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Posted 19 May 2023

Larry Graham

The amendments to the voting system for local government adds over 30 pages to one of the biggest acts in the State and it could all be replaced by one section saying that all local government elections will be conducted by the WAEC and in accordance with the State electoral act.

We already have a taxpayer funded but independent organisation called the WA Electoral Commission that is expert at handling boundaries, it runs elections, oversees enforcement and prosecutions at a state and federal level, so why not use it for local government?

The cost of local government elections is an issue, the WAEC works on full cost recovery in local government elections, and I reckon their most recent Annual Report shows a bit of innovative cost shifting. The cost of running local government elections has increased from \$2.99 per elector in 2017/18 to \$4.50 per elector in 2020/21. By comparison the similar State Election costs have fallen from \$4.66 per elector in 2017/18 to \$4.22 in 2020/21.

But, regardless of the cost, we all know that free and fair elections are the lifeblood of democracy, so what should we do with local government elections?

Our beloved commissar now bases the local government system on population and not electors, he is proposing keeping buildings voting in non-compulsory elections for humans while changing to optional preferential voting. His party policy is for compulsory voting, but our beloved commissar ignores that while pretending the voting collapse in LG elections is not a democratic crisis.

But it is, and that poor performance robs every local government of their democratic legitimacy, and it was interesting that not one pollicie in WA thought democracy was worth speaking up for. But what if we ran and funded local government elections the same way as we do at state and federal level? Use our electoral commission and taxpayer's money through the government budgeting and paying for elections using the same system of compulsory voting where buildings don't get to vote.

The cost to local government and ratepayers of such a change is \$0, in fact they save money, and the State should pay because they are responsible for local government. The result would be universal voting in fair free and fair elections which raises a couple of questions.....

Who wins if that simple change is made?.....yup, 'tis the public.

Who loses if that simple change is made?.....yup, 'tis the club.

Of course, the club cannot agree to do anything contrary to their own interests. Their partners, the Government of WA, will not do anything contrary to the club's interests, so democracy loses while our beloved commissar tinkers.

PS – Don't get fooled by the WALGA argument about preferential voting; it is nonsense. The only things worse than non-compulsory optional preferential voting are non-compulsory full preferential voting or any form of first past the post voting. For me, allowing voters to choose who they should vote for will win out every time.

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From Reform LG : A BRIEF CASE STUDY OF DYSFUNCTION - A Larry Graham Must Read!

“The first general rule, that the law must be applied and its application enforced, requires no development or explanation. It is a defining feature of a society governed by the rule of law.”
C Hayne Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry V1 P12

That quote aptly defines how our system of government is supposed to work, but it does not apply to local government in WA. This paper will clearly show why the rule of law has no application in that sector and it succinctly demonstrates how little those in charge understand their responsibilities, roles and functions.

SETTING THE SCENE

There is a small country shire in WA who were formally advised by their auditors that their administrative and computing systems were satisfactory.

Having been told that, the administration convinced the council to purchase a new system. To do this they used the WALGA preferred purchaser system and paid over \$10,000 to WALGA.

The system cost so far is in excess of \$500,000

RESULTS IN THE SHIRE

Since adopting the new system (about three years ago), that shire has not had a compliant audit or been able to balance its bank accounts.

That shire has now concluded that the system they purchased is not compatible with the requirements of the WA Local Government financial system.

Cost this far is more than \$500,000 with ongoing monthly charges; and additional staff have been hired to deal with the issue.

ACTIONS FROM THOSE IN CHARGE

State Auditor General has noted that there are no lawful audits but has taken no meaningful action.

State Auditor General has decided not to audit the WALGA purchasing program.

Department of Local Government – noted the non-compliant annual reports and audits but extended the period to report. Finally, after three years of unlawful behavior from the shire the department called a meeting.

Despite holding considerable powers, no minister has done anything meaningful.

Despite holding considerable powers, no departmental CEO has done anything meaningful.

Despite being lawfully required to do so, the council has taken no action.

Council has never requested a formal briefing from their administration.

Council has never required its administration to report on when and how to comply with the law.

In fact, the council has never directed its administration to do anything.

WHAT DO THOSE IN CHARGE THINK NEEDS TO BE DONE?

Despite the powers granted to him by the Local Government Act, the former Minister said he had no power over local governments.

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Posted 20 May 2023

Larry Graham

“All these reforms are good for ratepayers, so I find it extraordinary that a very small subsection of people are criticising this legislation. It is a fear and scaremongering campaign.” (Hansard 23 Mar 23 p1476)

That was my good friend the commissar hooking into social media posts about his favourite proposal for changing how councillors access information. Subsequent posts have provided evidence that what I said was correct and that evidence was what Parliament was told, and various departmental documents and ministerial utterances.

What is going on is that after having captured the government, the club is now running the show to the exclusion of councillor's and the public's interests and that will continue with the next round of changes that will be finalised in private and without any public input.

Not wanting to scaremonger, here is the needed confirmation.

Our beloved commissar said: “In addition, we are also still consulting with WALGA on tranche 2. With regard to the creation of the position of local government inspector, for example, we are testing how that will effectively operate.” (Hansard 23 Mar 23 p1453)

Note, he did not say they were consulting with councillors or the public – only with WALGA. But having jettisoned the full review of the act and the promised green bill councillors and the public are unnecessary because they are not governmental partners as WALGA is.

However, it is interesting that the commissar has not responded to the posts made about the changes to the electoral system. In those posts it was pointed out that democracy was being weakened and that public input, even as low as it is, will be further reduced.

Not wanting to scaremonger, here is more of that much needed confirmation.

Hon JACKIE JARVIS: It is important to remember that this reform is about reducing the number of extraordinary elections. (Hansard 11 May 23 p36)

Amazingly this is one area where there were some upper house votes against the government proposals, but no member of the assembly voted that way. So don't blame WALGA and LG Pro, or the Commissar or even the dysfunctional department, because when those we democratically elected to parliament become averse to democracy, it is scary.

So, having ensured there will be less elections, no vote security and no compulsory voting our beloved commissar said these changes will “...also ensure that we do not have the ridiculous situation in which some councillors are elected with few votes; I think some got under 10 per cent and it has been as low as six per cent of the vote. That is not acceptable and no-one believes that that is democratic.” (Hansard 23 Mar 23 p1477)

Our beloved commissar thinks appointing people who lose elections is more democratic than someone getting elected with low vote. Please explain?

Our beloved commissar also thinks not holding elections when someone resigns is a good thing to do. Please explain?

Even though it is his party's policy, our beloved commissar does not support free and fair compulsory elections. Please explain?

So many questions and so few answers, but our beloved commissar advises in his media blurbs that these changes will “strengthen democracy”. We all love strong democracies, so we look

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Post 210323 from [Larry Graham](#)

[2 d](#) ·

Some things in these new amendments have potential and one of them is s5.56A - Community Service Charter. This requires local governments to "prepare and adopt a community engagement charter" and empowers regulators to set what that charter should contain.

Bizarrely the new bill defines a community member as: "... a person who is a member of the district's community or who otherwise has an interest in the local government's activities; and includes a person of a prescribed class."

Who is someone "...who otherwise has an interest in the local government's activities"?

Now I am interested in many local governments' activities, so will I now be a community member of all of those jurisdictions? According to this bill I will.

And what is a "...prescribed class"? Is it working class, middle class, school class or whatever? We don't know, and normally a competent and detailed Explanatory Memorandum tabled in Parliament would tell us, but this one does not. Non-nerds should just read this bit as incompetence.

So, what does it mean?

It is not possible to know the answer to that.

The bill does not have any provision allowing prescription of classes of community members, so I reckon we can expect an amendment to the amendment. 'Tis not a well drafted work of art this bill.

One would have thought that the regulating department monitoring, educating, and enforcing the provisions of the current act might have solved a lot of these issues, but it seems not; so apparently, we need a charter. Now this could be a good thing, but only if having a charter meant that it had to be complied with, and that is not the case.

Once the charter is "prepared and adopted" there are no other responsibilities placed on local governments, there are no requirements to follow the charter, no penalties, no offences, no reporting, and no oversight. The bill allows for regulations that "may" set out requirements but without any definition in the act, regulations requiring reporting, oversight, and penalty for non-compliance cannot happen. I reckon we can expect another amendment to the previous amendment to this amendment.

Systems reliant on good will, always fail, and we know that because after spending over \$7 million inquiring into the City of Perth the government was told: "One important element, that is not contained in detail elsewhere in the Report, is accountability. This refers to the mechanisms which help ensure that a local government which uses public money and makes decisions which affect people's lives can be held responsible for its actions."

The government has ignored that very expensive and sage piece of advice, which is sad because this was one provision that had real potential to change how local government operated.

There was an old parliamentary saying about certain amendments, they were ones put up as window dressing and that aptly describes this bit of the bill. Its provisions are so poorly drafted and lacking in substance, that it really is window dressing and a missed opportunity.

FACEBOOK John Bell

[22 January at 11:53](#) ·

Here is an open message from Larry Graham to our political leaders 22.1.24

Roger Cook

Shane Love MLA

Libby Mettam

[Paige McNeil President Shire of Mundaring](#)

Stephen Dawson MLC

Margaret Thomas

Martin Aldridge

PLEASE EXPLAIN?

As someone who has lived and worked for most of my life in cyclone/bushfire prone areas, I have experienced quite a few natural disasters; severe monsoons and flooding in Asia, destructive cyclones and flooding in the Pilbara and North Queensland and bushfires in the wheatbelt.

I live in Toodyay and the recent summer storm created a situation that I have never confronted before. For the first time in my life, I was in a natural disaster where there was no information available and no way to communicate with anyone other than my neighbours.

First thing to fail was NBN network –no surprises there as it happens on most rainy days.
Next to go was household power and it remained off for nearly two days.

Oh yes and because the electricity network was out, my solar system is prevented from supplying electricity to my house which renders my remote heart monitor useless.

Finally, the Optus phone network failed.

Never before have I experienced total isolation in a natural disaster, and as silly as it sounds when the electricity and phone were restored, a series of texts from Western Power arrived telling me that their service was down because of a storm and that they had no idea when it would be coming on again.

As an MP I served on a Parliamentary Committee that investigated the State's emergency systems and that process led to the state's first emergency legislation, but while the law changed the thought processes of our governmental system remain locked in the dark ages.

All competent emergency management is underpinned by the basic rules of the three P's and an R (Plan, Prepare, Protect, and Recover) and the first two of those critical processes clearly were not carried out competently.

Summer is the regular thunderstorm period and while the recent one was severe; it was no more severe than a small cyclone. Cyclone Joan aside, no cyclone has ever put me in a situation as bad as this storm did and this raises some very serious questions that demand public answers.

- Were our public authorities not aware that severe thunderstorms occur at this time of the year?
- Did our ministers demand that these authorities be aware, and that they plan and prepare for them?
- Did cabinet ever require agencies to plan and prepare for regular events of this kind?
- What steps did the government take to ensure that sufficient recovery teams would be available at this critical time of the year?

FACEBOOK - LOCAL GOVERNMENT REFORM

23/04/2023

Larry Graham

[1 d](#) ·

Back in early March I posted about councillors' right to access information being restricted and that post obviously made its way to my good friend Commissar Carey, because in Parliament (23 Mar 23 Hansard p1452) he said:

"Communication agreements were raised. There are some conspiracy theories out there. I make very clear that these reforms will not alter the scope of information to which council members are entitled. Section 5.92(1) of the act states —

A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

I assure the member for North West Central that that subsection will not be changed by the bill. That makes very clear what a councillor can access in terms of information."

Having heard that I must ask if this "non change" does not change anything, why are you doing it?

No answers to that I am afraid, but in reality, the Commissar's statement is largely irrelevant politicking because the relevant section of the Explanatory Memorandum provided to Parliament is headed "Clause 73 – Section 5.92 amended".

Hmmm, so it is to be amended, but not changed?

There is some interesting weasel wording going on there, but it is the bill that tells all. The bill that they all then voted to pass (Yup, all of them) actually does change that part, it says:

"The right of a council member or committee member to access information under this section must be exercised in accordance with the local government's communications agreement (see sections 5.92A to 5.92C)."

And later –

"A local government cannot adopt or amend a communications agreement of its own without the agreement of the CEO".

Clearly anyone who can read will see that what was an unfettered right of a councillor to access information has been made subject to an agreement either dictated by bureaucrats or one that a CEO will have a right of veto over and if that is not a change, what is it?

LGREFORMWA FACEBOOK POST 240323

Larry Graham

[12 h](#) ·

It is no secret that I am not a big fan of the partnership deal between WALGA, LG Pro and the State Government, but having to re-read it recently, my alarm bells started ringingagain.

The agreement contains a clause on information and data sharing that says:

“State Government agencies, WALGA, LG Professionals WA and Local Governments will share data and information to realise greater community impact.”

Realising “greater community impact” must mean something, what that is, is one unanswered question but the really big question is WHY should state government agencies be required to share information with these two organisations?

LGPro is an incorporated professional association and there are big discussions going on about what WALGA actually is. It is easier to say what it is not because it is not a local government, nor is it a regulator, nor is it an incorporated association, nor is it a government department and so on and on and on but for these purposes it is sufficient to call it a legislated monopoly.

Which takes us back to that really big question of why should an incorporated professional association and a legislated monopoly get access to data and information held by government agencies?

After that big question of why, comes the very large questions of:

Who decides what they get?

What data and information can they share?

Can they access private files on say.....councillors who do not agree with them? You? Me?

Only the parties to the agreement would know the answer to those questions.

But should we care what information our government is going to share with organisations that have nothing to do with us? At any time, I would say yes to that question, but now in a time of data and identity theft it becomes a critical issue.

Can these bodies access their critics' personal details, business details, credit info, health, or criminal records, etc etc?

The agreement would indicate that they can and that is because WA does not have a privacy act to protect who can access your information, but we do have a formal government partnership saying that any data and information can be shared.

You have no say in what, how, or why your information can be shared, but now not only can it be shared, but our government has also incurred an obligation to share it.

On behalf of the government, Commissar Carey has signed this deal and he should explain what it means, and he must know, or he would not have signed it.

And we should know also, so it is over to you Commissar.....

FACEBOOK - LOCAL GOVERNMENT REFORM

24/04/2023

Larry Graham

[5 h](#) ·

Since my last post about the proposed changes to how councillors can access information, I have been contacted by some folks, who said they had been reliably and officially informed that what I had written was incorrect. They all put to me strongly that councillors' rights were unaffected by the new bill that is in the Upper House.

If what they told me was correct I would instantly and happily apologise and withdraw all I have written. The reason I say I would do that happily is because if what I have written is wrong, it means that there will be no added restrictions on councillors' rights to access information and that really would make me happy.

Years ago, I learnt to carefully read draft legislation and when you do that, the impact of self-interested talk from others diminishes, and had these folks listened less and read more they would have noticed s5.92(A)(2) of the bill, which says:

“(2) A communications agreement is a written agreement between the council and the CEO that regulates the following —

the access of council members and committee members to information held by the local government under section 5.92 or otherwise, including the following —”

Please note the important words “that regulates the following” and then note the following words that say, “...access of council members and committee members to information held by the local government under section 5.92...”.

The only purpose of such a clause is to lawfully permit regulation of what was previously unregulated; when a bill says that it is to regulate something, anyone denying that is what it is for is either a fool or has not read and understood the bill.

It is impossible to regulate to make something that is unregulated, less regulated and it is crystal clear that this bill regulates precisely what the minister said it would not. And the evidence for that is his own bill.

There is of course, the option that the Minister is correct in his quoted undertaking that the unfettered rights to information granted under s5.92 of the current act, are not altered. And if he is correct in that, the bill he introduced in Parliament is incorrect.

An alternative explanation of a Minister misleading the house is an untenable one so an error in the bill is the most logical reason for this misunderstanding; so how to correct it?

LGREFORM FACEBOOK PAGE

LARRY GRAHAM POST 270323

[2 d](#) ·

No longer am I concerned about local government, now my biggest worry is Parliament.

And the reason is the amendments to the local government act made their way through the legislative assembly last week and for my sins, I read every speech, now I am really worried.

First serious issue was the ministers second reading speech. These speeches are the most important speeches given in Parliament and that is because they are subsequently used by the courts to interpret laws; they are the only speeches allowed to be read and are supposed to be very formal and proper. They are not to be used for personal aggrandisement, propaganda, or overt partisanship; this one failed each of those standards.

Next comes polities who do not understand that you only get to give two speeches about yourself. Your first and last, after that speeches are supposed to focus on the public interest, accountability and making good laws. This lot failed each of those standards.

A disturbing feature of this charade was that it very quickly became clear that most of those speaking had not read the bill, but if they had they had not understood it, and that is clear from their speeches. The other really disturbing feature was how many speakers regurgitated what were clearly ministerial speaking points about consultation, preferential voting, and partisan backslapping. Many even used the same words and lines that had been fed to them. There was not one original thought in any of the speeches and that is also disturbing.

There was a lot of finger pointing from Labor about the Libs and Nats politicising local government, but for some reason those Labor folks ignored their own party policy of trying to get 50% representation of all the councillors in the State. And curiously the opposition did not think it worth mentioning either.

The Government committed to a green bill but has not produced it, so what did our fearless opposition do?

Pursue them?

Attack them?

Maybe just question them?

Eeeeeer nope, they made one insipid comment along the lines of maybe the minister could clarify that.

And to his credit the minister did clarify it – he said there was no green bill because there were so many inquiries and panel discussions and the feedback from the stakeholders was that the consultations were exhaustive.

Well, that may be true for the stakeholders of WALGA and LG Pro who are the governments partners and were involved all the way through. But the public was shut out of the expert panel process and the minister said he was not changing direction on his last discussion paper. This left the club in charge and the public locked out and no-one in the opposition thought the government backtracking on a commitment to a green bill was even worth raising as an issue.

Opposition is hard but it is far harder when you don't even try. The opposition did not oppose any part of this bill and in the examination in detail there was only about 25 questions asked. That is a pathetic performance. There is a lot more I can say, and may say later, about consultation and the purpose of a green bill but the final word must go to the Member for Cottesloe who said he understands WALGA broadly supports the bill and reaffirmed the opposition will not be opposing the bill.

Regulatory capture anyone?

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Post 270223

LG REFORM -SPIN VS REALITY #1 from [Larry Graham](#)

Sometimes those with power can be guilty of misdirection, and having a proper gander at their propaganda is the best way of finding that out. So, comparing the recent media releases of the Minister for Local Government to his bill is a fascinating exercise that has been further helped by the minister's column that was published in the West.

A great example of misdirection is the para in that column that says: "These reforms have been a long time coming after the previous Liberal-National government focussed solely on forced council amalgamations to address the dysfunction in local governments."

Good politics, that; but is it true?

Well yes and no is the answer; amalgamations were a large part of the libs plan, but the minister forgot to tell you that the ALP opposition did not oppose that legislation. (Hansard 3 Dec 13 p7025).

Over a decade it is possible to forget that you did not oppose a bill, but you are still not entitled to retrospectively swap sides because it suits your argument. The fact is that there was bipartisan support in the Assembly for the legislation that would have enabled the amalgamations and that alone destroys the political propaganda about local government reform.

Because we all know that self-praise is no praise, we can put aside all the hype about the significance of these changes that are made in the Minister's statements, but let's look at some of the other statements attributed to the Minister:

"I would like to recognise and thank all the local governments who have been working to complete ward and representation reviews and changing the size or structure of their council in a proactive manner."

His previous comments were that:

"Local Government Minister John Carey has written to all local governments providing a pathway to voluntarily enact these reforms. For most impacted councils, this voluntary pathway will include undertaking a full Ward and Representation Review to consider how to phase in these reforms.

Alternatively, if local governments are unable to agree on a plan or opt out of the voluntary process, the Reform Election Pathway may be enacted. The Reform Election Pathway will provide for all of a council's offices to be declared vacant, wards can be abolished (if applicable) and the size of the council would be set by default, based on the reform proposals."

Threatening the sack to make things happen is them being "proactive"? Yeah right.

"We will continue to engage with the sector on all aspects of the reforms to get the details right before implementing these significant changes."

In 2019 the government advised Parliament (Hansard 15 Oct 19 p7685) that a green bill "would be released for consultation once it has been drafted". That has not happened thereby locking all except the government's partners of WALGA and LGPro out of having any input into the law.

"Our reform agenda is clear - we are strengthening the transparency, accountability and efficiency of local governments, and this set of electoral reforms will enable fairer local democracy and community engagement."

Having now read the bill, this is the claim that really rocks me; the Minister must have read a different bill to me, because my reading is that the changes do the opposite of what he is claiming.

Over coming weeks, I will publish details of why that is so and why these are dangerous and radical changes that seriously damage local government in this state.

LGREFORM FACEBOOK PAGE

LARRY GRAHAM POST 270323

[11 h](#) ·

There are a lot of local governments in WA that have entrenched problems, and as we found out during the second reading speeches for the changes to the local government act, there are some MPs who are not happy about that.

To those MPs I offer a welcome to the real local government club, which is the one where membership is free and its members are citizens who are not anti-local government but have suffered years of wrongdoings, prejudice and what is just plain old bad government. All of which has occurred while our State Government stood back and watched it.

However, members of this real local government club cannot partner with the State, they do not have sycophantic ministers who agree to all they ask for, nor do they have a department that is prepared to ignore their wrongdoings, but they are locked out of negotiations over the very act that controls local government.

These long suffering ratepayers now get angrier at the non-performance from those with real power (read MP's, ministers, and departments) than they do at their local governments.

The speech by the MP for Swan Hills caught my attention, like many of us she wants a competent, democratically elected local government that no longer has divisive factions, bickering and internal dissent and one that works in the interests of its ratepayers, but she then voted for the bill that reduces the chances of those things ever happening.

The messages for this MP are simple, the problems she spoke of arose in local government because the regulating department and successive ministers have neglected their functions of oversight, demanding compliance, and controlling local governments. Those are not radical new concepts; they are what the act has required departments and Ministers to do since 1995, but some have chosen not to; and they do this while kowtowing to vested interests in the sector.

The probable reason that the department has not acted as this MP wanted is because it has suffered severe budget cuts but, despite over 130 provisions in the Act giving him power to do so, the current minister incorrectly thinks he does not have any powers to intervene. This is not supposition, he said that on the radio and each of the matters raised by the MP is capable of ministerial or departmental correction.

So, why would a minister with huge powers choose not to use them in the public interest?

And in a time of huge surpluses, why would a minister impose these budget cuts on their own regulating department?

Good questions those, and the opposition should ask them.

Sorry, that was a little senior's moment, these questions are better being asked by that disgruntled MP and I hope she does that because the answers would be really interesting.

However, the bigger question that should be asked is why our regulator and minister are holding back. They have the powers and were prepared to use them against those they thought were their political enemies, i.e. Perth and Cambridge, but why have they stopped doing their jobs?

Surely it is not so they can create a new privatised regime of inspectors and monitors who can then start by getting some early wins.....?

Surely not, so might it just be plain old fashioned vested interest politics driving all of this.....?

Surely not.....?

maybe.....?

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Posted 28 September 2023

Larry Graham

17 h ·

NERD ALERT - I HAVE BEEN READING REPORTS AGAIN!

What do local government in WA and the Price Waterhouse (PwC) mammoth scandal have in common?

I can save you a lot of reading by just directing you towards the first two formal findings of the inquiry:

“Lack of independence and external “voices” within the ultimate governing body.

Excessive power conferred on the CEO.”

Please put aside the trite comments about “voices” because what the report says is : “Flaws in governance at PwC Australia are not necessarily attributable to the organisational model but rather the lack of independent, external ‘voices’ involved in providing challenge and oversight.”

In local government that could read public input as the external voice that is supposed to “challenge and oversight” local government’s affairs; it could also mean elected members competently overlooking their CEO and administrations.

But in either case silencing independent oversight and input was deemed to have contributed to their problems. In the local government sector, we hear much about the “damage” keyboard warriors, council watchers, loud community groups and vocal critics cause, but without them?

PwC outcomes anyone?

The second point is a doozy – “Excessive power conferred on the CEO”

The report says “Culturally, the generally accepted view is that the CEO “runs the show”. During a long period of commercial success, this has translated to a reluctance of partners to challenge the CEO, even at senior leadership levels. It has also led to heightened (potentially even misplaced) trust in the CEO.”

Does any of that sound familiar to anyone in local government?

All reactions:

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Posted 29 May 2023

Larry Graham

Very well qualified and experienced folks examining the last local government bill that has now passed through Parliament have commented about what a mess it is. That bill showed all the signs of having been drafted by experts and then serially amended afterwards by back-room operatives.

The evidence for this was the many illogical, unclear, complex and contradictory provisions. But Parliament was asleep and the government jettisoned its prior commitment to a green bill and to a full review of the Act, so how all these things fit together in the existing law is a mystery.

And it gets worse because the Minister has publicly advised that the government doesn't even know itself how it will all work, he said: "Work on a second tranche of additional legislation to deliver further reforms - including the establishment of the new Local Government Inspector and the introduction of local government monitors for early intervention is continuing in consultation with the local government sector."

What that means is anybody's guess because his report that this was based on was gibberish, the public have had no chance to have input into whether or not this radical change is needed and the club are in the driving seat.

We know that legislating on the run never works, so could we do it better?

How would we know?

Where would we look for direction?

Is there some document that could possibly guide the Minister?

Well, ALP policy gives us a very strong hint that we might be able to do, it says: "Law reform should be based on sound research, evidence and community consultation, which can be facilitated through bodies such as the WA Law Reform Commission."

After all that is ALP policy, and surely our ALP Minister has read it.

The ALP won the last election, and the public have every right to expect that they did so with some intention of following their own policy.

So why is the local government club running the review and not the WA Law Reform Commission?

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Posted 29 June 2023

Larry Graham

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Larry Graham

4 h ·

Those who wonder why some of us think the system of local government is broken might like to consider the following.

On 1 February I emailed the Minister for Local Government and showed clearly that a local government had broken the law. The minister was asked to exercise his legislated ministerial power to require the local government to comply with the law.

After nearly five months, on 29 June I received an answer from the new minister telling me pretty much what I had told them and in that time the department and the minister took no action at all.

But the minister did advise me that if I wanted to follow up on the matter further, I could contact the very person who did not comply with the act in the first place, so there is that I suppose. But let's just think about this for a second; a minister and a regulator are advised of a breach of their law and they direct the person advising them of the breach to contact the person who breached the law.

Really?

That is such a bizarre principle, that if it was applied across government, anyone reporting a robbery to the police would be required to discuss it with the robber.

We have a new minister producing the same old, tired levels of oversight and governance which poses the very important question of, what do we do when governments decide it is not their job to govern and when oppositions decide their job is not to oppose?

The banking royal commissioner answered that very question when he said that: "The first general rule, that the law must be applied and its application enforced requires no development or explanation. It is a defining feature of a society governed by the rule of law."

Well the rule of law does not apply in local government in WA and the minister, regulator and opposition don't seem remotely concerned about it.

LGREFORM FACEBOOK PAGE

LARRY GRAHAM POST 310323

[12 h](#) ·

The Local Government Act Amendment bill has found its way to the learned gentry in the Upper House; they will have been briefed by the minister and WALGA and also have read the previous speeches. So, it is worthwhile passing them some information because many of the lower house MPs who spoke congratulated the minister on the consultations. Obviously, they based this on their provided speech notes, because if they had looked at the facts, they would never have said what they did.

So, let's have a proper gander at the propaganda and see how we got here.

When this review of the Act started, the government called for submissions as did the Select Committee a bit later; and analysis of the submissions from the club showed that 81% of WALGA's recommendations either benefitted administrators, disadvantaged the public interest or both, for LGPro that was 68%.

After WARRA held a public meeting and pushed the point, the government realised it had not included anyone from the public or ratepayers on the committee that was guiding the review process and WARRA won a seat at that table.

WARRA's win did not last long, because after a short time, the government closed that committee down and replaced it with a group of "experts". These "experts" took no public input whatsoever, met in secret, held no hearings, issued no discussion papers, and reported directly to the minister.

The Select Committee reported, the government responded and also promised a Green Bill before the proposed second round of amendments. Given these MPs were speaking on that second round of amendments clearly the Green Bill has not happened, and that promise has been broken, but only one of them noticed that.

This meant that the public could not possibly know where all this is heading; but I suspect the government don't know where it is going either, but they are waiting on WALGA to tell them. And when they get their orders, the government will continue legislating on the fly.

Put the broken Green Bill promise aside for a moment, because other than the state election and a new minister being appointed, nothing meaningful happened in the reform arena until the new minister released a "new" plan.

Nobody had seen it, no one knows who wrote it and it provided no supporting evidence, and so little detail was provided that the most common statement in the report was: "No major changes to the central concepts. Work to develop and refine detail is ongoing".

And there were to be no major changes simply because the minister had ruled them out. But he did say that the public can have input into the implementation of this vague and rather strange plan of his. So, that was nice of him, but what did the public say in this largely irrelevant consultation process?

Those MP's and the minister spoke glowingly of the "over 200 submissions" received, so I pulled them down and analysed them and, over 200 is in fact 206; and of those, only 118 actually supported what was put forward, including some anonymous ones.

That is 118 submissions from a population of 2.7+ million people, and 87 of that 118 are the standard local government/WALGA responses. This is not exactly an overwhelming level of support from local government because 51 of the 139 local governments in WA did not even bother to make a submission.

So, what does all that mean? It means that the consultation was poor, few MPs have read what was put in front of them, the opposition is asleep at the wheel, the club is running the show and the public can have no idea of where all this is going. But the club knows exactly where this is all going and over coming months, they will tell their captive government what to do, and it will be done.

I like a good quote to finish and there are few better on this subject than the one in the High Court's decision in *Australian Capital Television Pty Ltd v Commonwealth of Australia*. It said:

"The representatives who are members of Parliament and Ministers of State are not only chosen by the people but exercise their legislative and executive powers as representatives of the people. And in the exercise of those powers the representatives of necessity are accountable to the people for what they do and have a responsibility to take account of the views of the people on whose behalf they act."

Clearly taking account of the views of the public has not yet made it all the way from the High Court to the WA Cabinet, but I live in hope that might have reached the mob in the Upper House.

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Posted 01 March 2023

Larry Graham

While working through the amendments to the Local Government Act, I pulled down the Partners in Government Agreement between the WA Government, WALGA and LGPro, aka the local government club, and was gobsmacked to read that in that agreement someone has invented something called “independent spheres of government”.

The second para of that agreement says: “Working together, the State Government and Local Government, as independent spheres of Government, are more equipped to confront the major challenges facing Western Australia as well as everyday issues affecting local communities.”

It is doubtful anyone knows what a “sphere of government” is but one thing that is certain is that local government in WA is not and (unless our constitution changes) cannot ever be “independent”.

Our minister should know that because s52 of our State Constitution creates local government as elected local governing bodies and then grants the WA Parliament complete powers over them, meaning they cannot possibly be independent.

But our minister has signed a document that invents “independent spheres of Government”; whatever that means. And if that is not weird enough, this is in an agreement with organisations that are not local governments, have no power over local governments and are not part of government, but somehow, this agreement creates “independent spheres of Government”.

This is, at best, uninformed and whacky and, at worst, it is uninformed and dangerous; but it is uninformed.

And it is most likely that some uninformed lacky just blindly copied a document from Victoria being unaware that s74A of their constitution creates local government as a “...distinct and essential tier of government...” but our constitution does not do that.

Making local government independent from the WA Government is the key issue and because the minister reviewing the local government act has signed this nonsense, what does it mean for the review he is conducting?

The current Act has over 130 provisions giving the state powers over local governments, so are those oversight and reporting powers to remain or are they to be removed? If local government really is independent, they should not remain, but if it is not independent, the reverse is true.

Those are big questions that deserve answers. But an even bigger question is if this government is about creating a new and independent sphere of government, when was the public to be told? AND when will we be told what it means? For example, does it mean that the new independent local government gets planning back? Surely if it is actually one of those “independent spheres of Government” it should.

We need to know, because having an independent system of local government is a dramatic, radical, and fundamental change to how our state operates and, unless it is BS, we need to know where all this is heading. If it is BS, the government needs cancel that agreement.

Normal governments use a system of Green Bills that allow the public to contextualise, and comment on significant changes in laws. But our current government, having previously committed to producing a green bill for the review of the local government act has now changed its mind and is working within the local government club to serially amend the law.

We can speculate, but we don't know why the government changed its mind about a green bill, nor do we know what the final bill will look like, and after we now know that the minister has agreed to new things called “independent spheres of Government”, it is a very scary mix.

Oh, if only Parliament had an interested, engaged and hard-working shadow minister who would do what shadow ministers are supposed to do.....

2 d

We have talked about s5.92 which is the section of the Local Government Act that allows a councillor to access any information relating to the performance of their functions as a councillor.

Minister Carey's bill that is before Parliament now will restrict and bureaucratised this important section because access will now depend on the type of information that is included in an agreement between the council and its employee, the CEO.

This and other changes to this simple and proper clause are not acceptable in a modern democratic society.

Firstly, they take us back to the bad old pre-FOI days where, unless information is prescribed as being releasable, it will be deemed that it is not to be released to an elected representative.

This flies in the face of a series of Royal Commission findings, High Court rulings and the WA FOI Act and is contrary to the views of all the Australian Information Commissioners and Ombudsmen. But here in WA local government that all gets thrown out because a CEO will be the official gatekeeper of official information.

It is important to note that this is not an added restriction on public release of information, which would be bad enough, this an added restriction on those supposed to be governing locally to restrict them from accessing the information they need to make decisions.

The second serious error in this proposed law is that it promotes a CEO to a position of equal partner with their employer. This is even weirder that it first looks, because the employer is the governing body required under the WA Constitution and a CEO is not.

A CEO has never been an equal of the council, but this bill makes them so and if passed it will go even further by granting a CEO power of veto, a privilege not extended to a council or any councillors.

I am not inventing this stuff, this bill, which will become law says: "A local government cannot adopt or amend a communications agreement of its own without the agreement of the CEO."

In the bill, there is a complete lack of oversight, no requirement for any enforcement or policing of these agreements, and any CEO who continues the practice of not releasing information to councillors suffers no penalty, but the councillor still won't get to access the information.

These changes increase the powers of unelected bureaucrats, further restrict the rights of elected councillors, and reward the local government club. Those who have been following these issues will now be starting to understand why the Minister ruled out any changes in direction in this review.

And that is because the club being rewarded was the only direction that was being considered.

All reactions:

[Larry Graham](#) Facebook LG Reform 040623

1 h ·

WALGA is very good at what it does, and what it does is advocate strongly on half of its members. Please note that is not to advocate for the public or individual local governments and it is certainly not to advocate for councillors.

WALGA gets a lot of bad press on this site, and I think that is unfair. Now before the trolls turn on me, let me explain. WALGA are good at their job and it is not fair to criticise them for that.

WALGA is established under the Local Government Act making it a legislated monopoly. It is not a local government, nor is it a state government body, or a regulator, and it cannot access confidential information held by local governments and cannot provide legal advice. It runs training schemes, operates insurance businesses and a very profitable purchasing program, and while it uses public funds, it is not audited by the Auditor General.

WALGA argues that it is not covered by the FOI Act, but it is in a formal partnership with the government. This arrangement puts those representing local government in a partnership with the minister overseeing and regulating local government, and it is that official cosiness that any criticism should be aimed at.

It is a simple governance truism that regulators should remain independent from those they are regulating and there are squillions of formal inquiries, royal commissions and reports saying so.

My submissions to the now jettisoned full review of the Local Government Act and the Parliamentary Select Committee showed how that partnership between the government and WALGA is decidedly dangerous to any meaningful democratic discourse, and I made recommendations to remove WALGA from the Act. The Parliamentary Select Committee agreed and recommended that:

“The Western Australian Local Government Association need not and should not be constituted under the Local Government Act 1995, or any new local government Act.”

The Government’s official response to that committee report was “This will be further considered during the development of the new Local Government Act.” Which raises the question of now that the minister has dumped any idea of a new act, will WALGA’s privileged position remain in the current Act? Good question that!

The government’s special team of “experts” recommended, “In relation to WALGA, the Panel recommends WALGA not be constituted under the new Act”.

Which again raises the question of now that the minister has dumped any idea of a new act, will WALGA’s privileged position remain in the current Act? Good question that!

The last time this matter came up in the context of the legislative review was the minister’s final report that said:

FACEBOOK LGREFORM POST 070323

Larry Graham

[9 h](#) ·

In a series of short posts over coming days, I intend to have a good hard look at the new type of democracy that is being pushed onto Local Government. It is the stuff being sold as “the most extensive local government reforms in more than 25 years” that will “enable fairer local democracy and community engagement”

Some of the provisions (Schedule 4.2) that will be referred to are already in the existing Local Government Act, but this review process was aimed at, what the Government propaganda describes as “Strengthening Local Democracy”.

One of my many weaknesses is that I believe in democracy so when I made my formal submission to this review, silly me thought we might try and change things for the better, so I recommended removing the stupid requirement that only half the council will be up for election at any time.

My recommendation failed because the Minister ruled out any directional changes in his “most extensive local government reforms in more than 25 years”.

To show how stupid this law is, if this system applied to the state parliament, half the current cabinet would still be from the former liberal government.

How do you reckon that would be working now?

Of course, it would be a disaster, and no-one would accept that system because it would mean that you could never vote a government out of office.

Does that sound stupid?

Well yes it does, but that is only because it is.

No-one would propose a system of government like that at the state or federal level, so why would we do it to Local Government?

No one has ever given a good answer as to why. But it certainly does not “enable fairer local democracy and community engagement”.

So, who benefits if we allow elections to vote councils out of office?

Only the public.

And, who wants this undemocratic system that prevents ratepayers from tossing out councils they don't want?

Only the Local Government club.

So, who did the government support?

Yup you guessed it.

LGREFORMWA FACEBOOK POST 160323

RE-POSTED 071023

Larry Graham

[3 d](#) ·

There is an old saying that we get the government we deserve but to get good government citizens must be active.

Over the years noisy WA minorities have been very active and changed laws by loudly voicing their opinions. These noisy minorities demonstrated, disrupted, and pushed their cases hard and publicly and many folks went to jail but still fought on.

One of the biggest things to come out of the disruptive behaviour of a noisy minority was the ALP, which was born after union folks were jailed for disrupting the pastoral industry.

Other changes forced by noisy minorities were the removal of the s54b restrictions on public gatherings, legalising homosexuality (as it was called at the time), allowing freedom of choice in abortions and euthanasia, national service, Vietnam and of course there are the ongoing and very vocal conservation and first nation issues.

Laws were changed as a result of vocal minorities pushing their cases and whether one agrees with each of these controversies or not is not the issue; the issue is the right of citizens to pursue what they see as wrongs and their right to push to have those wrongs, righted.

But such dissent will no longer be tolerated in local government land under Commissar Carey, in his second reading speech he told Parliament:

“The bill will also formalise community engagement charters. Importantly, these charters will provide a stronger framework for how a local government is to engage with people in its district, particularly to ensure that public engagement involves a diverse range of voices and is genuinely inclusive, and that engagement—this is critical—is not a platform for vocal minorities to dominate important community deliberations.”

As they have been under various fascist governments, minorities will now be silenced, but we should ask where proposals for such anti-democratic and radical change came from?

We need look no further, because local government club submissions have been swallowed hook, line, and sinker by Commissar Carey, WALGA said: “Unfortunately, Local Government has recently attracted uninformed criticism from a small number of noisy individuals who seem to have an axe to grind.”

And in a press release of 14 Feb 19 they went further: “Any individual who wants to ignore a majority decision that they don’t agree with and then continue the debate in public is actually trying to set themselves above the democratic process.”

There you have it; the club don’t like criticism and public debate and the government they have captured is going to ensure there will be none.

Governments should protect citizens’ rights, including freedom of speech, sexuality, religion and rights to due process and equal protection under the law. Then there are freedoms to organize,

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Posted 09 May 2023

Larry Graham

For the record I learnt years ago that it is always better to admit it when you get it wrong, and I may have been wrong about the Upper House of State Parliament. The local government bill has had more scrutiny in one afternoon in that house than it did in the entire time it was in the Assembly.

And that scrutiny has revealed that the government has jettisoned the review of the Local Government Act, they just forgot to tell us.

It is obvious that way back on 6 November 2019 when the Local Government Minister David Templeman “announced the formation of an expert panel to progress the development of a new Local Government Act for Western Australia.”, a new Act did not really mean there would a new Act.

Maybe he also did not mean it on 20 Jun 2017 when he told the house that “We will do it by modernising the Local Government Act, which is over 20 years old and needs to be reviewed.” Maybe the government did not mean it on 8 Nov 17 when the Minister said: “That is why, before the election, we committed to reviewing the Local Government Act. We recognised that a 20-plus-year-old act is tired and, indeed, is not delivering to a modern Western Australian community within the parameters of a modern Western Australian economy.”

Maybe the government also did not mean it on 19 March 19 when the Minister said “As the Member is aware, the Local Government Act 1995 is currently under review. All Matters relating to the operation of the Act are being considered.”

So, all of that reviewing for a new act was not actually reviewing for a new act, it was the tinkering that has got us into this mess.

But we do know that the incoming minister in his 23 Feb 23 media release said he was introducing the “Most significant changes to local government sector in more than 25 years” but obviously those significant changes did not include reviewing the Act.

The Parliamentary process continues, and we have some members, including Dr Brian Walker and Martin Aldridge who are awake and active. This is good to see, and I look forward to hearing what else has been hidden from sight.

When the Minister wrote to the review committee and told them that “To consider and recommend for ministerial endorsement: Overarching, high level direction for local government” and “guiding principles for a new Local Government Act” maybe he did not mean that either but then the committee responded with “The current direction of the review, reflected in the initial instructions to the Panel, is for a complete re-write of the existing Local Government Act.” So

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Posted 10 May 2023

Larry Graham

Bad laws should not pass through Parliaments and lies should not be rewarded, but both things are happening.

Some very polite questioning from Martin Aldridge, Brian Walker and a few others highlighted serious flaws in the local government bill that is currently before the upper house. None of these flaws were noticed in the so-called people's house, but having identified those flaws the upper house folks still voted for this bill.

The questioning was, as said earlier, very polite but it was about as tough as a junket sandwich and the pressure applied was as weak as.....

But that very polite questioning got confirmation that, like the Monty Python parrot, the promised green bill is dead, and there will not be a new act (as promised) nor will the public ever get any input into the next round of changes.

Curiously no-one thought either of those were worth kicking up a ruckus about and the deception and backflipping box was ticked off as ok.

Remember all the posturing about one vote one value and reform of the upper house to make it more democratic and basing that on voters? Well, there will be none of that nonsense in local government because we will now have a gerrymandered local government electoral system where pollies set numbers and one where how many electors there are in a district is not important.

Under this system it will be impossible to vote a council out of office; folks with virtually no votes can be elected, but buildings will still get to vote. This bill makes the recent restrictive US voting laws look amazingly fair, and Putin's electoral laws will be more democratic than those applying to local government in WA. But, in WA no polly has voted against it.

It was obvious that some of our pollies simply do not know how our system of government works, some do not understand the proposed optional preferential voting system, and many seem to think democracy is better if elections are not held.

Amazingly so far no one, and I stress no-one, has argued strongly for free and fair elections run by an independent body. Democracy is supposed to play some role in democratic systems, but in local government it will not.

For those who doubted it, and while they are pretending it is not so, the club is running the show; parliamentary lies were told, misinformation was regular, and details requested were not produced, but still no-one voted against any clause.

LGREFORM FACEBOOK POST 110323

Larry Graham

1 d ·

There is a lot of chatter about the proposed amendments to the Local Government Act for directly electing Mayors/Shire Presidents. The draft bill contains some very complex and poorly drafted changes, but these proposals are fundamentally flawed.

Direct election of Mayors/Presidents is an unwarranted Americanism that overlooks our system being completely different to the US; we have none of the additional laws, resources, and culture that they have, nor do we have a congressional system of government.

Many folks support direct election of Mayors and that may well be what we end up with. Those advocating for this change claim it is democracy at work, but the reverse is true.

At the City of Perth, the incoming Lord Mayor was elected with 1855 votes. However, in the subsequent councillor elections, every councillor elected exceeded that number, as did some of the losing candidates.

So, who was granted an electoral mandate to represent the community? Those with a higher vote, or a directly elected presiding officer with a significantly lower vote?

Please note that there is no criticism, implied or otherwise on any of those involved at the City of Perth. This is no more than a comment on the voting and electoral system and should not be misconstrued as anything other than that.

A system of directly elected presiding officers is most likely to entrench dysfunction by producing office holders with no genuine electoral authority, no executive power and who may also lack the collegiate support of their peers.

The current act (s2.8) empowers presiding officers only to chair meetings, provide leadership to the community, carry out ceremonial duties, speak on behalf of council, and liaise with the CEO.

There are no executive powers granted and apart from their liaison power, presiding officers have the same legislative restrictions placed on their ability to direct staff or interfere in administrative matters as any other councillor.

There is no change proposed to that so far in this review, but should it change?

Is the minister planning to give presiding officers new powers?

Will presiding officers be able to direct staff, CEOs or administrators?

What happens if the CEO and the presiding officer agree but the council does not?

Will presiding officers and CEOs be able to overrule/ignore council decisions?

Will councils be able to overrule a directly elected presiding officer's decisions?

What happens if the council and the presiding officer do not agree?

What happens if the councillors just do not get along with a directly elected presiding officer?

Will directly elected presiding officers be allocated additional staff, budgets and resources?

Since this review process started over five years ago, I have read every paper and submission that has been made public and nowhere have I seen any answers to those critical questions.

Some have opinions but there are no answers and that is because the issue has not been thought through. This used to be called Good Idearism; it wrecks competent law making and is where reviews get hijacked to include what some think are good ideas.

FACEBOOK - LOCAL GOVERNMENT REFORM

11/04/2023

[Larry Graham](#)

[17 h](#) ·

When the Minister advised Parliament in the second reading speech that proposals contained in his bill, “were developed from and drew on the findings of...The Local Government Review Panel: Final report” I reckon anyone going to that final report is entitled to see similarities between it and the amendments being proposed.

Being a nerd, I checked, and the Chair’s forward recommended “A new legislative framework that ensures community consultation and integrated planning is a centrepiece of a local government’s operations, as well as an emphasis on regional and intergovernmental collaboration.”

That report that the Minister says is the basis for the recent amendments has two pages and two long recommendations that are headed up Smart Planning and Service Delivery, Enhanced Integrated Planning and Reporting. The acronym for this is IPR.

The abridged version of those two recommendations is that “IPR be given greater prominence in the new Act as the centrepiece of ‘smart’ planning and service delivery.” And that “Councils plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services to meet the diverse needs of the local community;”

The report also says local governments need “Improved IPR, clearly positioned as the centrepiece of local governments’ operations and linking strategic and corporate planning, regional cooperation, community engagement, financial management, service delivery and monitoring and reporting of outcomes.”

Pretty clear stuff that – the report that the amendments are based on is unequivocally and firmly in favour of more IPR, more community engagement with accountable outcomes.

Good doogs says I but then imagine my amazement when I came across this in the second reading speech: “This is the basis of the framework of integrated planning and reporting. This bill will replace this ambiguous statement with council plans, which will supersede strategic community plans.”

In one fell swoop this Minister has removed the community from planning; dropped the entire concept and jettisoned any chance of accountable outcomes. What we have ended up with is the direct opposite of what was recommended and surprisingly, the bloke who did the recommending did not notice his much-promoted centrepiece had been dropped and smashed. Or if he did notice, he didn’t say anything about it.

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Posted 11 July 2023

Larry Graham

Larry Graham

1 d ·

Nerd alert! I have again been reading reports of Royal Commissions! This time it is Robodebt and it is a beast of a report; I have never seen a harder hitting report, it is over 1000 pages of analytical detail.

Royal commissions look into specific matters but their recommendations can have universal application; eg the 1987 Fitzgerald Royal Commission in Queensland changed the entire nation's ways in law enforcement and forced new rules to deal with corruption. This Royal Commission looked into federal government matters but the principles it has expressed apply to all public bodies.

The report is scathing and everyone holding any public office should be examined on it. It really is critical to our democracy that those in charge understand good public governance and my rule would be pass and you keep your job; fail and you are out.

One of the relevant parts of this report is where the commissioner said at p657: "However, the Government should end the blanket approach to confidentiality of Cabinet documents. To give effect to this, section 34 of the FOI Act should be repealed. The wide range of class and conditional exemptions in the FOI Act is sufficient to protect the public interest in relation to Cabinet documents. The mere fact that a document is a Cabinet document should not, by itself, be regarded as justifying maintenance of its secrecy."

What? A royal commission says that just because a document is marked confidential should not mean that it is actually confidential? Surely not, because that message has not made its way into local government in WA.

Instead we have Regulation 14 of the Local Government (Administration) Regulations 1996 that says all papers and agenda for meetings are to be made public. But then there is a killer clause that says that rule "...does not apply if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers to is likely to be closed to members of the public under section 5.23(2)."

For non nerds that section of the Local Government Act allows a council (but not a CEO) to close a meeting to the public if it is going to deal with certain matters.

So in local government in WA a matter does not even have to actually be confidential to be withheld from the public, it only needs a CEO to have an "opinion" that a public meeting is "likely to be closed" and hey presto the document is then buried.

Of course a council can overrule its CEO and release documents but that rumbling sound you can hear is pigs flying overhead.

Any competent Parliamentary opposition would be leaping into this issue because the reports and direction of local government reform are heading in precisely the opposite direction to that proposed by this royal commission. There is that rumbling sound again.....

Of course the government could be awake and respond appropriately.....that rumbling is getting louder.....

Being serious for a minute, how could we expect a minister to improve the law and regulations on a matter like this when he chaired a panel of "experts" who recommended expanding self regulation of local governments and reducing regulation?

I hope I am wrong, but I suspect that, given all that has been passed off as reform in WA, we should expect that local government CEOs will retain their powers to restrict information while the rest of the nation removes similar powers and opens itself up to public examination

All reactions:

<https://www.facebook.com/groups/localgovernmentreform/>

Posted 12 May 2023

Larry Graham

1 d ·

Well folks it is official – the local government bill has passed the upper house and no member of our entire parliament voted against any part of it.

When the official Hansard is published, I may take the time to point out some of the errors and misleading that has taken place, but I also may not because the truth is that our Parliament is broken and full of MPs who are too timid to express any sort of independent thinking.

In any other time, jettisoning a serious election commitment to fully review a law and produce a green bill would have the shadow minister and opposition MP's leaping around, moving censures, asking aggressive questions and trying to get a ministerial sculp. Downgrading democracy and not providing details on funding would get similar results, but what did we get?

Very polite questioning and a lack of opposition from the people whose job it is to oppose – the hint is in their name – His Majesty's Loyal Opposition.

But to save you reading Hansard about how MPs think the cost of elections is more important than having free and fair elections, let me try and explain just how anti-democratic these changes are.

Two folks who are bitterly opposed on every issue run for one vacancy on council – there are 2000 voters, and one candidate gets 1999 votes and the other gets 1.

Obviously, the clear winner with 1999 votes is elected.

Sometime later the winner resigns, and this is where the corrupt system really bites.

There is no need for an election or any form of public endorsement because under the newly legislated backfilling positions there is no election, the loser of the election is just appointed because they ran and did not win the previous election.

Now I have used an extreme example to highlight how someone who is overwhelmingly defeated in a direct election can still end up in power, but the principle is the same regardless of the margin.

This sort of filling of vacancies can and does happen in the Upper House of our Parliament where party membership is a major factor, but it would never be allowed in the lower, or people's house. And that is because the election systems are different for each house and MP's in the lower house are elected directly by people who vote for or against them; the same was true in local government.

LGREFORMWA FACEBOOK 130323

Larry Graham

[45 m](#) ·

What happens when governments decide not to govern?

How parliaments and governments (local or otherwise) operate is fundamental to our democracy and our parliaments operate best when governments are held to account through checks and balances built into the system. There are four critical elements that drive good government, they are:

Free and fair elections; and
robust oversight and enforcement; and
respect for the rule of law; and
entrenched checks and balances.

Vested interests and those desiring power for its own sake always oppose each of those critical elements but a vast range of inquiries and royal commissions tell us that if any of those critical elements are missing, or not functioning properly, our public systems always fail.

But not one of those four critical elements exist in local government and after the proposed legislative reforms are implemented, they will still not exist, and many current provisions will be weakened.

There has never been a better time to reform local government, and the zillions of very, very, good people in local government who are usually busy doing good stuff, do it despite the system, not because of it.

And that is because our system of local government is corrupted (note I said the system, not the people), riven with conflicts, hijacked by self-interest, dominated by WALGA and overseen by an underfunded and understaffed regulator that suffers by being directed by a minister who is good on theatrics, but has been taken captive by the powerful local government club.

Many of us had hoped that this reform process would introduce those critical elements and bring about a healthy and democratic local government system; sadly, for a variety of reasons that will not be happening. We will keep the same old corrupted systems; but they do get new names and some tinkering, so there is that.

But if you want a reason why positive change can't happen, just consider the funding for the regulating department – it has fallen from a budget of \$18.2 millions in 2021-22 to \$14.5m in 2022-23 and is projected to fall further in 2023-24 to \$13.2m – that is a budget drop of \$5millions in three years.

The Parliamentary Select Committee into local government made recommendations (19, 20, 23 & 24) requiring the government to ensure that the department was sufficiently resourced.

But the government's official response was to waffle, then deliver budget cuts to an already underfunded department which is responsible for redesigning an entire system of local government; then drafting the new laws and regulations, while also training their staff and local governments on how to operate under a new regime.

Massive change like this would be a mighty agenda that would strain the resources of any department, but one in this position has no chance. With what they claim are "...most extensive

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Posted 15 May 2023

Larry Graham

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WHAT THE MINISTER SAID:

"We are working with the Western Australian Local Government Association and working through the exact model. I want to put on the record again—I think this is important—I noticed there has been some conspiratorial and, quite frankly, very disappointing social media commentary that in some way this is about seeking to restrict information. That is false. That was never the intention and those allegations are completely and absolutely wrong because we are not changing the part of the act that relates to which information can be accessed"

WHAT THE ACT SAID BEFORE THE MINISTER SAID WHAT HE SAID:

"5.92. Access to information by council, committee members

(1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.

(2) Without limiting subsection (1), a council member can have access to —

(a) all written contracts entered into by the local government; and

(b) all documents relating to written contracts proposed to be entered into by the local government."

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(a) all written contracts entered into by the local government; and

(b) all documents relating to written contracts proposed to be entered into by the local government.

(3) The right of a council member or committee member to access information under this section must be exercised in accordance with the local government's communications agreement."

Hmmmm maybe it is just me, but I struggle to understand how when the minister who says, "we are not changing the part of the act that relates to which information can be accessed" argues nothing has changed while changing the very part he says is not changing.

My social media allegations that the Commissar said were "completely and absolutely wrong" were completely and absolutely correct.

LGREFORMWA FACEBOOK POST 160323

Larry Graham

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There is an old saying that we get the government we deserve but to get good government citizens must be active.

Over the years noisy WA minorities have been very active and changed laws by loudly voicing their opinions. These noisy minorities demonstrated, disrupted, and pushed their cases hard and publicly and many folks went to jail but still fought on.

One of the biggest things to come out of the disruptive behaviour of a noisy minority was the ALP, which was born after union folks were jailed for disrupting the pastoral industry.

Other changes forced by noisy minorities were the removal of the s54b restrictions on public gatherings, legalising homosexuality (as it was called at the time), allowing freedom of choice in abortions and euthanasia, national service, Vietnam and of course there are the ongoing and very vocal conservation and first nation issues.

Laws were changed as a result of vocal minorities pushing their cases and whether one agrees with each of these controversies or not is not the issue; the issue is the right of citizens to pursue what they see as wrongs and their right to push to have those wrongs, righted.

But such dissent will no longer be tolerated in local government land under Commissar Carey, in his second reading speech he told Parliament:

“The bill will also formalise community engagement charters. Importantly, these charters will provide a stronger framework for how a local government is to engage with people in its district, particularly to ensure that public engagement involves a diverse range of voices and is genuinely inclusive, and that engagement—this is critical—is not a platform for vocal minorities to dominate important community deliberations.”

As they have been under various fascist governments, minorities will now be silenced, but we should ask where proposals for such anti-democratic and radical change came from?

We need look no further, because local government club submissions have been swallowed hook, line, and sinker by Commissar Carey, WALGA said: “Unfortunately, Local Government has recently attracted uninformed criticism from a small number of noisy individuals who seem to have an axe to grind.”

And in a press release of 14 Feb 19 they went further: “Any individual who wants to ignore a majority decision that they don’t agree with and then continue the debate in public is actually trying to set themselves above the democratic process.”

There you have it; the club don’t like criticism and public debate and the government they have captured is going to ensure there will be none.

Governments should protect citizens’ rights, including freedom of speech, sexuality, religion and rights to due process and equal protection under the law. Then there are freedoms to organize, speak out, dissent, and to participate fully in public life, and I know this because for many years I was a member of the ALP, and their platform says:

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Posted 16 May 2023

Larry Graham

THIS IS WHAT THE MINISTER SAID:

He had "...noticed there has been some conspiratorial and, quite frankly, very disappointing social media commentary that in some way this is about seeking to restrict information. That is false. That was never the intention and those allegations are completely and absolutely wrong because we are not changing the part of the act that relates to which information can be accessed"

When Hon Dr BRIAN WALKER asked: "What would the minister consider to be irrelevant information, to which a council member has no right of access?"

THIS IS WHAT THE OTHER MINISTER SAID:

Hon JACKIE JARVIS: "An example that has been provided to me is perhaps asking for contracts of individual staff members. That may not be relevant to council business."

THIS IS WHAT THE ACT SAYS:

A council member can specifically have access to, "all written contracts entered into by the local government; and all documents relating to written contracts proposed to be entered into by the local government." (s5.92 (2) of the Local Government Act)

THIS IS WHAT IT ALL MEANS:

Talking about my social media posts, the Commissar said "...that in some way this is about seeking to restrict information. That is false. That was never the intention..." and that the "...allegations are completely and absolutely wrong...".

What that exchange in the Upper House shows is that the allegations I made about restricting information were "completely and absolutely" correct and the government's intention to "restrict information" is clear. The Act says a councillor can access "all written contracts" but the government and their dysfunctional department say they cannot.

My mistake was assuming that the folks reviewing the Act had actually read and understood what they were redrafting. Maybe it was this mistake that our beloved commissar was referring to as being "completely and absolutely wrong"; so, if it was, I apologise because it is clear that they had not read and understood what they were doing.

However, my main point is that, despite their protestations to the contrary, it is now evident that both the intent and effect of these changes is to restrict a right of councillors to access information. Until now there has been no legal way any CEO could refuse to provide information to a councillor, some may have claimed that right, but it did not exist at law and now it does.

Again, it is worth noting that no MP voted against restrictions being placed on what is currently an unrestricted right for councillors to access this information.

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Posted 19 May 2023

Larry Graham

The amendments to the voting system for local government adds over 30 pages to one of the biggest acts in the State and it could all be replaced by one section saying that all local government elections will be conducted by the WAEC and in accordance with the State electoral act.

We already have a taxpayer funded but independent organisation called the WA Electoral Commission that is expert at handling boundaries, it runs elections, oversees enforcement and prosecutions at a state and federal level, so why not use it for local government?

The cost of local government elections is an issue, the WAEC works on full cost recovery in local government elections, and I reckon their most recent Annual Report shows a bit of innovative cost shifting. The cost of running local government elections has increased from \$2.99 per elector in 2017/18 to \$4.50 per elector in 2020/21. By comparison the similar State Election costs have fallen from \$4.66 per elector in 2017/18 to \$4.22 in 2020/21.

But, regardless of the cost, we all know that free and fair elections are the lifeblood of democracy, so what should we do with local government elections?

Our beloved commissar now bases the local government system on population and not electors, he is proposing keeping buildings voting in non-compulsory elections for humans while changing to optional preferential voting. His party policy is for compulsory voting, but our beloved commissar ignores that while pretending the voting collapse in LG elections is not a democratic crisis.

But it is, and that poor performance robs every local government of their democratic legitimacy, and it was interesting that not one pollicie in WA thought democracy was worth speaking up for. But what if we ran and funded local government elections the same way as we do at state and federal level? Use our electoral commission and taxpayer's money through the government budgeting and paying for elections using the same system of compulsory voting where buildings don't get to vote.

The cost to local government and ratepayers of such a change is \$0, in fact they save money, and the State should pay because they are responsible for local government. The result would be universal voting in fair free and fair elections which raises a couple of questions.....

Who wins if that simple change is made?.....yup, 'tis the public.

Who loses if that simple change is made?.....yup, 'tis the club.

Of course, the club cannot agree to do anything contrary to their own interests. Their partners, the Government of WA, will not do anything contrary to the club's interests, so democracy loses while our beloved commissar tinkers.

PS – Don't get fooled by the WALGA argument about preferential voting; it is nonsense. The only things worse than non-compulsory optional preferential voting are non-compulsory full preferential voting or any form of first past the post voting. For me, allowing voters to choose who they should vote for will win out every time.