

**Submission by the Guildford Association Inc. on the Review of the Local
Government Act 1995
Submitted 9.3.2018**

The Association is not commenting on the whole Act but rather where issues have become apparent or decisions and processes compromised at Local Government Level.

1. Relationship between Council and Administration

a) **The role of CEO, administration and Councillors appears unclear.** Officers are able to hold/ withhold information or provide select information to council, and can influence decisions. This was most apparent in the Guildford Access and Parking Study. It is unclear if the role of administration is to direct council or to inform and support council. Given that officer recommendations are usually adopted by Council *it is very important that there are clear guidelines on this relationship and roles of each party.*

b) **There is a need** for the *roles and obligations of Councillors to be clearly defined*, so council does not become the rubber stamp for administration and the democratically elected parties can make fully informed decisions.

c) **Council's role should be expanded in line with recent comments by the CCC** to *clearly establish roles, obligations of council, an annual audit and validation process*, a review of the compliance of the CEO in matters of *Delegated Authority*, to review *efficient allocation of resources, succession planning for the CEO* and regular reviews of services, approval of contracts and performance reviews

d) **The matter of delegated authority has been an area of consistent concern** within the community of City of Swan. It has led to decisions that are frequently inconsistent with other decisions, inconsistent with the LPS and policies associated with the LPS. Such inconsistencies create community conflict (can pit neighbour against neighbour), lead to hostility about some policies eg Heritage, and where inconsistent with the LPS, provides no real avenue for the community to voice concerns that will be seriously considered. *Council needs to be able to scrutinise the role of the CEO in relation to DA decisions particularly when they are in conflict with the LPS.*

e) **The Council can elect councillors to investigate performance and governance issues, however, the process is unclear and confusing.** The only avenue available to the mayor or Councillors to scrutinize the role of the CEO is by elected members working through the CEO, as a result independent scrutiny of the CEO role, conduct and compliance is impossible. There is a need for Councillors to be able to instruct a third party- elected member / independent party to investigate, audit or validate governance and performance of officers and CEO. *This section of the Act needs to be more clearly delineated and defined.*

f) **The role of the CEO should include terms such as accountability, transparency, accuracy.**

It is essential that the CEO is obliged to provide a full and complete advice and information to Council when called upon to do so, or when inconsistencies are noted by councillors or community. That is the CEO should be providing a transparent and accountable service delivery

to support councillors.. not an administration that directs and determines policies through control of information .

g) **The CEO should not be employed for more than 5 years** without advertising this position as a condition of possible renewal of contract and this contract should not be renewed more than 3 months before the Council elections. The position of CEO should go before the Public Sector Commission or have a delegated member from the Commission present as part of this selection process. These highly paid CEO positions are responsible for billions of dollars of capital and investment and the highest level applicant should be awarded such a position from a national pool. There must be accountability and transparency in the process of selection.

2. Training

a) **The training of Councillors and Officers is necessary.** At present in the City of Swan Councillors are no longer required to state they have read, and understood the contents of their agenda at Ordinary Meetings. This could lead to a dereliction of an elected member's duties. Further, lack of information could lead to voting on an issue being based on other than accurate information, eg voting in blocks on the basis of political affiliation or other allegiances. It is imperative that councillors and officers are aware of their respective duties, obligations and consequences for not fulfilling such duties.

b) Continued **professional development is necessary** for officers with an understanding that Officers or Councillors who fail to meet the requirement may have to continue with such courses until deemed competent. Training should be through accredited agencies in relevant areas to that officer's work.

c) Council candidates should **attend briefings** and not training.

3. Behaviour of Elected Members

a) There should be an accepted standard of behaviour/ conduct for elected members, that **should be consistent across Local Government Areas and developed by the Department of Local Government, to support higher standards.** This is particularly needed in council meetings or other forums with councillors or public are engaged, eg where councillors often employ derogatory or bullying tactics, vote in blocks, have failed to be informed on issues.

b) The *code of conduct must have consequences* be it the tightening of defamation provisions, the enforcement of declarations of conflicts of interests, enforced training and possible removal from an elected position.

c) There needs to be an independent avenue of handling public complaints- without referral to the council and identification of the individual complainant to the council. This may result in a file being developed on particular issues relating to ascertain councils or councillors

4. Local Government Administration

a) There should be **Public Sector Commission inclusion**, be it whole or partial in the selection of the

CEO and involvement in selection of Senior Executive positions.

b) The Position of CEO should be **limited to 5 years** and then be publicly advertised, not continue on unchecked until retirement.

c) **Ratepayer comment should be included in the evaluation** particularly in relation to success of or otherwise of projects funded by the LGA.

Greater oversight is required of Local Government selection in recruitment of staff. Staff are often being selected without adequate skills to prepare briefs or evaluate projects. This is situation in the City of Swan is leading to continual studies and policies that are not enacted for years (gather dust eg Heritage Strategic Plan 2013-2016 not completed) or are enacted when they are severely flawed eg Heritage Precinct Report Guildford, Guildford Access and Parking Study and the Review of the City of Swan's Local Government Inventory. Large sums are

expended and no opportunity is given for feedback after a project. *This missing feedback loop from community is essential to evaluate staff and CEO performance.*

d) There needs to be a **process for removing incompetent staff** who fail to meet standards be it conduct, basic manners or professional skills, after a certain period. A noticeable increase in bullying behaviours and ridicule has been observed in interactions with staff and some councillors with the public at the City of Swan.

e) **Consultant appointments should be advertised and time limited** eg 2-3 years. The City of Swan employed one consultant for over 20 years, despite community concerns re performance.

5. Supporting Local Government in Challenging times

An independent party should be available to councils with particular skill sets, to give support as required.

6. Making it easier to move between State and Local Government

There could be advantages to having a certain fluidity in staffing at both Local Government and at State level, if selection criteria are similar, the movement is based on ability not just a relocation. Such relocation could address staff or skills shortage. There is certain risk that some Local Governments could become desirable places for transfer, and that shifts could disadvantage, lower socio economic areas which would not necessarily attract the level of staff or skills desired.

7. Gifts

Gifts and relationships are hard to scrutinize. A model text should be developed and adopted that applies to all councils and State Government employees, that is manageable.

8. Transparency and Access to Information

a) **Transparency and Access to information are fundamental to the democratic process.**

There is a lack of transparency in current Local Government process, all too often commercial sensitivity is used as an argument to prevent access to information. The case of the Midland Oval is a case in point where over \$20 million Dollars is believed to have been expended in consultants fees in developing plans with no business case and little community consultation, even when the majority view is to object to the destruction of the parklands.. a resource that City of Swan has lacked since the 1950s . The failure to adequately consult and bulldoze actions through Council has been met with increasing Community concern and distrust.

b) **There is a need to expand community advertising** and rely on IT, for many in the community do not have IT skills or facilities and other have visual or intellectual impairment. There is a need for empathetic staff at the coal face of community contact.

9. Available information

a) The planned closure of the Guildford Library by Staff was without consultation with community or councillors. This sort of administrative behaviour **lacks transparency by failing to make information available at the early stages of planning.** There is a need for a public information loop on the planning so the officer co-ordinating this action was given suitable training or removed from their position. The planned subdivision and work in Midland Oval is another example of poor or failure to engage community.

b) Consultation is not about meeting and ignoring the majority of views. *There is a need to train or discipline officers who work by withholding or limiting information* to Council or community, or misrepresent the objective and process of consultation to gain a particular project objective.

10. Red Tape Reduction

Such terminology generally implies exclusion built into a process, to limit concerns, opposition or alternative views. Good consultation processes are the best way of reducing officer and planning time. Informed officers with appropriate skill sets also help with appropriate advice and reduced confusion in a planning process. Reducing Red Tape at the expense of full public or environmental consultation and investigation, leads to poor planning, community opposition and longer processes.

11. Regional subsidiaries

Some councils are too large to work effectively eg City of Swan. The large size and diminished coal face opportunities between staff and public, reduces effectiveness of governance. A smaller council tends to work more effectively, however, does need additional support eg regional subsidiaries. A population seems better represented where staff and councillors have a positive community relationship and local knowledge. In large council like Swan, Councillors have little knowledge of local requirements, needs and differences out side their own community. Smaller councils and regional subsidiaries are the most efficient form of government.

I thank you for the opportunity of making comment on the Review of the Local Government Act

Yours sincerely

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