

**LOCAL GOVERNMENT ACT 1995 REVIEW – PHASE 2**  
**SUBMISSIONS BY KAREN VERNON**

This is my personal submission to the Local Government Act 1995 (Act) Review – Phase 2.

The submissions are based on my experiences of local government from the outside as a community member, and from the inside as an elected member of the Town of Victoria Park Council since 2017.

The following are legislative changes which I believe will contribute positively to improved governance and accountability of local governments, and more effective decision-making in the best interests of the community.

**1. Compulsory voting (Agile, Smart, Inclusive)**

Historically voter turnout in WA local government elections has been low. Rarely has it risen much above 30% of those registered to vote.

Compulsory voting promotes the right to vote itself, increases the legitimacy of elected representatives, increases accountability by making those elected members more responsive to the needs of all electors.

**2. Elections should be held every 4 years (Agile, Smart)**

Federal and State government elections are held every 4 years. There does not appear to be any sound rationale for local government elections to be held every 2 years.

Conducting elections every 2 years is a costly exercise for every local government, for no apparent benefit. We are exhausting our communities with too many elections across all levels of government. That is neither smart nor agile.

**3. All elected positions should be vacant at the same time. (Agile, Smart)**

As with Federal and State government lower house elections, all positions should be declared vacant at the same time so that every 4 years a new council begins its term together.

**4. Maximum of 2 terms of office for all Elected Members (Smart, Inclusive)**

The number of elected members in WA who have served on councils for more than 2 terms, and often decades, is significant. Almost every council has them or has had them. They are an anathema to good governance, and this would be one of the most important reforms that could be made.

The disadvantages of unlimited terms include nepotism, corruption, unconscious and conscious bias, familiarity, conflicts of interest, self-interest, exclusivity rather than inclusiveness, and ultimately a sense of entitlement. All of these disadvantages risk the

independence of elected members, and their ability to perform their functions under the Act .

The practice of elected members repeatedly running for council every 4 years also acts as a direct barrier to improving diversity, and to creating opportunities for new people with new ideas and new ways of thinking to flourish.

Put simply, the disadvantages of unlimited terms are too important to ignore, especially in light of the consistent findings of the Corruption and Crime Commission into local government over the last 10 years.

A maximum of 2 terms (8 years) is more than adequate for any elected member to maximise their contribution to their local community.

#### **5. Mayors and Shire Presidents should be elected by Council (Agile, Smart)**

The practice of directly electing mayors has become politicised, sensationalised and rather ridiculous. They are costly for all involved, often give rise to the worst type of behaviour during the election and afterwards, and frankly add nothing to the integrity of the role or how it is ultimately fulfilled.

Of considerable concern is the politicisation of this position, when local government is supposed to be the “a-political” level of government. The infiltration of the major political parties into local government is evident from the number of mayors who were once members of state parliament, or who use the mayoral position to obtain positions in state parliament.

We should seek to follow the principle from corporate governance that the Chair of the Board is the first among equals, and allow all elected members to choose their leader from the council chamber.

#### **6. Salaries and allowances should continue to be determined externally (Smart)**

Maintaining a mechanism for determining salaries and allowances external to a local government remains the best way of ensuring there is integrity in this system.

#### **7. Complaints Management Process**

I support measures to introduce the appropriate management of complaints against elected members and local government employees. The important features of any process must include:

1. A detailed policy that outlines how complaints are to be made, how they will be dealt with (and by whom), when they will be dealt with, and a mechanism for review;
2. Notification of action to be taken – complainants cannot be left wondering whether their complaint has been accepted, or what action will be taken to redress the

complaint if it is accepted. Declining to advise a complainant of how the complaint is to be actioned is contrary to good governance;

3. Publication of the policy – on the local government website, and not merely as one amongst hundreds of policies, but with its own dedicated page to draw attention;
4. A review process that is independent of the original decision-maker.

Great care must be taken to avoid allowing local governments to declare certain persons who make complaints as vexatious. An internal complaints management process will always be susceptible to the external perception that it is biased because it is handling a complaint about persons within the organisation who will be known to the decision-maker. It should not be used as a means to stifle genuine complaints, especially from persons who may be regular complainants to the local government.

#### **8. Complete prohibition on gifts (Agile, Smart)**

Although I recognise that the current *Local Government Legislation Amendment Bill 2019* going through the parliament includes a revision of the process for dealing with gifts, there is a serious flaw in this approach – consideration has not been given to why gifts should be permitted in the first place.

In every discussion paper I have read during this review about the issue of streamlining the rules for gifts, not one submission makes any rational argument for why gifts are necessary, let alone why they should be allowed. The position of elected member is an honorary one. No gift is required or needed to be given to any elected member.

The historical, and often highly publicised abuse of the rules surrounding gifts has systematically contributed to the destruction of the integrity of local government.

To be smart, agile and inclusive, there is an opportunity to ban all gifts, and solve one of the most important problems ensnaring local government.

**Karen Vernon**  
**31 March 2019**