

[Redacted]

From: Susan Guy [Redacted]
Sent: Friday, 9 March 2018 8:18 PM
To: Legislation
Subject: Re: Local Govt Review Act Comments

Having received the email below, I have edited out comments which may prevent publication ie names of two Shires and changed the word president to Mayor to prevent identification of any Shire with a President.

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[Redacted]

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From: Susan Guy [Redacted]
Sent: Friday, 9 March 2018 5:10 PM
To: Legislation <legislation@dlgsc.wa.gov.au>
Subject: Local Govt Review Act Comments

I was unable to access my pending submission however spoke to an officer who said he would submit it.

I have additional comments.

Nexus between CEO and Staff – Power imbalances

I feel a lot of the review questions are addressing issues about Councils and the CEO and fail to address the nexus between the CEO and staff and the protection of staff who the CEO has significant power over. There is too much power invested in the CEO's position. Too much power that can be abused without Council ever knowing given that Council is not to intervene in operational matters between the CEO and staff and staff cannot report issues directly to Council.

Further should it come to Councillor's attention that there has been an official complaint against the CEO, councillors can have limited skill sets and social allegiances with the CEO which impact on their respective ability to assess complaints. In addition if a complaint about a CEO was received via the State Ombudsman or Public Sector Commission, the extent to which the Mayor or full Council would put the matter under scrutiny can depend on the allegiance between the Councillors and the Mayor.

Specific example

I work for a Local Government Authority. I have phoned and discussed issues with the DLGSC Legislation and Compliance officers concerning the CEO's behaviour without avail as the DLGSC cannot act unless a referral is made to it via another agency. I lodged a complaint against my employer with WA Equal Opportunity Commission. Only the Mayor and the CEO have been dealing with my complaint. It is widely known they are very good friends, so there is an obvious conflict of interest at play when the CEO has been consulting with the President regarding my complaint and the negotiations regarding my complaint. They have driven a hard bargain and admitted no liability.

Recommendation When an employee has made allegations via a complaint to an agency such as the EOC, the CEO should become accountable to full Council and in turn full Council should consider hiring an independent investigator to examine the merits of the complaint.

CEO's Escaping Scrutiny

Operational matters and Council intervention

I have had the unsatisfying experience of my Local Government's CEO having resigned and taken a CEO position with another Shire. This CEO has a close social allegiance with the Mayor and therefore manages to find another CEO position despite his poor performance. How was he recruited to his new CEO position? What mechanisms were in place to check his real track record in Local Government? I have witnessed extraordinary down time, loss of productivity, organisational injustice, stunning displays of lack of natural justice by this CEO which cannot be seen or assessed by Council due to its lack of power to examine operational matters.

I prepared a complaint to the PSC against the CEO for minor misconduct. However as the PSC complaint cannot be transferred across local government, the CEO has escaped scrutiny. While I may continue my claim with the State Administrative Tribunal, the CEO will no longer be employed by the LGA I work with and therefore will not appear before SAT.

While the City of Perth may in fact have been suspended due to its involvement in operational decisions, on the other hand by keeping a Council from examining operational matters, employees can be well and truly at the mercy of bullying, incompetent, badly educated, CEO's with a work experience history which is limited to local government only and who have no business sense, no business acumen and no human resource management skills. Further, CEOs can take advantage of the competence of officers who sit below them and claim credit for work initiated by these officers. This has again been the case with the Shire of Narrogin. In fact the Mayor and the CEO will take credit for projects and achievements that they did not initiate or with which they had minimal involvement except to approve a budget allocation.

Males at the Helm

Local Government is renowned for its lack of gender equality. This plays out with male CEOs and executives being extraordinarily ignorant of the way in which they deny female staff opportunities for professional development. It also plays out in bullying tactics where these male officers are not able to match the knowledge and competence of female staff who could be older, more experienced and better qualified than them. What occurs is the development of a bullying, intimidating culture for such female staff who are often then marginalised and undermined in subtle ways or not so subtle ways. This male dominated hierarchy will only tolerate female staff who do not challenge them and are compliant. All of this goes unseen by Council.

Accountability and legislation

Having attempted to bring a CEO to account and to have brought transparency to many of his actions and decisions, I have been frustrated and amazed at the many loop holes in a range of legislation which allows both the CEO and Council's behaviour and decisions to escape much greater scrutiny



Our new Department combines the:

- Department of Local Government
- Department of Sport and Recreation
- Department of Culture and the Arts
- Department of Racing, Gaming and Liquor
- Office of Multicultural Interests
- Aboriginal History Research Unit (formerly with Department of Aboriginal Affairs).

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