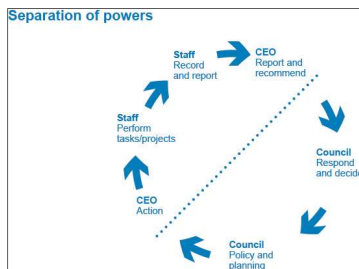


LG Act 1995 Review -Phase 1 – Submission

By Jenny Neilson

Local Government Review

1. Relationship between Council and Administration



In theory the above diagram is how it should work. My impression is that this separation of powers does not always work and this view was confirmed by many people from different councils who attended one of the LGA Review workshops.

A solution could be to have a maximum term in office for CEO, say two, 4 year terms max. Perceived or real power of the CEO blocks transparency of processes.

Delegated authority given to the executive staff is problematic as it bypasses council's scrutiny and there is no right to appeal decisions: create a committee to handle matters under delegated authority

2. Training

There is a need for ongoing training.

Training should be compulsory – all elected members, with exemptions given to those who complete a recognition of prior learning process (within the past 4 years)

- Who should pay for the costs of training – the relevant Shire
- Should a training fund be established to reduce the financial impact for small local governments – Yes.
- Contributions should be based on local government revenue or some similar measure.

3. Code of Conduct

All councils must adopt a councillor code of conduct which needs to be publicly available on the council's website. – Yes

All candidates in council elections should act according to the code of conduct the same as if they are already a Councillor.

4. Local Government Administration – Recruitment of LG CEO

The selection of the CEO should be done by an external recruiter to ensure the process is done (unbiased) according to legislation. The Public Sector Commission should be involved in the CEO's recruitment and selection in parts and the CEO's performance should be

reviewed every year by an independent, professional body. There needs to be real transparency, openness and accountability in this whole process.

Performance Review

Option 3: Local Governments to adopt a CEO recruitment standard in consultation with the sector (WALGA) and adopted through amendments to the Act.

8. Access to Information:

Public Notices: The Act requires local government to provide public notices to the community in a variety of circumstances.

Preferred option – both Print and electronic notices.

Information available for public inspection:

The existing documents that are available should continue but some annual reports need to show more details, eg how much money is being spent and where.

9. Available Information:

- | | |
|---|-----|
| • Live streaming video of council meeting | Yes |
| • Data on Council membership and employees | Yes |
| • Elected member attendance at Council meetings | Yes |
| • Gender equity ratios for staff salaries | Yes |
| • Complaints made to the local government and actions taken | Yes |
| • Performance reviews of CEO and senior employees | Yes |
| • Website to provide information on differential rate categories | Yes |
| • District maps and ward boundaries | Yes |
| • Adverse finding of the Standards Panel and State Administrative Tribunal or Corruption and Crime Commission | Yes |
| • Financial and non-financial benefits register | Yes |

With autonomy comes a higher level of scrutiny – show the community there is no vested interests at play.

Complaints:

Do I support a reduction in the time frame in which complaints can be made. No. Three months is not adequate.

- Reports to council should not be allowed to contain unsubstantiated claims and statements not supported by facts – there should be a penalty for reports that are incomplete, statements and claims made that are unsubstantiated and data that is incorrect.
- There should be a mechanism put in place where community complaints about an officer's performance will trigger an evaluation process. There needs to be a process where the community can provide feedback so staff are more accountable for the actions.
- Implement serious consequences for staff who are responsible for inaccurate data and wrong information being put into the reports to council, which then get enacted by council.

Mediation:

- Mediation should be the first call to settle a dispute. Mediation also deals with grievances in the workplace and can put processes in place that help restore trust and co-operation.

CEO:

- There should be a review process where complaints from the community about a CEO should also be considered – and the CEO's appointment and review should be done by an independent body.

There needs to be a clearer more transparent evaluation process from the minister or the department when it comes to disclosure/declaration of interest from staff and councillors in relation to developers and developments. We need to know if developers are related in some way and if land has been put into a different name.

Although Councils and Societies are moving forward. Council's need to go back to the basics which was to maintain the Roads, look after the Rates for their Ratepayers and Residents and clean up all the rubbish.

This is a simplistic view but Councils have a moral duty and are not the Police.

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