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From: Anne Ryan [Redacted]
Sent: Saturday, 26 February 2022 7:52 PM
To: DLGSC Act Review
Subject: Fwd: Local Government Law Reform

Follow Up Flag: Follow up
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To whom it may concern

Good Morning,

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I wish to add my endorsement of the submission by LGEMA in which they have put forward a very comprehensive argument on behalf of their members.

Further, I add the following:

Submission

1. Many new councillors are not aware when they are elected (as the Act is a complex document) that the CEO (the only person the Council employs), nor indeed the Mayor, are not the font of all knowledge and do on occasions give incorrect advice which councillors could be swayed into believing.

2. Councillors do not have the right to independent legal advice and are at the mercy of the Council and/or the CEO. This could be in the face of information that the individual councillor is aware of but that he/she cannot or should not divulge. DLGSC hotline advises councillors to get their own legal advice, which will be at their own expense. This is simply unacceptable when the CEO can run off and get as much legal advice as he likes. I don't think I need to spell out that the information received from lawyers (or anyone for that matter) is only as good as the information they were provided and can be requested without Councillors knowledge or held back from councillors if the CEO deems it so. Why have the rights of of councillors, who act on behalf of their constituents and are not remunerated to the extent of staff, been eroded to this denial of justice?

3. My previous experience of WALGA training programs are they appear to be wanting. Training programs run by ex-CEOs could also create a bias and some training session content is just plain deficient. Mandated, truly independent training would go a long way to giving new councillors an insight to learning the ropes devoid of any bias. There are many bodies that could carry out this training however I do not consider WALGA to be independent and should be excluded from any consideration.

4. Any breach of the CEO's accountability for breaching the LG Act or the Employee Code of Conduct needs consideration. There are any number of situations (some have come to light recently) that apart from a prison sentence can be simply dismissed with a slap on the hand and swept under the carpet. These CEOs simply move around local government councils and can perpetrate the same misdemeanors. Councillors are subjected to such high levels of scrutiny but there appears to be a different level of it levelled at the CEO's.

5. Noting the CCC recommendations in 2006 that DLGSC keep, audit and monitor record keeping of a "Disciplinary Framework For LG CEOs And Other Employees" was this adopted? If not, why not?

6. CEOs have all power and influence to give LG an appearance of instability, when faced with councillors asking questions on behalf of their constituents and the CEO could persuade a Minister, through DLGSC, to suspend a Council, noting abuse of power or influence. This has been played out by the Town of Cambridge v Minister Templeman.

There are many and varied issues which Councillors face and it seems that all good intentions to reform local government to streamline it or make it somehow fairer appears to be the intent. However there are many issues in this Draft Law Reform which will put undue pressure on an already pressured (practically voluntary) role and I urge your caution when adopting further unworkable laws which hinder the role of a councillor.

Thank you for your consideration.

Yours sincerely

Anne Ryan, Councillor City of Busselton