

# Model Local Government Policy #4

## Governance & Enforcement

### Absence of Accountability to Community Values Principles and the Rule of Law.

- Local Government Accountability means:
- Whatever is promised is actually achieved
  - And what is achieved is analysed and improved again and again until what was promised satisfies the community
  - And that the plan, project, task, review, reform investigation enforcement or process is not complete until the community is satisfied
  - And that the personal views and values of employed executives and elected members do not satisfy any determination of accountability

Throughout the political spin across the local government reform process, there has been no evidence any change made or planned, had any credence in delivering accountability to the Minister’s mantra. Without respect for Model Local Government Policies, the Act. reform process itself is nothing more than a fool’s errand.

Despite community benefit being the long-stated WA Local Government Act., purpose, neither the Act. nor current reforms deliver any measurable governance benefit to protect community values. A good rule is recognised by its clarity of purpose and measured outcome. A good rule is open to inspection and accountable to its purpose. Enforcement of a good rule cannot be perverted to benefit the enforcer. A good rule is universal in application, irrespective of election, employment, volunteer, or public classification.

Because WA Local Government legislation and its ‘reforms’ apply segregation, prejudice and bias, they exploit known oppressive bullying techniques. Defined attributes of good ‘Rule of Law’ principles are failed by enforcing unmeasurable outcomes. As example. Offensively high salaries of local government executives result from failed governance of perversely constructed rules designed to increase power or salary benefit absent from community benefit accountability. Nepotism is sponsored in local government employment through this legislative construction style.

- Applying Local Government Model Governance Policy, guides lazy or recalcitrant local government executives to apply measured good governance to:
- Accountability in measuring outcome impacts
  - Openness for potential of detriment or harm
  - Accountability to good management practices
  - Accountability to processes for improvement
  - Accountability to discrimination or prejudice free enforcements
  - Accountability to universality in applying law
  - Accountability to integrity of inclusion of Community engagement in compliance and governance management

Inept local government law has created at least six (6) behaviour standards to be applied to different classes. Some legislated, some by executive rule, each indifferently enforced. Good governance integrity consistency is noticeably absent from State ‘model code of conduct’ reforms.

Had the State’s “Better Regulation Program” been used to test for consistency conflict, examples like this would have been identified and corrected. Members of community are best placed to identify failures and offer best practice remedy. **Councils not including appropriate community membership on their governance committees are setting themselves up for governance failure and inefficient local government management.**

Adoption of Model Local Government Governance Policy is a guidance tool for managing good governance into local government practices.

### Absence of Good Governance

Have you noticed that Local Government rules, laws, codes and standards do not include a model code for good governance practices? Model Local Government Governance Policy is a code for good governance practice.

Good governance is the proving of competence of a rule, law, code or standard to the achievement of its purposed outcome. Unfortunately, local government governance is more often practiced as the enforcement of perversion of intent by benefit of vexatious or financial pleasures to employed executives.

- Good governance is measuring, analysing and ensuring:
- What is wanted by community is progressed
  - What is progressed is planned
  - What is planned is done
  - What is done conforms to its intended community benefit outcome
  - Corrections for non-compliance are made
  - Community decides when the final result has been achieved

You may also have noticed poor transferability of executive employment from the local government sector to the private sector. Application of protective parallel legislation in the local government sector restricts the learning of good governance skills necessary for successful transition to private sector employment.

Perhaps the Perth Casino Royal Commission will shed some light on the governance leadership of this Department. “One of the royal commission’s terms of reference is whether ... the Department of Local Government, Sport and Cultural Industries (DLGSC) adequately managed any conflicts of interest by staff ...!

### Enforcement Blindness

Have you noticed that enforcement of integrity standards is highly prejudiced against community values? Opportunity for members of the community to obtain justice is rare, as in most cases the community member is forced to pay a high penalty to prove their integrity. Melville City abuses delivered staff immunity to:

- Intentionally falsifying a report to a member of Parliament expressly to cause harm
- Misused funds to publish falsified reports for the express purpose of causing detriment
- Filed at least 5 trivial obviously vexatious prosecutions expressly to cause harm
- Supported if not employed, public media trolls expressly to cause harm
- Used their position to threaten contracts of parties not engaging in mobbing campaigns

These and more governance failures show the Act. is perverted to fail protection of Community.

Enforcements are a poorly understood measure of management incompetence. For it is management practices which encourage and enable creation of ‘offences.’ Competence challenged executives openly use enforcements to disguise absence of good governance management skills.

Fines, prosecutions and similar penalisations are the weakest of all available management tools, for they drive underground, resentment, which later festers into costly management impediments.

There is a direct exponential relationship between a willingness to punish and retributory costs consequently wreaked upon the foolish punisher.

Persons who promote mobbing and bullying through fines, prosecutions or similar punishments are not fit to be employed, as their arrogance interferes with good governance management. Investigations into individual local governments are littered with classic examples of where enforcement blindness caused detriment.

### Impact Not Assessed

Good governance knowledge and skill is so frighteningly poor in the Dept. of Local Government itself, that the public can have no confidence, community benefit was ever a serious consideration across the current Local Government Act reform process. The Dept. offhandedly states; “the department, ensures that its legislative processes are in keeping with the requirements of the State Government’s Regulatory Impact Assessment process.” (RIA) Yet even a cursory glance at the State’s “Better Regulation Program,” which replaces the RIA, confirms there is no functional comparison between even the designed reform process structure and the State’s analysis guidelines. Had the Dept. shown good governance leadership, they would have rushed to publish confirmed research knowledge, demonstrating relationship confidence in cause-and-effect of proposed or applied ‘reforms.’ Political bias was applied to its reform process in absence of competence-measures testing. They fail to demonstrate employment of skill or knowledge to be able to identify, measure or prove integrity of their claim that “a proper assessment of options, including consultation with stakeholders, has occurred”. However, there is much published demonstrating their governance failure to:

- Review without prejudice and bias
- Test competence of assessments
- Include all options
- Assess for conflict, detriment and hidden harm
- Consult for alternative views and options
- Engage in equality and integrity with communities

These are now the regulatory impediments and red tape extensions Councils will need to deal with to best service their communities. Model Local Government Governance Policy is a readily available guidance tool to overcome regulatory impediments.

For example: Minister Cary’s forewarning of “Earlier Intervention, Streamlined Resolution, Stronger Penalties” delivers a frightening threat that causation removal and repair is to be obscured by enhancing autocratic bullying and intimidatory regimes. Which effect has already proven, extends disputation.

Given Council and local government roles in regulation, governance and enforcement, the Dept. of Treasury, “Better Regulation Program” (BRP) guidelines should be a compulsory inclusion to the education requirement of new councillors and Council business management manuals.

Model Local Government Governance Policy redirect intervention toward root cause analysis and installation of proven improvement remedies. Thus, ensuring sustainable outcomes and removing the currently regularly used element of bullying and intimidation from the local government armoury.

Establishing Model Local Government Governance Policy, would guide Councils and local government to overcome legislated debilities and focus toward establishing accountability integrity to the Community across all local government governance functions.

For Model Local Government Policy #1 Corporate System Framework. See Page 2: The Case for Model Local Government Policy - <http://www.fremantleherald.com/ARCHIVES/F29521.pdf>

For Model Local Government Policy #2 Community Engagement – See page 2: <http://www.fremantleherald.com/ARCHIVES/C26621.pdf>

For Model Local Government Policy #3 Public Relations – See page 6: <http://www.fremantleherald.com/ARCHIVES/M31721.pdf>

For Dept. of Treasury, “Better Regulation Program” see: <https://www.wa.gov.au/organisation/departments-of-treasury/better-regulation>