

Local Government Act Submission from Dawn Jecks

I value the opportunity to contribute to this important review because I believe that local government has by far the most continuous and significant effects on electors of any level of government. My views are as follow;

- I SUPPORT COMPULSORY LOCAL GOVERNMENT ELECTIONS PROVIDED VOTING IS BY POST OR ELECTRONIC, AND THERE IS NO FINE FOR NOT TAKING PART.
- SPECIAL MEETINGS OF ELECTORS are important and the numbers needed to call one should remain the same.
- PUBLICATION OF BOTH QUESTIONS AND ANSWERS IN MINUTES SHOULD BE CONTINUED.
- THERE SHOULD BE ELECTRONIC RECORDING OF FULL COUNCIL MEETINGS.
- ANNUAL ELECTORS' MEETINGS are important and many don't attend because they are unaware the opportunity exists. We need more than just a small advertisement in the local paper. Greater awareness should be actively promoted by Councils.

CONDUCT OF ANNUAL ELECTORS MEETING AND MEETING PROCEDURES

SUMMARY:

On the 19th December 2018 I attended my first ever Annual Electors Meeting (AEM) in good faith expecting to genuinely have my once per year opportunity to put an idea (motion) on the table.

I wasn't expecting my motion to be subject to a one sided debate by our Mayor, Deputy Mayor and another sitting Councillor on the night. Nor was I expecting sitting Councillors to participate in voting on electors motions on the night given that they will get their chance to have their say on any motions that are carried at the next full council meeting once council officers have done the necessary research so that Councillors have the opportunity to make informed decisions.

BACKGROUND:

Regarding the conduct of local government electors' meetings which is prescribed by the Local Government Act 1995 and subsidiary Regulation;

Relevant excerpt below;

Section 5.30 (Who presides at electors' meetings) of the Act states - (1) The mayor or president is to preside at electors' meetings.

Section 5.31 (Procedure for electors' meeting) states – *The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.*

Regulation 18 (Procedure at meeting (Act s.5.31)) of the Local Government (Administration) regulations 1996 states – *Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.*

Note – regulation 15 relates to matters to be discussed at general electors' meetings. Regulation 17 relates to voting at electors' meetings. I note these below for context.

15 . Matters to be discussed at general meeting (Act s. 5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

17 . Voting at meeting (Act s. 5.31)

(1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.

(2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.

(3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

My local council has no Standing Orders in relation to electors' meetings and relies solely on what is said under the Local Government Act.

I then attended my councils February meeting on 26.02.19 to try and get some answers to my concerns around the 19.12.19 AEM procedures.

The below is an extract from the minutes of COR public question time in February which includes my questions raised and the Mayor's response. These minutes effectively cover the series of events that occurred at our AEM held on 19.12.19.

Council Minutes

Tuesday 26 February 2019 PAGE 12

CONFIRMED AT A COUNCIL MEETING

HELD ON TUESDAY 26 MARCH 2019 MAYOR (B W SAMMELS)

Response from FEB PQT

On the 19 December 2019 I attended the Annual Electors meeting held at the City of Rockingham. I would like to ask and confirm that my recollections of that meeting are correct.

a) Mayor Sammels chaired the meeting in his capacity as Mayor, is that correct?

The Mayor advised, yes.

b) At the meeting, at the front of the room was a long row of tables with Mayor Sammels seated in the middle of the row with Deputy Mayor Hamblin and 7 other elected members sitting either side of him along with a number of Council senior staff. Is that correct?

The Mayor advised, yes.

c) Is it fair to say, given the seating arrangements that the elected members seated with the Mayor at the front of the room appeared to be attending in their capacity as elected members? If not, why not?

The Mayor advised Councillors were attending in both their official capacity as elected members, as well as individual electors.

d) The electors speaking were required to speak to the front with their backs to the electors until two electors complained about this and the Mayor then agreed to move the electors speaking lectern to the side of the meeting. Is that correct?

The Mayor advised that is his recollection and that he permitted the lectern to be moved.

e) During the meeting a resident put up a motion (WARRA motion) which I then went on to second. After I had finished speaking the Mayor then commenced debating the motion. Mayor Sammels spoke and expressed his firm views and the reasons why he felt that the motion should not be supported. Is that correct?

The Mayor advised he could not recall the specific events of the meeting.

f) Next Cr Elliott spoke at length also expressing his firm views why he felt that the WARRA motion should not be supported. Cr Elliott also gave examples of the actions and work that he currently undertakes as an elected member for his constituents which render the WARRA motion inappropriate and unnecessary. Is that correct?

The Mayor advised he did not recall the specifics of the meeting.

g) Once Cr Elliott had finished speaking against the motion it was taken to a vote with residents seated at the back of the room and some sitting councillors seated up the front participating in the voting. Is that correct?

The Mayor advised he did not recall the specifics of the meeting.

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g) Once Cr Elliott had finished speaking against the motion it was taken to a vote with residents seated at the back of the room and some sitting councillors seated up the front participating in the voting. Is that correct?

The Mayor advised he did not recall the specifics of the meeting.

h) Later in the evening I put up a motion (on Insurance Tendering) which another elector then seconded. After the motion was seconded, Mayor Sammels then commenced debating the motion and outlined the reasons why he felt the motion should not be supported. Deputy Mayor Hamblin then added to the debate speaking about the reasons she felt that the motion should not be supported. Is that correct?

The Mayor advised he did not recall the specifics of the meeting and asked Mrs Jecks to make clear what matter she is alluding to in her line of questioning.

i) Shortly after, the motion (on Insurance Tendering) was then taken to a vote with residents seated at the back of the room and some sitting councillors seated up the front participating in the voting. Is that correct?

The Mayor advised that he did not recall the specifics of the meeting.

Whilst some of the above detail may well be unnecessary, I believe it does serve to give an example and some context as to why I feel that at present the LG ACT does not support the spirit of the Local Government Act 1995, when it comes to Local Government (Rules of Conduct), Regulations 2007, Part 1 — General, 3. General principles to guide the behaviour of council members, (1) General principles to guide the behaviour of council members include that a person in his or her capacity as a council member should —

(e) be open and accountable to the public; and

(f) base decisions on relevant and factually correct information; and

(g) treat others with respect and fairness;

WHY I WAS DISAPPOINTED WITH CONDUCT OF OUR AEM ON 19.12.18

It was my experience at our AEM that council members were not open and accountable to the public, they did not base decisions on relevant and factually correct information and they did not treat others with respect and fairness.

Prior to the AEM I had done some research about how other Mayors run their AEM. I did this by speaking to a couple of sitting councillors that I know who are spread out across a number of demographic areas across Perth region. Having spoken to these sitting Councillors I thought I had a basic idea of what to expect at the City of Rockingham (COR) AEM.

However I was surprised to then walk in the room on the night and see how divisively the room was set up with the clear 'us and them' layout of the room. I understand that at other councils any councillors who happen to attend, they sit amongst the Electors not with the Mayor.

I wasn't expecting the full council to be sitting up there alongside the Mayor but respect the right of the Mayor to choose to have it this way

However, when called on by the Mayor, for Councillors to then participate in voting as an elector, I was really shocked

One minute Councillors were positioned and acting as Councillors, and the next minute acting as Electors, having it both ways effectively. To what purpose I wondered? What sort of message does this send to residents?

My point here is that Councillors get to vote on any 'carried' elector motion the following month once it's been fully investigated as to pros and cons by council officers. Councillors get to vote once all the evidence is in.

I don't understand why Councillors participated on the night even though under the LG Act they are allowed to if they want to.

The point is they don't have to participate and in all the other council areas I have investigated to date, they don't vote, preferring to adopt a 'listening role' at this meeting that is held specifically for Electors

What I found completely outrageous however was to have the Mayor, Deputy Mayor and another sitting council debate my motion on the night of the AEM without any proper research.

CONCLUSION:

Under the LG Act it's the person presiding over the meeting who determines how the meeting is run so the 'tone' is very much in the hands of the Mayor. This needs to be addressed.

- **WASTE**

Local governments are held responsible for dealing with it. There needs to be a creator pays system introduced. STATE GOVERNMENT NEEDS TO BECOME SERIOUS ABOUT ZERO WASTE AND ABOUT SUPPORTING RECYCLING INDUSTRIES.

- **COUNCIL OFFERS HAVE TOO MUCH INFLUENCE**

Officers' roles in advising Councillors give them immense power over people who may only be in Council for a few years. I have often seen votes cast after minimal or no discussion

- **SELECTION OF CEOS - I support GREATER TRANSPARENCY AND ACCOUNTABILITY**

- **MAYORAL VOTING IN CASES OF TIES**

It is undemocratic for one councillor to have twice the voting power of other councillors. We had an issue related to substantial aspects of a motion affecting public health and welfare and the vote was tied. The Mayor then used his casting vote to support the motion. This practice needs to stop. Any contentious issues need to be held over at least until the following month.

- **TOO OFTEN I SEE COUNCILLORS MERELY VOTING WITH OFFICER'S RECOMMENDATIONS WITHOUT STUDYING THE ISSUES.**

There is a wide variation in the understanding of councillors of issues. Some are well read and briefed but often they are not and it is evident that they are voting following the leader rather than thinking for themselves. WE NEED MEASURES TO ENSURE THAT COUNCILLORS ARE MORE EQUIPPED TO DEAL WITH ISSUES.

Thank you for the opportunity to have my say.

Dawn Jecks

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