

From: [REDACTED]
To: [DLGSC Act Review](#)
Subject: Local Govt Act Review.
Date: Saturday, 30 March 2019 9:22:50 PM

To whom it may concerns:

We would like to make the following brief submission on the Local Govt Review 2019:

Our first suggestion would be to abolish all Local Govt Councils! Establish a State Govt management structure with a user service fee structure.

As this is unlikely to happen our recommendation for the LGA review is as follows

1) A strong clause needs to be added to Local Govt Act that enable the State Government to have more power and input to Local Government to ensure Councils provides a transparent, fair and just role to benefit ratepayers! That follows and practises the role of good governance, due diligence, and efficient administration. With HONESTY, INTEGRITY and NATURAL JUSTICE!

2) Elections Of Councillors to become a compulsory postal vote managed by AEC. Councillors requiring a minimum of 10% of the voting population vote to be considered in the running (not just elected as no one else is available).

A) Mayor to be elected by the ratepayers.

B) Duty Mayor to be elected by the ratepayers.

C) All Council positions to become vacant in the same year.

We have heard the argument of keeping knowledge at the table of Councillors.

However this is questionable as recent questions to the longest serving Mayor in WA resulted in replies; I am unaware, I will have to take it on notice, or I can't recall or just asking staff for the answer. The same response from another long serving senior Councillor was given who was asked the same questions. Hence this bring into question of age limit for Councillors and their mental health!

D) Maximum term for Councillors 12 years or until retirement age whichever comes first. Ideally with health checks.

3) Set a Maximum term for a Councillor to be elected Mayor; we suggest 2 terms as the maximum period.

a) To prevent complacency of the role

b) To prevent favouritism or control "the purple circle"

c) To ensure staff not forming a controlling power over the Mayor.

d) Mayor unable to vote on Motions that he/she has either friendship or business relationship to.

e) To enable other Councillor to be given the opportunity to become Mayor.

f) Mayor not to use CoR staff to provide personal services;

g) Mayor as a ratepayer to comply with local laws like any other ratepayer.

3) A liability clause for all Councillors and Staff from making disingenuous claims and statements! This clause should include a dismissal offence for providing knowingly false information to other Councillors staff and/or ratepayers.

3) A clause to provide "Compensation for detriment due to defective administration" to ensure Council completes administrative tasks; such as to implement Motions that have been adopted. And to ensure full transparency!

4) All "question time" documents to be printed full in the Council Minutes to ensure a true statement from the ratepayers is recorded and valued, as well as being available to other ratepayers who can not attend meetings, rather than a Council summary excluding information they do not want public to see.

a) include live streaming or full audio recording of Council and Committee meetings for ratepayers review....with the exception of matters behind closed doors.

5) the good the bad and the ugly! Councils to adopt a full disclosure of events, projects and programs to ensure ratepayers know what is taking place, how much it cost and if it will be valued in the community. Councils to disclose losses, mistakes and negative events along with the positive outcomes.

- 6) Council to affirm past decisions rather than issue retrospective action against ratepayers. To acknowledge errors in following thru on Council decisions.
- 7) Councils to abolish taking actions based on “neighbour against neighbour complaints” without mediation. Advising a ratepayer of an issue and giving them an opportunity to resolve it first rather than issuing threaten orders! Democracy not dictatorship is what ratepayers will respond positively to.
- 8) State Govt to undertake a review once a Councillor has been reported to SAT on more than 3 occasions to ensure Councillor understands their role as Councillor and/or to determine if they are being victimised by other Councillors and staff.
- 9) Council Policies to be made fully available as soon as adopted. Not waiting years to view a copy. And ratepayers provided with guidelines to support the policies. Example Verge Treatment Policy with guidelines such as Mandurah, Stirling and others to name a few with examples of waterwise plants and when to plant and how much of the verge can be planted. Especially with so many unsafe street without footpaths in CoR.
- 10) Local Laws also made available with guidelines so ratepayers are clear on how each Council interprets the Local Law. A recent survey of nearly all WA Council (see below) demonstrated quite a varying understanding of the same/similar Local Laws.
- 11) Councillors accountability to ratepayers required on a regular bases. Councillors to hold quarterly surveys via public meeting, or mailouts or public social media to collate a list of ratepayers ideas and /or concerns. To ensure Councillors are representing the ratepayers and not Council staff.
- 12) Ratepayers to have a support organisation to support them with Local Government issues, a percentage of rates to set aside for this support.
- 13) A review into the benefit, if any of Walga to ratepayers and /or Councils and the value of the contribution from each Council to this organisation.
- 14) Customer Service to include Consistency, transparency, integrity, honesty, willingness to work with ratepayers for a satisfactory outcome, instead of bullying and threatening ratepayers with retrospective orders.

We have been ratepayers of the City Of Rockingham for nearly 20years, currently trying to address the issue of Retrospective Removal Orders Of Synthetic Lawn from Verges. In accordance with the Dept of Water recommendation for community participation in the “Lawn replacement Program - pavers or synthetic lawn” 2008 Perth to Peel Region we sought approval to Install synthetic lawn. And after receiving verbal advice from several CoR staff who stated “nothing stopping you installing synthetic lawn”, “no application required” as per Option 1 Lawn is undefined in the Street Verge Development Policy Or Local Law, Manager EPS stated “ok but be aware the policy is under review” 2013. We installed synthetic lawn in 2014. In July 2018 we were issued a retrospective removal order with threats of fines and no mention of a verge policy or reference to a ban on synthetic lawn. After appealing this order as we had been advise by CoR there was “ nothing stopping you”, we were then told a Motion had been carried (not adopted or written into policy) that CoR does not support synthetic lawn on Verges, recreational or public areas. Yet CoR continues to Install Synthetic Lawn on recreational areas till 2018 creating double standards. CoR does not maintain a list of acceptable materials as per Activities in Thoroughfares and Public Place and Trading Places 2001. Has not completed the Policy (only the Local Law) review which commenced in 2014 (required by Nov 2015 as per CoR Minutes and Local Govt Act 1995) still pending to this day March 30th 2019. And now claims that synthetic lawn has been banned prior to 2001 without providing any written evidence to support this claim.

Whilst We respect Councils and The Dept of Water may change their position on issues like verge treatment this should be applied as a moving forward strategy rather than retrospective attack on ratepayers. As issuing retrospective orders on over 2000 ratepayers in CoR will collectively cost \$23million (conservative figure) due to the Cities defective administration for not adopting a Motion, advertising it to the community (which CoR at least acknowledges) and implementing into policy so ratepayers and STAFF know what rules are!

We hope our submission and examples will assist the review to develop a way forward that does not cause so much detriment against ratepayers due to defective administration.

This submission is NOT confidential, we are both Australian Citizens and ratepayers for the City Of Rockingham LGA.

Yours sincerely

Delphine and Markus Enkler

Attachment re item 14:

City Of Rockingham did not have space to print the findings of the survey of 139 WA Councils re: Synthetic Lawn on Verges in the Minutes 26th March 2019. So We have included them here as an action of transparency to all ratepayers!

Findings from 139 WA Council:

- 1) a. Seventy one (71) WA Councils support synthetic lawn as an acceptable verge treatment.
b. Twenty nine (29) Councils required a written application for approval. The common reason was to ensure a permeable base was included.
- 2) a. Of the seventy (71) only ten (10) listed a percentage limit varying from 33% to 66%.
b. Plus two Councils stated up to 100% with a verge tree.
- 3) Twenty six (26) Councils said No they did not support synthetic turf on verges.
- 4) Thirty nine (39) Councils were listed as 'Remote' due to location and/or population less than 1,500 residents. (The 39 Council listed as remote were included in the survey and given the opportunity to reply).
- 5) 3 Councils with populations over 1500 did not reply to my emails in the past month: Shire of: Broomehill-Tambellup, Merredin, and Port Hedland.

Why should CoR residents be victimised for following the WA Govt initiative by Dept Water (WC 2008) "Lawn Replacement Program - pavers or synthetic lawn" in the Perth to Peel Region and being told by CoR staff "nothing stopping you installing Synthetic Lawn" "no application required" as Lawn is undefined to this day?

COR - Grandfather all existing synthetic lawn installation in the City Of Rockingham and CoR to provide a clear, concise, and water wise verge policy available to all ratepayers and businesses for the future without any more further delays.