

# Submission to review of the Local Government Act 1989

---

**Bo Li**

**Councillor City of Darebin**

Declaration: This submission is made as an individual and as an elected councillor in the City of Darebin. The views expressed in this submission are mine and mine alone and do not represent the views of Darebin City Council.

## **Role of local government and the objectives of the Act**

It is widely recognised that the role of local government is to govern in the interest of the community. In this context, the Local Government Act (Act) must set out the relevant objectives to enable local governments to fulfil that function. In addition, the Victorian Constitution also makes it clear that local governments are essentially creatures of the State of Victoria. It follows therefore that any councillors or candidate wishing to stand as councillors must not be endorsed by any political parties. In essence, all candidates and councillors are essentially “independents” acting in the interest of their local communities.

Having political parties endorse, or otherwise fund candidates in local government elections is problematic on several levels:

1. It would be akin for political parties to endorse or assist individuals to obtain executive positions within the public service. Local governments are subservient to the State government, not dissimilar to departments serving their respective ministers. The Minister for Local Government has significant powers over local council, as evidenced by recent ministerial interventions in Darebin council.
2. The prohibition of serving councillors to be employed as political staffers in serving MPs’ offices makes it abundantly clear that there are inherent conflict of duties and interest in councillors serving both their communities and serving the needs of their parties (through their MPs’ offices).
3. It unnecessarily politicises the role and function of local governments (i.e. serving in the interests of local communities). There is already widespread community cynicism that elected councillors are just using local councils as stepping stones for their political careers in State and Federal politics.

### **Recommendation 1**

**The Act should explicitly prohibit the endorsement of candidates at local government elections.**

### **Recommendation 2**

**The Act should explicitly prohibit the donation, financing or in kind support to candidates at local government elections.**

### **Recommendation 3**

**Successful candidates must resign from their political parties as a condition of becoming eligible to becoming a serving councillor.**

## **Councillor conduct and fitness to hold office**

Recent governance and councillor conduct reform amendments to the current Local Government Act has made significant progress in improving accountability of role of councillors. The new Act must enable swift investigation into complaints, and where necessary, appropriate reprimand for councillors found to be in breach of code of conduct.

This will require better resourcing of appropriate authorities such as the Local Government Inspectorate and the office of the Ombudsman.

#### **Recommendation 4**

**The Act must have statutory timeframes associated with the investigation of councillor code of conduct complaints. In addition, councillors found to be in breach of code of conduct must have their names and offences made publicly available similar to conditions and complaints upheld against registered health professionals (see <http://www.ahpra.gov.au/Registration/Registers-of-Practitioners/Practitioners-who-have-agreed-not-to-practise.aspx> )**

### **Councillor allowances and remuneration**

Current serving councillors are eligible to receive an allowance linked to the size of their municipal population size. The current top tier of councillor allowance is \$28,202 (plus superannuation guarantee of 9.5%). If the current rule of thumb is followed that councillors perform their duties at an equivalent of 0.5 EFT, which makes the effective pay of councillors to be a \$56,404 (plus 9.5% superannuation). This presents as a barrier for effective, high quality candidate to be attracted to run as councillors, given that

1. The demand for time of councillors is at an all time high given the reach of technologies from smart phones to social media. It is not uncommon for community members to ring/text councillors on most weekends (when community members may be free). It is also common for community members to “tag” councillors in on their complaints about their councils in social media (such as Face Book and Twitter).
2. It is virtually impossible for councillors to hold down full time professional jobs while performing their duties as councillors. As a result, many (including myself) choose to downgrade their roles and elect to work part time (due to scarcity of senior part time roles) in order to achieve some degree of family/life balance. The councillor allowance is no effective financial substitute for time and income loss.

#### **Recommendation 5**

**The Act should set out effective remuneration mechanisms to allow for effective and appropriate remuneration of councillors in order to attract and retain high quality professionals into the role of councillors. One such mechanism may be benchmarking councillor allowance against senior public service pay scales (e.g. 50% of executive level 1 remuneration).**