

LOCAL GOVERNMENT ACT 1995 CONSULTATION PAPER
Having your say
M. Camilleri

Local Government is like the engine room of a ship. If it is not running well the entire government cannot be stable. Always **remember** our leaders, inventors, teachers and so on, are forged within our Local Communities.

Relationships between council and administration

Defining the roles of council and administration with the intention of building the relationship between Council and Administration:

Defining a council's role: Thoughts and considerations before my responses to the questions.

A number of people tend not to stay focused on their actual job. Some of the reasons may be:

- 1) Their role is not clearly thought out or defined in the first place which can lead teams to being at cross purposes or not recognizing when they are actually on the same page
- 2) There are not sufficient measures in place to keep them on track
- 3) They are not supported or continually given sufficient exposure to new training and best practice (in this case International Best Practice) procedures in order to keep them up to date and mentally alert and feel valued in their very important roles
- 4) Measures need to be in place to ensure their emotional well being is stable in this current culture that results in employees reporting bullying, stress, depression and family breakdown.

From the information your Phase 1 consultation paper has provided it appears that the role of council and administration are separate roles with both roles working towards the same goal. Hence in order for each role not to "bleed" into the other, each needs to be clearly defined. How each role supports the other also needs to be clearly defined. This enables the whole process to remain stable and not constantly sink into misunderstandings and combative, reactionary behavior.

1): Defining a council's role:

The Community elects the council and bestows it with the task of governing our local communities which is where the future generations of our country are born, raised and nurtured

2): Defining the role of the Chief Executive Officer and administration:

The Council engages the CEO to implement the Council's policies and decisions. Hence the CEO leads the team to administer and manage the executive functions and operations that enable this to occur.

TRAINING

Elected member competencies: Guidance questions

Q6): What competencies (skills and knowledge) do you think an elected member requires to perform their role?

Elected members are given a very large ship to steer given the depth and breadth of their role. To get them up to speed they will require training in social systems, leadership, finance management, communication and motivational skills, learning how to remain focused on the actual task to healthy outcomes. This will enable an elected member to fulfill the task list on page 25 paragraph 2 of your document. It is imperative that training is provided in how people will **attempt to groom them for personal gain**. This type of training is always missed and people are often unaware they are being groomed.

Q.7) (didn't answer)

Funding training: Guidance questions

Q8 & 9) Who should pay for the costs of training (course fees, travel, other costs)?

Given the impact of local government on the entire government system the costs should be absorbed by the various upper levels of this country's government. The tax-payer pays taxes to the federal government in order to fund services they need to work well in order for them to do their work which enables them to provide future taxes in addition to nurturing future generations.

Mandatory training: Guidance questions

Q.10): Should elected member training be mandatory? Why or why not?

In order to fulfill the requirements of any job we need to have the appropriate "internal scaffolding" hence training must be mandatory and regularly updated in addition to supportive supervision and mentoring. It is impossible to fulfill the depth and breadth of the tasks involved without this. This is a multi faceted highly critical role in our nation. In addition competency in this role will reduce stress.

Q.11): Should candidates be required to undertake some preliminary training to better understand the role of an elected member?

It is expected that candidates be required to engage in preliminary training to give them some context about the task they will be undertaking and to be well informed about the tasks they will be required to oversee.

Q12): Should prior learning or service be recognized in place of completing training for elected members? If yes, how would this work.

No. Prior learning can however serve to inform this new context they will be operating in. Therefore training in how to apply their prior learning to this new context would be more appropriate.

Q.13) What period should apply for elected members to complete essential training after their election?

Training needs to begin immediately after the election and training attended on a regular basis as it takes time for the human brain to ingest new material and to apply it useful. In my profession my training can never be complete, it is ongoing and regular and my work is supportively supervised and mentored.

Continuing professional development: Guidance questions

Q.14): Should ongoing professional development be undertaken by elected members?

Any position which deals with such complex inter related issues requires ongoing professional development and supportive supervision and mentoring aimed at reviewing outcomes. As this increases competence it is also likely to costs and reduce anxiety.

Q.15): If so, what form should this take?

Due to the positions they hold and the grave community responsibilities they are mandated with professional development needs to be well thought out. For example Local Members need to be fully versed in international best practice relating to the issues they are dealing with. Members need to be placed in a regular workshop situation in order to practice and enhance collaborative, communication and “improved outcomes” based skills.

16): Do you have any other suggestions or comments on training?

Training must be supported by immediate opportunities to practice why, when and how to use the training. There are many members of the community who are well qualified to provide ongoing mentoring. Perhaps a regular on line conference, based on reflecting on actually useful outcomes.

In addition the community at large also needs training on how the Local Council actually works and how members of the community can contribute and support them.

Behavior of elected members: Codes of conduct: Guidance questions

17): Should standards of conduct/behavior differ between local governments?

No. Elected members are our community leaders and set the standards for Community behavior. Therefore they need to be united, consistent and proud of their standards of behavior and integrity. Community members are guided by their behavior in particular the children in our community. Our children have a strong sense of justice and when standards are breached they become rebellious and cynical.

18): Which option do you prefer for codes of conduct and why? – Not answered.

19) How should a code of conduct be enforced?

In order to reinforce the importance of upholding conduct codes it is imperative that the moment there is a breach it is investigated. Not simply in a punitive way but in a way that redirects the person breaching. Long-term breaches are highly costly to the community both financially and for Community morale. Remember with good mentorship etc. the need for enforcement should reduce.

Acknowledge how outcomes are achieved not simply the outcome. It is never acceptable to achieve an outcome at someone else's expense.

In addition the community also needs to be held accountable and educated about the methods they use to try and influence members. For example to engage in grooming members for personal gain should be discouraged. To educate the community about the rules their elected members are bound by is important.

Streamlined rules of conduct: Guidance questions

Q.20): Do you support streamlined Rules of Conduct regulations? Why

No. At this stage Conduct is likely to become more chaotic given the apparent current breaches of conduct.

Q.21): If the rules were streamlined, which elements should be retained?

In the event that streamlining is adopted I would suggest that international best practice in this area be consulted.

Q.22): Do you support a reduction in the time frame in which complaints can be made. Is three months adequate?

Taking into consideration the trauma and distress that can be inflicted on an individual as a result of a Local Government decision this needs to be

considered very carefully. Trauma can be crippling therefore three months is not adequate.

Revised disciplinary framework: Guidance questions

Q.23): Do you support an outcome-based framework for elected members? Why or why not?

I support a framework that encourages elected members to built their skills base and learn to refrain from behaving with a lack of integrity. This will also enhance their sense of accomplishment, pride and wellbeing and to feel more connected to the Community they work for. This will enable them to be less vulnerable to manipulation and grooming. It is not only about what is achieved but how it is achieved.

Q.24): What specific behaviors should an outcomes based framework target?

Behaviors that undermine the rules of integrity at all levels and.

Applications of the Rules of Conduct: Guidance questions

Q.25): Should the rules of conduct that govern behavior of elected members be extended to all candidates in council elections?

This is necessary. In order to stand for election a candidate needs to be up to speed in this area before being nominated. Any training that can be provided for candidates in this area will not be wasted. Even if not elected training in how to operate with good conduct in the community can only enhance other aspects of the community.

Offence Provisions: Guidance questions

Q.26): Should the offence covering improper use of information be extended to former members of council for a period of twelve months? Why?

If the system that members have worked in provides good guidance and support in the area of integrity it should follow that breaching this is less likely to occur. "Improper use of information" needs to be clarified and designed within the boundaries of integrity rules. Hence complaints about bad behavior such as bullying or abuse of public monies need to be separated. However, it needs to be made clear that improper use of information is always the rule. Therefore, to encourage continued good behavior a 12 month period would be useful.

Q.27 Should this restriction apply to former employees?

See Q.26

Confidentiality: Guidance question

Q.28 Is it appropriate to require the existence and details of a complaint to remain confidential until the matter is resolved? Why?

Of course, breaching confidentiality is a huge breach of trust and integrity when a complaint is made in confidence.

The cost of breaching confidentiality is huge. Members of the community are less likely to provide critical information of wrong doing in the community. Their reputation and life can be put at stake as well as those of their friends and family. Their sense of trust, justice and safety within their community **will be shattered**. For the matter to be dealt with fairly there needs to be a buffer of “quiet” until the issue is resolved especially in this age of digital technology.

Sector conduct review committees: Guidance questions

Questions 29 – 39): As I am not fully versed on these matters and I have limited time to give appropriate consideration I will only say that a model based on international best practice should also be considered in the event that it can enhance the design of any model that is adopted.

Prohibition from attending council meetings: Guidance questions

Q.40): Do you support the Panel being able to prohibit elected members from attending council meetings? Why or why not?

No. Due to the importance of the elected member’s position it is imperative that they are up to date with all council meeting proceedings.

Q.41): As above

Q.42): Should the elected member be eligible for sitting fees and allowances in these circumstances.

No. A breach without just cause is a very serious matter at all levels and is already costly to the community.

Compensation to the local government: Guidance questions

Q.43 and Q44. Not answered

Complaint administrative fee: Guidance questions

Q.45 – 49. Not answered

Cost recovery to local government: Guidance questions

Q.50 Not answered

Publication of complaints in the annual report: Guidance question

51) Do you support the tabling of the decision report at the Ordinary Council Meeting?

Yes. I do support this. As a member of the community I need to know about this however, it needs to be done in a very responsible, factual and professional way with the clear intention of keeping the community informed and up to speed. It is not to be used simply as a naming and shaming exercise.

Tabling decision report at Ordinary Council Meeting: Guidance question

52): See above

Elected members interests: Guidance questions

Q.53): Should not-for-profit organization members participate in council decisions affecting that organization?

Ideally the answer would clearly be no. However, where it is unavoidable and it can be established that the decision-making is carried out with integrity i.e. in accordance with the set down "best practice guidelines" and there is no better option then the answer must be yes.

Q.54): Would your response be the same if the elected member was an office holder in the organization?

Yes if the circumstances were that each of the elected members do not belong to the same organization in the same community this should be a safeguard against self interest versus community benefit.

Improving the behavior of elected members: Guidance questions

Q.55): Do you have any other suggestions or comments on this topic?

This is a very, very important issue. Integrity and behavior that is inclusive and results in advantage for all of the local community is something that is learned and must be trained for and practiced on a regular basis. Modeling this behavior is critical for the younger generations and is the most powerful way to learn and teach. Therefore, this must happen first before long-term effective improvement will occur. This is what creates healthy community. This is why the elders in other cultures are so revered. They are at a developmental stage of their lives which is about service not personal gain. This coupled with their experience, knowledge and expertise is dynamic.

Recruitment and selection of local government CEOs: Guidance questions.

Q.56): Would councils benefit from assistance with CEO recruitment and selection? Why?

Yes councils will benefit from assistance with their CEO recruitment. My experience with Local Government CEOs is that they are lacking in experience, training, expertise and suitable senior mentorship. In addition they are not aware of what they don't know. This results in them become overwhelmed and causes them to make inappropriate decisions that affect their teams and community adversely.

Q.57) : How could the recruitment and selection of local government CEOs be improved?

Option 2 i.e. involving third parties in CEO selection will have to be mandatory. The mix of 1) independent senior public servants (the knowledge and experience) 2) expert private recruitment agencies.

Q.58): Should the Public Sector Commission be involved in CEO recruitment and selection?

It would be prudent if the Public Sector Commission could at least provide a mentoring, supportive role. If they are further involved then they need to be up to speed with what works best in a particular community.

Q.59): Should other experts be involved in CEO recruitment and selection? If so who and how?

If there are identified experts who can be requested to take part in the process I think this would be useful. Anything that can found to select the most **useful** person in the role which can enhance the immediate and long term health of Local Communities, the engine room of this beautiful country is necessary.

Q.60): What competencies, attributes and qualifications should a CEO have?

Given the gravity of the position they will require experience and appropriate training. In addition, people skills such as integrity skills, fairness skill, management skills, communication skills, keeping to a meeting agenda skills, team building skills, motivational skills, non-punitive skills, transparency skills. Being able to make decision outside of personal ego skills. Reflective skills.

Acting CEOs: Guidance questions

Q. 61 – 63 not answered

Performance review of local government CEOs: Guidance questions

Q.64): Who should be involved in CEO performance reviews?

People trained and experienced in conducting performance reviews.

Q.65): What should the criteria be for reviewing a CEO's performance?

1: Well being, motivation, cohesiveness and stability of the team

2: Then whatever further criteria is set by the experts

It should be based on how outcomes are achieved as well as the outcomes as this is a role which should be building community capital and the workers within the council are also part of the community. They need to be able to speak with assurance and pride about their work place. All too often I see workers cowering at their work station which is a fair indicator that they are being unfairly treated.

Q.66): How often should CEO performance be reviewed?

Due to the complexity of the role and hence the level of mentorship required, at least six monthly.

Q. 67:) Which of the above options do you prefer? Why?

I prefer option 3. It must be emphasized that a performance review must also consider the well being of the workers as well as quantifiable results.

Q.68): Is there an alternative model that could be considered?

Most likely there is. This will have to be carefully considered based on international best practice and expert advice.

Termination or extension of CEO contract around an election: Guidance questions

Q.69) Would a 'cooling off' period before a council can terminate the CEO following an election assist strengthening productive relationships between council and administration?

This type of thinking is non productive. In the event that a CEO is fairly selected by an expert panel to fill the role immediate dismissal or a cooling off period should not be consideration. Whilst the CEO is fulfilling the duties and the team is thriving then there should be no grounds for dismissal.

Q.70) See Q.69

Q.71) See Q.69

Public expectations of staff performance: Guidance questions

Q.72): Is greater oversight required over local government selection and recruitment of staff.

Selection criteria must be as thorough as any Public Service position given the complexity and expertise required.

Q.73): Should certain offences or other criteria exclude a person from being employed in a local government? If so what?

Yes. In any event that public safety of any kind is at risk.

Strengthening local government administration: Guidance question

Q.74): Do you have any other suggestions or comments on this topic?

Placing people in such demanding and complex roles without appropriate training, experience or adequate mentorship and expecting them to fulfill the role successfully is questionable. This in effect is **setting people up for failure** and is a very grave situation. You will need to consult experts in the field of selecting people to perform in these roles as well as consulting International Best Practice otherwise the Local Community cannot thrive.

Remedial intervention: Guidance questions

Q.75): Should the appointed person be a departmental employee, a local government officer or an external party? Why?

The person will need to be the most expert person in the field in order to maintain a high level of expertise and integrity.

Q.76): Should the appointed person be able to direct the local government or would their role be restricted to advice and support?

As this is new change I would suggest conferencing with experts around international best practice would be paramount before these types of decisions are made.

Q.77): Who should pay for the appointed person?

As any important position can have a domino effect on all levels of government I would suggest that all of government should contribute.

Powers of appointed person: Guidance questions

Q.78): What powers should an appointed person have?

This decision will need to be determined by a panel of experts taking into consideration international best practice in addition to what has worked to date.

Remedial action process: Guidance questions

Q.79): Do you think the proposed approach would improve the provision of good governance in Western Australia?

Yes, if the approach empowers Local Government to perform to a high standard. However, it needs to be taken into consideration that appropriate training and mentorship will see a reduction in these resources having to be employed.

Q.80): What issues need to be considered in appointing a person?

A person well versed in process issues, who is able to determine why a situation has occurred, what needs to be done to hold the person accountable for any deliberate breaches and make suggestions as to what steps to take to avoid the same situation recurring.

Supporting local governments in challenging times: Guidance questions

Q.81): Do you have any other suggestions or comments on this topic?

Processes that strengthen local government capacity significantly such as Better Practice Reviews, governance programs etc. must be compulsory.

Transferability of employees: Guidance questions

Q.82): Should local and State government employees be able to carry over the recognition of service and leave if they move between State and local government?

Yes. Given that in reality they are both part of the same continuum.

Q.83): What would be the benefits if local and State government employees could move seamlessly via transfer and secondment?

It would enable and encourage people who believe they could provide a good public service in a particular role to step forward without disadvantage.

Making it easier to move between State and local government employment: Guidance questions

Q.84): Do you have any other suggestions or comments on this topic?

Enabling experts who are willing to step forward to support a local community project for a time will enhance the whole of local government.

A new framework for disclosing gifts: Guidance questions

Q85-Q90. In relation to the issue of Gifts, whilst this consideration is termed “gifts” the matter cannot be successfully managed. The actual issue is **bribery**. A bribe in any context is to give something to procure a service or gain influence. Gifts have no room in any level of government.

Excluding gifts received in a personal capacity: Guidance questions

Q.91): Should gifts received in a personal capacity be exempt from disclosure?

Due to the vulnerability of the people in these positions and the enterprising, inventive behavior of people who practice bribing and “grooming” all “gifts” even “person” require disclosure.

Q.92-94): see above

Gifts; Guidance questions

Q.95): Do you have any other suggestions or comments on this topic?

If a strong requirement was made that all “gifts” are to be disclosed in detail there are numerous in depth benefits. Namely it will be easier for a person to refuse a bribe and act with integrity. It will lessen their work distress because being approached with a bribe is likely to decrease. More meaningful work that benefits the whole community can be accomplished. The paperwork that will probably be required to ensure that there is no breach can act as a deterrent. It can help ensure that the recipient and the gift giver are both acting with integrity and good intention.

Public notices: Guidance questions

Q.96): Which general option do you prefer for making local public notices available? Why?

I prefer both print and electronic notices to ensure that people who only have access to one medium are included. To ensure that people who due to disability are not able to use electronic devices are also included. Information via electronic notices can often be missed and people say they are less likely to take notice of them. For example, many people have told me they do not read many of their emails. Many people also say that Government websites

in particular are clumsy and difficult to negotiate. This is what I have found at every step of my journey towards providing my Consultation Paper Responses. These difficulties are often construed as being a lack of public interest when in fact the public are not able to gain access to the information. In addition if a computer hacker makes changes it may not be noticed.

Q.97): Which general option do you prefer for State-wide public notices? Why

I prefer print and electronic notices for the reasons given in Question 96.

Q.98): With reference to the list of public notices, do you believe that the requirement for a particular notice should be changed? Please provide details?

These are all very important community notices and there must be both print and electronic notices. However, in relation to a complaints register regarding an elected member I would suggest printed record due to the times when someone makes a complaint that has no substance and hence it would be unfair for that complaint to be in cyberspace forever.

Q.99): Not answered

Information available for public inspection: Guidance questions

Q.100): Using the following table, advise how you think information should be made available

As your website issued a notice that you were having problems with allowing people to enter their Consultation Paper responses electronically I will have to answer in the following way:

Almost all documents should be available both in person and on the government Website with exception to parts of Sections 5.75 & 5.6 namely Primary and Annual returns – for Elected members. However, Sources of income, trusts, property holdings, interests and positions in corporations and debts that can be considered inappropriate must be disclosed.

Q.101): Should the additional information that is available to the public in other jurisdictions be available here. If so which items? How should they be made available: in person, website only or both.

Yes. All items I have sanctioned. They should be available both in person and on website.

Q.102 not answered

Q.103 not answered

Access to information: Guidance questions

104): Do you have any other suggestions or comments on this topic?

Not answered.

Expanding the information provided to the public: Guidance questions

Q.105): Which of these options do you prefer? Why?

Option 2 is preferred if it provides increased transparency. It will not be an extra burden as the intention is to increase transparency. The information of course need will also be available in a printed form

Q.106:) In the table below please indicate whether you think the information should be available, and if so whether this should be required or at the discretion of the local government.

As I am not able to provide my responses electronically I will respond to the list in the following way.

All the information listed should be made available. However, the concern with live streaming video of council meetings it needs to be done in a way that it doesn't become "performance platform" in the same way as the federal parliament question time.

Questions 107 and 108) not answered

The rest of the questions have not been answered.

