

WOODLANDS ACTION GROUP



Woodlands Action Group
c/- Leo Ottiger



Chief Executive Officer
Department of Local Government, Sport and Cultural Industries



Submission: Local Government Act 1995 Review 2019

Dear Sir

I write on behalf of the *Woodlands Action Group*, which represents concerned citizens who reside in the Woodlands area who wish to make the following comments with regard to the proposed Review of the 1995 Local Government Act and we are well aware from what has occurred in the past that submissions to government departments can be used as whipping tools and complaints against Councilors and members of the Public and therefore personal true comments cannot not be revealed:

1. The state government protected association and not only by legislation; **WALGA** needs to be independently audited, as they are taking ratepayers money and we have seen no evidence that they are using our money in the best interest of us the public, the community, the ratepayers, the residents, especially with regard to the Insurance issues, (LGIS says it's not for profit however when you look on their website to their main company JLT, then they admit most of their profit is derived from local Government in Australia) which we often see as triple dipping, for example; the Council pays for public liability insurance on a Park, if a community group wants to have an event on the same park they pay public liability insurance and then if they have stall holders at the same event, on the same park they pay public liability insurance again and who pockets the money ? WALGA acts as a lobbyist with developers in particular is a major concern for residents in the community as it appears ratepayer's interests are not on their agenda; WALGA makes statements to the media that they speak for all WA Councils and all WA Councils oppose Australia Day on 26 January, which was so incorrect as lots of Councils had individual motions passed by their individual Councils saying to keep Australia Day on the 26 January. There is a selective group chosen by WALGA to represent them on all committees and advise local and state and federal government of WALGA alleged collective Councils opinion of all of WA local Governments which is nepotism and against the Local Government Act but the DLGSCI refuses to act upon it. We are aware from newspaper articles that many Councils voted on a no Confidence motion in WALGA and although it was lost many Councils resigned from WALGA to give their ratepayers a better deal and yet the State Government refused to act on the

- issues and questions raised and the Councils that didn't resign from WALGA ignored questions from concerned ratepayers and councilors
2. There needs to be a serious independent review of the discrimination and application of the **Rules of Conduct regulations and Interventions**. As the complaints management system both internally and externally is appalling a review is seriously needed. It is regularly reported in the newspaper about Councilors being charged by other Councilors or by the CEO and staff in local government and then when the innocent Councilor gets off, they still have to pay the bill, lawyers bill, loss of wages etc. live with the character assassination, the public thinking less of them, while the people, who raised the complaint especially the CEO's don't have any cost, don't lose their jobs etc. and if the public complains about the CEO it goes nowhere ! therefore the Rules of Conduct if applied to all persons in local government, that is, Councilors, CEOs and staff then the media might paint a truer picture of what is really going on and not vexatious people abusing the system and it was be less discriminatory. The Local Government Standards Panel (**LGSP**) and its WALGA appointed members along with the discernment in its application of who and who doesn't get charged with a complaint by the various Local Government CEO and who the LGSP finds guilty and they don't find guilty for complaints needs to be seriously audited and an open mediation process included as well to ensure the public can come and have their say and the clayton litigants can be exposed and the outcomes of the complaints and resolutions of LGSP can be properly challenged by evidence and not by nepotism and lobbying. With **Complaints management** there needs to be a penalty imposed on CEO who do not pass complaints through to the department and there should be an open Publically available register so residents can see for themselves what is going. Also as these charges ended up costing Taxpayers and Ratepayers and we the public should have the right to see where our hard earned money is going Agree with DLGSC recommendation that there is a need to introduce a penalty that applies to CEO and staff who lie, commit perjury or provide false or misleading information to Council, the LGSP, SAT or in any other documents
 3. There needs to be an audited or a reporting mechanism back to the department with regard to compliance with **Council meeting procedures and processes** for a number of reasons. The process and red tape significantly varies between local governments which isn't good when you are a small business person trying to get the same type of approval from different councils and the rules especially around risk management are becoming erroneous, which is also off putting. Public Question time is often seen as a political stage for both the Mayor and the CEO to assert their power on the innocent and often naive ratepayer who is already feeling intimidated by staff and the surrounds and has been referred in the newspaper as the "local Circus" and cheaper entertainment than "going to the pictures on a Tuesday night", which is a sad indictment on local government. Members of the public should not have to give a weeks' notice or even a days' notice if they wish to ask a question and it should be able to go for as long as necessary and be recorded in the interest of transparency and good governance. It should be in the legislation that all the publics questions and answers should be recorded in the minutes of the meeting so everyone can see what the questions and answers are and this would stop the CEO, Mayor and Councilors playing favorites and stop the using and abusing of the media and information.

- 4 As the Australian economy shifts downwards we are all having to tighten our belts, we find it odd that it is often reported in the newspaper and read in council minutes that in lots of local Government CEO, Staff, Mayors and Councilors can travel first class, can go on great holidays, can go events, can give themselves pay rises, can talk to the media etc. using our ratepayer's money with no financial accountability or transparency

The **Fees and Charges should NOT be set at Cost recovery**, especially if they are using our money for their own gains and if the staff keep approving more buildings, then they are getting more rates and then rates keep going up but the services keep going down. We cant get the roads cleaned, can't get a bust stop seats installed and the cost of just checking swimming pools keep going up, So where does all the money go from the increase in rateable properties and the increase in rates ? not back into the community where it should be going. If a person wants to just park their car on the state government verge, you now need a permit or you get a fine. Why should ratepayers look after state government property for free if they can't use it how they choose and why should they be charged to use it and have to do the red tape and pay for a permit. Why should ratepayers who wish to hold an event like a birthday party etc have to apply for a permit to use a park, their park they have already paid for in their rates?

- 5 With the **Elections in local Government** they should be in line with state and federal government and be compulsory. The election date should be moved to November or back to September so they are not in the school holidays and public holidays which allows for ballot papers to go missing and used inappropriately. The two-year current split for Councilors terms allows some continuity into Council and is more cost effective for staff and for long term projects and should be supported and not the four-year term. All Mayors and Presidents with eligible voters over 10,000 people should have the Mayor / Presidents elected by the people and not around the Council table. Should not be eligible to stand as a Councillor if you are a planner, builder or real estate agent etc. as they all have a vested interest and it may cut down on some of the corruption and conflict of interest issues. There should be no preferential voting, it wasn't supported by the community last time and is seen just a party political stunt to get in non-community minded councilors into the decision making arena

We are very mindful, that just because the eastern states have a particular process doesn't mean it is good or that WA should follow them.

Yours sincerely

Leo Ottiger

On behalf of the Woodlands Action Group 30 March 2019