

Local Government Act 1995 - Review

Submission from Cr Rob Thomas to the Department of Local Government, Sport and Cultural Activities for consideration. 2018

I will endeavour to keep my submission succinct and to the point as you probably have many submissions to read through so let me get straight to the point

Firstly, my thanks to the Minister, The Hon David Templeman MLA and the Department, for encouraging input from both Council Administrators and Elected Members in the quest to modernise local Government, restore the reputation of the sector, simplify regulations and improve services.

Secondly let me say that in my opinion there is a further group of citizens whom it may pay the Department to consult with before amending the act and that is the various Residents & Ratepayers organisations that are scattered through the Local Government areas. That consultation could easily be done through a workshop or forum.

These people are all volunteers who live in the community and who care enough about what is happening in their Council area to give freely of their time and expertise, for no monetary reward, in the hope that they can make a difference by acting as a sounding board for the thoughts and concerns of a diverse range of people in their community and then acting as a voice for the community by bringing these issue before the Elected Members and the Council administration.

These locals have an investment in the area either through their home or business and as such have a vested interest in the future of their Local Government area and the amenity of their surrounds and the services and facilities provided by the Town / City for themselves, their children and future generations to come.

It has been my experience when talking with Yvonne Hart, the secretary of the Cottesloe Residents & Ratepayers Association that often issues of concern to the "silent majority" find their way to the Cott R & R committee where they are evaluated to determine whether it is just a resident having a whinge or a serious issue which may affect the amenity for ALL residents in Cottesloe. If it is the latter then Cott R & R will bring the issue to the attention of Councillors and the Town's administration and ask for clarification for the community.

To use the phrase on the front of the consultation paper - Western Australia needs Local Government that is Agile, Smart, and Inclusive however as I wear 2 hats, firstly as a resident and ratepayer of Cottesloe and secondly as an elected member (Councillor) let me say we, the local community, **deserve** a Local Government who has all those attributes **PLUS is accountable and transparent to all and is willing and able to effectively communicate with the community.**

This short summary of my thoughts may help you, the reader, understand where I am coming from when taking into account my response to the questions asked in the consultation paper.

Let me share a few observations with you, after 2 years as a Councillor.

My background is that I have always been involved in private enterprise in the sales and marketing field, mainly in management or middle management roles and I have always made decisions with the mindset of “what would I do if I owned the company” and “how will this affect the bottom line”.

It has been interesting over the last 2 years to be involved in Local Government and see how it operates and of course one can't help but make comparisons to private industry.

In my opinion each and every Local Government entity needs to be run on the same premise as private industry, that is they need to be held accountable for expenditure against income, they need to be run with an eye to turning a profit.

LG's are running a business which provides a service to a captive audience, the residents and ratepayers, however as I see it there are a couple of really evident differences namely:-

1/ there is not the same pressure to maximise performance as there is in private industry as the business (the Council) has no competition, they are the only supplier of services for that particular area, that is... they have a monopoly. If the service is poor the customers (residents) can't change to a different provider.

2/ the business can't go out of business, it can't shut its doors. If there has been a year of extremely high expenditure due to something not planned for happening or a natural disaster occurring then the books can always be balanced by increasing the rate levy so that the impost is amortised over the whole of the community.

3/ on face value it would appear that system providers and material providers to Council MAY have developed a pricing structure specifically for their captive audience, Local Government. I would be very surprised if private industry would pay the same prices as charged to Local Government for comparable goods and services as private industry would as private industry would shop around for the very best price so as to keep costs down whereas Local and State Government appear to be “fair game” for inflated prices.

Thanks you for reading through my observations and if you would like to contact me regarding clarification of the above I can be contacted on 0424 275 545.

Kind regards,
Rob Thomas.

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1. Relationships Between Council and Administration

Page 22 Question 1 - How should a Council's role be defined?

Answer – a Council is the interface between the residents and the ratepayers and the administration. They are the conduit through which the community can bring change and development to the whole of the area administered by the Town / City.

Question 2 – How should the role of the CEO and the administration be defined?

Answer – the relationship is not dissimilar to that between a Board of Directors and the General Manager of a Company.

Question 3 – What other comments would you like to make on the roles of Council and the administration?

Answer – If the CEO and Senior Managers are not residents in the LG area that they work in then they are not privy to the full spectrum of what goes on in the area that they administer so that when they are liaising with Council they may not be fully aware as to how certain decisions affect the community over the 168 hours in a week...including before and after business hours and on the weekend. In our council there is only 1 employee who lives in the Cottesloe area, so in essence the office staff generally only get to see how the community operates on a Monday to Friday during business hours.

Question 4 – Are there areas where the separation of powers is particularly unclear?

Answer – It would be advantageous to be readily and fully involved in the development of the planning and reporting framework as they do in NSW.

Question 5 – Any further suggestions?

Answer – If Councils were required to have a level of speed and clarity of communication with the community similar to what is required in private enterprise then there would be far fewer complaints to Councillors regarding the lack of response or a slow response from the administration.

2.Training

Page 26 Question 6 – What skills and knowledge do you think that an Elected Member requires to perform their role?

Answer – Firstly they need to have time available to read, understand and investigate as need be the reports prepared for the Full Council meeting and various committees that they sit on. They need a good working knowledge of finance – profit and loss, budgeting and analysis of expenditure. They also need to be able to express themselves clearly and concisely in meetings and to be able to present a plausible argument to support the statements that they make.

They need to be available to speak and electronically communicate with residents and ratepayers in a courteous manner.

Question 7 – Do these vary between Local Governments?

Answer – not able to comment as I only have experience in one LG.

Page 27 Question 8 – Who should pay for the cost of training?

Answer – the LG.

Question 9 – Should a training fund be established?

Answer – It would be worth investigating establishing a Training Fund and as well as taking into account the revenue raised by each LG it may also pay to take into consideration how often the Elected Members change in Rural Councils as it appears that quite often Country Councillors remain in the position for a number of years (10 or longer) as people are not keen to do the job.

Page 29 Question 10 – Should EM's training be mandatory?

Answer – absolutely. EM's are responsible for directing / guiding an entity which has an annual turnover in 7 or 8 digits.

Question 11 – Should candidates be required to undertake some preliminary training?

Answer – Yes, however if it's too complex it may dissuade people from standing as a Councillor.

Question 12 - Should prior learning be recognised?

Answer – No. It would be too hard to judge and accredit.

Question 13 – What period should apply for EM's to complete essential training?

Answer – within 6 months of being elected.

Pages 30 Question 14 – Should on-going professional development be undertaken by EM's?

Answer – A form of PD is already available through WALGA with their 52756WA Diploma of Local Government (Elected Member).

Page 31 Question 15 – If so what form should this take?

Answer – either through WALGA (see above) or through another suitable qualified supplier.

Questions 16 - Any suggestions?

Answer - There needs to be a greater selection of providers with the option to do ALL courses on-line. If it were to be made mandatory then Country EM's having to come to Perth to do courses may be disadvantaged through time away from home and travel required.

3. Behaviour of Elected Members

Page 37 Question 17 – Should standards of conduct / behaviour differ between LG's?

Answer – No it needs to be standardised across all State LG's.

Question 18 – Which option do you prefer for codes of conduct?

Answer – LG's adopting a model code with only certain clauses subject to modification.

Why, because we need a uniform code so that it can be seen to the public (our communities) that we are all called upon to operate to the same standard.

Question 19 – How should a code of conduct be enforced?

Answer – As an internal disciplinary matter.

Page 42 Question 20 – Do you support streamlined Rules of Conduct regulation?

Answer – the current system is very unwieldy and minor breaches are costly to the Council, they are not dealt with promptly and take up large amounts of the EM's time to defend their case.

Question 21 – If the rules were streamlined which elements should be retained?

Answer – start again, Option 2 sounds good to me.

Question 22 – Reduction of time from for complaints to be lodged.

Answer – 3 months is fine. Recollection of the incident would be easier and clearer if it were 3 months.

Page 43 Question 23 – Do you support an outcome based framework for EM's?

Answer – Yes, because that way the complaint can be properly identified and categorised.

Question 24 – What specific behaviours should be outcome based?

Answer - dishonesty, lying, using the position for favour or financial gain, sullyng the reputation of the LG, bullying, sexual harassment, to name a few.

Page 44 Question 25 - Should the rules of conduct for EM's be applied to candidates in Council elections?

Answer – It would be a good idea but difficult to enforce as they are not EM's...yet.

Question 26 – Should the offence covering improper use of information be extended to former Councillors for a period of 12 months.

Answer – Yes 12 months or longer. As Councillors we are privy to information which could easily be used for financial gain by unscrupulous persons once they have left their role of Councillor.

Question 27 – Should this restriction apply to former employees?

Answer – Yes, for exactly the same reason as stated above.

Question 28 – Is it appropriate for the existence and details of the complaint to remain confidential until the matter is resolved?

Answer – Absolutely. The presumption of innocence should be upheld until the matter is proved and nowadays with the proliferation of social media that tenet is not respected or applied.

Page 51 – Question 29 – What do you see as the benefits and disadvantages of this model?

Answer – It seems more equitable to be reviewed by your peers from the surrounding LG's and I'm assuming that the Conduct Review committee could be convened at the LG's Offices or nearby. It should speed up the resolution of the complaint.

Question 30 – What powers should the CRC have?

Answer – to have access to all relevant parties (perpetrators, witnesses etc) and documents so the full story may be heard and the matter resolved judiciously.

Question 31 - what matters should go directly to the Standards Panel?

Answer – any complaints involving dishonesty, lying, using the position for favour or financial gain, sullyng the reputation of the LG, bullying, sexual harassment

Question 32 - Who should be panel members?

Answer – EM's from adjacent Councils, former councillors, perhaps also retired Lawyers with LG experience.

Question 33 - Who should select the members of the pool.

Answer – drawn by secret ballot.

Question 34 - How many members make up the committee?

Answer - 3 or 5 to allow for a proper debate on the facts and a vote.

Question 35 – Are the proposed actions for the committee appropriate.

Answer – Yes

Question 36 – Which of the options for dealing with complaints do you prefer?

Answer – Option 2

Question 37 – Are there other options that should be considered?

Answer – that both the complainant and the person who is the subject of the complaint are compelled to attend and put their side of the story to the committee individually, and preferably in camera.

Question 38 – Who should be able to request a review of the decision: the person who is the subject of the complaint, the complainant or both.

Answer – Both, it's fairer and should see the complaint resolved or passed on in a much shorter space of time.

Page 53 Question 39 – Do you support the inclusion of mediation as a finding for the Panel?

Answer – Absolutely, it is likely to give both parties a better understanding of where the other party is coming from and hopefully lead to a resolution.

Page 54 Question 40 – Do you support the Panel being able to prohibit elected members from attending council meetings.

Answer – No. This could affect the balance in the council when it comes to important issues and an unscrupulous person may choose to goad an EM into an action which results in a complaint being lodged knowing that having a person absent from the chamber may work in their favour when a vote is taken.

Question 41- How many meetings should the Panel be able to the elected member not to attend?

Answer – see above.

Question 42 – Should the EM be eligible for sitting fees and allowances if suspended?

Answer – see above.

Question 43 – Do you support the Panel being able to award financial compensation to the LG?

Answer – This question needs more clarification.

Firstly who is paying the compensation, the person who the complaint is against?

Secondly, I would have thought that if the matter was such that it warranted some form of financial compensation then the matter should have been forwarded on to the Standards Panel for determination and perhaps on-forwarded by them to the SAT.

Question 44 – What should the maximum amount be?

Answer – see above.

Page 55 Question 45 – Do you support a complaints administration fee?

Answer – Yes, it should preclude trivial and minor complaints being lodged.

Question 46 – Do you believe that an admin fee would deter complainants from lodging a complaint?

Answer – No. Not if it was a nominal fee of say, \$50.

Question 47 - Would an admin fee be appropriate for a sector review committee model?

Answer – I can't see any reason why not.

Question 48 – what would be an appropriate fee?

Answer - \$100 and if the complaint is found in favour of the complainant the \$100 is refunded.

Question 49 – Should the admin fee be refunded if a minor breach is found?

Answer – Yes.

Question 50 – Do you support the costs of the panel proceedings being paid for by a member found to be in breach?

Answer – No. At this stage there is no indication of the cost of the committee and the member in breach has no way of verifying how much time has been spent on the matter and therefore has no control over the costs.

Page 56 Question 51 – Do you support the tabling of the decision report by the Ordinary Council Meeting? I think that this question should have read as follows “ Do you support the publication of complaints in the Councils annual report.

Answer – No, we are dealing with minor breaches here, which usually have no long term effect on how the Council performed in the last financial year.

Page 56 Question 52 - Do you support the tabling of the decision report by the Ordinary Council meeting?

Answer – No, we are dealing with minor breaches here, which usually have no bearing on decisions made in the Council Chamber

Page 57 Question 53 – Should not-for-profit organisation members participate in Council decisions affecting that organisation?

Answer – Yes. The EM in question can usually contribute relevant knowledge to the discussion that the other EM's may not be privy to so it can help with a better informed decision being made. Also the positions held are usually voluntary but a declaration of interest needs to be made followed with a declaration of impartiality on the matter.

Question 54 – Would my response be the same if the EM was an office holder in the organisation.

Answer – Yes if they were unpaid, No if they were paid. If paid they would have to declare an interest and excuse themselves from the debate and the vote.

Question 55 – Do you have any other suggestions or comments on this topic?

Answer – No. I believe that it is adequately covered under the Act.

4. Local Government Administration

Page 62 Question 56 – Would Councils benefit from CEO recruitment and selection?

Answer – Yes. At present there is an ad hoc approach by local Councils when recruiting CEO's, with the procedure varying from Council to Council.

Question 57 – How could the recruitment and selection of LG CEO's be improved ?

Answer – By developing a recruitment standard, to be used as a guideline for specialist Recruitment Agencies to use in the selection of suitable candidates for the position of CEO's in a LG.

Question 58 – Should the Public Sector Commission be involved in the recruitment of CEO's?

Answer – No.

Question 59 – Should other experts be involved in the recruitment and selection of CEO's?

Answer – Yes. I like the suggestion of a list of suitably qualified individuals or organisations that are able to provide short-listing services and background and reference checks.

Question 60 – What competencies, attributes and qualifications should a CEO have?

Answer – A LG CEO needs very good people management skills. They must like working with people (staff) to bring out the best in them and help them to gain more knowledge and skills to expand their future prospects and provide a better service to the ratepayers. They need to be:- articulate, objective, a good planner, a team player, and a good delegator. They need to instil loyalty and trust in their staff, have foresight and vision, welcome initiative, and communicate concisely, clearly and effectively with their staff, the Council and the community in a frank, open and timely manner. Previous experience and a proven track record within Local Government in a senior management position preferably with some experience as the Deputy CEO is desirable. A degree in business management together with a strategic management qualification would also help.

Page 63 Question 61 – Should the process of appointing an acting CEO be covered in legislation?

Answer – No. It should be standard policy for all LG's to have a member of the senior management team designated as Deputy CEO. If the CEO is absent then the Deputy acts as the CEO.

If both are absent then the Council appoint an acting CEO.

Question 62 – If so who should appoint the CEO?

Answer – See above.

Question 63 – Who should appoint the CEO if there is an extended vacancy?

Answer – see above. If for some obscure reason both the CEO and the Deputy have either left or are absent for a long period of time the Council members should have the expertise to choose and appoint a temporary CEO from within the senior staff members.

Page 67 Question 64 – Who should be involved in the CEO's performance reviews?

Answer – All EM's plus a specialist outside consultant.

Question 65 – what should the criteria be for reviewing a CEO's performance?

Answer – his performance against the Key Results Areas (KRA's) which have been set by the EM's and the consultant and agreed to by the all the EM's and the CEO.

Question 66 – How often should the CEO's performance be reviewed?

Answer – At least annually. For a newly appointed CEO, with no previous experience as a CEO then it maybe good practice to review bi-annually in the first 2 years.

Question 67 – Which of the above options do you prefer?

Answer – Option 1 as an outside consultant brings to the table knowledge gained from being involved in previous LG CEO reviews plus they can act as an intermediary between the EM's and the CEO so that a small number (less than 10) relevant KRA's can be set.

Question 68 – Is there an alternative model that could be considered?

Answer – Yes. Construct a template for a standard CEO review to be used by all Councils and use that with Option 1.

Page 68 Question 69 – Would a cooling off period before a Council can terminate the CEO following an election assist in strengthening relations between the Council and administration?

Answer – Yes.

Question 70 – What length should a cooling off period be?

Answer – a minimum of 3 months, a maximum of 6.

Page 69 Question 71 – For what period before an election should there be a restriction on a Council from extending a CEO's contract?

Answer – 6 months, however this may be relative to the length of contract that the CEO has left to run. There may be extenuating circumstances which would create an exception.

Page 70 Question 72 – Is greater oversight required over LG selection and recruitment of staff?

Answer – Yes, but I'm not sure how that could be administered.

Question 73 – Should certain offences or other criteria exclude a person from being employed in LG?

Answer – Absolutely. All employees should be checked to see that they have a current driver's license plus checked to see if they have a criminal record, any pending Court appearances, driving convictions, or any disciplinary matters. It may also be prudent to check their social media to see if they hold any controversial racial or ethnic views.

Question 74 – Any other suggestions?

Answer – it may be a help for all LG's to have a standard model / template / checklist to work from when employing staff.

5. Supporting Local Government in Challenging Times

Page 76 Question 75 – Remedial Intervention – Should the appointed person be a departmental employee, a local government officer or an external party?

Answer – It needs a person who understands how a Local Government entity works so preferably an experienced LG officer who has the ability to call in external parties as required, as sometime even LG officers "can't see the wood for the Trees".

Question 76 – Should the appointed person be able to direct the LG or should they be restricted to advice and support?

Answer – That would depend on the circumstances that precipitated the intervention. It should initially be advice and support however if the advice is blatantly being ignored then the LG officer should have the powers to direct actions to be taken.

Page 76 Question 77 – Who should pay for the appointed person?

Answer – the LG because that's where the problem eventuated, however in the case of Rural Councils where travel (sometimes air travel) and accommodation can be extremely expensive perhaps the initial advice, support and backup can be done electronically via Skype or WhatsApp to help keep the costs lower.

Question 78 – What powers should the appointed person have?

Answer – the authority to fully investigate the cause of the problem with unrestricted access to all correspondence, documents and facilities plus the ability to talk privately with any member of the LG's staff and the Council so as to come to a conclusion as to the cause of the problem and make recommendations as to the way forward to a solution.

Page 77 Question 79 – Do you think that the proposed approach would improve the provision of good governance in WA?

Answer – Yes, particularly if the response is fully transparent and open and is not seen to disadvantage or punish the local community.

Question 80 – What issues need to be considered in appointing a person?

Answer – Obviously, the person who is doing the remedial intervention needs to have worked in LG at senior management level, preferably as a CEO, so as to be fully aware of the structure, operation and responsibility of a LG entity. They also need to be a people person with empathy for the staff and the situation and understand how to negotiate and “sell” the remedial action.

Question 81 – Any other suggestions or comments?

Answer – As the remediator’s skills will only be needed on an as required basis perhaps they will need to be given a retainer , paid through WALGA, so that they are available as needed on an on-call basis. Also, it may be worth considering using a remediation team or a male and female as female staff are more likely to be frank and open about problems in their work place with a woman.

There are some excellent female LG CEO’s who have retired who may be happy to offer their assistance.

6. Making it Easier to Move Between State & Local Govt Employment

Page 79 Question 82 – Should local and State Govt employees be able to carry over the recognition of service and leave if they move between State and local Govt?

Answer – Absolutely. They are 2 forms of Government so why shouldn’t that happen?

Question 83 – What would be the benefits if local and State Govt employees could move seamlessly via transfer and secondment?

Answer – In my opinion there would be no benefit. Whilst they are 2 forms of Government the work environment, the operating systems and the culture are different and productivity would be affected in either circumstance.

There would also be the possibility of a “jobs for the boys” culture to spring up.

Question 84 – Any other suggestions?

Answer – Being able to freely fill vacancies via secondment or transfer could upset the dynamic of the workforce and result in long term staff becoming disillusioned as the natural order of succession through hard work disappeared. In some cases the LG entity may even end up skewed with staff of a particular political bias.

7. Gifts

Page 90 Question 85 – Is the new framework for disclosing gifts appropriate?

Answer – Yes.

Question 86 – Why not?

Answer – NA, see above.

Question 87 – Is the threshold of \$500 appropriate?

Answer – Yes.

Question 88 – If not why not?

Answer – NA, see above.

Question 89 – should gifts, or gifts from particular classes of people, be prohibited?

Answer – Yes. I believe that gifts from all political parties, gender related or ethnically related groups, local lobbyists, property developers, & professional lobbyist who operate a business as a lobbyist should all be prohibited.

Question 90 – If yes what gifts should be prohibited.

Answer – Gifts of shares or tradable commodities such as Crypto currencies as often shares are gifted to Directors when a company is floated so there is no cost to the Director however the recipient may receive a substantial windfall from the gift if the share price rises dramatically.

Ditto Crypto currency. As you may be aware some people who were given small parcels of Bitcoin for their novelty value by a relative or friend have found that they are virtual millionaires in the latest Crypto boom. However because of the way that Crypto currency is traded and ‘banked’ this may be a hard item to police.

Question 91 – Should gifts received in a personal capacity be exempt from disclosure?

Answer – No. It would be too difficult to police so it needs to be a “catch all” policy. Otherwise those seeking to rot the system will find ways to have their gift classified as personal.

Question 92 – If Yes, how could ‘personal capacity’ be defined?

Answer – see above. Almost impossible to classify without there being countless hours and money wasted on defining what items are personal and those who tried to game the system would always come back with the standard lame defence of “oh I thought it was personal”. Not to mention the huge amount of time and effort required to categorise ‘new’ items and keep the list up to date.

Page 91 Question 93 - should there be any other exemptions from the requirements to disclose a gift over the threshold?

Answer – Nothing that springs to mind at this time.

Question 94 – if so what should these be?

Answer – See above.

Question 95 – Do you have any other suggestions or comments on this topic?

Answer – Yes. I believe that the DLG should do a desk top review of the Gift Provision rules on an annual basis with those that are affected by the provision, namely LG CEO’s and EM’s, by electronically polling (use Survey Monkey ?) a representative sample of small, medium and large LG’s throughout the states metro and country areas. The survey could be sent direct to the CEO’s with instructions to hold a meeting with EM’s and gather the feedback and report back to the Dept. Any anomalies or ‘red flags’ could be followed up with a phone call. However with surveys the old rule of ‘garbage in – garbage out’ applies so it is best to use a professional company or person outside of the Dept to couch the questions in the right way to get an unbiased result.

8. Access to Information

Page 96 Question 96 – Which general option do you prefer for making local public notices available?

Answer – a combination of Option 6 – Print and Electronic notices plus option 7 – Notices published on a centralised website. Very few members of the community read the Public Notices section of the West Australian, some of the residents and ratepayers read the local community newspaper and some access the notices via social media – the Town’s Facebook page and web site.

Question 97 – Which general option do you prefer for State-wide public notices?

Answer – Option 7, a centralise website. That will allow interested persons from anywhere in the world to have access to LG public notices as they are posted.

Question 98 – With reference to the list of public notices, do you believe that the requirements for a particular notice should be changed?

Answer – Yes, See section 5.50(1) Policy regarding the making of extra payments to terminated employees. – It currently reads ‘ Public notice must be issued **after** policy is adopted’.

In my opinion it should read... **before** policy is adopted. That way the community get to have input in how their rates are spent.

There is a big problem with notices issued late in the year inviting a response.

For example if a notice is issued in the middle of December inviting comment over a 6 week period it may get little response as at that time the community is heavily involved in the lead up to the Christmas celebration and in early January families may travel overseas or locally as they enjoy their annual break from work.

Therefore it should be mandatory for any notices published after November 30th to DOUBLE the time allowed for a response, i.e. 6 weeks would become 12 weeks.

Page 97 Question 99 – For the State-wide notices are there alternative websites where any of this information could be made available.

Answer – Not that I am aware of however surely it would be easy to get a dedicated website built and have a clickable link displayed prominently on all State Govt and LG websites.

Page 100 Question 100 - using the following table advise how you think information should be made available?

Answer – I am happy for all provisions listed to be made available in person and on the Town’s website (so categorised as ‘Both’) except for the following:-

Provision - 5.75 & 5.76 – not available to the public (categorise as ‘Neither’)

Provision - Functions and General - made available on Website only (categorise as ‘Website’)

Provision – 5.94 & Administration on Regulation – Complaints Register (concerning Em’s) – available in person (Categorise as ‘In Person’)

Electoral Roll – not available to the public (categorise as ‘Neither’).

Page 102 Question 101 – Should additional information that is available to the public in other jurisdictions be available here.

Answer – No. It would be possible to have a Frequently Asked Questions (FAQ) page where there are links to the relevant pages on our LG website and if the question is regarding information which isn’t on the LG website but which is available it is very easy to have a ‘clickable link’ to another sites page which has that information.

Question 102 – Is there additional information that you believe should be made available to the public?

Answer – complaints made to the LG administration about poor services provided or below par staff performance, and the response(s) by the LG.

Question 103 – For Local Govt (admin)

Answer – N/A

Question 104 – Any suggestions?

Answer – Not at this stage.

9. Available Information

Page 106 Question 105 – ‘Expanding the information to the public’ – Which option do you prefer?

Answer – Option 2. All LG communities have a vested interest in their Council as they are stakeholders in the area either through their investment in their dwelling or a business or both. As such the workings of their LG need to be transparent...open and accountable and they need to be kept fully informed as to how their rates contribution is being spent so they can judge if it is being spent wisely and they can have some say in the matter, either through their councillors or directly to the Council administration. If information is readily available and easily accessible then trust and rapport between the community and the LG is established. It is when the LG is seen to work within a veil of secrecy, on a ‘need to know’ basis that suspicions are aroused and trust is lost.

Question 106 – In the table below please indicate whether you think the information should be made available?

Answer – I consider that all of the items proposed should be ‘Required’ except for the following which should be ‘Optional’ :-

Live streaming of Council meetings, Diversity data on Council membership and employees, Gender equity ratio for staff salaries, Adverse findings of the Standards Panel, the SAT and the CCC.

Page 107 Question 107 – What other information do you think should be made available?

Answer – the amount of money spent on the catering of food and drinks for EM’s meetings and other community functions.

Question 108 – Further comments or suggestions

Answer – Not at this stage.

10. Red Tape

Page 110 Question 109 – Which regulatory measures within the Act should be removed or amended to reduce the burden on LG’s .

Answer – As I am not actively involved in the administration work of our Council I don’t feel I am qualified to comment. This question appears to be aimed at the administrative staff.

Question 110 - Which regulatory measures within the Act should be removed or amended to reduce the burden on the community.

Answer – I have heard residents say that submitting a simple Development Applications (DA), for let's say a garden shed or a fence or a wall, seem to involve large amounts of paperwork and can take multiple visits and follow up calls. I came across a possible solution when I recently met an enterprising chap called Tom Young who has developed a program called Udrew which allows residents to submit simple building plans and get **instant** approvals.

Programs like this cut right through red tape by removing the frustration from the process by making it simple, easy and quick. Their web site is <http://www.udrew.com.au/aboutus>

Page 111 Question 111 – Should the provision of a special majority be removed?

Answer – I can't see why it exists? Why not just have uniform rules throughout the State and have everyone working to an 'absolute majority'?

Page 113 Question 112 – Is it appropriate that Council have a role in the appointment, dismissal or performance management of any employees other than the CEO?

Answer – No.

Question 113 – Is it necessary for some employees to be designated as senior employees?

Answer – Yes, and they should be designated the management group. The criteria for being a senior employee will be a combination of pay scale and responsibility.

Page 114 Question 114 – Are the existing related party disclosure provisions in the Act sufficient without the addition requirements of AASB 124?

Answer – this is for an operational area so it is best answered by the Town's administration.

Page 115 Questions 115, 116, 117, 118 & 119.

Answer - These are all questions concerning operational matters so as A Councillor I have no knowledge or experience to answer these questions.

Page 115 Questions 115, 116, 117, 118 & 119.

Answer – No.

Question 120 – Any suggestions?

Answer – No.

11. Regional Subsidiaries

N.B: As I am a Councillor and not involved in the day to day operational matters of the Town my answers below are just my personal thoughts based on my personal knowledge of finance in business.

Page 122 Question 121 – Which option do you prefer?

Answer – Option 1, preserve the status quo, as this protects the community from exposure in cases of financial mismanagement.

Question 122 – Should regional subsidiaries be allowed to borrow money other than from the member Councils.

Answer – No.

Question 123 - Why not?

Answer – The Councils involved would be fully exposed to repay the debt plus interest if the subsidiary became insolvent. If the subsidiary was performing below expectations more capital may need to be injected to try and keep the entity afloat and bring it into profit. This capital may deplete the Councils financial reserve to the point that the Council itself is financially exposed and reserves would need topping up by the ratepayers through an increased rate levy. If that happened the community would lose faith in their Councils ability to operate as a business.

Question 124 – If a regional subsidiary is given the power to borrow directly, what provisions should be put in place to mitigate the risk.

Answer – The borrowing should be only allowed through Treasury NOT through Banks and it should be mandatory for a separate professional entity other than the involved Councils to prepare the financial budgets and projected cash flow and expenses information to present to Treasury.

Question 125 – Any other suggestions or comments?

Answer – Not at this time.

Question 126 – Would you like to make comment and put forward suggestions for change on other matters which have not been covered by this paper?

Answer – Yes. **May I suggest that in this rapidly changing world of electronic media and revolutionary changes in methods of communication that a review of the Act not be left for another 20 years but a review is scheduled for no longer than 5 years time.**

Advances in technology are happening with amazing speed with our current computers and phones becoming obsolete in under 2 years so who knows what the future may bring!