

From: Askew and Co Barristers and Solicitors [REDACTED]
Sent: Friday, 25 February 2022 10:04 AM
To: DLGSC Act Review
Subject: Local Government Act Reform Submission - Fiona Lowe

Follow Up Flag: Follow up
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RE: Local Government Act - Reform Submission

Below are concerns outlined for your consideration with regard to the proposed changes to the Local Government Act, of which, it is to be noted that I **OBJECT** to many of the changes written in the document:

1. Local Government elections **should be compulsory**, in the same way that state and Federal government elections are as it is less confusing to people
2. 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
3. Local Government elections **postal votes should be changed** to the same process as state and federal elections so it is less confusing to people 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
4. 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
5. If a **candidate has a criminal conviction they cannot stand** as a candidate / councillor in the election under the same rules as state and federal candidates where you cannot stand
6. All Local government elections **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
7. 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
8. If the **candidate is a builder, planner, real estate agent then they cannot stand as a candidate** as due to inevitable conflict of interest and resulting in impropriety
9. An **Ombudsman is preferred over an inspector** and that person should be appointed by the WA Public Service and not the political conflict if chosen by a minister
10. The **annual report of the inspector / Ombudsman role should be openly tabled in parliament** to ensure compliance and validate the business unit and taxpayer's monies

11. The **inspector / ombudsman needs to look at the misuse of roles of the CEO and Mayors**, to ensure the position is not used vexatiously and used to support factions
12. 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
13. There should be **monetary consequences if you lose or you win a complaint**, a monetary compensation in the standards panel, especially for legal cost
14. **Complaints need to be heard impartially and confidentially** as Mayors, Councillors CEO and staff can be the perpetrators and instigators of the complaints against councillors so it would be unfair and not good process for them to be the judge of the complaints
15. 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
16. **Against Strengthening penalties against Elected Members** at Proposals 1.1, 1.4 and the Criminalisation of Elected Member breaches at Proposal 1.359, as it just used against innocent Councils by vexatious CEO, Mayors, staff and councillors with no defence
17. 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 the rules
18. **All Councillors should be entitled to work in a safe environment free of 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
19. **Repeal of the local Government Standards Panel** as legislation was inconsistently applied and used mainly against certain councillors.
20. **Repeal of Councillors Code of Conduct Behaviour Division 3** as it was not consistently applied and was a used as a tool for CEO, Mayors and vexatious councillors against innocent
21. **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
22. 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
23. **All financial reports should include business cases**, be on the council website and be easily searchable, both attachments and through key words etc.
24. 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
25. 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

26. The **Deputy Mayor / President should be elected each year by the local councillors**, to reduce factions for Mayor/ President or / and CEO and give experience to councillors
27. 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
28. 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
29. 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
30. **All Councillors 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
31. **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
32. **All CEO and senior staff should be on a time tenure**, for every local government council, to improve the organisation's innovative programs and to reduce the factions, bullying, nepotism, segregation, exclusions and business silos etc.
33. 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
34. 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
35. If a councillor leaves their council position for any reason within a year after an election, then the **next candidate with the most votes is duly elected**, cost and time effective
36. **All complaints made to the complaints officer are to be addressed and recorded** and not based on the opinion of the complaints officer and the list provided to Council
37. **Complaints officer is to forward the record of all complaints and the outcomes**, irrespective whether they were progressed or not, to the Department LGSC
38. **Any person should be able to raise a complaint** with the Department of local Government, Sport and Communities, who shall address the complaint and provide feedback, especially when a council does not deal with complaints or does not reply
39. **Public Question time should not be limited or time defined** as there is a huge disparity in the number of residents in every municipality. Evidence will show that there is on average at most council meetings 20 people unless a particular issue has arisen and should be managed with respect by the presiding member
40. There should be a **limit on the number of items on the council agenda**, to ensure Councillors are not overloaded and allow for the distribution of contentious issues

41. The **proclamation of Council local laws**, should after advertising be endorsed by Council, then should be sent to state parliament for approval prior to the local laws being enacted
42. **All meetings associated with council should be recorded and the recordings available** for all councillors and the public to view
43. All information and registers, including conflicts of interest, council motions and codes of conducts etc. **should be on the public council website for both staff and councillors**
44. **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
45. **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
46. How each **Councillor votes on an item, the staff should have their name recorded at every meeting** and displayed in the publically available minutes of that meeting to show transparency to the community
47. **Owner and occupier rolls only needs to be updated every two years** and should be initiated by the council officer and advise the voter accordingly of their status
48. **All motions submitted by councillors are to be recorded in the minutes** even if they are not accepted by the CEO / mayor and the reasons for the refusal provided
49. Must be some **consequences and reporting mechanism for CEO and council staff** that misuse ratepayer's money on projects and through nepotism and political party's alignment
50. **Poor governance creates poor work environment** which then relates to poor decision making which is not good for the residents and ratepayers and there are not controls
51. Needs to be better **accountability and transparency with the reliance on the data on the satisfaction surveys**, as the collection may be skewed and these results are used to measure CEO performance and their bonuses etc.
52. **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
53. All **FOI requests should be recorded and tabled and on the public register**, irrespective of approval or rejection and the reasons for the decision stated in the report
54. The **councils should be compliant with the Local Government Administration regulations 19.B** and yet no one checks that they don't and there is no penalty to the CEO
55. 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.
56. The **whole outcomes of the State Auditor General's Report** on the individual council performance should be included in the Council's annual report and on the website and their action taken to address the items raised in the audit

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

58. 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

59. Support the removal of WALGA from the local government act, as it gives the perception of a government authority and it is just a financial business and those that are on committees are usually supported by the political parties' ministers of the day, which is not good governance

60. **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

61. **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

62. **Sharing of CEO and staff and council resources should be encouraged in smaller councils**, however larger councils could assist with providing free expertise to smaller councils, instead of financial restraints of consultants in smaller council

63. **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

64. **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 council's own recycling initiatives

65. **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

66. The **CEO should have to follow the Council motions irrespective of the time frame**, and who this can refer to such as if a council motion says to phase out the use of Glyphosate in 2009 then why is the Council staff still using the product in 2022

67. 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.

Thank you for considering the above recommendations. I have been poorly treated and affected by many of these issues as a ratepayer and resident which are having a lasting and negative impact on me, my family, my neighbours and local community of which many of the local council and CEO have proven to have no regard for or interest in those whom they are representing.

Again, thanking you for the opportunity to submit comments.

Yours sincerely

Fiona L Lowe

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Askew & Co acknowledge the Whadjuk (Noongar) people, who are the traditional custodians of this country. We pay respect to their culture, history and their elders past and present.