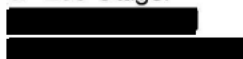


## WOODLANDS ACTION GROUP



Woodlands Action Group  
c/- Leo Ottiger



Chief Executive Officer  
Department of Local Government, Sport and Cultural Industries  
140 William Street Second Floor Reception  
PERTH 6000

### Submission: Local Government Act Reform 2022

Dear Sir

I write on behalf of the *Woodlands Action Group*, which represents concerned citizens who reside in the Woodlands area who wish to make the following comments with regard to the proposed Reform of the 1995 Local Government Act and we are well aware from what has occurred in the past that submissions to government departments can be used as whipping tools and complaints against Councilors and members of the Public and therefore personal true comments cannot not be revealed:

1 Whilst there is merit for having an Inspector, the person needs to be independent and appointed through the Public Service system and not a political appointment of a minister, also really should be based on the Ombudsmen model. The conduct panel should not be ex councilor's or parliamentarians as politics and factions can present an unconscious bias. The processes and procedures are often selectively followed so who is going to check this, as this would end up similar to the standards panel of targeting certain councilors. If there are charges to be faced then if you win you should be able to get your legal fees reimbursement and the CEO, Mayor and councilor etc. Should have to publically apologies. Red card is not appropriate as it's just a whipping tool like LGSP was used against certain councilors. What process will be in place when the complaints officer or CEO is selective in what complaints they forward to the inspector. What process is in place when the vexatious attacks are from the CEO? And if the complaints are not handled in a confidential manner? There needs to be a serious independent review of the discrimination and application of the Rules of Conduct regulations and Interventions. As the complaints management system both internally and externally is appalling a review is seriously needed. It is regularly reported in the newspaper about Councilors being charged by other Councilors or by the CEO and staff in local government and then when the innocent Councillor gets off, they still have to pay the bill, lawyers bill, loss of wages etc. live with the character assassination, the public thinking less of them, while the people, who raised the complaint especially the CEO's don't have any cost, don't lose their jobs etc. and if the public complains about the CEO it goes nowhere ! therefore the Rules of Conduct if applied to all persons in local government, that is, Councilors, CEOs and staff then the media might paint a truer picture of what is



really going on and not vexatious people abusing the system and it was be less discriminatory. The Local Government Standards Panel (LGSP) and its WALGA appointed members along with the discernment in its application of who and who doesn't get charged with a complaint by the various Local Government CEO and who the LGSP finds guilty and they don't find guilty for complaints needs to be seriously audited and an open mediation process included as well to ensure the public can come and have their say and the clayton litigants can be exposed and the outcomes of the complaints and resolutions of LGSP can be properly challenged by evidence and not by nepotism and lobbying.

With Complaints management there needs to be a penalty imposed on CEO who do not pass complaints through to the department and there should be an open Publically available register so residents can see for themselves what is going. Also as these charges ended up costing Taxpayers and Ratepayers and we the public should have the right to see where our hard earned money is going. Really need to introduce a penalty that applies to CEO and staff who lie, commit perjury or provide false or misleading information to Council, the LGSP, SAT or in any other documents. If a Councillor has been found not guilty of any charge then the CEO and Mayor should be making a public statement to that affect, as the character of the councillor has been compromised and the false issues will be on the internet forever. Against Strengthening penalties against Elected Members at Proposals 1.1, 1.4 and the Criminalization of Elected Member breaches at Proposal 1.359, as it just used against innocent Councillors by vexatious CEO, Mayors, staff and councillors. All local government staff should be subjected to the same code of conduct and rule that councillors are subjected to, to make it fair and less opportunity to misuse. All Councillors should be entitled to work in a safe environment free for attacks and abuse from Local Government CEO, the staff and the public, and there is nowhere for Councillors to raise this issue if the CEO is aligned to the perpetrators. Repeal of the local Government Standards Panel as legislation was inconsistently applied and used mainly against certain councillors. Repeal of Councillor Code of Conduct Behaviour Division 3 as it was not consistently applied and used as a tool for CEO, Mayors and vexatious councillors. Repeal of the Local Government Act s.5.123, minor breach confidentiality provisions, as this is misused by staff and councillors to target certain councillors. If the CEO / Mayor / councillor uses staff resources to instigate a charge or defend a charge, then the financial cost should be tabled on the agenda for noting by council.

2 There needs to be an audited or a reporting mechanism back to the department with regard to compliance with Council meeting procedures and processes for a number of reasons. The process and red tape significantly varies between local governments which isn't good when you are a small business person trying to get the same type of approval from different councils and the rules especially around risk management are becoming erroneous, which is also off putting.

Public Question time is often seen as a political stage for both the Mayor and the CEO to assert their power on the innocent and often naive ratepayer who is already feeling intimidated by staff and the surrounds and has been referred in the newspaper as the "local Circus" and cheaper entertainment than "going to the pictures on a Tuesday night", which is a sad indictment on local government. Members of the public should not have to give a weeks' notice or even a days' notice if they wish to ask a question and it should be able to go for as long as necessary and be recorded in the interest of transparency and good governance. It should be in





the legislation that all the public questions and answers should be recorded in the minutes of the meeting so everyone can see what the questions and answers are and this would stop the CEO, Mayor and Councillor playing favorites and stop the using and abusing of the media and information and there should be no limit on the number of questions or the issues of the questions.

Need to have a better state government procedure for adopting local laws, as if the council endorses the local law, then advertises the law, then it goes to parliament and then parliament says no, it has to go back to council and back to be changed, the Council should have to send the local law for endorsement before it is proclaimed.

Live streaming of all council meetings is important and should not be delayed or edited by the CEO, as it will not then be a true copy.

Should be a buddy system with metropolitan councils and country council in sharing resources such as CEO, planners financials etc.

Should be a limit as to how many items the CEO can put on an agenda for each meeting as there is no consistency and it doesn't allow time for the community or the councilors to read and absorb and question up to 1,000 pages in two days.

The CEO should have to have in writing in the agenda, why some motions are not allowed and why some items are confidential and why some items come to a council meeting and not to a committee meeting before hand for discussion.

All CEO and senior staff should be on a time tenure, for every local government council, to improve the organisations innovative programs and to reduce the factions, bullying, nepotism, segregation, exclusions and business silos etc.

All delegations of power from Council to the CEO, should be collated in a publically available register and provided to the State Auditor General for review every two years and their comments referred back to Council for consideration and feedback

All motions from every electors and special meeting, should be forwarded to council along with a report from the CEO, on each item and each motion to be voted on by council and the minutes recorded on the website

3 All meetings should be recorded and publically available on the council website and should be searchable by a set word and also the attachments and how each Councillor voted on each item to be entered into the minutes.

All confidential meetings to be recorded and minutes provided to councilors and the definition of confidentiality should be set by state government and a reregister of all confidential meetings to be provided annually

There should be an online register for conflicts of interests, developer contributions and Council motions with links to the site for the report and these council motions which guide the staff to implement the actions of council should be on the internet and publically available for perpetuity

The CEO KPI need to be linked to turn over of staff, complaints register, ability to deliver projects, ability to action council motions in a timely manner etc.

Owner and occupier rolls only needs to be update every two years and should be initiated by the council officer and advise the voter accordingly of their status

4 Local Government elections postal votes should be changed to the same process as state and federal elections so it is less confusing to people, they can still apply for a postal vote and they can vote in person at the council office or at a council library three weeks up to election day and this will stop the corruption and



fraud, from stolen votes etc. and will give confidence to the voter and cost less to the ratepayers

Local Government elections ballot papers should have a numerical value and not just a tick or cross to keep them in line with the state and federal elections processes and reduce the number of informal votes

Local Government elections should be compulsory, in the same way that state and Federal government elections are as it is less confusing to people and people might get more involved in what's going on locally

The election date should be moved to November or back to September so they are not in the school holidays and public holidays which allows for ballot papers to go missing and used inappropriately and people are away.

If a candidate has a criminal conviction they cannot stand as a candidate / councilor in the election, to bring this rule under the same rules as state and federal candidates where you cannot stand

All candidate profiles should include a contact phone number or email address and must indicate their address or at least their suburb where they reside in accordance with the electoral roll.

If an elected councilor leaves their council position for any reason within a year after an election, then the next candidate with the most votes, from that election, is duly elected, onto Council which would be cost and time effective

If the candidate is a builder, planner, real estate agent then they cannot stand as a candidate as too much conflict of interest and could be used inappropriately

When a person votes there should be photo identification, to ensure that person is voting and stop people voting twice and would counteract dodgy stolen postal votes  
Local Government elections should not have preferential voting, as it is confusing to people and it should be the candidate who has the most votes on the day, as that's who the majority of local people want to represent them

The Mayor / President should be elected by the people of the district, if it is a big council, of over 30,000 people and every four years, to involve the voters more and accountability

The Deputy Mayor / President should be elected each year by the local councilors, to reduce factions for Mayor/ President or / and CEO and give experience to councillors  
In large council areas, the ward system should be mandatory and in smaller councils, they don't have to unless the council passes a motion to agree to it

As all councillors must vote on all items on the agenda and accept any petitions etc, as there should be no discrimination by non-ward councillors with regard to the submission of petitions and motions outside ward boundaries

If there should be an automatic recount on the night, if the votes are less than 100 votes.

The WAEC has to take more of a lead role with the elections and there should be only one set of rules and not the CEO rules as there is a potential of unconscious bias, for example if a candidate puts out 20 signs in park without permission, the CEO gives the candidate 7 days to remove them while the abiding candidate is disadvantaged and the election is nearly over

5 There should be a meeting fee attached to all recognised local government meetings attended by Councillors, and if they don't attend they don't get paid





All Councillor should be granted superannuation, to recognise the long term commitment to a poorly paid position especially for women and would be aligned to other states

All Councillors should be on a similar number of committees and these committees need to be rotated, every two years, to improve the educational experience of the councillor, reduce factions and alliances and ensure Councillors have similar reimbursements for their time

All CEO and senior staff should be on a time tenure, for every local government council, to improve the organisations innovative programs and to reduce the factions, bullying, nepotism, segregation, exclusions and business silos etc.

Agree with educational courses for Councillors, however prior learnings and qualifications should be allowed to be credited, for more than one term, especially if they have completed the courses or their equivalents within the last ten years

If Councillors only have to do compulsory courses, then they should be provided with a training completion fee as they usually have to take time off work to complete the training

WALGA should be taken out of the Act as it has too much of an advantage and has not been audited or held to account

The election caretaker period should be aligned with all councils in WA and there needs to be an avenue to raise issues when particularly Mayors and CEO use their positions and council / staff resources to advocate for certain candidates whether they are currently councillors or not, especially as WAEC refuses to act on issue

All local government staff and contractors should be subjected to the same code of conduct and rule that councillors are subjected to, to make it fair and less opportunity to misuse the rules, bullying etc.

All delegations of power from Council to the CEO, should be collated in a publically available register and provided to the State Auditor General for review every two years and their comments referred back to Council for consideration and feedback

All motions from every electors and special meeting, should be forwarded to council along with a report from the CEO, on each item and each motion to be voted on by council and the minutes recorded on the website

Local Council should be encouraged to return to building and running affordable housing, with cheap state government loans, for less privileged and seniors etc. in their areas which would assist the community and provide another revenue stream  
Waste charges should be included on the rates notice, along with the percentage of wastes that has been recycled from that council, aligned with the councils own recycling initiatives

Respect should be given by local Government CEO and staff with regard to consultation on major events when people work during the day and can't attend the office and are not on the internet as the community satisfaction and the consultation results can be skewed

The CEO should have to follow the Council motions irrespective of the time frame, and who can this referred to ? such as if a council motions says to phase out the use of Glyphosate in 2009 then why is the Council staff still using the product in 2023

The issues involving the power and misuse of Power with regard to the Development Assessment Panels (DAP) needs to be reviewed, as the power and comments by the councils and the public have been diminished in favour of developers and ignoring local structure plans appears to be the norm

Amend the Local Government Act Covid Part 10 to stop Councils delivering their governing and oversight powers to CEOs, as they are arguably unconstitutional



The state government should include affiliated Local Government Groups in their decision making not just WALGA, such as LGEMA, ALGMA, ALGWA WA, etc. Need better protection and preservation of Heritage areas and Local Governments should be made accountable and consult the community more often

6 The Fees and Charges should NOT be set at Cost recovery they should have money going back into the local community

All financial reports should include business cases should be on the council website and should be easily searchable, both attachments and through key words etc.

Under the Local Government Act its states councillors should be provided with all the information to carry out their role, however when a CEO fails to provide the information requested or does not provide the correct information there is no penalty and no mandate and no recourse to make them do so and this needs to be changed Needs to be better accountability and transparency with the reliance on the data on the satisfaction surveys, as the collection maybe skewed and these results are used to measure CEO performance and their bonuses etc.

Local Government CEO should not be given bonuses and all their additional allowances in their contract package should be itemised in the annual report such as professional membership fees, conferences, cars, entertainment spends etc. for good governance

All FOI requests should be recorded and tabled and on public register, irrespective of whether they are approved or not and reasons for the decision stated in the report

The councils should be compliant with Local Government Administration regulations

19.B and yet no one checks that they don't and there is no penalty to the CEO

Should be a cap on local government staff salaries and use of consultants and a report should be provided to the Department on the validation and cost of all the FTE's etc.

The whole outcomes of the State Auditor General's Report on the individual council performance should be included in the Councils annual report and on the website and their action taken to address the items raised in the audit

If the council CEO refuses to allow a person / organisation to rent or lease a premises this should be reported to Council for noting and the reason therein for the actions

All Local government council staff, Councillors, consultants and those appointed to WALGA and other local government boards should all be subjected to tenure, to ensure accountability and allow the sector to improve their knowledge base and reduce nepotism

All statements from staff credit cards used by Local Government employees should be tabled at council meeting for endorsement by council on a monthly basis

The Council audit committees should have a chair by a councillor from that council and an independent committee member and the meetings should be open to the public and the information is not confidential unless the Council deems it to be so

Yours sincerely

Leo Ottiger

On behalf of the Woodlands Action Group 22 February 2022

