of the isolation of communities, efforts are being made to improve the provision of electronic services and communications through accessibility to the internet.¹⁰⁵

The website states the purpose of APY in the following terms:

APY oversees the activities of the various constituent groups serving the needs of the people on the Lands. It also helps shape policies regarding economic and social development.¹⁰⁶

Housing is another issue of importance for some communities and changes to previous arrangements for Anangu were indicated as follows:

On 31 August 2009, APY and the Minister for Housing signed off on an enhanced MOU which replaced the 2007 document providing for Anangu home ownership, public housing

¹⁰² Ibid.

¹⁰³ DIRD, *Local Government National Report 2013-14*, Op. Cit. p 176

¹⁰⁴ Ibid., p 175

¹⁰⁵ Anangu Pitjantjatjara Yankunytjatjara, 'About Us', APY website, <<http://www.anangu.com.au/about-us.html>> accessed 19 May, 2016.

¹⁰⁶ Ibid.

and community title on homelands and a minimum 20% Anangu involvement in construction and related activities.¹⁰⁷

Shire of Ngaanyatjarraku - Western Australia

The Department (DIRD) identified 1 Indigenous local governing body in Western Australia.

The Ngaanyatjarraku Shire has a population of approximately 1,600 residents within the council area covering 159,948 sq km.¹⁰⁸ The Ngaanyatjarra Land Council holds 99-year leases on behalf of the traditional owners. The boundaries of the Ngaanyatjarra Land Council also form the boundaries of the Shire of Ngaanyatjarraku. Ngaanyatjarra is the first language of most of the residents and the Shire President's stated that 'the predominant culture of the Ngaanyatjarra people and traditional law and custom are very present in daily life'.¹⁰⁹

The responsibilities undertaken by the Shire have evolved, as indicated by the following statement:

At its formation the Shire assumed responsibility for the limited services previously provided by the old Shire of Wiluna. Since then the Shire has been steadily improving and extending the range of services provided to the communities including ovals, street lights, welfare, TV and radio retransmission, swimming pools and culture. Increasingly the Shire is now undertaking the more conventional Local Government services including Health, Building, Waste Services, Litter control, Rubbish Disposal Sites, Road Sealing, Sports and Recreation, Project management and other community-based programs.¹¹⁰

Torres Strait Island - Queensland

The Department (DIRD) identified 16 Indigenous local governing bodies in Queensland. The council with the smallest number of residents (290) is Mapoon Aboriginal Council covering a geographic area of 1,840 sq km. The largest population was that of Torres Strait Island Regional Council which has 4,771 residents scattered across various islands within a council area of 396 sq km.¹¹¹

¹⁰⁷ Anangu Pitjantjatjara Yankunytjatjara, 'Housing', APY website, <<http://www.anangu.com.au/housing.html>> viewed 19 May, 2016.

¹⁰⁸ DIRD, *Local Government National Report 2013-14*, Op. Cit., p173

¹⁰⁹ Shire of Ngaanyatjarraku, 'President's Message' <<http://www.ngaanyatjarraku.wa.gov.au/index.php/our-shire/presidents-message>> accessed 19 May 2016.

¹¹⁰ Shire of Ngaanyatjarraku, 'Shire Information' <<http://www.ngaanyatjarraku.wa.gov.au/index.php/our-shire/shire-information>> accessed 19 May, 2016.

¹¹¹ DIRD, *Local Government National Report 2013-14*, Op. Cit pp167- 170.

The maritime boundary between Australian and Papua New Guinea runs through the centre of the strait and both countries generally co-operate closely in the management of the strait's resources. Because of their location and natural resources, the Torres Strait Islands have a rich cultural and trading history which has often resulted in an influx of people from various places from across the Pacific and Asia.¹¹²

A significant land rights case brought on by Eddie 'Koiki' Mabo from Mer (Murray Island) is now part of the rich history of this region which continues to have ramifications for Australia as the following account indicates:

Murray Island's most famous resident was trade unionist Eddie Mabo, whose decision to sue the Queensland government in order to secure ownership of his land, which had been removed from his ancestors by the British colonial powers using the terra nullius legal concept, ultimately led to the High Court of Australia, on appeal from the Supreme Court of the State of Queensland, issuing the 'Mabo decision' to finally recognise Mabo's rights on his land on 3 June 1992. This decision continues to have ramifications for Australia. Mabo himself died a few months before the decision.¹¹³

¹¹² For more detail see Torres Strait Island Regional Council, 'Torres Strait Island History' <<http://www.tsirc.qld.gov.au/%3Cfront%3E/history>> accessed 19 May, 2016.

¹¹³ Torres Strait Island Regional Council, Mer (Murray Island), <<http://www.tsirc.qld.gov.au/Mer>> accessed 5 April, 2015.

CHAPTER 5: COMMUNITIES AND THE FUTURE OF LOCAL GOVERNMENT

Overview

This chapter will discuss community engagement in local government planning processes, the importance of local government to communities as well as highlighting some problematic policies and practices which undermine local government sustainability and the employment security of local government workers.

It will begin by outlining some of the planning, community consultation and networking mechanisms which operate within local government. These mechanisms put local governments in strategic positions, enabling the identification of community strengths, disadvantage, risk factors, safety issues as well as gaps in services. All these aspects enable councils to plan social and physical infrastructure as well as being able to advocate for the betterment of local communities.

Planning and Community Engagement

Local government service provision is underpinned by a range of commitments, regulations and obligations. Many of these have been determined by the relevant state or territory governments. For example, whilst there are some variations between the jurisdictions, all states and the Northern Territory require councils to prepare corporate plans, annual plans and financial plans. In addition to these, in some jurisdictions councils are required to prepare strategic plans, asset management plans and workforce plans.¹¹⁴ Such planning processes can facilitate accountability and increase the possibility of public scrutiny.

Strategic planning (also referred to as ‘community planning’ or ‘social planning’ in some jurisdictions) usually involves the engagement of communities in consultation processes.

Commitments and activities which engage communities help place councils in strategic positions enabling the identification of deficiencies or gaps in local service provision. This information can assist them in providing informed reports to other levels of government.

¹¹⁴ For more comprehensive discussion on this issue see Su Fei Tan and Sarah Artist, *Strategic Planning in Australian Local Government: A comparative analysis of state frameworks*, Australian Centre of Excellence for Local Government, University of Technology, Sydney, August 2013.

Whilst councils have the discretion to determine their priorities, an active citizen engagement in planning processes allows the possibility for citizens to help set local priorities.

Planning mechanisms can provide councils with opportunities to assist communities by researching needs and gaps in local service provision, encouraging networking and support as well as building information resources.

Hence, local government support and coordination can add significantly to the value and effectiveness of a diverse range of local groups and services. This can have a knock-on effect of helping to make local economies more robust as a result of improved local knowledge and better targeting of services.

An active citizenry can be said to be critical in ensuring effective representation by elected officers and the appropriateness of services for the diverse communities. Many observant and outspoken members of the public have helped improve and shape their communities by speaking out against unfair, discriminatory or corrupt practices.¹¹⁵

Many of the commitments and policies active in local government (including the involvement of residents in social planning processes) are often the result of legislation and policies which operate in the public sector arena but do not operate in the private sector or have limited application. See quote below, from an ACELG publication on planning issues in local government:

While the drive towards efficient government resulted in what can be described as a more corporate approach to organisational planning, there was at the same time recognition of the importance of community involvement in the identification [of] public sector priorities. This is because the delivery of public services is not completely analogous to private sector provision, and requires a degree of citizen engagement.¹¹⁶

In contrast to the public sector approach (of deliberately opening processes to public engagement and scrutiny) competitive markets can inhibit information sharing among private operators and other service providers as commercial-in-confidence concerns take precedence.

¹¹⁵ For an example of activism to enable more equitable access to services by Aboriginal community members see information relating to the 'Freedom Ride' in NSW in 1965 available on the National Museum Australia website <http://indigenoustrights.net.au/civil_rights/freedom_ride, 1965.>

¹¹⁶ Tan and Artist, Op. Cit., p11.

Importance of Local Government to Communities

As indicated throughout this report, local government plays a significant role in infrastructure provision, the provision of open access to a range of services for the local community and the strengthening of local community resilience. Community members are often cognisant of the value of local government services to the quality of their lives.

Over recent years a number of studies have indicated that tax payers are prepared to pay more taxes to receive a broad range of public services.¹¹⁷ The positive attitude toward the payment of extra taxes is one which has surfaced at various times in relation to local government because of the valued role that it plays in the lives of local residents. For example, the Australian Centre for Excellence in Local Government (ACELG) undertook a study to assist in understanding how and why local government is valued by communities.¹¹⁸ Some of the key findings of the ACELG research indicate that:

- A majority of respondents agree that taxes should pay for more than basic services and most say they are prepared to pay more taxes to receive a broad range of services.¹¹⁹
- Australian communities want to be involved with government in making decisions about how and what services should be delivered in their local area.¹²⁰
- Australians think that local government is the best level of government to make decisions about the local area.¹²¹
- Australians believe it is important that local government delivers a diverse range of activities, with planning for the future being amongst the most important.¹²²

The overall findings of the report were encapsulated by the project leader, Associate Professor Roberta Ryan, who said the following:

¹¹⁷ For example see David Hetherington, *Per Capita Tax Survey 201: Public Attitudes Towards Taxation and Public Expenditure*, Per Capita, April 2016, available on the Per Capita website:

<<http://percapita.org.au/research/per-capita-tax-survey-2016/>> accessed 2 June 2016.

¹¹⁸ Assoc. Prof. Roberta Ryan, Catherine Hastings, Ron Woods, Alex. Lawrie, Dr. Bligh Grant, *Why Local Government Matters*, Australian Centre for Excellence in Local Government (ACELG), University of Technology, Sydney, Australia, a summary and full report are available on the ACELG website <<http://acelg.org.au/wlgm>>.

¹¹⁹ *Ibid.*, Summary Report, p 8

¹²⁰ *Ibid.*, p10

¹²¹ *Ibid.*, p12

¹²² *Ibid.*

The view of local government as being confined to roads, rates and rubbish is long gone, in both practice and in terms of what communities expect. Australians want local government to be responsible for a diversity of activities in their local community, with planning for the future being among the most important.

‘There is enormous support for government to deliver services for a healthier and fairer society, and for the proposition that decisions about services should not be made just on value for money. According to our research, Australians overwhelmingly (93%) want to be involved with government in making decisions about what services are delivered in their local area,’ said A/Prof Ryan.¹²³

Other studies have also indicated that the level of trust that communities have in their local council is fairly high. For example, a Griffith University study found that 60% of Australians have trust and confidence in local government’s ability to carry out its responsibilities and that this is higher than that for federal and state governments.¹²⁴

At this point it is worthwhile noting that Local government is a significant employer, providing substantial benefit to the economy. However, as can be seen from the table below, there are ongoing shifts in the number of jobs in this sector.

Table 6: showing ABS estimates of the number of local government employees in June of years from 2008 to 2015 by state and combined total.								
Year	2008	2009	2010	2011	2012	2013	2014	2015
	'000	'000	'000	'000	'000	'000	'000	'000
NSW	51.7	55.3	56.4	62.1	r57.3	56.8	56.1	55.3
Victoria	41.7	44.4	r48.4	53.1	50.6	52.4	51.3	50.9
Queensland	43.5	39.1	43.9	42.0	40.6	40.3	41.7	41.9
South Aust	10.1	10.2	10.7	10.9	11.0	10.5	10.6	10.7
Western Aust	16.6	19.4	20.1	20.9	23.4	24.9	22.0	21.6
Tasmania	5.0	5.9	*3.9	4.0	3.7	4.4	4.0	3.9
Nth Territory	3.1	3.7	2.6	2.5	3.2	3.2	3.2	2.9
ACT	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total	171.7	178.0	r186.0.4	195.5	r 189.9	192.5	188.9	187.2

Source Australian Bureau of Statistics (ABS) Cat. 6248.0.55.002, Employment and Earnings, Public Sector, Australia, 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-13, 2013-14, 2014-15..

'r' indicates revised numbers

*Estimate has a relative standard error of 25% to 50% and should be used with caution.

¹²³ ACELG, News item, ‘Why Local Government Matters’, ACELG website < <http://acelg.org.au/wlgm> > viewed 10 March, 2016.

¹²⁴ Griffith University (2014), *Australian Constitutional Values Survey 2014*, Centre for Governance and Public Policy, Griffith University as cited in LGPA, Op. Cit.

In regional and rural areas, the provision of employment opportunities through local councils can bring significant benefit, particularly as a result of the spending power of workers in their local area. Indeed, a recent study published by ACELG (titled *Profile of the Local Government Workforce*),¹²⁵ highlighted the economic and social benefits that can flow on from local government employment.

An ACELG news item about this publication provided the following headline findings:

- local governments are particularly important employers in rural and regional areas and the economic strength of these regions is increased by the capacity of local governments;
- compared with other levels of government (and other sectors) the workforce is numerically significant and offers a range of high quality jobs and long term career opportunities across Australia. This can have significant flow on effects in regional areas such as opportunities for on-going training and career path development, and keeping a young family in the area and a part of the community;
- with the pending retirement of a senior male cohort, women will soon appear in the most senior management roles in local government if they are supported with continued flexible work opportunities and provided with developmental opportunities;
- local government supports diversity and Indigenous employment more actively than other spheres of public sector employment.¹²⁶

To this above list, we can add that a local council presence, with its diverse range of services, helps community members link in with other community members as they access services near to home.

¹²⁵ Catherine Hastings, Roberta Ryan, Melisa Gibbs Alex Lawrie, *Profile of the Australian Local Government Workforce 2015 Report*, Australian Centre of Excellence for Local Government, University of Technology, Sydney.

¹²⁶ Australian Centre of Excellence for Local Government (ACELG) UTS, 'New Local Government Workforce Data', *ACELG News Item*, 6 November, 2013 <<http://www.acelg.org.au/news/new-local-government-workforce-data>> accessed 7 October 2014.

Policies undermining sustainability and jobs

A number of inquiries and research studies have focussed on issues relating to the financial sustainability of local government over recent years.¹²⁷ Many of these studies have indicated that local government needs to obtain more reliable streams of funding in order to achieve financial sustainability into the future.

Many councils which appear to be struggling financially tend to be municipalities which had a low capacity to increase their own sources of revenue and were typically in rural localities and with large geographic areas to serve. By contrast, many of the well-established, high income metropolitan areas were able to generate considerable funds whilst having less demand for infrastructure investment – though it is understood that this is not the case for all metropolitan councils particularly those in growth corridors where councils struggle to provide new or upgraded infrastructure.

In this report we will not delve into these studies or related debates in detail but we simply acknowledge that without sufficient funds, local governments and their employees face significant challenges. However, we will briefly refer to a few policy directions and actions (or inactions) which seem to exacerbate funding and local employment uncertainty. As such, this chapter will review a select number of issues which have been of particular concern to the Union over recent years.

These include the following:

- Corporate tax avoidance and the depletion of public sector funds. This issue highlights the need to close loopholes, improve regulations and the powers of regulatory authorities.
- Unfair funding arrangements. The vertical fiscal imbalance between the different levels of government requires more attention.
- Imposition of rate pegging. It is the view of the ASU that local government should be given more autonomy in determining municipal rate charges.

¹²⁷ Examples include Independent Inquiry into Local Government (LGI) *Are Councils Sustainable? Final Report: Findings and Recommendations*, NSW Local Government and Shires Association, 2006; PricewaterhouseCoopers (PwC), *National Financial Sustainability Study of Local Government*, Report to the Australian Local Government Association, Sydney 2006; Financial Sustainability Review Board (FSRB), *Rising to the Challenge*, South Australian Local Government Association (2005); also see commentary by Brian Dollery, *A Critical Evaluation of Revitalising Local Government*, prepared on behalf of New England Education and Research Proprietary Limited for the United Services Union; also discussion of local government and the promotion of economic development by South Australia Centre for Economic Studies, Adelaide and Flinders Universities, *Providing Local Economic Stimulus and Promoting Local Economic Development: Possibilities for Councils in South Australia*, commissioned by Local Government Association of South Australia, July 2013.

- Cost shifting. As more and more responsibilities are pushed on local government from other levels of government funding problems are further exacerbated.
- Imposition of council amalgamations and boundary changes. While often touted by state governments as a means of cutting costs, forced amalgamations will increase some costs and, if the process is not consented to by local residents, will cause considerable discontentment and disillusionment with the political process, particularly if there are subsequent service reductions.
- The expansion of privatisation in its many forms. This covers broad areas of activity that are often touted as a panacea for various financial woes and inefficiencies. However, the Union has had a long history of opposition to public policy shifts which shrink the size and effectiveness of the public sector in our economy. The privatisation strategies have also been found to result in the loss of local jobs and reductions in wages and conditions of workers.

The Union is of the view that research relating to the future sustainability of local government should include consideration of these issues. They are explored further in the brief discussion which follows.

Corporate tax avoidance and the depletion of public sector funds

While many communities and their local authorities have felt the pressure of financial restraint, such pressure is not consistently experienced across all sections of society. This has been evident from media revelations about the leaked files from the Panama-based law firm Mossack Fonseca. The revelations from the leaked files, the *Panama Papers*, provide evidence of wealthy individuals and corporations engaged in activities such as the shifting funds off-shore and in so doing avoid taxation and side-step national regulatory controls.¹²⁸

The ASU is strongly of the view that such loopholes which are exploited by wealthy individuals and corporations should be closed. Furthermore, stronger accountability and enforcement measures should be put in place to halt the process which bleeds much needed funds away from the public services such as infrastructure and health. The Union is of the view that such off-shoring activities have contributed to the current situation of poor levels of funding for essential public services and

¹²⁸ For example of media coverage see 'The Panama Papers: what's been revealed so far?' *The Guardian*, 7 April 2016 <<http://www.theguardian.com/world/2016/apr/06/panama-papers-all-revelations-so-far-data-leak>> accessed 24 May, 2016.

consequently increased pressure on communities to put up with service cuts and reduced government benefits resulting from funding shortages faced by all levels of government.

Recently a study was released by Per Capita, an independent think tank, prior to the 2016 Federal Budget being handed down. This study included the results of a 2016 Tax Survey. Overall the findings indicated that respondents thought that there needs to be more spending on valued public services, not less, and that a fairer tax system should be in place to ensure an adequate supply of funds for these services. The following points can be gleaned from the many findings of the Per Capita survey:

- The public want to see more spending on public services, rather than less
- There is a growing interest in seeing more tax paid to fund better services
- There is support for the removal of avoidance or concession opportunities which allow people and companies to reduce their tax
- The findings show that Australians think the tax system is unfair, and favours large corporations and the wealthy at the expense of other citizens¹²⁹

In the light of the Panama Papers revelations, a coalition of Australian organisations, including the ASU published an open letter published in the Fairfax media in April 2016, calling on the Prime Minister to commit to taking effective action on tax dodging by wealthy individuals and corporations. (Information about this and a link to the letter is available on the ASU website¹³⁰).

¹²⁹ For more detail see the website of Per Capita for a summary and link to the full report
<<http://percapita.org.au/research/per-capita-tax-survey-2016/>>

¹³⁰ ASU, 'Mr Turnbull, Panama Papers require action, not silence', *ASU News*, 20 April 2016,
<<http://www.asu.asn.au/news/categories/general/160420-turnbull-panama-papers-require-action-not-silence>>

Unfair funding arrangements

Local communities need to see fairer funding arrangements between the different levels of government. At the heart of this issue is the vertical fiscal imbalance whereby the federal government has the capacity to raise more revenue than it needs, while state, territory and local governments are constrained in their revenue raising capacity and tend to raise much less than they need.

The level of taxation revenue reallocated to local government from the Commonwealth and state governments has failed to keep pace with the expanded range of responsibilities required of local government. In addition, the Commonwealth Government has acquired an increased proportion of the total share of tax revenue whilst local governments' share of total taxation revenue has remained modest. For example, the Commonwealth Government's share of taxation revenue increased from 77.2% in 1998-99 to 80.5% in 2010-2011 while the local government share in 1998-1999 was 3.6% and 3.5% in 2010-11.¹³¹

Ultimately there needs to be fairer arrangements for funding local government which will provide reliable, growing sources of funding into the future and better address the vertical fiscal imbalance.

Mechanisms such as the Financial Assistance Grants (FAGS) and the Roads to Recovery program remain important to local governments. However, changes need to be made in these areas in order to ensure that a growing source of revenue is provided to allow for effective development of services and infrastructure.

In addition, the federal government should develop its role in tax collection and redistribution in a manner that enables local communities to enjoy more equitable access to services and infrastructure. Better arrangements need to be put in place to more effectively address horizontal fiscal imbalance in local government across Australia. This may be assisted by a number of measures including tightly targeted supplementary funding programs for local governments which are less able to develop financial independence.¹³²

¹³¹ John Comrie, *Search Conference - Strengthening Local Government Revenue, Background Paper*, Australian Centre of Excellence for Local Government (ACELG), Updated December 2013, p10 <http://www.ancelg.org.au/system/files/publication-documents/1355279530_ACELG_Background_Paper__Strengthening_Local_Govt_Revenue_updated_12_Dec_2012.pdf> accessed 20 May 2016.

¹³² See Mervyn Carter, *Briefing Paper: Australian Local Government Financial Reform – A Federal Perspective*, prepared for the ANZSOG Institute of Governance and the Australian Centre of Excellence for Local Government, October 2013, p15 available from the ACELG website, <www.ancelg.org.au> accessed 27 May, 2015.

In contrast to an approach which shows fairness toward local communities, in the Federal Budget 2014-15 the Liberal/Coalition Government froze Financial Assistance Grants for a period of three years - increasing the hardship. The impact of this freeze has already been felt in local government services across Australia.

A study conducted by the Australian Local Government Association revealed that the freeze has had a significant impact, with case studies revealing that:

- some councils can consider mitigating the impact of the freeze with rate increases but many others are unable to do so because of limited rating capability or rate capping
- most councils have already reduced operating costs to minimum levels and there is very limited opportunity for further reductions to be identified without significantly impacting the delivery of services and infrastructure
- some councils have already been forced to cut services in areas such as childcare, bike paths, road works, landfill, libraries and public pools.¹³³

Under the Liberal/Coalition Federal Budget 2016-17 the indexation of the Financial Assistance Grants will still not resume until 2017/18. The Australian Local Government Association has noted that the freeze will have already cost councils \$925 million.¹³⁴

Imposition of rate pegging

Rates are a major source of funding for many councils. They are the sole form of local government generated tax revenue and are considered to be an efficient form of generating funds.¹³⁵

The ability of councils to raise sufficient revenue from rates can be suppressed by state government imposed forms of rate pegging (also referred to as 'rate capping'). It is a process which places limits on the total amount that a council could charge its rate payers.¹³⁶

¹³³ Australian Local Government Association (ALGA), 'FAGS indexation front and centre of ALGA Election Plan', ALGA 2-16 news item and link to document available on ALGA website <<http://alga.asn.au/?ID=14275>> accessed 22 April 2016.

¹³⁴ Australian Local Government Association (ALGA), 'Financing Local Government Budget 2016-17 Highlights', ALGA website <<http://alga.asn.au/?ID=14288>> accessed 22 April 2016.

¹³⁵ Australian Government, *Re: Think; Tax Discussion Paper*, Commonwealth of Australia, March 2015, p 149, <<http://bettertax.gov.au/publications/discussion-paper/>>

The impact of rate pegging can include the following:

- It threatens the viability of services provided to local communities
- Puts at risks local jobs and the spending levels in the local community
- It has an overall detrimental impact on local government finance
- Can cause local business to suffer as a result of reduced local spending power
- Can limit the ability of councils to take responsibility for their own economic affairs
- Can reduce efficiency
- Creates impediments for effective long-term planning, particularly in relation to infrastructure investment
- The practice diminishes local autonomy – as a result of the restrictions imposed at the state level.¹³⁷

Cost shifting

As noted previously in this report, cost shifting from Commonwealth and state governments to local government, can increase both responsibilities and costs to local government. This can contribute significantly to the economic strain faced by councils.¹³⁸

Cost shifting can take many forms. The following are some examples of activities Commonwealth or state governments have handed over to local government without adequate financial compensation:

- Transfer of assets giving local government increased responsibility
- Increased reporting requirements
- Additional regulatory/law enforcement requirements
- Rebates and concessions to be provided to particular community members

¹³⁶ For example see Brian Dollery and Albert Wijeweera, 'An assessment of rate-pegging in New South Wales local government', *Commonwealth Journal of Local Governance*, UTS ePress, issue 6 July, 2010, <<https://epress.lib.uts.edu.au/journals/index.php/cjlg/article/view/1619>> viewed 14 July 2015.

¹³⁷ See Australian Services Union – Victorian and Tasmanian Authorities and Services Branch, 'Rate Capping Campaign', <<http://asuvic.nationbuilder.com/>>; see also the perspective presented in the Australian Local Government Association (ALGA), *Submission to the Taxation Issues Paper*, 2015. <www.alga.asn.au> accessed 22 April, 2016.

¹³⁸ David Hawker (Ed.), Parliament of the Commonwealth of Australia, *Rates and Taxes: A Fair Share for Responsible Local Government*, Parliament of the Commonwealth of Australia, Canberra, ACT, Australia 2003.

- The abandonment of services or benefits previously provided to communities (leaving service gaps the consequences of which are left to local government to deal with)
- Shared financing of particular services where the state or Commonwealth governments later withdraw their share of contributions.¹³⁹

The inequitable nature of relations between the different levels of government increases incentive to cost-shift and has a particularly severe impact on local government.¹⁴⁰

In the Australian Local Government Association submission to the 2016-17 Federal Budget, it noted that cost shifting was a 'poor outcome for communities' and was estimated to have an annual impact on councils of up to \$1.1 billion.¹⁴¹

The ALGA submission explained that cost shifting has magnified over recent years, threatening the financial stability of the sector. It stated:

This is because other levels of government continue, whether indirectly or directly, to assign additional responsibilities to councils. These include increased emergency and disaster management, environmental programs, community education, business development, management of certain land and the transfer of roads. Compulsory amalgamations in some jurisdictions over recent years, coupled with state-prescribed responsibilities, for example in the Northern Territory, has also increased opportunities to cost shift onto the local government sector.¹⁴²

Imposition of council amalgamations and boundary changes

Communities in various states across Australia have often been resistant to forced council amalgamations and boundary changes which are imposed on them by state governments. Reasons for community and union opposition may include the following:

- Loss of local identity as the attention and focus of service provision shifts
- Loss of representation: with fewer Councillors and reduced access to Councillors

¹³⁹ See Australian Local Government Association, 'Examples of cost shifting', ALGA website <<http://alga.asn.au/?ID=885&Menu=44,61,78,440>>.

¹⁴⁰ For example see discussion in Andrew Worthington and Brian Dollery, *The Debate on Australian Federalism: Local Government Financial Interrelationships with State and Commonwealth Governments*, Blackwell Publishing 2000, author manuscript version, first published in *Australian Journal of Public Administration* 59(4): pp12-22; See also Comrie op. cit.

¹⁴¹ ALGA, *Investment in an Innovative Prosperous Future*, Op. Cit.

¹⁴² Ibid. p9.

- The process is time and resource consuming – with many additional costs paid by local ratepayers
- Loss of access to resources and services in some areas – for example amalgamations may result in reductions in customer service staff and resources from some areas while services are provided and refocused on other areas
- Significant cost increases to relocate suitable sites and accommodating a larger workforce in new or upgraded central buildings
- Additional costs associated with reworking information technology systems, town planning schemes, procedures, policies and staffing arrangements
- Loss of expertise and local knowledge as long term employees are displaced - affecting the work environment for those who remain
- Rural communities can be at particular risk if amalgamations result in lost services and cause other services and community members to leave the region
- Potential loss of local jobs
- Reduced staff morale and anxiety in an environment of uncertainty
- Threatened reductions or loss of conditions and pay rates
- Changed work locations

The Union is of the opinion that each proposal for boundary change or amalgamation needs to be considered on the basis of its merits. There may be circumstances in which amalgamations could be beneficial. But if amalgamations are imposed against the will of the local communities and with detrimental implications for local services, then it is likely to be a failed experiment.¹⁴³ Such unpopular moves have resulted in de-amalgamations in recent times – for example in Queensland, on 6 December 2012 the Minister for Local Government announced that four de-amalgamation proposals would proceed to a compulsory poll. These include Noosa Shire (as part of the Sunshine Coast Regional Council), Livingstone Shire (Rockhampton Regional Council), Mareeba Shire (Tablelands Regional Council) Douglas Shire Council (Cairns Regional Council).

¹⁴³ For a NSW study which indicates that merged councils do not perform any better than their unmerged peers, refer to forthcoming article by Brian Bell, Brian Dollery and Joseph Drew, 'Learning from Experience in NSW?' in *Economic Papers* <<http://onlinelibrary.wiley.com/doi/10.1111/1759-3441.12136/full>>.

The de-amalgamated councils were to return to the boundaries as they existed at the 2008 council amalgamations. On 11 April 2013, the Local Government (De-amalgamation Implementation) Regulation 2013 was enacted, formalising the process.¹⁴⁴

However, the imposition of forced amalgamations continues to appear on the political agenda in various states and, at the time of writing this report, the New South Wales Government was pushing ahead with council amalgamations in the face of mounting opposition from many councils and their communities.¹⁴⁵

Privatisation

Privatisation of assets and service provision has been a significant concern for communities and local government workers across Australia. It has also been an issue which has received the active attention of the Australian Services Union. This report will briefly refer to some relevant studies.

As was noted in the ASU publication, *The Privatisation Betrayal*,¹⁴⁶ privatisation can take many forms. A few examples of privatisation measures include the following:

- the transfer of ownership of assets from public ownership to private ownership
- the contracting-out (also known as out-sourcing) of activities traditionally performed by the public sector
- the leasing of public assets to corporations in the private sector
- the introduction of public private partnership (PPP) arrangements for tasks previously provided by the public sector or for new ventures involving PPPs
- systems of individual vouchering or other incentives which result in funding shifts away from the public sector
- the management and or operation (including day to day) by the private sector of a service previously managed and or operated by the public sector

¹⁴⁴ Department of Local Government, Community Recovery and Resilience, Queensland Government, *De-amalgamation* <www.dsdip.qld.gov.au/bc/> accessed 29 September 2014.

¹⁴⁵ See discussion on these issues in various news items on the United Services Union website <<http://www.usu.org.au/>>.

¹⁴⁶ Lyn Fraser, *The Privatisation Betrayal: Losing the Things we value*, ASU, Carlton South, Victoria, 2015, available from ASU Publications <<http://www.asu.asn.au/resources/publications>>.

- the operation of shared services or other models of public service provision, now managed and or operated by the private sector¹⁴⁷

It is often argued by proponents that privatisation strategies will save costs without a reduction in service quality or performance. But the results of extensive studies on privatisation do not provide strong evidence for these claims and a range of international studies have also found very mixed results when analysing purported economic benefits and service quality after privatisation.¹⁴⁸

Local government has experienced many waves of privatisation over the decades. Sometimes it has been the result of concerted efforts of state governments (such as in Victoria during the time of Premier Jeff Kennett), sometimes the result of national policy implementation (such as Competition Policy and the application of Competitive Neutrality) and at other times it has been the direct result of decisions made by local Councillors for a variety of reasons.

In 1990 the Evatt Research Centre published their research on the privatisation and management of Australian local government.¹⁴⁹ At that time they noted the extent of contracting-out and diversity of arrangements in relation to different service areas and different state jurisdictions. But on a national level, the growing practice of contracting out waste management services appeared to be particularly evident at the time, though it was also occurring in other areas such as welfare and health services to a lesser extent. The report noted:

¹⁴⁷ Ibid. p9

¹⁴⁸ For example, see discussion in Stuart Holder, National Economic Research Associates (UK), 'Privatisation and Competition: the Evidence for Utility and Infrastructure Privatisation in the UK', *Twelfth Plenary Session of the OECD Advisory Group on Privatisation* (AGP), OECD website <<http://www.oecd.org/daf/ca/corporategovernanceofstate-ownedenterprises/1929658.pdf>> accessed 12 March 2015; Brid Brennan, Olivier Hoedeman, Philipp Terhorst Satoko Kishimoto and Belen Balanya, *Reclaiming Public Water: Achievements, struggles and visions from around the world*, Belen Balanya, Brid Brennan, Olivier Hoedeman, Satoko Kishimoto and Philipp Terhorst (Eds), Transnational Institute (TNI) and Corporate Europe Observatory (CEO), Amsterdam, 2005 available from the TNI website <<https://www.tni.org/en/tnibook/reclaiming-public-water-book>> accessed 3 June, 2016; Beth Cook, Victor Quirk and William Mitchel, *The Impact on Community Services of Staff and Service Reductions, Privatisation and Outsourcing of Public Services in Australian States*, Report 1, Centre of Full Employment and Equity (CofFEE), report prepared for the Community and Public Sector Unions (SPSF Group), Published by Centre of Full Employment and Equity, University of Newcastle, Callaghan NSW, June 2012; Valarie J. Sands and Graeme A. Hodge, Faculty of Law, Monash University, Clayton, Australia, *The Victorian Government's prison privatisation project (1992-2010): The pathway to cost efficiency? A longitudinal analysis*; Dr Bob Walker and Betty Con Walker, *Privatisation: sell off or sell out? The Australian experience*, Published by ABC books for the Australian Broadcasting Commission, 2000.

¹⁴⁹ Evatt Research Centre, *Breach of Contract: Privatisation and the Management of Australian Local Government*, Evatt Research Centre, Pluto Press, Leichhardt, NSW, Australia, 1990.

[O]n a national basis at least, contracting out is prevalent amongst the waste management industries and the provision of a wide range of cleaning services. The rate of contracting out for other specified services appears to be less than 20%.¹⁵⁰

The report discussed responses from 460 councils from across Australia regarding the contracting out of various services. Respondents were given the opportunity to identify advantages and disadvantages of contracting out. Among the advantages were included: increased flexibility, expertise not available within council, reduced costs (but some were from reductions in wages and conditions paid to workers), plant and equipment savings and other issues. Among the disadvantages were included such issues as: loss of direct control/ accountability, deterioration of service quality, supervision difficulties, cost increases and other issues.¹⁵¹

The Evatt report also noted occurrences of the abandonment of contracting out and the returning to council day-labour by some councils. Reasons for the failure of the privatisation strategies varied but they included: poor service, poor supervision, disputes about contract, safety issues, failure to complete contract, poor performance, uneconomical, poor public relations and other issues.¹⁵²

Since this early research was conducted, privatisation (through various means) has continued within local government and has been broadened more extensively into a range of work areas and occupational groups.

Whilst decisions about contracting out are undertaken on a case by case basis, it is clear from experience in Australian and overseas that the process is not risk-free and decision makers need to ponder a range of concerns and potential impacts.

By way of example, in April 2015 debate came to a head at Darebin City Council (Victoria) about the potential contracting-out of a range of services.¹⁵³ A councillor had put forward a motion in favour of contracting-out services. However, other councillors considered a number of issues and past disappointing experiences with contractors. It was also evident that the community was very satisfied with the services currently provided by the council staff. As a consequence, the majority of councillors overwhelmingly voted for a rescission motion to retain Council jobs in-house.

¹⁵⁰ Ibid. p45.

¹⁵¹ Ibid, p 46-63.

¹⁵² Ibid. p60f.

¹⁵³ ASU Victoria and Tasmanian Authorities & Services Branch, Darebin City Council shows 'best practice puts people first', News created 22 April 2015, <<http://www.asuvictas.com.au/headlines/18-local-authorities/625-darebin-city-council-shows-best-practice-puts-people-first.html>> accessed 17 June 2016.

As noted in a Union news item, 'In the past services had been contracted out only to be quickly brought back in-house when residents did not get value for money.'¹⁵⁴

The Union Organiser, Brendan Parkinson stated that:

Darebin City Council employs a high number of staff that live within the municipality and the implications of outsourcing jobs would have also been a hit to the local economy.¹⁵⁵

He concluded that the decision to retain service provision by council workers was "a win for the workforce and local jobs".¹⁵⁶

Internationally, there are various resource centres which aim to assist decision makers to assess risks and potential negative impacts of privatisation. One such centre is based in Washington, called *In the Public Interest* (IPI), it particularly aims to provide resources to communities which are concerned about impending privatisation measures or have experienced significant losses resulting from privatisation.¹⁵⁷ IPI has revealed many experiences which have caused dismay and anger in communities. They provide ten questions which should be considered by decision makers. The list below is an adaptation of the IPI list (it includes some paraphrasing to more closely reflect the Australian experience):

1. **Does the contract limit our democratic rights?** (Questions should be raised about particular types of clauses in the contracts.)
2. **Will we still have the 'Right to Know'?** (Give attention to confidentiality arrangements, implications for accountability and transparency as well as local democracy.)
3. **Are there perverse incentives that could work against our public policy goals?** (What are the implications of the shift away from 'public good' to profit making and how can it derail broad social and environmental objectives?)
4. **How will we hold the contractors accountable to the public?** (Contractors need to be watched closely but if public agencies have experienced staffing cuts there will not be enough ability for adequate monitoring. Will contractors be shifting funds off-shore, depleting tax obligations and regulatory requirements?)
5. **Do we have a Plan B?** (When contractors fail to deliver, how do you step back and fill the void after you have already sold off the equipment and downsized frontline workers who knew how to do the work?)
6. **What is the impact on jobs and worker entitlements?** (The related discussion on this point raises a number of issues about how private corporations may cut costs in a way which reduces benefits and protections for workers.)

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ See various resources available from the website of In the Public Interest: A Comprehensive Resource Center on Privatisation and Responsible Contracting, < <http://www.inthepublicinterest.org/about-us>>.

7. **If a private company thinks they can make money owning our assets, why can't we?** (Why sell-off the asset if other changes would be more beneficial? Selling revenue-generating assets doesn't make economic sense in the long run.)
8. **What are the limits on the private contractor's ability to raise fees, tolls or rates?** (After privatisation, the public often ends up paying higher charges and the money goes to the private corporation, so why not keep the assets in public hands and raise charges to put back into expanding public services?)
9. **What risks are involved in guessing the future?** (A lot can change in the life time of long term contracts; future generations may have to face problems relating to a bailout because politicians thought they knew what was in the future!)
10. **Have you read the contract? (the devil is always in the details)** (Contracts often have provisions which can have an impact on things we care about. Close public scrutiny is needed.)¹⁵⁸

The ASU is very concerned that privatisation has the potential to have severe consequences for communities and local workers. Such concerns have been previously expressed by the Union in submissions to various government inquiries. For example, the Union made a submission to the Senate Standing Committee on Economics as part of *the Inquiry into the Privatisation of State and Territory Assets and New Infrastructure* in 2015. Some issues of concern include the following:

- Reductions in local employment - this can have a particularly destructive impact on regional and rural economies if local council jobs (and their spending power) go to outside contractors who spend their money elsewhere.
- Increased dominance and influence of multinational corporations and foreign governments in the Australian economy - accelerating market concentration and reducing public control and accountability.
- Reduced ability for governments to implement broad social objectives - particularly when profit-makers cherry pick the most lucrative activities or the most lucrative way of conducting the business with no commitment to broader social implications of their activities.
- Potential detrimental impact on Australian government revenue streams – loss of revenue can be exacerbated if private companies send profits off shore or use other methods to reduce taxes and other obligations to Australia and local communities.
- Reduced investment in traineeships and apprenticeships - apprentices with government employers are more likely to complete their apprenticeship as compared to those in private sector employment.
- Depending on the nature of the contractual arrangements, costs can escalate and reduce the quality of services provided.¹⁵⁹

¹⁵⁸ In the Public Interest, leaflet available from the website titled 'Ask the Right Questions Before Privatization', < <http://www.inthepublicinterest.org/about-us> > accessed 10 May, 2016.

CHAPTER 6: CONCLUSION

This report located local government within the Australian federal system. It touched on some of the institutional and power sharing arrangements in place. It noted the important role of the Australian Constitution while indicating some possible additions and improvements which could be made.

The report acknowledged that the nation of Australia was established on a land already occupied by people who had their own laws, languages and a custodial relationship toward the land. It attempted to acknowledge this heritage, ongoing injustices and inequalities as well as the resilience of Indigenous communities.

The report referred to some of the legislative and political influences which had an impact on the evolution of local government. It noted some of the diverse services provided by local government and factors which influence the nature and quantum of services and infrastructure provided. Attention was drawn to the fact that in more recent times communities have come to expect an increased range of services from their local government.

One of the strengths of local government is its closeness to its communities. As a result of increased community participation in planning processes and improved means of identifying gaps in services, local governments now have the capacity to more effectively plan for communities and advocate for them in state and national forums.

A number of previous studies indicated the importance of local government to communities and local residents. Some of these studies demonstrated that while communities expect more and more from local government, they are generally prepared to pay more in taxes for valued services and infrastructure.

The report is significantly punctuated by comments about arrangements which impinge on the revenue raising capacity of local government as well as other factors which threaten the employment opportunities that are supported by this vibrant sphere of government.

The report has particularly noted Union concern about the depletion of public sector funds; the vertical fiscal imbalance; rigid rate pegging regimes; cost shifting; forced amalgamations; and the expansion of privatisation. All these factors have the potential to have detrimental impacts on the

¹⁵⁹ See ASU Submission to Senate Standing Committee on Economics as part of *the Inquiry into the Privatisation of State and Territory Assets and New Infrastructure*, submitted for the ASU by Assistant National Secretary, G. McLean OAM, 2015, available from ASU website <<http://www.asu.asn.au/resources/submissions>>.

quality and breadth of services provided to communities as well as having an impact on the availability of local jobs.

The ASU acknowledges that important services require adequate funding and local government should be able to rely on sources that will sustain it well into the future. This is an issue which deserves ongoing attention and action.

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