

Local Government Act 1995

Review Submission

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President Shire of Wagin

In tabling my submission to this review I would note that there has been some vocal critique of the existing act from some who, it appears, have not been operational for some time. There is no doubt that times have changed as have regulations, however those who criticise but have not had to manage the affairs of council, do so without sound foundation of all the issues involved .

Demands to reduce the power of administration verses elected members have been aired. I have qualified support of this. Much has been made of training for councillors. I see nothing wrong with upskilling however this seems to place the burden (and blame) on volunteers whilst the professionals (staff) are not being required to do similar upskilling.

Many times when a CEO fails there is an acrimonious parting whereby council must sign a confidentiality agreement to remove all negative sentiment from any public comment on the issue. This allows the CEO to apply for similar positions elsewhere in the state and most reference checking will not reveal the truth. Often the CEO concerned will fail again and cause much hardship to the next unsuspecting council. There is a critical need to fix this.

Fundamentally, in recent times, when a local government has struggled it has mostly (but not always) been because of mal-administration not from poor council performance. Council's only failure then is the inability to detect or manage problems.

The current act specifically states that elected members are prohibited from any administrative role. Thus it is often extremely difficult to detect poor performance in administration when/if reports presented to council hide any poor performance. Usually by the time the poor performance becomes obvious, the damage is significant.

Often the poor performance is known by other staff within the administration but they have little avenues to whistle blow. The poor performance is most often by their senior manager, line manager or the CEO. All of which will cover their mistakes and pressure their staffer to silence.

Council are thus often in the dark until the damage becomes profound. Presidents and Mayors mostly have a good working relationship with CEO's which can blind them to the mischief. Most trust their CEO implicitly. A good relationship is essential but it can be manipulated.

I believe a circuit breaker needs to be added to the act so that staff can consult directly with the Chairman of council on matters of concern. There would need to be a structured process developed that would give natural justice to all involved as well as the highest level of confidentiality. An alternative to this may be to be able to confidentially contact the chairman of a neighbouring shire to make an independent assessment and mediate with the council.

