

## **Submission to the Review of the Local Government Act 1989**

### **A Case for an Independent Office of the Mayor and Councillors**

#### **Greater Bendigo City Council**

*“A respected and active organisation, no matter what it does, is effective when it understands its responsibilities and has the resources to implement its plan of action.”*

In my Mayoral induction speech in November 2014 I spoke about the different roles between governance and the administration of our City.

I said *“It should be noted that I am Mayor of the Greater Bendigo City Council, not to be confused with the corporate arm of the Council, which is the City of Greater Bendigo. This is an important difference for me as it signifies the separation of powers under the Local Government Act”*.

Our City’s name is the City of Greater Bendigo (CoGB). Elected councillors govern the City through the Greater Bendigo City Council (GBCC); known to residents as the Council (capital ‘C’) and the staff known as the council (small ‘c’), directed by the Chief Executive Officer, corporately administer the CoGB on behalf of the Council.

Each entity have different responsibilities. The councillors govern through the Council, and make policy and strategy decisions. The staff arm administers and implements Council’s decisions under the CEO’s leadership.

It is important to note that Council employs the CEO under contract. The CEO has no authority to develop policies or strategies independent of Council, or to refuse to implement Council strategies or policies.

In the time I have been Mayor the responsibility differences have become much clearer in my mind. More evident now are the limitations to councillors’ opportunities to provide good governance.

While as mayor and a councillor I gain a great deal of support from staff in the corporate arm, it is not, by the nature of the organisation, independent. The same applies for all councillors. In practise the separation of powers, required under the Local Government Act, have become blurred to the detriment of good governance.

There is much to be concerned about. Examples include

- Councillors are part-time and lack an independent infrastructure to provide the necessary professional support for them to make informed consistent decisions.
- There is no independent office for Greater Bendigo City Council councillors, and limited resources for them to undertake their responsibilities.
- Every recommendation to Council, every public media release and every report to councillors sitting as the Council, is derived from City of Greater Bendigo’s corporate arm.
- Not enough information is provided to councillors to make informed decisions.
- Councillors have little independence away from the executive corporate arm, with councillors historically being dependent on the CEO and Executive Services unit for leadership, rather than a Mayor.

- An Independent Review identified the need for an independent Councillors' research officer but that can only be incorporated into the CEO's Executive Services Directorate.
- Councillors' emails are not confidential to only Councillors. There is no question that Councillor emails are the responsibility of GBCC, not the CoGB. I understand that over 600 emails are checked daily, a staff resource that could be better utilised elsewhere in the administration. Some Councillors use a personal computer so they can send confidential emails to their constituents, an unnecessary waste of resources.
- There is little independent thinking drawn from business and community experiences because advice is given through the administration arm.

These practices highlight the power of the corporate arm over the governance arm, and the underlying weakness of a system that leads to a less informed, more dependent and compliant Council and a public perception that the officers run the show.

Council needs to modernise; councillors take governance control and ensure the separation of powers be more clearly defined and explained. A first step along that pathway is to create an Office of the GBCC.

Whilst the GBCC's operating budget has about \$850,000 for the conduct of Council meetings, councillor allowances, travel costs and administration, it forms part of the Executive Services unit's \$3.3 million budget. Councillors have little influence on how that \$850,000 is spent, because historically that function has been assumed by the CEO.

Items that could be considered matters in the separation of powers, to become part of the function and responsibility of a GBCC Office responsible to the Mayor and councillors, include:

- Induct new Councillors into the councillor duties and responsibilities
- Research issues for Councillors
- Tender advice on Ordinary Council Meeting agendas
- Identify the best ways councillors can serve residents
- Working with the CEO to ensure Council resolutions are implemented in a timely manner
- Provide ongoing training for Councillors and attendance at conferences
- Lead the Council Plan and Budget processes
- Identify and utilise community and business members' skills
- Monitor the progress of Council resolutions
- Provide advice on governance best practice
- Maintain up-to-date knowledge of legislative changes, and Auditor General, Ombudsman, Local Government Department reports.
- Speech writing drafts for Councillors
- Promote debate on policies and strategies
- Prepare media releases for the Mayor and councillors
- Maintain the Councillors' Code of Conduct
- Ensure continuity of services for the Office of Mayor,
- Provide confidential advice on councillor performance against annual improvement standards set by the individual councillors themselves
- Councillor introductions to Council directorates and units
- Facilitation of community engagement such as ward meetings, community forums, local community plan meetings, and constituent appointments

- Arrange meetings with all levels of Government and key organisations as required
- Process councillor correspondence (emails, letters, etc) and draft responses as directed
- Organise Civic Receptions, Citizens of the Year and Citizenship Ceremonies.

There are obvious joint responsibilities between the two entities but those responsibilities can be worked through in an atmosphere of sharing for the greater good of Greater Bendigo, and better outcomes for residents. There must be respect for, and co-operation between governance lead by the Mayor and the corporate responsibilities lead by the CEO.

### **How to fund an independent office?**

GBCC already has a budget within Executive Services, and the unit undertakes other functions for which it is funded that really are part of governance. All governance responsibilities could be isolated from the Executive Services budget to form a separate GBCC budget within the overall annual operating budget. A relatively simple process.

### **Governance Office Staff**

- I see as important that there be at least two EFT staff positions. One providing direct daily support to the Mayor and Councillors, the other, a research position taking direction from the Council through the Mayor.
- The day-to-day management of the staff in the first instance be by agreement through the CEO, and protocols and direction be the responsibility of the Mayor.
- All positions be located close to the Mayor's office.
- Staff positions be selected by Council.

Under the current Local Government Act all staff are responsible to the CEO. These issues and other issues will have to be worked out between the Mayor, the CEO and the Council. There will also need to be working guidelines developed between the Council and the corporate arm of the Council so that work is undertaken in harmony and with joint responsibility of leadership between the Mayor and the CEO.

Many in the community see the GBCC as an entity that rubber stamps officers' recommendations. This view has discouraged many people from standing for Council or participating in engagement and consultation processes and provides little credibility for the current Council. Councillors need to experience a greater diversity of views being expressed outside officer opinion when formulating policy. The result, better outcomes gained.

### **Change is needed!**

In any workplace when a new person takes over a position there is an induction process. A process where key people are introduced, processes are explained and the former Mayor explains unfinished business or provides contacts which need following up. To start every year anew, dismisses or diminishes the valuable work that has already been started and sows momentum. I believe this process needs to be documented and implemented. A Governance Office can achieve this.

I believe questions that are continually asked at Forums can be researched before meetings and the information provided to all Councillors. We need to move on from the current lack of information to a situation where Councillors are well informed and have all the material to

initiate and advocate a particular case before their fellow councillors and the community. Information needs to be delivered in a timely manner and in a professional format incorporating alternative options and recommendations. Councillors leading and as part of the team- the CEO implementing.

Confidentiality, and closing the loop on issues for Councillors remain major obstacles to harmony around the Council table. Both entities, councillors and staff, must commit to these principles. Once an issue is raised it must be recorded, and Councillors informed in a regular 6 weekly report on outstanding matters. Closure on an issue is decided at the Council table.

### **Action Plan**

- Define responsibilities of GBCC Office and how responsibilities will be implemented
- Fully review the Executive Services unit functions and budget, and separate out the GBCC functions and related budget
- Define the new dedicated GBCC staff roles
- Develop job descriptions for positions/clear lines of authority/location of work stations
- Develop guidelines for closing the loop on issues for Councillors.
- Develop a community conversation about a GBCC Governance Office.
- Implement as soon as practical

### **Conclusion**

We as a Council have the opportunity to prepare the way for first-class governance. What I propose is a challenge. A worthwhile challenge. I wish you to approach it with an open mind. Seek out the positives that will better serve our residents.

**Subject:** Role of Councillors

### **Role of Councillors**

The major role of Councillors is to develop a four year Council plan and its annual budget, introduce new long term strategies and policy which will shape Greater Bendigo for many years ahead and to represent constituents who elect Councillors to advocate for their particular needs. Councillors have a responsibility to lead Greater Bendigo so that it thrives and prospers and to develop services, jobs and healthy lifestyles and to make sure it is all sustainable going into the future.

Aspirations of becoming a Councillor need to be based on experience in financial management, having a vision for Greater Bendigo that is inclusive and innovative thinking that will give our City a competitive advantage. While there is much debate about rate rises, priority projects and level of service provided, among many other issues, arguments of substance need to be developed in the best interest of the whole community. While personal beliefs might influence a particular Councillor's argument they do not strengthen it. Substance in a debate means analysing all the issues, providing possible alternatives and after doing so you come to a conclusion that this is the best way forward for the whole community. It takes most Councillors about 30 hours per week in preparation and research, in attending meetings and consulting with the community.

In public life you should not aim to gain financially and you cannot afford to take anything personally. As a credible elected representative you put everything that can be termed personal to one side and have your full focus on what benefits the community. I believe personalising issues and debates only serves personal interests and as a result deflects from a productive outcome. You can not be a Councillor one minute and then a private citizen the next. As an elected representative you are always representing the community. That does not mean that a Councillor cannot speak out on issues. It makes a healthy debate when alternative outcomes are presented.

We live in changing times and it is responsible that the state government raises the issues of reform and a rates cap. The Local Government Act has not been reviewed for 26 years and the whole community's ability to pay rate rises must be taken into consideration. As for the experience of candidates there is time for them to become familiar with many of the issues confronting Council which will complement their list of skills they already possess. But leave your personal baggage at home.