



# Local Representation in Australia

## *A view from Victoria*

*Companion report to:  
Local representation in Australia,  
a review of the legislation and literature*

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### ***Project contributors***

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## **Contents**

Preface .....	i
Executive Summary .....	ii
1 Introduction .....	1
2 Methodology.....	3
3 Outcomes.....	5
3.1 Representative structure .....	5
3.1.1 Constitutional arrangements.....	6
3.1.2 Representation reviews.....	12
3.1.3 Number of councillors .....	15
3.2 Voting .....	18
3.2.1 Compulsory or optional.....	18
3.2.2 Postal or attendance.....	19
3.2.3 Three or four years .....	20
3.3 Role of the Mayor and Deputy Mayor.....	22
3.3.1 Mayor.....	22
3.3.2 Deputy Mayor.....	23
3.3.3 Directly elected or elected by councillors.....	25
3.4 Role and remuneration of councillors.....	27
3.4.1 Role of a councillor.....	28
3.4.2 Allowances .....	29
3.5 Issues arising from the interviews .....	31
3.5.1 Training .....	31
3.5.2 Other models of local government.....	32
3.5.3 Better diversity of councillors.....	33
4 Summary .....	34
Appendix 1: ..... Local Representation Working Paper Interview and Focus Groups Questions .....	36
Appendix 2 Profile of councils represented in the interviews .....	40
References.....	42

## **Tables**

Table 1: Constitutional arrangements.....	6
Table 2: Number of councillors .....	15
Table 3: Ratios of electors to councillors .....	15
Table 4: Postal and attendance voting in Victoria .....	19



## Preface

One of the most important objectives of the Australian Centre of Excellence for Local Government (ACELG) is to inform debate on key policy issues. We recognise that many councils and other local government organisations are not always able to undertake sufficient background research to underpin and develop sound, evidence-based policy.

ACELG's research papers address this deficit. In addition to in-depth research papers which involve primary data collection and identify possible policy options, ACELG supports legislative and literature reviews which outline existing legislation and research on a topic to determine whether further work by ACELG or other organisations is warranted.

This report on the outcomes of interviews with councillors and senior local government staff of their experience of local representation follows a review of the legal frameworks governing local democratic governance. ACELG has undertaken this work with the Victorian Local Governance Association which has a track record of working on issues of local and participatory democracy.

This report sets a brief context. It then outlines the experiences of Victorian councillors and senior staff interviewed with regard to representative structures (ward or unsubdivided councils, representation reviews and the number of councillors), views on compulsory voting and a 4 year term of office, the role of the mayor and deputy mayor and the role and remuneration of elected members.

ACELG welcomes feedback on this paper as well as advice on examples of analysis of local representation which have not been documented. Input from elected members, local government practitioners and other stakeholders regarding policy areas that should be researched in the future, and on proposals for research partnerships would also be welcome. Please contact our Research Program Manager:

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## Executive Summary

Initial investigations show that while there are bodies of research on many (although not all) aspects of local representation there is a gap in terms of thinking and analysis which brings together these different threads within the Australian local government context. As a result, the Australian Centre of Excellence for Local Government (ACELG) in partnership with the Victorian Local Governance Association (VLGA) has undertaken a study of representation frameworks for local governments across Australia. The purpose is to strengthen local governments' capacity to take a more considered view of local representation, and better determine whether the arrangements they have in place are the most appropriate for their context and for achieving their objectives.

This paper outlines the outcomes of the second phase of this research. Councillors and senior staff were interviewed to gauge their experiences, opinions and perspectives on the framework set out in the *Victorian Local Government Act 1989*. The issues discussed include representative structures (ward or unsubdivided councils, representation reviews and the number of councillors), views on compulsory voting and a 4 year term of office, the role of the mayor and deputy mayor and the role and remuneration of elected members. In addition interviewees identified additional issues important for local representation including the need for further training and capacity building for elected members, the consideration of other models for local government and the need for a more diverse profile of councillors.

In terms of representative structure respondents discussed the relative merits of unsubdivided and divided councils. Uncertainty remains as to whether, in a ward system, councillors make decisions based on the interests of their ward or for the whole local government area. There is some ambiguity on this point. There is also a question around at which point party politics becomes important in a local government system. Evidence gathered through the interviews indicates that party politics may play a stronger role in multi-member ward systems.

Representation reviews and the number of councillors are also important features of a local government's structure. The predominance of population as a determinant for changing ward boundaries was raised by several interviewees. Some interesting points were also made in terms of councillor numbers. The implication of having the mayor is elected by councillors in terms of splitting the council poses some interesting questions for further investigation as does the effect of increasing councillor numbers on group dynamics. In one case an increase from nine councillors to eleven had a profound impact on the functioning of the council with a corresponding increase in workload for council staff.

In terms of voting the results are clear. The vast majority of respondents felt it should remain compulsory although there was some debate as to whether postal or attendance voting was preferable. Discussions on the role of the mayor and deputy mayor were equally uncontroversial. Most people felt that the mayor played an important leadership function but that his or her powers were and should be relatively limited. On the question of a directly elected mayor opinion was more divided. Some felt that this model had merit and added legitimacy to the role while others thought councillors were better placed to elect the mayor.

There were some interesting responses on the remuneration of councillors. Some felt that councillors should get compensated on a full time basis but that the allowance should not be too much. There was a fear that a significant full time allowance would attract the wrong kind of candidates. It may be interesting to investigate this question further. Responses to the role of councillors were equally interesting. They ran the gamut from ensuring that residents get adequate service delivery/value for money to strategic planning and decision making. Much more research needs to be done on this question to understand councillors' understandings of their role and then comparing this to conceptions in policy and legislation of what a councillor is meant to do.

Finally participants raised some important points for strengthening good governance and representation at the local level, identifying a need for training and capacity building for councillors, a willingness to consider alternative models of local government and a need to improve the diversity of councillors.

What remains is the comparison of councillors' experiences and understanding of their role with the expectations that are presented in the legislation. Local government reforms focus on strengthening their strategic and long term planning capacity. These expectations sit uncomfortably alongside many of the experiences described in this paper. This points to a gap between the practice of local government and its conception in the legislation which needs to be better understood. The question is whether the structural and managerial reforms of local government (e.g. amalgamations and requirements for corporate planning) are able to achieve their objectives if elected members' understanding of their role does not align the objectives of this reform.





## 1 Introduction


Australian local government has been the subject of complex state and territory reform processes for over two decades. In his discussion of Australian local government systems, Aulich (2005) observed that 'as with most Anglo-Westminster based systems, local government in Australia plays a significant role in two primary respects. First, it gives voice to local aspirations for decentralised governance, and second, it provides a mechanism for efficient delivery of services to local communities'. He argued that these two approaches have 'given rise to two polar approaches to local government reform – one which focuses on local democracy ... the other primarily concerned with emphasising structural efficiency... and efficient distribution of services' (p. 198).

Despite this emphasis on reforms to the functional role of Australian local government, recent reforms within Australian local government has been increasingly concerned with the role that local government plays as an element to Australia's democracy. It is this role, and the Victorian representative arrangements in particular as experienced by councillors and senior staff, that is the concern of this paper.

Initial investigations show that while there are bodies of research on many (although not all) aspects of local representation there is a gap in terms of thinking and analysis which brings together these different threads within the Australian local government context. As a result, the Australian Centre of Excellence for Local Government (ACELG) in partnership with the Victorian Local Governance Association (VLGA) has undertaken a study of representation frameworks for local governments across Australia (see Tan and Grant 2013). The purpose is to strengthen local governments' capacity to take a more considered view of local representation, and better determine whether the arrangements they have in place are the most appropriate for their context and for achieving their objectives.

This paper outlines the outcomes of the second phase of this research. The first phase involved an initial review which compared and analysed different aspects of local representation as they are articulated in state and territory legislation. During the second phase of work councillors and senior staff were interviewed to gauge their experiences, opinions and perspectives on the framework set out in the *Victorian Local Government Act 1989*.

The following section of the paper provides a brief outline of the methodology for this study. Section three presents a summary of the issues raised during the interviews with respect to representative



structures (ward or unsubdivided councils, representation reviews and the number of councillors), views on compulsory voting and a 4 year term of office, the role of the mayor and deputy mayor and the role and remuneration of elected members. This section ends with additional issues raised during the interviews including the need for further training and capacity building for elected members, the consideration of other models for local government and the need for a more diverse profile of councillors. The paper then concludes with a brief summary which identifies areas for further exploration.

## 2 Methodology

The project was carried out in two stages. The first consisted of a review of the legislation, literature and guidelines relevant to local representation. This review was presented at a roundtable discussion hosted by the Victorian Local Governance Association in Melbourne in January 2013 to refine content and stimulate discussion and debate on local government's constitutional structures and the question of representation.

The second phase involved series of seventeen semi-structured interviews and two focus groups with councillors and senior local government staff representing 18 different councils about the findings of the literature review and to identify their experiences of local representation. This document presents the outcomes of these interviews. The interview and focus group questions are presented in Appendix 1. A profile of councils represented in the study appears in Appendix 2. Points raised by the respondents are referenced in this document by interview number corresponding to the list in Appendix 2.

The semi-structured interviews and focus groups were organised around a set of themes which together address the broad topic of local representation. These themes emerged from previous research work and feedback from the sector on the question of local representation. During the interview and focus group sessions participants were asked to reflect on the following.

***Representative structure and decision making:*** The constitutional structure of local governments varies widely across Australia and within Victoria. What are the strengths and challenges of the various structures (unsubdivided, single or multi-member wards and mixed wards)? Does the number of councillors provide adequate representation for the community and what implication does the number of elected representatives have for decision making processes?

***Voting*** is the primary tool used in representative democracy enabling citizens to choose their elected members at local government level. The way voting is done can have implications for citizens' ability to participate and for outcomes.

***Mayor and Deputy Mayor:*** Internationally and in Australia, there is increasing interest in the role of the mayor. The national picture is very mixed in terms of legislation and

practice with some mayors being directly elected and others being appointed by their fellow councillors.

***Role and remuneration of councillors:*** Across Australia the role and scope of councillors' roles and responsibilities varies. Some, for example in Queensland, are expected to dedicate their time and expertise on a full time basis and as a result receive a commensurate payment. In other states councillors are expected to fulfil their positions on a voluntary basis and are paid a smaller allowance or expenses in recognition of their contribution. These two approaches appear to reflect different underpinnings in terms of the importance placed on the role of councillors within the broader political framework.

This paper presents a summary of the content of the discussions as they pertain to the themes above as well as additional areas for consideration as suggested by the respondents. It must be emphasised that the discussion is limited to a description of the points raised. Further thinking is required to analyse the data and consider the implications of the findings for subsequent research and policy work on local representation in the Australian context. In particular more analysis should be done to explore whether councillors' experiences and understanding of their role aligns with policy and legislative expectations.

### 3 Outcomes

This section provides an overview of the outcomes of the interviews with regard to each thematic area in addition to presenting the relevant parts of the Victorian legislation and literature. To begin it is helpful to examine section 3 of the *Victorian Local Government Act 1989* which outlines the purpose, constitution and objectives of a council (see Box 1). It is within this legislative framework that the examination of local representation takes place.

Box 1: The purpose, constitution and objectives of local government

Victorian Local Government Act 1989

3A What is the purpose of local government?

The purpose of local government is to provide a system under which Councils perform the functions and exercise the powers conferred by or under this Act and any other Act for the peace, order and good government of their municipal districts.

3B How is a Council constituted?

A Council consists of its Councillors who are democratically elected in accordance with this Act.

3C Objectives of a Council

(1) The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

(2) In seeking to achieve its primary objective, a Council must have regard to the following facilitating objectives—

- (a) to promote the social, economic and environmental viability and sustainability of the municipal district;
- (b) to ensure that resources are used efficiently and effectively and services are provided in accordance with the Best Value Principles to best meet the needs of the local community;
- (c) to improve the overall quality of life of people in the local community;
- (d) to promote appropriate business and employment opportunities;
- (e) to ensure that services and facilities provided by the Council are accessible and equitable;
- (f) to ensure the equitable imposition of rates and charges;
- (g) to ensure transparency and accountability in Council decision making.

Source: *Local Government Act [VIC] 1989*

#### 3.1 Representative structure

In addition to specifying their purpose and objectives, the *Victorian Local Government Act 1989* (the Act) sets out the constitutional frameworks for all local governments in the state. Part 2, section 5B states that a 'council may be constituted so that it consists of (a) only councillors elected to represent the municipal district as a whole; or (b) only councillors elected to represent individual wards into which the municipal district is divided.'

The first theme addressed in the interviews and focus groups was that of representative structure, or constitutional arrangement, i.e. whether a council is unsubdivided or has been broken down into wards and, where wards exist whether these are single, multi-member or a combination of the two. The final two aspects of representation discussed under this theme were respondents' experiences of representation reviews and whether the number of councillors in their local government area is sufficient to provide fair and equitable representation as required under the Act (s.219A).

### 3.1.1 Constitutional arrangements

The state picture in terms of the constitutional arrangements of local governments in Victoria is mixed (see Table 1). The majority have multi-member wards, followed in descending order by unsubdivided councils, those with a combination of multi- and single member wards and local governments with single member wards only. During the interviews and focus groups councillors and senior staff were asked about their views on these various constitutional arrangements. The outcomes of the interviews are presented below broken down by unsubdivided local governments, and single and multi-member wards.

Table 1: Constitutional arrangements

Constitutional arrangement	State wide		Councils interviewed	
		%		%
Multi member wards	32	41%	11	61%
Unsubdivided	22	28%	4	22%
Mixed single and multi-member wards	13	17%	0	0
Single member wards	11	14%	3	17%
Total	78 <sup>1</sup>	100%	18	100%

Source: based on the VEC (2013) *2012 Local Government Election Results*

### Unsubdivided local government areas

According to the 2012 local government election results published by the Victorian Electoral Commission (2013), 22 of a potential 79 or 28% of councils are unsubdivided. Of the 18 councils that were represented in the interview process 4 were unsubdivided or 22%. This section presents the views of the respondents with regard to the question of the benefits and constraints of this arrangement.

Two respondents indicated that an unsubdivided structure may allow for better quality candidates and a greater chance that the best people are

<sup>1</sup> In 2012 Brimbank City Council did not hold a local government election as it is [at time of writing] currently governed by administrators until March 2015. The total number of local governments holding elections was therefore 78 out of a possible 79 (VEC 2013).

elected to council. For example if two good candidates come from the same local area they can both be on council (interview 3). In addition one respondent stated that more candidates also seem to be standing for election following the abolition of wards in their local government area. This has led to a better diversity of councillors (interview 16).

The issue of adequate representation in unsubdivided local government areas was raised during seven out of the nineteen interviews and was mentioned by all interviewees who came from unsubdivided councils. On a positive note interviewees stated that unsubdivided local governments ensure a broader approach by councillors. It was felt that they govern more generally and for the whole of the local government area. In contrast, in ward structures councillors tend to govern in the best interests of their ward. Councillors focus on the constituents in their wards and will know their interests better than those of residents in other wards (interview 15).

The challenge in unsubdivided councils is to ensure that all communities are represented. 'In local governments where there is a town surrounded by a rural area you may get more elected representatives from the town which skews representation. People in surrounding areas may be un or under-represented' (interview 7). However, despite the possibility that some communities may not be adequately represented in an unsubdivided system several responses from councillors and staff interviewed indicated that in practice was not an issue for them:

Our council was initially divided into wards but following the representation review the Victorian Electoral Commission (VEC) removed the ward boundaries. This works well. There was some concern that the less populated areas of the shire would be under represented but the contrary has happened. In the past council there were 2 councillors from a township of 50 voters where as currently there are 3 from a township of 2,000 (interview 2).

There is currently a good balance and spread of councillors representing the whole local government area. In an unsubdivided council there is always a risk that some communities may feel un or under-represented but given that councillors are elected to make decisions for the whole of the shire this risk should be mitigated (interview 11).

Councillors were not concerned with issues outside of their ward prior to becoming unsubdivided. For example the

planning and re-zoning of an area did not concern councillors who did not represent the ward even though it was an important issue for the council. An undivided area has increased the sense of accountability among the councillors, e.g. since the council has been unsubdivided more councillors have taken an interest in the issues facing a particular community in the area (interview 16).

One respondent also commented that communities of interest may also be better represented in an unsubdivided local government area. 'There are communities of interest within the council which do not necessarily correspond to geographical boundaries, for example, a farmer may want a farming representative on council, or someone may want a councillor who cares about environmental issues to represent them. Community interests are not reflected by geography (interview 16).'

In summary; during discussions on the merits of unsubdivided councils, while adequate representation for all communities was raised as a concern, it was not perceived to be a challenge in practice as councillors take a whole of local government area view when making decisions. One interview explained that elected members overcome parochial views and are encouraged to do so thus taking a whole of council approach to decision making. The healthy culture of council is very important to ensuring that the whole area is considered when making decisions (interview 2). Discussions in another interview echoed this point stating that even though she is elected in her ward this councillor sees the need to take an interest in the whole local government area and keep an eye on issues of global equity throughout the local government area and regionally (interview 10).

Having said that, some of the points made below in the section on subdivided councils contradict the statement that councillors take a whole of council view when operating within a ward structure. For example one strength identified in having subdivisions is that 'councillors become a champion for their ward' (interview 7). This question of if, in a subdivided council, elected members represent their wards or the whole local government area merits further investigation.

One of the drawbacks of an unsubdivided council is that elected members have to be across all issues for the whole area (interview 7). Elected members may address this through an informal division of representation by geographic or interest area. During one interview a councillor explained even though he represents the whole local government area he knows his neighbourhood better. He has good relationships and works



closely with councillors from adjoining areas. In this way there is a *de facto* and informal geographical split among the councillors which corresponds to where they come from (interview 13).

In summary, the main issues raised for local democracy in an unsubdivided area include a stronger opportunity for all of the best candidates to be elected to council even if they come from the same area. Conversely, there is a risk that not all communities will be adequately represented although this was largely discussed in terms of a potential risk rather than a reality. Workload was mentioned as a concern as elected members have to be across issues for the whole local government which contradicts the assertion that in practice councillors make decisions/represent the whole council area.

### *Wards*

The local government acts in all the Australian jurisdictions allow for the establishment of wards within local government areas. The vast majority of municipalities in Victoria are subdivided into wards (56 out of 79 or 71%). In the sample of councils interviewed 14 out of 18 councils or 78% are subdivided.

A question raised during the interviews was the relevance of wards after an election. One interviewee stated that the *Local Government Act 1989* stipulates that elected representatives have to govern for the whole local government area not their ward (interview 17). This was a common perception among the group of interviewees although in fact the *Local Government Act 1989* is vague on this point. Section 5B of the Act states that a council may be constituted of councillors elected to represent the municipal district as a whole or elected to represent individual wards. The individual role of councillors is not specified in the Act (MAV et al. 2012, p.22) and no other mention of the role of the councillor within this Act states that they represent the interests of wards. Descriptions of the objectives (section 3C), role (section 3D) and functions (section 3E) of a council apply to the local community or municipal district, no mention of wards is made.

### *Single member wards*

Three out of the eighteen councils represented in the sample group were made up of single member wards. Two of the interviewees suggested that single member wards make it clear to residents who they could contact if they have concerns (interviews 5 and 7). In addition councillors must have good relationships with elected members from other wards to make sure the whole of council functions well (interview 7). One representative thought it would be easier to work as one councillor in a small ward (she is

currently elected in a multi-member ward). In her view 'you [would] have a better idea of what is happening and a more precise knowledge of the area' (interview 8). Finally when asked about the challenge of making decisions on behalf of the whole municipality in a single member ward system, one councillor replied 'it is not hard to divide attention between the ward and the local area as a whole. Councillors are there to make decisions on behalf of the whole area' (interview 9).

### *Multi member wards*

Multi-member wards are by far the most common structure amongst local governments in Victoria (32 out of 79 local governments or 41% and 11 out of the 18 local governments represented (61%) in the sample of interviews). It was during discussions about this configuration that the effect of party politics was mentioned and the importance of collaboration amongst councillors was emphasised.

If there are several political parties represented this may create complexity in terms of councillor interactions (interview 7). In a multi-member ward representatives have to compete for positions in a proportional representation model. Ideally this provides greater opportunity for residents to have an elected member who represents their interests on the council. The reality is that these councillors have been in competition with each other during the election and often newly elected councillors meet for the first time following an election. If the campaign has been vigorous this can lead to a very difficult dynamic among representatives of a multi-member ward. This may continue to reverberate throughout the life of the council. If the election is party political this can also influence the dynamic among councillors making it harder for them to cooperate as they are positioning themselves in line with party expectations and for the next election. The mayor can play an important role in ameliorating this situation and improving this dynamic. The CEO also often plays a role of facilitating or ensuring facilitation of the councillor groups to improve their working relationships (interview 14). Having said this it is also possible that the mayor participates in party political dynamics this exacerbating these divisions.

Collaboration was also repeatedly mentioned as important generally and more specifically in discussions about multi-member wards. In multi-member wards representation works best when councillors collaborate and share workloads (interviews 15 and 17). One councillor explained that she splits the work on a geographic basis with her colleague. This is not a hard and fast rule. They let the residents decide who they want to invite to meetings and sometimes they will both attend the same event (interview 10). In another local government the elected member

commented that good relations among councillors enable them to function well. They also tend to stick to former geographical boundaries in their work. It is very important to keep lines of communication open among elected representatives for the ward and also the council (interview 12).

The division of work through a portfolio system was mentioned as a tool for collaboration and stronger representation. It is important for councillors to collaborate and share workload. One way of doing this is to define portfolios as is formally done in Geelong. Councillors come from all professions and walks of life and therefore have natural areas of skills, expertise and interests (interview 7). In other local governments advisory committees play an important role in helping councillors to understand a particular issue. In one council interviewed, citizens are voted onto these committees. The committees consider issues such as audit, finance, environment, heritage, disability, arts and culture, tourism and economic development. There is a councillor on each of these committees (interview 11).

There was some discussion during the interviews of the relative merits of the multi-member ward system in terms of representation. Multi-member wards may provide communities with a wider variety of candidates to choose from and to represent their interests (interview 6). In multi-member wards there is always someone there for constituents (e.g. in single member wards if someone is ill, on leave or absent for any reason there is no one to represent the community or for the community to speak to). In a multi member ward people have someone local to contact on issues of concern. If a ward is geographically large two representatives may be required to provide adequate representation. In one councillor's experience residents tend to contact different representatives for different issues (e.g. sports facilities, small business, education etc.) based on their interests so the work is divided informally (interview 5).

In terms of ward structures the picture in Victoria is mixed with many councils having single or multi-member wards. The merits of each were discussed during the interviews. Interestingly the issue of party politics arose during discussions of multi-member ward structures. This question may merit further exploration, i.e. whether the constitutional structure of a local government area may play a role in influencing party political behaviour. The division of responsibilities or areas of expertise were also mentioned by councillors and staff within the context of multi-member wards.

### 3.1.2 Representation reviews

The *Local Government Act 1989* sets out the requirement for local governments to undergo representation reviews on a regular basis to ensure fair and equitable representation (see Box 2).

Box 2: Representation Reviews

#### **Victorian Local Government Act 1989**

##### 219A Purpose of this Division

The purpose of this Division is to provide for independent reviews of electoral representation by all Councils on a regular basis to provide for fair and equitable representation.

##### 219C When is a review required?

(1) A review must be conducted—

- (b) before every third general election so as not to commence until 2 years before that general election; and
- (c) in respect of a particular Council, at any other time specified by the Minister by a notice published in the Government Gazette.

##### 219D Purpose of review

(1) The purpose of a review is to recommend—

- (a) the number of Councillors and the electoral structure that provides fair and equitable representation for the persons who are entitled to vote at a general election of the Council;
- (b) if the municipal district is to be divided into wards, boundaries for the wards which—
  - (i) provide a fair and equitable division of the municipal district; and
  - (ii) satisfy paragraph (c);
- (c) if paragraph (b) applies, whether the number of voters represented by each Councillor is within 10% of the number derived from the following calculation—

$$\frac{C}{V} \quad \text{where—}$$

V is the number of persons who are entitled to vote at a general election of the Council;

C is the number of Councillors elected to represent individual wards.

Source: *Local Government Act [VIC] 1989*

The Victorian Electoral Commission (VEC) is responsible for carrying out these reviews determining the number of councillors and their constitutional structure (wards boundaries, unsubdivided etc.) of local governments. The *Victorian Electoral Commission's Report on Local Government Electoral Activity 2008-09* provides an analysis of information and factors that they consider when looking at varying councillor numbers. The VEC (2009) outlined the principles it uses to determine the appropriate number of councillors a local government should have.

In order to determine a number of councillors that would provide fair and equitable representation in a municipality, the VEC considered that it was essential to develop a set of rational considerations to be applied in a consistent, state-wide manner. The VEC considers that there are three major factors that should be considered:

- the diversity of the population;
- councillors' workloads; and
- the desirability of preventing tied votes.

#### *Population diversity*

There should be the opportunity for voters to elect councillors representing the diversity of the municipality. That is, major communities of interest within a municipality should be understood by the council and represented according to their wishes. The primary indicator of a municipality's diversity is its population size and the type of municipality. The larger the number of communities of interest there are likely to be, both geographic and non-geographic. The type of municipality also needs to be taken into account when considering diversity, as a rural municipality with a geographically dispersed population and towns which have very different characters may have a larger diversity of needs than an equivalent sized population living in a densely-populated metropolitan area.

There may also be other factors leading to diversity in a municipality due to differences within the population, as a result of age, background or economic status. The more diverse a municipality is, the larger the number of councillors should be.

#### *Councillors' workloads*

The councillors' workloads need to be reasonable for them to effectively represent their constituents. The VEC considered the following to be the major factors affecting councillors' workloads:

- Number of voters
- Type of municipality (rural or metropolitan)
- Geographic size, shape and topography
- Population growth rate

- Social diversity of the municipality
- The presence of *high-needs or low-needs groups* (e.g. non-resident rate payers)

#### *Preventing tied votes*

A third factor considered is the risk of deadlocks when the council has to make decisions. Although the Victorian Local Government Act permits any number of councillors between 5 and 12 inclusive, the VEC is generally reluctant to recommend a total number of councillors which is even.

The VEC believes that these principles are best practice for determining the appropriate number of councillors for a municipality. In the absence of any indication from the Government to the contrary, the VEC will continue to base its recommendations on these principles (2009).

Despite these diverse criteria, during the interviews respondents felt that population was the main priority for carrying out changing ward boundaries. Numbers are taken as an objective measure to help to make the division of councils into wards fair. Limiting population variation among wards to +/- 10% as set out in the *Local Government Act 1989* means that the priority is often numbers of residents in an area rather than communities of interest or how residents use the space. More consultation should be carried out with councillors when ward boundaries change to ensure that as far as possible, community interests are taken into account (interviews 7 and 18). It should also be remembered that an increase in the number of councillors requires more support from the organisation and has implications for staff (interview 4).

One interviewee explained the representation review process for his council. The VEC proposed boundaries, which were better aligned to state electorate boundaries and followed main roads. This met with some opposition as these boundaries did not reflect how residents used the space (e.g. residents would be in a different ward to a shopping centre they used on a regular basis). The alternative solution was the multi-member ward system which is currently in place. A regular review of boundaries will continue to take place especially in metropolitan areas as the population is growing quickly (interview 12).

In the final interview the issue of public engagement was raised. Whilst the assessment criteria for representation reviews are adequate, the general apathy of the community to these reviews can result in minority

views being given priority without adequate consideration of balanced representation and communities of interest. Reviews are helpful to ensure an equitable distribution of voters per councillor or ward etc. Electoral structure does impact on political leadership and decision-making, particularly in multi-member wards, by increasing the influence of “donkey” votes. The outcomes of reviews do impact on good governance and democracy by influencing outcomes of elections depending on the groups/individuals that may be standing as candidates (interview 19).

### 3.1.3 Number of councillors

The number of councillors in a local government area is an important factor in determining equitable and fair representation. Section 5B of the *Local Government Act 1989* states that ‘a council must consist of not fewer than 5 councillors and not more than 12 councillors.’ An analysis of councillor numbers across the state (see Table 2) shows that the majority of municipalities have either 7 or 9 councillors and this is reflected in the interview sample with 16 out of the 18 councils having either 7 or 9 councillors.

Table 2: Number of councillors

	State wide, n=78	Sample, n=18
5 councillors	6	
6 councillors	1	
7 councillors	33	9
9 councillors	26	7
10 councillors	2	
11 councillors	9	1
12 councillors	1	1
Total number of councils	78	

Source: adapted from VEC (2013) *2012 Local Government Election Results*

Table 3: Ratios of electors to councillors

Lowest ratio	Hindmarsh Shire Council electors 3,396: councillors 6	ratio of 566:1
Highest ratio	Casey City Council electors 169,519: councillors 11	ratio of 15,411:1

Source: adapted from VEC (2013) *2012 Local Government Election Results*

Most of the respondents felt they had the correct amount of councillors. Comments included:

Seven is about the right number of councillors we are geographically large and 5 would limit their ability to adequately represent the whole area (interview 1).

Nine is the right number. It allows for good representation ... and assists in the decision making process (interview 2).

According to one respondent, differences in representation ratios (see Table 3) do not matter too much as long as communities of interests are adequately represented. In this way large numbers of people with similar interests can be effectively represented by one elected member (interview 3). When interviewees considered the option of changing the number of councillors it was generally in terms of a reduction:

Seven is a good number of councillors. It allows for a good mix of views and means there is enough time at meetings to allow everyone to have their say. If there were more councillors it is possible that there would not be enough time to allow everyone to contribute to a discussion or debate. With nine councillors some might get left out and there is a greater risk of factions developing with the group (interview 3).

Seven is a good number of councillors if this were altered then it would be better to reduce rather than increase it (interview 6).

Nine councillors is about the right amount. Any more councillors and you would be getting in each other's way (interview 8).

In councils which are experiencing growth the VEC representation review process often results in an increase in councillor numbers. This can have a significant impact on how the council functions. In one council an increase in number (from 9 to 11) to reflect a growing population was accompanied by a high turn-over in elected members which mirrored the changing demographic profile of the community. These two changes affected the dynamics and functioning of the group. As a result councillors had to think more carefully about their roles. The organisation had to respond to the



growing interest in councillors not just being generalists but allowing them to get involved in issues and with the community in more depth. Their focus and influence on council has grown and their desire to make a difference within their four year term has seen a keen interest amongst the councillors in moving to a portfolio system (interview 4).

A seven member council can pose a particular challenge in the Victorian context of a mayor elected by councillors. During several interviews both councillors and staff highlighted this challenge. 'There is a flaw in the election of the mayor by councillors when there are seven elected members in that four can decide amongst themselves who will be mayor and the remaining three have no say in the matter' (interview 9). And 'at the moment the salary attached to the mayoral position can be seen as the spoils of office to be shared around among councillors. What can happen is a four/three split among councillors where four elected members work together to make decisions and share the mayoral role. This can be a negative and divisive situation, which places a burden on the CEO' (interview 14 and also mentioned in interviews 9 and 18). Although this was discussed in the context of a seven member council this division of elected members can occur in other configurations. It is not inconceivable for example for a block of 6 councillors on a council of 11 to determine the mayoralty for the term in advance. Therefore it may not be the fact of having seven councillors which is the causal factor but rather the fact of having the mayor elected by council which results in this split.

There are other challenges brought about by increasing the number of councillors. 'The move from 9 to 11 councillors has made a big difference in terms of the group dynamic' as mentioned in interview 4 above. This change in group dynamics when council moves from 9 to 11 members and the split amongst councillors as a result of voting for the mayor need to be examined further to understand the implications for effective local representation.

## 3.2 Voting

Voting is the primary tool used in representative democracy enabling citizens to choose their elected members at local government level. The way voting is done can have implications for citizens' ability to participate and for outcomes. Legislative requirements for voting at local government level vary among the different states. In Victoria it is compulsory to participate in local government elections if you are eligible to vote as it is in Queensland, New South Wales and the Northern Territory. In South Australia, Tasmania and Western Australia it is optional.

### 3.2.1 Compulsory or optional

When asked if voting at local government level should remain compulsory or should become optional seventeen out of the nineteen people interviewed said it should remain compulsory. Reasons for this include:

- a) the need to reflect the interests of the whole community:

[Compulsory voting] ensures that the outcome of an election best reflects the community's interests. If it were optional then there would be the danger of interested parties and squeaky wheels dominating the council. It would change the nature of campaigning if candidates were trying to get people to vote as opposed to communicating their positions. Voting is part of being a citizen (interview 5).

If voting at local government level were optional we would run the risk of a vocal minority or interest group influencing the vote. Compulsory voting ensures a more even and legitimate representation of residents' interests (interview 9).

- b) raising the profile of local government:

Voting should definitely be compulsory. Local residents should be encouraged to engage better with local government, to know who their councillor is, what they stand for and have a sense of how a council is performing (interview 14).

Voting should remain compulsory to ensure good representation. Most people don't think about the services that local government provides (interview 15).

c) valuing democracy:

Voting should remain compulsory. Voting and being part of a democracy is a privilege and should not be optional (interview 4).

### 3.2.2 Postal or attendance

In Victoria the majority of 2012 local government elections were carried out by post (see Table 4).

Table 4: Postal and attendance voting in Victoria

Postal election in 2012	70
Attendance election 2012	8
Total	78

Source: adapted from VEC (2013) *2012 Local Government Election Results*

Opinions amongst the interviewees were fairly evenly split as to whether postal or attendance voting was preferable. Arguments for postal voting included that it was cost effective. 'Postal voting saves the council nearly \$200,000 per year and is very efficient in that regard' (interview 11). It is also a very practical approach for geographically large local governments with comparatively small populations or a large numbers of non-residents (interview 10). There are also some arguments that the format of postal voting (i.e. the inclusion of a short statement from each candidate with the ballot papers) gives the electorate the time to consider the options and make a more informed choice (interviews 13, 16 and 19). There was recognition however that postal voting comes at the expense of opportunities to meet candidates (interviews 15, 17, 18). Three interviewees indicated that postal voting may encourage a wider number of candidates to run for office (interview 2, 4, 18).

Support for attendance voting was also strong. It gives residents the opportunity to meet candidates and raises the profile of local government (interview 1 and 13). Some respondents felt that attendance voting also strengthened democracy at the local level (interview 12). In one view, making a selection based on a 150 word profile during a postal voting process does not contribute to local democracy. Attendance voting may be better for engaging people in democracy. It is a more visible expression of communitarianism (interview 14).

### 3.2.3 Three or four years

All states and the Northern Territory have a four year term for local councils. The only variation is whether members are all voted in together for a four year term (NSW, NT, QLD, SA, VIC) or if there are elections every two years for half the council (TAS, WA).

Among the group interviewed, there was general support for the move to a four year term. All respondents except for one felt four years was a more appropriate arrangement. It gives councillors time to realise longer term plans or achieve significant change (interviews 1, 3, 6, 13, 16, 18). The longer term gives members who are new to council time to learn how the organisation works, how to collaborate with other levels of government and the best way to achieve their goals. For example in 2008/09 one council discussed the idea of building a playground for children with learning disabilities. It took until 2013 to build it (interview 2). On a more practical level the four year time frame fits in with the state government cycle and is offset so elections happen every two years (interview 11).

From an operational point of view, four years is a good length of time for a term. Change and change activities can take up to five years to complete. But after about three years councillors do start to get tired and four years is a long commitment. In addition the election is held at the end of October. This only gives six weeks before the Christmas break and January holidays. There is a lot to do in that short time to get councillors ready for the coming year and to ensure they are in a position to meet their obligations to adopt the council plan by June. There is merit in the two year half in half out model as it would ensure a certain and constant level of experience on council (interview 15).

Five years would be too long a time frame without asking the electorate what they think (interview 3). Four years is a significant commitment by councillors but it is more effective in terms of costs and consistency (interview 5). But a four year term may have implications for achieving a more diverse councillor profile as potential candidates are less willing to commit to a four year term (interview 19). A three year term may make the role more attractive to a wider range of people as it is a shorter time commitment (interview 5) but it also pushes councillors to think about the next election rather than concentrating on long term goals (interview 12).

In terms of voting there was consensus that voting should remain compulsory and mixed views on whether postal or attendance voting were

preferable. Finally there was also broad agreement that a four year term of office was an appropriate length of time.

## 3.3 Role of the Mayor and Deputy Mayor

### 3.3.1 Mayor

Internationally and in Australia, there is increasing interest in the role of the mayor. The national picture is very mixed in terms of legislation and practice with some mayors being directly elected and others being appointed by their fellow councillors. The Victorian *Local Government Act 1989* describes the election and precedence of the mayor but says little else about their role (see Box 3).

Box 3: Election and role of the mayor

#### **Victorian Local Government Act 1989**

##### 71 Election of Mayor

- (1) At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.

##### 73 Precedence of Mayor

- (1) The Mayor of a Council takes precedence at all municipal proceedings within the municipal district.
- (2) The Mayor must take the chair at all meetings of the Council at which he or she is present.
- (3) If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.
- (4) An acting Mayor may perform any function or exercise any power conferred on the Mayor.

Source: *Local Government Act [VIC] 1989*

The *Good Governance Guide* (MAV et al. 2012) provides further useful information on the functional powers of the mayor which include acting as the spokesperson for the council, as an important community leader and as the leader of all the councillors. His or her key governance roles include chairing council meetings effectively so that all councillors have the opportunity to be heard and to provide balanced group facilitation of discussions, promoting good relationships among councillors and with staff, managing and modelling good conduct (pp. 18-19).

Many of the interviewees identified leading the council and chairing meetings as main responsibilities of the mayor. 'Their job is to take on a leadership role, to chair meetings, to act as the face of the shire but they have no more power than other councillors' (interview 7). The mayor is the ceremonial head of the council. The community requires the role of mayor to represent the council and their area, i.e. to be the public front of the organisation and the community. The mayor also has a role in ensuring that councillors function well as a team (interview 6). Several of

the people interviewed expressed similar view points on the importance of the leadership function of the mayor in terms of the council and the community and felt comfortable with the limited power of the position (interviews 1, 2, 3, 7, 15, 17 and 18). One councillor felt that the mayor does not have the power he or she should have. In their view, the mayor should have the ability to change policy if that is what the residents want and the power to direct the CEO and council staff (interview 9). One councillor identified an emerging role for the mayor in terms of emergency management. This position is an important link between the agencies (government or otherwise) involved in dealing with an emergency. The mayor also has a part to play in supporting and leading the community at a time of crisis (interview 2). When asked, most interviewees felt that the role of mayor is a full time position.

The relationship between the mayor and CEO is an important one. Recently Martin and Aulich (2012) explored this relationship in some depth in their publication *Political Management in Australian Local Government: Exploring Roles and Relationships between Mayors and CEOs*. During many of the interviews the importance of this relationship and communication between the two posts was raised (interview 10, 11, 14). The mayor needs to work well with the CEO. The mayor also has to ensure a good working relationship among councillors to resolve disputes and enable them to work as a team. There is an element of statesmanship involved in the role (interview 5). 'The mayoralty is about making the whole government function, making it work better with greater consistency' (interview 14).

### 3.3.2 Deputy Mayor

There are no provisions in the *Local Government Act 1989* for the election of a deputy mayor although some councils do choose to appoint one. According to the *Good Governance Guide* (MAV et al. 2012), the Act does not prescribe a role or permit a level of remuneration over and above that available to councillors. For councils that have a deputy mayor, the position is in name only. A deputy mayor is not able to automatically step into the role of mayor if this becomes necessary. An acting mayor must be appointed when the role is required and this does not have to be the deputy mayor (p.19).

There were some mixed views among the interviewees on the role of the deputy mayor although most felt it was a useful position. The main purpose was to stand in for the mayor when he or she is out of the local government area or to provide assistance when needed. 'The deputy mayor is a useful position as the mayor is unable to do everything that is required. It is important for there to be a face and title to leadership of

the council even if this is only ceremonial' (interview 12). Most interviewees agreed with the usefulness of the role.

This position is a legitimate and practical measure to ensure the leadership and governance of the council (interview 14).

A deputy mayor is useful for sharing the workload. If the mayor has a conflict of interest then the deputy mayor can step in (interview 15).

The role of the deputy mayor is to support the mayor when she is unavailable. There is also an informal role of signalling if something is not right to the mayor and/or the CEO when necessary. Although this falls to all councillors, the deputy mayor has a particular role in this regard. There is an expectation that the deputy mayor will pick up on things that the mayor might miss. If the mayor can't make an appointment then the deputy mayor is asked to attend. A councillor with an interest in a particular issue may be asked instead of the deputy mayor if appropriate. The deputy mayor also assists with citizenship ceremonies (interview 16).

A few councils in the sample group did not have a deputy mayor and made arrangements to deputise on a case by case basis. 'Our council does not have a deputy mayor and doesn't need one. If the mayor is unable to attend an event or function then he or she appoints the most appropriate councillor based on their interests and expertise. This system works well' (interview 3). 'We have no deputy mayor. At the moment the previous mayor steps in to deputise when necessary e.g. to chair a meeting' (interview 8). In terms of capacity building, the deputy mayor position can offer a training role for aspiring mayors. Conversely former mayors can play a mentoring role in this position supporting current mayors (interviews 13, 15, 17 and 18).

In general it was agreed that the role of the deputy mayor was not well defined and in one interview the issue of the deputy mayor allowances was raised. 'The deputy mayor receives no greater reimbursement for taking on this role. He or she gets the normal councillor allowance. However the deputy does perform a lot of the mayor's tasks. The deputy's role is an important one it helps to decrease any sense of isolation a mayor might feel as they have a deputy with whom to consult' (interview 13). An increase in allowance would require the formalisation of the position which some of the interviewees welcomed. 'The role of the deputy mayor should



be more formalised with accompanying remuneration to acknowledge the role' (interview 10).

### 3.3.3 Directly elected or elected by councillors

There are only two directly elected mayors in Victoria, in Geelong and in Melbourne. It is beyond the scope of this paper to determine the merits of this model but the interviewees were asked their views of the advantages and constraints of a mayor elected at large by residents versus one elected by councillors. In Victoria, as described above in Box 3: Election and role of the mayor' the *Local Government Act 1989* provides for the election of the mayor by councillors either every year or every two years.

Opinion was fairly evenly split between those who supported the election of the mayor by councillors and those who were undecided. A couple of interviewees were in favour of a mayor elected at large. The following points were raised in support of a mayor elected at large by those who were undecided or in support of the idea.

A directly elected mayor would have the time, mandate and capacity to realise their objectives. They have more legitimacy in taking on a leadership role within the council and would reduce the amount of jockeying that comes with the current position (see the section above on the number of councillors) (interview 4).

The mayor would need to be relatively well known in order to succeed (interview 5).

The community is able to make determinations about the capacities of candidates and decide who they feel should be mayor. In this way a directly elected mayor would be a more democratic process (interview 10).

It takes time for new mayors to get up to speed on regional, state-wide and national issues (interview 19).

One interviewee considered that a mayor elected at large provides greater stability in terms of governance and would make better use of the resources that are currently expended in jockeying for the position. In addition a mayor elected for a four year term would have the time and perhaps motivation to attend training in order to best fulfil the duties of the office (interview 14).

Finally one councillor suggested that a blended model might work best with mayors elected at large for larger metropolitan councils and mayors elected by councillors in smaller rural and regional areas where a popularly elected mayor may result in candidates from towns and settlement areas being elected who do not represent the wider area (interview 15).

There was some concern that a mayor elected at large may not attract enough candidates or candidates with suitable qualities to the post. 'There may be fewer candidates who stand for the position of directly elected mayor because of the high cost of campaigning and the fact that it is a lot of work' (interview 16). The demands of a campaign may restrict the number of people who are able to run as they may not have the resources (interviews 7 and 17).

The main reason given as to why the councillors and staff interviewed preferred that the mayor be elected by representatives was that this position required the support of members of the council. 'A directly elected mayor may not have the confidence and support of other councillors. This situation may not result in effective representative democracy. In a similar way to state and federal elections, residents elect a group to provide formal leadership so it makes sense for the councillors to elect the mayor' (interview 11). When a majority of councillors have voted for a mayor it creates a better team (interviews 1, 6 and 18).

Many interviewees also felt that councillors were in a better position to judge the strengths and weaknesses of their colleagues and also what the community needs. 'This puts them in a good position to select a suitable mayor' (interview 7). Similarly there was concern that the community were not fully aware of the qualities of a candidate and unable to make an informed decision of who should be mayor (interviews 9 and 13).

Overall then there seems to be clarity on the role of the mayor but the deputy mayor position remains ambiguous. On the question of a directly elected mayor; while some of the councillors and staff interviewed felt it had merits as a model many felt that, given the current structure, having the mayor elected by councillors was more appropriate.

### 3.4 Role and remuneration of councillors

Across Australia the role and scope of councillors' roles and responsibilities varies. Some, for example in Queensland, are expected to dedicate their time and expertise on a full time basis and as a result receive a commensurate payment. In other states councillors are expected to fulfil their position on a voluntary basis and are paid a smaller allowance or expenses in recognition of their contribution. These two approaches appear to reflect different underpinnings in terms of the importance placed on the role of councillors within the broader political framework.

Box 4: Role and Functions of a Council

#### 3D What is the role of a Council?

(1) A Council is elected to provide leadership for the good governance of the municipal district and the local community.

(2) The role of a Council includes—

- (a) acting as a representative government by taking into account the diverse needs of the local community in decision making;
- (b) providing leadership by establishing strategic objectives and monitoring their achievement;
- (c) maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;
- (d) advocating the interests of the local community to other communities and governments;
- (e) acting as a responsible partner in government by taking into account the needs of other communities;
- (f) fostering community cohesion and encouraging active participation in civic life.

#### 3E What are the functions of a Council?

(1) The functions of a Council include—

- (a) advocating and promoting proposals which are in the best interests of the local community;
- (b) planning for and providing services and facilities for the local community;
- (c) providing and maintaining community infrastructure in the municipal district;
- (d) undertaking strategic and land use planning for the municipal district;
- (e) raising revenue to enable the Council to perform its functions;
- (f) making and enforcing local laws;
- (g) exercising, performing and discharging the duties, functions and powers of Councils under this Act and other Acts;
- (h) any other function relating to the peace, order and good government of the municipal district.

(2) For the purpose of achieving its objectives, a Council may perform its functions inside and outside its municipal district.

#### 3F What are the powers of Councils?

(1) Subject to any limitations or restrictions imposed by or under this Act or any other Act, a Council has the power to do all things necessary or convenient to be done in connection with the achievement of its objectives and the performance of its functions.

Source: *Local Government Act [VIC] 1989*

### 3.4.1 Role of a councillor

In answer to the question of 'what is the role of a councillor?' the majority of responses were that they represent their constituents, ward or residents. This was articulated in terms of a spectrum ranging from ensuring residents get adequate service delivery/value for money from council to strategic planning and decision making.

In order to represent their communities well there was recognition of the need for councillors to understand the view points and needs of residents. 'A councillor should consult as much as possible to make sure they understand the interests of the community' (interview 8). 'A councillor represents the community ... They identify the needs of residents and push for those needs to be met' (interview 13). In addition to representing the community's interest to council, elected members should also make sure the resident's needs are addressed at state and federal level (interview 1).

This link between the community and the organisation was articulated in several other important ways. Councillors can act as a feedback mechanism from the community to the organisation. They provide information as to how the community is experiencing the organisation's services and can provide indications of what could be improved. They communicate to residents the various priorities of the organisation and how decisions are made (interview 4, 5, 11 and 16).

During two interviews the question of a board of directors was discussed. 'Councillors in this local government function as a board of directors. They set the direction of the council and try not to get involved in operations. They stay out of the detail. Sometimes this is difficult when constituents come to their elected representatives with operational problems (but this is part of the job)' (interview 3). In another interview the respondent explained that he sees himself as a decision maker on a board of directors for the council. He represents his constituents and brings fresh ideas to the running of the council administration as well as elected body. Being a councillor requires a range of skills and knowledge areas. Councillors have to cover a wide range of topics in their work. Many councillors do not understand this when they are newly elected (interview 12).

Informed decision making was raised by several of the interviewees, stating that councillors use their own judgment to make informed decisions. This is done through listening to the community, considering relevant information provided to them by staff and their own knowledge in order to take a considered view point on an issue. In addition councillors have a role to play in communicating to residents why a decision, with which they may not agree, was taken (interviews 3, 7, 10). Residents

may not have the required understanding of an issue or of the big picture in order to make informed decisions. 'By electing us the community has said that they value our judgement' (interview 10).

During only one interview the role of strategic decision making was mentioned. 'The councillor's role is to ensure that policy and strategic decision making reflect community expectations ... Councillors set the strategic and policy direction of the organisation.' This respondent also described the spectrum of roles elected members perform. 'How councillors execute their role is based on the individual, some spend a lot of time helping residents navigate council bureaucracy while others focus on strategy and policy' (interview 15).

During three interviews the scrutiny role of councillors was raised. Elected members 'play a scrutiny role, questioning how things are done in the organisation and whether a particular program or activity is the right thing to spend money on over another priority' (interview 5). In a similar vein councillors also have a role in assuring service delivery and value for money. The role of the councillor is to make sure that there is a balance between service delivery and cost. 'We don't want to burden residents with rates that are too high. A councillor needs to ensure value for money' (interview 8). Another councillor felt that she was elected to pursue the issues promoted during her campaign: rate control, beautifying the shire, sticking to core services. She was elected to manage the shire on behalf of residents (interview 9).

Finally when describing the role of councillors several people indicated that they have to work collaboratively with their colleagues. Councillors must respect each other even if they disagree with each other's views. They can debate, gather issues and make their points of view known but once the decision is made it is their role to support council's position. The only exception is if a member has uncovered new information which may alter the decision (interview 11). Because the local government model is not one of parties in opposition, councillors are required to work together to govern collaboratively. Conflict between councillors can dramatically increase the workload of the CEO and directors of an organisation (interview 14).

### 3.4.2 Allowances

In Victoria, under the Act, councillors are entitled to receive remuneration in the form of an allowance. Mayors are entitled to a higher allowance. The state government sets the upper and lower limits for all allowances paid to elected members and mayors. Soon after being elected each

council (with the exception of the City of Melbourne which has its allowances fixed separately) determines the precise annual amount that will be paid to the mayor and councillors (Department of Planning and Community Development 2012).

Box 5: Councillor and Mayor Allowances

#### **74 Councillor and Mayoral Allowances**

A Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later.

Source: *Local Government Act [VIC] 1989*

There was recognition throughout the interviews that the comparatively low allowances provided to councillors may be a barrier to attracting a more diverse range of candidates. 'The net allowance for councillors and a low mayoral allowance are insufficient to attract younger people and single parents and highly skilled people. If they stay at the same level, the current demographic/age group of councillors will remain the same regardless of any programs put into place' (interview 2). And similarly, 'if being a councillor were a full time role and paid as such it may open it up to a wider range of candidates' (interview 13). Interestingly there was some caution about advising an increase in allowances in the sense that councillors should not be paid too much. They need to be community minded (interview 13) or if it were paid too much it would attract the wrong kind of people (interview 18).

Higher allowances were also justified on the basis of better recognition of the councillor role. Residents are generally reluctant to increase politicians' pay or allowances but the role does involve quite a bit of work in terms of engaging with the community, research and preparation to understand issues sufficiently to make informed decisions (interview 5). According to another interview, the role of a councillor can be done on a part time basis but the allowance is not sufficient. Councillors make powerful and influential decisions and this should be recognised. In addition there is a lot of time and travel involved. The discrepancy between the allowances given to mayors and councillors can be undermining. The low level of remuneration does not encourage councillors to do more than they have to. 'It certainly doesn't give a business person enough to compensate some of their down time in having to employ someone to replace them, and this is a shame, so the roles fall upon those with flexible jobs or generous retirees, and there has never been a better time for women to step up, but not all have the

assertiveness or skills needed or are already bogged down in the huge demand for volunteerism in the shire' (interview 10).

As to whether the role is part time or full time views were mixed among the sample group with some respondents feeling it was a part time role (interview 1) and that if it were full time and paid as such there would be little to distinguish it from council staff (interview 3). Finally there was also a view that local government cannot afford to pay councillors on a full time basis. The role of the councillor should remain part time and firmly rooted in the community (interview 11).

The majority of respondents, however, did feel that being a councillor was a full time role. It can be hard to juggle council responsibilities and full time work (interview 6). There will come a time when full time employment of councillors in some shires/councils will have to be seriously considered as it has elsewhere (interview 2). And several other interviews expressed similar opinions (interviews 8, 9, and 12).

### **3.5 Issues arising from the interviews**

Apart from the interview questions posed, respondents were also asked their thoughts on what is required to strengthen local democratic governance. There were several sets of responses to this question: a need for training, a need to consider other constitutional models for local government and a need to improve the diversity of councillors.

#### **3.5.1 Training**

Six of the nineteen interviewees mentioned the need for training of councillors and candidates as a means to improve local democratic governance (interviews 1, 6, 4, 11, 16, 15). In their view, newly elected councillors should receive training. Local government is evolving. It is no longer just a lower end service provider but a multi-faceted business and service provider. It no longer just deals with roads rates and rubbish but looks after an ever increasing and wider variety of issues, for example, ensuring affordable housing for an ageing population (interview 2). Equally, more work could be done to provide training for candidates who wish to stand for election so that they better understand the role of councillor and develop the knowledge and skills to carry out their duties should they be elected (interview 11). Councillors or candidates with particular skills could be exempted from some areas of training (e.g. accountants might be exempt from training on council finances) (interview 16).

In one council, training is dealt with as one piece of the capacity building puzzle required to enable elected members to carry out their roles well.

Training is accompanied by an on-going program of support. In this council a particular approach to briefing councillors has evolved. In the past briefings were based on council officer reports. Officers were seen as subject experts providing background information to enable councillors to make decisions. This has evolved to a more collaborative and iterative way of defining questions and seeking information. Councillors are now more involved in conversations to explore issues, bring in stakeholders and experts to gather information and use different media to explore ideas (e.g. videos, expert interviews etc.). Councillors participate in the process of defining the information that needs to be gathered and in the research process itself. This takes the pressure off them from having to read and process large amounts of data at one time (e.g. business papers) as their understanding of an issue is built over time. It enables them to make better and more strategic decisions (interview 4).

Finally two of the respondents mentioned that work could be done to strengthen the community's understanding of the role of local government. Teaching civics at school should be strengthened so that citizens grow up with a better understanding of how democracy works and the role of local government (interview 2 and 15).

### **3.5.2 Other models of local government**

In keeping with current policy debate on the size of local government and its perceived efficiency in delivering services, two people interviewed suggested that local governments be re-organised into larger units.

Local government is too small. A more effective arrangement would be a two tier government with the establishment of larger regional councils that look after big ticket items which relate directly to federal government (i.e. no state government). This would attract better candidates to the role and would ensure that local governments had strategic capacity in terms of scale and scope. It would lift the role of the mayor and that of councillor. The number of councils in Victoria could then be reduced from 79 to approximately 30 (interview 17).

One interview discussed the possibility that larger local government areas for metropolitan areas with populations of about 500,000 may be more effective and provide better scrutiny. This larger local government could have 25 councillors which would be sufficient in numbers to create an opposition to monitor the work of the party in power. While this does push local government further into the party political sphere, we would gain the benefits of greater scrutiny of locally elected members and reduce incidences of corruption. It would also have the added advantage of



efficiencies of scale in terms of providing services and maintaining infrastructure. The current structure is out-dated and requires reform. If councils were larger with 25 councillors then there may be more reason to consider a directly elected mayor who serves a 4 year term (interview 12).

### **3.5.3 Better diversity of councillors**

During one interview a councillor explained that residents often comment that she is younger than expected. There is still the stereotype that councillors are older men. More work could be done to improve the diversity of councillors. Residents need to understand that a wide variety of people are able to be councillors as long as they have good reading and communication skills. The four year term and low allowance are barriers to facilitating a wider diversity of candidates and councillors. In addition, the way that council does business could be improved to accommodate caring roles. The current meetings schedule leaves little time for councillors to check on children or other dependents. In addition the council chambers are not accessible to someone in a wheel chair (interview 5).

## 4 Summary

This report provides an overview of the outcomes of discussions with councillors and senior staff on the challenges of local democratic representation. The interview process follows on from a comparative review of the legislative frameworks governing representation carried out by the Australian Centre of Excellence for Local Government in conjunction with the Victorian Local Government Association (see Tan and Grant 2013). All together nineteen interviews and focus groups were carried out. The semi-structured sessions were organised around the four themes of representative structures, voting, the role of mayor and deputy mayor and finally the role and remuneration of councillors. A final section has been added to present the suggestions and observations made by respondents on the challenges of representation which do not sit within these categories.

In terms of representative structure respondents discussed the relative merits of unsubdivided and divided councils. Uncertainty remains as to whether, in a ward system, councillors make decisions based on the interests of their ward or for the whole local government area. There is some ambiguity on this point as reflected in the discussion. There is also a question around at which point party politics becomes important in a local government system. Evidence gathered through the interviews indicates that party politics may play a stronger role in multi-member ward systems. However, much more research and investigation needs to be done in order understand this question and the other variables which determine the role that party politics plays.

Representation reviews and the number of councillors are also important features of a local government's structure. The predominance of population as a determinant for changing ward boundaries was raised by several interviewees. Some interesting points were also made in terms of councillor numbers. The implication of having the mayor is elected by councillors in terms of splitting the council poses some interesting questions for further investigation as does the effect of increasing councillor numbers on group dynamics. In one case an increase from nine councillors to eleven had a profound impact on the functioning of the council with a corresponding increase in workload for council staff.

In terms of voting the results are clear. The vast majority of respondent felt it should remain compulsory although there was some debate as to whether postal or attendance voting was preferable. Discussions on the role of the mayor and deputy mayor were equally uncontroversial. Most people felt that the mayor played an important leadership function but that his or her powers were and should be relatively limited. On the question of a directly elected mayor opinion was more divided. Some felt that this model had merit and added legitimacy to the role while others thought councillors were better placed to elect the mayor.

There were some interesting responses on the remuneration of councillors. Some felt that councillors should get compensated on a full time basis but that the allowance should not be too much. There was a fear that a significant full time allowance would attract the wrong kind of candidates. It may be interesting to investigate this question further. Responses to the role of councillors were equally interesting. They ran the gamut from ensuring that residents get adequate service delivery/value for money to strategic planning and decision making.

Finally participants raised some important points for strengthening good governance and representation at the local level, identifying a need for training and capacity building for councillors, a willingness to consider alternative models of local government and a need to improve the diversity of councillors.

What remains is the comparison of councillors' experiences and understanding of their role with the expectations that are presented in the legislation. Local government reforms focus on strengthening their strategic and long term planning capacity. These expectations sit uncomfortably alongside many of the experiences described in this paper. This points to a gap between the practice of local government and its conception in the legislation which needs to be better understood. The question is whether the structural and managerial reforms of local government (e.g. amalgamations and requirements for corporate planning) are able to achieve their objectives if elected members' understanding of their role does not align the objectives of this reform.



## **Appendix 1: Local Representation Working Paper Interview and Focus Groups Questions**

## **Local Representation Working Paper Interview and Focus Groups Questions**

### **1. Introduction**

The Australian Centre of Excellence for Local Government (ACELG) in partnership with the Victorian Local Governance Association (VLGA) is undertaking a comparative study of frameworks for local representation across Australia. The partnership with the VLGA will focus primarily on the Victorian part of the research though national trends and learnings will impact significantly.

The research encompasses Australian States and Territories plus international examples where appropriate. It flows from on-going reform processes and the need to understand the advantages, constraints and theoretical underpinnings of different approaches to representative local democracy across Australian local government.

Initial investigations show that while there are bodies of research on many (although not all) of the aspects of local representation there is a gap in terms of thinking and analysis which bring together these different threads within the Australian Local Government context. This project will take a first step to addressing this gap. It compares and analyses the different approaches in the states and territories to provide a useful synthesis and to promote debate on alternative approaches to strategic leadership and better governance together with strengthening political leadership. The research in Victoria also aims to stimulate further thinking about local representation in the state in order to increase awareness of national trends and assess their relevance to reform possibilities.

The first step in this research program is the publication of a comparative review of relevant legislation, codes of conduct and regulations to examine similarities and differences across the States and Territories for the various research themes identified.

The second step involves primary research through focus groups and key stakeholder interviews in order to understand better the challenges faced by councillors, local and state government staff in ensuring effective local representation. These interviews will include electoral commission staff, representative review specialists, mayors, councillors, CEOs, senior local government officers, peak bodies, state officials and community activists. This paper sets out the questions to guide this interview process.

## **2. Themes**

The research is organised around a set of themes which together address the broad topic of local representation. The list below sets out these themes and the questions to be explored under each.

### ***Representation***

- What criteria are used to determine and review electoral structures, for example:
  - How is the number of councillors determined?
  - What criteria are used to determine boundaries and structures? Are the criteria adequate?
  - If your local government area is sub-divided into wards, do you have multi-member or individual wards structures and why?
- How often are representation reviews carried out? Are they helpful?
- In your experience does electoral structure impact on political leadership and decision-making and if so, how?
- Do the outcomes of representation reviews impact on good governance and democracy?

### ***Voting***

Voting is the primary tool used in representative democracy enabling citizens to choose their elected members at local government level. The way voting is structured can have implications for citizens' ability to participate and the outcomes for candidates.

- Voting is compulsory in Victoria. Do you feel there would be any advantage to making it optional?
- Does your council use postal or attendance voting?
- In your opinion would optional and does postal voting convey the sense that local government is less important than other levels of government where attendance voting is compulsory?
- Are you aware of any documentation, case studies or research done on the advantages/disadvantages of different voting systems (postal/attendance, compulsory/optional, etc.)
- What is your experience of all councillors being up for election every 4 years, (as against the previous 3 years what are the advantages/disadvantages? Do you think the move to a 4 year term has impacted on the extent of diversity of the candidate/councillor group?

### ***Mayor and Deputy Mayor***

Internationally and in Australia, there is increasing interest in the role of the mayor. The national picture is very mixed in terms of legislation and practice with some mayors being directly elected and others being appointed by their fellow councillors. Questions to be considered include:

- Are the roles and powers of mayors, deputy mayors and councillors clearly set out?

- In Victoria mayors are elected from amongst the councillors (except in Melbourne and Geelong). What are the advantages of this system? What might be the benefits of a directly elected mayor serving a 4 year term? What should the impact of a change be on the powers of the mayor?

### ***Role and remuneration of councillors***

Across Australia the role and scope of councillors' roles and responsibilities varies. Some, for example in Queensland, are expected to dedicate their time and expertise on a full time basis and as a result receive a commensurate payment. In other states councillors are expected to fulfil their positions on a voluntary basis and are paid a smaller allowance or expenses in recognition of their contribution. These two approaches appear to reflect different underpinnings in terms of the importance placed on the role of councillors within the broader political framework.

Questions to be considered include:

- What are the implications for the community and for political governance of these two models?
- What are the roles and accountabilities for councillors in your State, and where and how are they articulated? Is remuneration adequate in your State?
- Are these roles and accountabilities appropriate for 21<sup>st</sup> century local government? What changes do you think are necessary?
- What powers does state government have in terms of ensuring that local elected members meet their responsibilities and act within the limits set by codes of conduct? What capacity does a state Minister have for dismissing councillors? Are these powers appropriate? Are there alternatives?
- Are the powers of the Mayor appropriate under the current model of councillor elected mayors and if there were a move to directly elected mayors, should these powers be changed?



## **Appendix 2: Profile of councils represented in the interviews**



### Profile of councils represented in the interviews

Interview	Type of council*	Structure	Number of elected members	Elected member or staff
1	RAV	Unsubdivided	7	Elected member
2	URM	Unsubdivided	9	Elected member
3	URM	Unsubdivided	7	Elected member
4	UFL	Multi-member wards	11	Staff
5	URM	Multi-member wards	9	Elected member
6	UFS	Single member wards	7	Elected member
7 Focus Group	URS	Unsubdivided	7	Elected members and staff
	RSG	Multi-member ward	9	
	URV	Single-member wards	12	
8	URL	Multi-member ward	9	Elected member
9	UFM	Single member ward	7	Elected member
10	RAL	Multi-member	7	Elected member
11	RAV	Unsubdivided	7	Elected member
12	UDM	Multi-member ward	7	Elected member
13	RAV	Unsubdivided	7	Elected member
14	UDL	Multi-member ward	7	Staff
15	URM	Multi-member ward	9	Staff
16	URS	Unsubdivided	7	Elected member
17	UFM	Multi-member ward	7	Staff
18 Focus Group	UFM	Multi-member ward	9	Elected members
	UDV	Multi-member ward	9	
19	URL	Multi and single member wards	9	Staff

#### Key

RAL – Rural Agricultural Large  
 RAV – Rural Agricultural Very Large  
 RSG – Rural Significant Growth  
 UDL – Urban Development Large  
 UDM – Urban Development Medium  
 UDV – Urban Development Very Large  
 URM – Urban Regional Medium  
 URS – Urban Regional Small  
 UFL – Urban Fringe Large  
 UFM – Urban Fringe Medium  
 UFS – Urban Fringe Small  
 URL – Urban Regional Large  
 URS – Urban Regional Small  
 URV – Urban Regional Very Large

\*According to the Australian Classifications of Local Governments by the Department of Infrastructure and Regional Development

[http://www.regional.gov.au/local/publications/reports/2002\\_2003/appendix\\_f.aspx](http://www.regional.gov.au/local/publications/reports/2002_2003/appendix_f.aspx)

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*Local Government Act 1989* (VIC).



## About ACELG

ACELG is a unique consortium of universities and professional bodies that have a strong commitment to the advancement of local government. The consortium is led by the University of Technology Sydney's Centre for Local Government, and includes the University of Canberra, the Australia and New Zealand School of Government, Local Government Managers Australia and the Institute of Public Works Engineering Australia. In addition, the Centre works with program partners to provide support in specialist areas and extend the Centre's national reach. These include Charles Darwin University and Edith Cowan University.



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