

Review Local Government Act (LGA) 2019

The fundamental problem of the LG Act is its complication and convolution. This has grown over the 100 years or so of its life. The Act has been amended and adapted from something created for another time to what it is today in an environment for which it was not established. It contains amendments that have consequences not considered at the time with amendments to attempt to patch them.

The suggestions for the review are more amendment and adaptations. They may be attempts to shift control of local government servicing localities to state or federal government which are remote from that service for which rates (read “Taxes”) are paid. If this is the case, any contrary view, such as this, may be viewed as redundant to the review.

1. The convolutions of the Act, Regulations, and the Local Laws allow CEOs to **subvert ratepayer expectations and Council’s intent** through ‘reinterpretation’.
2. The **integrated planning and reporting framework** is just that: a framework. Administrators put up ‘plans’ that are without measures, clear definition of goals or milestones, merely more historical actions that have been corralled under the categories of their achievement-empty ‘plan’ so that the ‘informing’ part can be ticked off. Actions are described as urging, encouraging, preferring, but not a lot of doing to measurable outcomes. Thus the budget is merely an extension of what has been done in the past.
3. **Representation** of ratepayers under the LGA is primary if they are to be taxed with rates. How those rates are spent must be able to be determined by their elected representatives.
4. Government **must act in the interest of its constituents**, not those of its administrations. Acts and regulations must keep constituents at the forefront, not in the background.
5. **Voting** may be either compulsory or voluntary, however, the process must reflect that: compulsory voting should be proportional; voluntary first-past-the-post. Compulsory voting will lead to party politics in local government, something that most electors resist.
6. **Beneficial Enterprises** is an investment decision, to be treated under the clauses related to finances and investments. If it meets the return and security thresholds of policy, it is appropriately assessed. This is a furphy for change under the LG Act.
7. **Annual Electors Meetings** are often the only mechanism for feedback to Council where Councils become so large and with so few representatives as seen in some. They should remain compulsory and with the existing capacity for electors to call a meeting. The 500 lower-limit to calling a meeting is designed as a limitation against Council’s responsibility to its electors.
8. **Minor breaches** to the Act are used by CEOs **punitively** to bully elected members disagreeing or proposing countervailing opinion as put to them by electors. The examination and enforcement of such complaints take so long as to make the process farcical. Justice delayed is justice denied from both sides of the fence.
9. **Breaches by the CEO** are not similarly treated whether ‘minor’ or otherwise. Delay in examination and enforcement is another area of failure of process.

10. Efforts by elected members of individual councils to establish benchmarks, milestones and targets that would improve **efficiency and efficacy** in management are routinely opposed by CEOs. This seems to support Larry Graham's assertion of empire building by LG staff. Statistics of numbers of ratepayers serviced per full-time employee also seems to support Graham's contentions.
11. **CEOs and LG Staff 'misinterpretation' of Council direction** is common (see 1. above) where staff oppose, or where there may be 'embarrassment' for poor decision-making. Awkward questions are responded to by proffering answers to misinterpreted questions
12. **Variations for 'discretion'** from deemed-to-comply R-codes has become the norm through precedence in planning recommendations that provide no benefit to the locality.
13. **Transfer of superannuation** benefits between LG and State or Federal Government is simply to facilitate bleeding of competent staff/resources from the entity which trains it.
14. I see no basis or justification for changing the present **election of Mayors** by a local government area.
15. I see no basis or justification for changing the present **leave-of-absence** conditions for contesting **elections**
16. The **panel to assess 'reform'** of the Act has few, if any, members representing ratepayers and residents. Examples of breaches by individuals in support of the comments here cannot be appropriately expressed to the panel if they are filtered before reaching the decision-maker.
17. **WALGA** represents LG Employees, not ratepayers, in my experience. Governance advice sought by elected members is oriented in support of staff, not ratepayers or their representatives. WALGA is not an independent advice authority; it strongly favours LG employees.
18. **Training** is most desirable. Many councillors are professionals, tertiary qualified with experience in management and business, which few LG employees have. In fact, few state government elected members have appropriate experience in servicing customers as Local Government does . . . as LG is supposed to do.
19. Where training is relevant, it should **be provided by a suitably independent entity**. WALGA's offerings are generally demonstrated to provide little Councillor guidance toward supporting residents in providing effective service for rates paid. Training must be supported by the local or state government as elected members are paid only sitting fees; they are basically volunteers for their communities.

These comments are based on my observation as City Councillor for 5.5 years and Deputy Mayor for two of them. I have a good relation with a significant portion of the community I represent, so the comments are a reflection of interaction with that community. It is comprised of highly educated folk most of whom have tertiary education; a significant proportion has post-tertiary qualifications. That is a result of the proximity to a major teaching hospital and university.

I understand that the comments may be treated as irrelevant as they do not align with the framework of the 'Review' of the LG Act. However, should you need support for the differing views, I will extract from my records. In the expectation that contrary

comments will be treated negatively, the effort to make the extraction is difficult to justify immediately.

Hugh Richardson
29/3/2019