



**AUSTRALIAN LOCAL
GOVERNMENT WOMEN'S
ASSOCIATION**
VICTORIAN BRANCH

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Submission to the Local Government Culture Project February 2022

About the Australian Local Government Women's Association (ALGWA Vic)

ALGWA Vic is the strong collective voice for local democracy. It is the preeminent leader in a community of dynamic and passionate women in Local Government. We are committed to our intent of advancing leadership to enhance the democracy of all Australians. Our membership, events and promotions, enable women at all levels to stay informed, connected and inspired. We are excited to lead change and create a strong, collective voice for our communities by the bringing together of extraordinary women from across the state.

We welcome this Local Government Culture Project review and the opportunity to reflect and comment from the perspective of our learnings from women and men elected to or working in local government.

Introduction

As ALGWA Vic we advocate for issues affecting women in local government, so our perspectives are largely gender informed, but we also include broader perspectives based on individual and collective experiences of local government. Our submission is informed by:

- the experiences of the Executive Committee of ALGWA Vic, all of whom are current or former councillors, have served multiple terms as councillors, the majority have served one or more terms as mayor and their combined experience in local government is 70+ years.
- an online forum about the Culture Project with ALGWA Vic membership representing rural, regional and metropolitan councils
- feedback from the evaluation process of the ALGWA Vic 2020 Mentoring Program
- 2020 research into the experiences of retired female councillors – Stepping Away
- various submissions made by ALGWA Vic ie: Parliamentary Inquiry into the impacts of Social Media
- Churchill Fellowship research by Coral Ross AM
- Review of the AHRC 'Set the Standard' Report
- VAGO report into Sexual Harassment in the Local Government

Set the Standard¹ (commonly referred to as the Jenkins Report) found that many systemic and structural issues create barriers to women's entry, inclusion and participation in the national Parliament, and there are similarities between the cultures of the two levels of government and how they impact women. We believe that this Culture Project should examine the 28 recommendations of the Jenkins Report as they address many of the issues explored in the Culture Project Discussion Paper and offer potential similar solutions, for example:

- Individual Leadership (Recommendation 4)
- Measurement and Public Reporting (Recommendation 7)
- Access and Inclusion (Recommendation 9)
- Everyday Respect (Recommendation 10)
- Officer of Parliamentarian Staffing and Culture (Recommendation 11)
- Professional Development (Recommendation 13)
- Best Practice Training (Recommendation 14)
- Monitoring and Evaluation (Recommendation 19)
- Expansion of Workplace Support Service (Recommendation 20)
- Codes of Conduct (Recommendation 21)
- OH&S obligations (Recommendation 25)
- Parliamentary Health & Wellbeing Service (Recommendation 26)
- Review of Parliamentary Sitting, Routine of Business (Recommendation 27)
- Alcohol (Recommendation 28)

We note that a high degree of focus is on what can be done to improve individual councillors ie leadership capability, understanding of role and responsibilities; or the existing frameworks of training and learning, dispute resolution etc but little is asked of the structures within councils that help to define and set culture. Nor societal attitudes which also set the culture. These include the scheduling of meeting times, meeting places, set up of chambers or briefing meetings, for example. There is often a culture of 'we've always done it this way' and by not considering these structures, an opportunity may be missed for greater inclusivity of more diverse leadership representation that we know has a positive impact on culture.

- From Set the Standard Recommendation 9: Access and Inclusion (...review the physical infrastructure, policies and practices.....to increase accessibility and inclusion).

ALGWA Vic has a unique perspective as a membership organisation, having conducted research with women in local government and having access to international gender insights and initiatives in local government. We request to meet with the reviewers in the ensuing stages of this review to discuss the findings and recommendations of these pieces of work to ensure the opportunity is not missed to fully understand and ameliorate cultural issues that impact women's participation in local government. Reference is made to ALGWA

¹ Set the Standard: Report on the Independent Review into Commonwealth Parliamentary Workplaces, Australian Human Rights Commission, November 2021

Vic's research in the Discussion Paper, but ALGWA Vic is not footnoted or identified in the Glossary of Acronyms, which gives the impression that it is not recognised for its long standing and important work relating to improving gender equality in local government. ALGWA has been a peak local government organisation since 1951 – more than 70 years.

Given last year's public debate and tensions (continuing) relating to gender inequality, bullying and harassment that has permeated government landscapes in Australia, ALGWA Vic believes the same gender lens needs to be applied in this Culture Project if it is to reach its objective of 'make local government a safer space for women and to encourage more women to nominate for election as the Government aims to reach gender parity in local councils by 2025'. In 2022, it does not wash that poor and unacceptable behaviour can continue to be dismissed as "it's just politics".

We acknowledge that there are important improvements to be made to deal with poor culture in local government and its wide-reaching impacts on safety, health and wellbeing. By contrast we think it is critical to emphasise the positives of local government and what is provided to communities and our state through the majority of well-intentioned and well-credentialed local leaders who have been elected to serve as councillors. Local government, and by default councillors, are frequently denigrated by the media and the State Government or overlooked for acknowledgement or formal consultation on major policy initiatives, infrastructure projects or in times of response to crisis (eg: bushfires, pandemic). A perpetuated, predominant view of local government being wasteful, dysfunctional, even irrelevant, and full of self-serving individuals who are probably corrupt by extension, can be a deterrent to attracting potential worthy leaders to stand for election. At best it fuels the notion that councils need saving from themselves. We must value and celebrate local government achievements, the important place they have in communities as essential service providers, innovators, employers and community capacity builders and focus on continuous improvement in equal measure to corrective actions. While the Discussion Paper notes the substantial contribution local government makes as the third tier of government, wider acknowledgement and recognition is needed by other levels of government.

Question 1: The Local Government Act 2020 defines leadership roles and responsibilities. Does this require further role clarity? If so, which aspects require clarification and how may this be achieved (including legislative and non-legislative mechanisms)?

Improved Role Clarity through non-legislative Mechanisms

Leadership is implied in the defined roles and responsibilities of councillors (and mayors and deputy mayors) under the Local Government Act 2020 (LGA 2020) and leadership in any circumstance varies depending on a person's skills, aptitude, personality, gender etc. An expansion of what 'participate in the decision making of the Council' implies and elaboration of 'Performing the Role of a Councillor' under the Governance and Integrity Regulations (the Regulations) Schedule 1 S2 would be helpful in helping councillors understand the leadership responsibilities of their role.

If any changes or further clarity are deemed necessary these should be through non-legislative mechanisms ie: Regulations supported by good practice guidelines (recognising that VLGA, MAV and LGPro have developed a Good Governance Guide), unpacking leadership attributes, and articulating what ‘effectively and responsibly’ and ‘diligently and conscientiously’ look like in terms of behaviours and standards of conduct. These should be emphasised constantly in communications and leadership training provided to all councillors.

Another aspect of the role that requires further clarity is, are councillors in their role 24 hours a day, and seven days a week? Councillors are entitled to a private life and privacy but their performance in the public realm is most often than not inseparable from their private being. Councillors need clarity on the grey areas of role distinction between public and personal domains through any determinations that have been made ie: recent VCAT ruling on social media use in private capacity. For example, there have been circumstances where criminal charges have been laid against a councillor for actions that were not related to their role as a councillor, but those charges clearly affect their councillor role. Similarly, some councillors use their personal social media accounts or personal websites to prosecute opinions that are contrary to the expected standards of conduct but claim to be operating in their personal capacity and therefore are not accountable for what may amount to poor behaviour. Community expectation is also that a councillor role is 24/7 which also blurs the lines.

A formalised position description for all councillors and mayors that expands the legislated role to include the functions that are expected but not legislated (included under the Regulations) ie: participate in decision making should specifically extend to include attendance at councillor briefings to ensure that informed decision making is optimised. It is implied in the Regulations through use of language such as ‘diligently’ and ‘conscientiously’ but is still open to interpretation and used by some councillors who believe they need only fulfil legislated requirements.

Stronger emphasis is required on the difference between strategic and operational functions of councils in the context of councillor roles and responsibilities. Some councillors stray into operational areas not being able to distinguish demarcations, either inadvertently or purposefully, which can create disruption, dysfunction and time wasting. CEOs and Mayors need to support a better understanding of the demarcations and develop strategies to keep councillors ‘above the red line’ and in the strategic zone.

Recommendations:

1. Good practice guidelines on leadership qualities and behaviours referenced in the LGA and the Regulations (supported by training for all councillors) and linked to existing resources such as Good Governance Guide (VLGA, MAV & LGPro)
2. Clarity of public vs personal responsibility in the role of a councillor
3. Develop a position description for the role of councillor, mayor and deputy mayor
4. Emphasise strategic focus and obligations; clearly differentiate from operational

Question 2: Given the diversity and experience of candidates' backgrounds, how can the local government sector improve leadership capability and better cultivate an environment of transparency, honesty, integrity and trust?

Quality Leadership Training, including teamwork and respectful relationships

Quality induction and training is critical. ALGWA Vic recommend that this training is delivered by external providers and not councils, unless it is council specific content. Link leadership training more strongly to the Overarching Governance Principles and Supporting Principles and the Standards of Conduct in the LGA 2020 and the Regulations and include Respectful Relationships training or similar. Learnings should be reinforced through regular discussions.

- From Set the Standard Recommendation 4: Individual Leadership – to strengthen individual leadership to ensure a safe and respectful work environment.

All training must emphasise the importance of teamwork, as some councillors behave like the 'Lone Ranger', as if they have been elected to fight and reform the council. Who constitutes the team to deliver and achieve for communities is important ie: the councillor team and, the councillors and executive leadership team and staff – break down the various notions of 'them and us'. This also includes re-elected councillors being inclusive of those who are newly elected. An established councillor group who are in a majority already understand the processes of council and can inadvertently or purposefully exclude new councillors from accessing necessary information. Where entrenched cultures exist and newly elected women are in the minority, it can be an additional exclusionary barrier to getting a good grip on the role. There needs to be a safe and supportive method for people to ask the 'stupid questions' in the presence of those who already have the knowledge and understanding and who may not be as supportive as they should be.

Teamwork requires respecting differences of opinion and for some this requires open-mindedness to different perspectives and includes 'considering and being responsive to the diversity of interests and needs of the municipal community', which should be included in leadership training. Use examples and case studies of the strength in diversity of backgrounds, experience and thinking in delivering positive outcomes. It may also be useful to highlight poor outcomes that ensue when a council is dysfunctional (without tarnishing reputations unnecessarily).

Teamwork focus needs to happen at the earliest possible stage of a new council. There has been an increasing trend for more combative, negative and toxic election campaigning. This poses a problem for post-election bonding and hence the mandatory candidate training needs to emphasise the risks of negative campaigning on effective, early team building. Councillors need to have a 'rules of engagement' discussion as part of Induction on the Code of Conduct to agree on what positive and negative behaviours look like and how they will hold each accountable for upholding and abiding to their agreed rules.

Councillors need to understand the voting method in decision making and that a ‘majority’ determines that a motion is carried. Cliques and voting blocks are counterproductive as they encourage and feed ‘group think’, which is not a good leadership trait.

Training should borrow from other sectors ie: Respectful Relationships taught in schools and AICD company directors programs. Respectful Relationships is a whole of (school) organisation approach to get the basics of gender equality embedded in the culture. The emphasis in this program is gender and family violence prevention and there are many instances in local government where lack of respect for women is a cultural issue that this review seeks to address.

- From Set the Standard Recommendation 14: Best Practice training (eg: respectful workplace behaviour; relevant Codes of Conduct; inclusive leadership – including how to ‘prevent and respond to misconduct’).

Training should emphasise positive examples and the successes of good governance in local government by identifying all the critical success factors in a good outcome ie: alignment with Governance Principles in LGA 2020, recognising predetermined positions and keeping an open mind, identifying ‘group think’, best practice engagement and consultation, listening to all sides etc. Bring real case studies and the key components of positive outcomes achieved for communities when there is optimal diversity on a board etc research shows that companies with board diversity have greater financial performance and profitability (AICD); an ILO report shows that boards with women are more likely to focus on non-financial performance indicators such as customer satisfaction and social responsibility and better able to monitor board accountability and authority leading to improved corporate governance². There is abundant research and it should be used to make the case for understanding the benefits, not just at council level but also in our communities, to enhance appreciation for diverse voices in decision-making.

Community is also an area where energy and attention must be focussed to deal with entrenched biases about the role of local government, assumptions about how it operates and who should be elected. State Government should more frequently commend the positives of local government ie: infrastructure development, service delivery, community engagement, inclusion etc with emphasis on the values of transparency, honesty, integrity and trust. In many instances we have exceptional examples of good governance, negotiation and compromise in decision making with great benefits, but not enough is recognised or celebrated about the role of local government, councils or councillors providing for their communities and responding to identified need. It is heartening that the Discussion Paper recognises the critical role of local government, but it needs to be part of the culture of State Government to recognise, commend and support local government more publicly. Of all levels of government, local government is commonly the most trusted level of government. Why is it so maligned?

² Set the Standard

<https://www.afr.com/politics/local-councils-are-a-powerhouse-of-good-government-20190920-p52ta7>

We recommend standardised Codes of Conduct across all councils for consistency with no ability for councillors to exclude or water down accountability. Codes of Conduct should be linked more strongly with the council's media policy (see Social Media below).

- Set the Standard Recommendation 21: Codes of Conduct (to establish clear and consistent standards of conduct)

We recommend mandatory public reporting on council websites of councillor attendance at council meetings, briefings and delegated committees. In some councils this already occurs (Frankston City Council); in some councils the information is included in monthly reports and reported in the Annual Report but this information needs to be easily accessible and provide transparency about the commitment of a councillor to uphold responsibilities and be accountable. Feedback from numerous members indicates that some councillors routinely do not attend briefings, nor delegated committees, despite committing to 'discharging their responsibilities to the best of their skill and judgment.' (or similar language under a Code of Conduct or Oath of Office). There are few mechanisms to hold a councillor to account for consistent non-attendance and while the mayor has legislated responsibility to 'promote behaviour among councillors that meets the standards of conduct set out in the Councillor Code of Conduct', a councillor cannot be compelled to do more than 'participate in the decision making of the Council.' It is arguable whether compliance with S2 and S3 of Schedule 1 of the Governance and Integrity Regulations could compel a councillor to attend briefings ie:

- S2A councillor must.... Do everything reasonably necessary to ensure the councillor performs the role of a councillor effectively and responsibly
- S2 (b) diligently uses Council processes to become informed about matters which are the subject to Council decisions
- S3 A Councillor....to ensure the good governance of the Council, must diligently and properly comply with the following:
- (a) Any policy, practice or protocol developed and implemented by the CEO in accordance with S46 of the Act for managing the interactions between members of Council Staff and Councillors, specifically S46 (3) (c) 'support arrangements for interaction between members of Council staff and councillors are developed and implemented.

Recommendations:

1. External providers to deliver leadership training, including teamwork and respectful relationships (frequency to be determined but noting that VAGO recommended face to face sexual harassment training for councillors every two years).
2. More positive examples and case studies of local government performing well
3. Standardised Codes of Conduct for all councils including Social Media guidelines and linked to media policies, none of which can be watered down

4. Public reporting on councils' websites of councillor attendance at meetings, briefings and delegated committees.
5. Explore accountability methods for training expenditure ie: link amount of allowance to attendance at briefings and other delegated meeting responsibilities.

Question 3: How successful have any existing initiatives been to promote strong leadership and build trust? Please provide case studies or examples of good practice that have worked well and could be considered for broader implementation.

Formal Mentoring

ALGWA Vic's Mentoring program for Women in Local Government commenced after the 2016 elections with an initial intake of 20 newly elected women matched with 20 experienced current or former female councillors. The program was again organised to mentor the same number of women after the 2020 election, but the demand swelled with 55+ women being successfully mentored for their first year on council by experienced current or former councillors, some of whom had transitioned from mentee in 2016 to mentor in 2020. This program has been recognised nationally having received the 'Women in Local Government' section of the National Local Government Awards in December 2021. It has delivered extremely positive results in terms of guidance, problem solving and health and wellbeing support. Most of the partnerships have opted to continue beyond the formal end of the funded program because the benefits are valued and valuable. It provides much-needed support to new councillors adjusting to the landslide of information and responsibility and may, though can't yet be proven, optimise retention beyond a first term.

Offering (and providing) formal mentoring to all new councillors should be explored. It would require considerably more resourcing than has been provided for ALGWA Vic's award-winning program. The ALGWA Vic program has delivered value well above the modest cost due to the goodwill of voluntary effort. ALGWA Vic is applying continuous improvement to its program to ensure it can grow and attract, train and equip capable mentors to support a range of needs within local government.

Municipal Monitors as 'Organisational Mentors'

The role of Municipal Monitors appears to be an emerging opportunity to support continuous improvement in local government, distinct from a corrective action following governance missteps, failings or dysfunction in a council. ALGWA Vic supports the reference to expanded roles for Monitors in the Discussion paper. While the role is defined in the LGA, it is the discretion of the Minister to appoint a Monitor. This usually occurs as an indictment on the council when matters have gone too far or it is deemed too late for other interventions. Concurrent with recent elections in South Gippsland Shire following the council's dismissal in 2019, a Monitor was assigned to the council "to support the Shire's transition back to elected representation and assist councillors to take ownership of a positive and inclusive culture that will improve systems and build public trust." This is a positive indication for the future role of Municipal Monitors as 'organisational mentors' to

provide guidance in the spirit of continuous improvement, not just oversight as a corrective action. Mechanisms other than the discretion of the Minister would need to be explored and the stigma associated with the appointment of a Monitor would need to be addressed. A different name could be explored.

Community / Regional Leadership Programs

When councils have been dismissed and administrators installed, a pathway to returning elected councillors is for the council to hold leadership programs to build the pool of candidates and this happens well in advance of the election period to optimise genuine engagement and skill building.

Strengthen links between community leadership and leadership development programs and pathways to local government.

Continued support of leadership programs to target specific demographic groups ie: women, CALD, indigenous, people with disabilities, young people.

Recommendations:

1. Formal mentoring offered / provided to councillors (new and re-elected) for the duration of their four year term
2. Expand the role of Municipal Monitors
3. Strengthen pathways to local government in leadership programs
4. Continued support of targeted leadership programs
5. Consider appropriate timing of leadership programs – overseas experience is that the programs should be held at least two years prior to an election³

Question 4: Mention is made through consultation of local government being a ‘parliament of opposition as opposed to a diverse board of the community’. What needs to change to better align Councillors and Mayors to effectively achieve community-based objectives and better operate as a diverse board of the community?

Reinforce the difference in decision making models between local and state governments

Clarity is required to disabuse councillors of the view that they are operating in an ‘oppositional’ decision making framework like state and federal parliaments. More emphasis is needed on the collegiate or collaborative model of decision making. Comparative models are organisational or company boards with board directors with similar duties and responsibilities who are equivalent to councillors. AICD training is excellent in framing director responsibilities in the context of leadership, risk, strategic alignment and foresight, fiduciary duty etc. Elements can be borrowed and equated to councillor roles and responsibilities using case studies. These components should be used at both the candidate

³ Coral Ross AM, Churchill Fellowship Report to improve gender equality in Local Government

stage (earlier than pre-nomination – see below) and the councillor induction stage and reinforced over the four-year term of council.

Leave Party Politics outside the Chamber

Ideally, councillors should not bring their party politics to the local government decision making table. Keep local government as non-party political as possible, recognising that this may be idealistic and that political affiliations often mirror values. How much party politics plays in affecting culture and behaviours perhaps requires further exploration and discussion.

Annual self-assessment of Performance

As part of a ‘good practice guideline’, introduce a mandatory annual ‘Review of the Council’. This should be supported with tools to conduct an evaluation to coincide with mayoral terms to celebrate and carry forward positive behaviours and initiatives and identify areas for improvement. Develop an ‘Effectiveness Checklist’ that links to the Governance Principles in the LGA 2020. Many governance structures, including Audit & Risk Committees of councils, perform an annual self-assessment as part of continuous improvement. It needs to be focussed on the councillor group and the combined councillor and ELT group and be administered in a safe and respectful way. There are many available models.

Recommendations:

1. Borrow from, or collaborate with, other board training bodies such as the Australian Institute of Company Directors or the Governance Institute
2. Develop case studies which demonstrate the similarities between a board member / company director and the role of a councillor, and the success of collegiate teamwork (allow for respectful dissent to be modelled)
3. Stress the importance of party politics remaining outside the council chamber.
4. Use the term ‘elected diverse board of the community’ in training and communications
5. Annual self-assessment of council performance
6. Develop Effectiveness Checklist linked to Governance Principles in the LGA.

Question 5: How could the candidate and induction training support be improved to ensure genuine engagement and sustained understanding of the role and responsibilities of Councillors?

Mandatory Candidate Training

While the content of the mandatory candidate training introduced in 2020 elections was well-intentioned, it did not serve to educate some and did not deter candidates who were appearing on ballot papers to support others (commonly referred to as stooges or dummy candidates). It was mostly a ‘tick and flick’ exercise making it inadequate for its intended

purpose. The assessment and certification process offered very little if any assurance that candidates had completed it themselves, understood the content, learned from it or intended to apply any aspect of it to their new role if and when elected.

If the online model is to be retained for future years, it should include modules that can be progressive and self-paced (some mandatory prior to nomination) and that if elected, new and re-elected councillors can compulsorily complete in their own time to supplement induction. The information provided should include further recommended reading, sources of information and some basic, minimum actions for candidates, such as:

- Visit the council’s website
- Attend a council meeting, at least once.
- Read the Council Plan and a council meeting agenda
- Read the Code of Conduct
- Recognise legislative responsibilities of the role

The program should be designed with input from the local government peaks (including ALGWA) and delivered collaboratively.

Some councils or regions work together with peaks to provide information sessions for candidates about the role of a councillor, the nomination and election process in the lead up. It offers valuable insights with CEOs and other local government professionals often in a Q&A format. While this is important to continue, more emphasis is needed on the role of a councillor, the processes of decision making and good governance much earlier in the election cycle. If we want candidates to have a deep understanding of what it means to be a councillor this information must be provided two years before an election, not in the weeks before.

The VEC process of requesting information from candidates that is held on the VEC website could be a more useful tool to assess the leadership capability and skills of candidates. It prompts for skills and training undertaken and the attendance record at council meetings of councillors seeking re-election. While this is important information for voters, it is doubted that many would be inclined to seek out this information or know how or where to find it as it remains on the website. It is a well-intentioned tool but falls short of being useful to assess a candidate’s skill, ability or record for the purposes of informing voters.

Induction Training

Induction training for councillors after the 2020 elections included prescribed matters mandated for inclusion as well as the council specific matters and processes determined by CEOs. There are obviously various methods of delivery across councils but resounding feedback from ALGWA Vic members was that Induction Training should be broken up, not given in one go, say over a weekend. Prescribed Matters that are common to all councils should be provided by external / independent providers who have the relevant expertise. Induction also needs to provide more support in how to “navigate” council processes for new councillors.

In the recent evaluation of ALGWA Vic's 2020 formal mentoring program, additional feedback was sought from mentees (36) and mentors (43) about which local government issues advice had been sought and provided in the first 12 months of this current term. The top five issues reported were:

1. Councillor relationships
2. Governance Rules (including meeting procedures)
3. CEO and/or staff relationship
4. How to get issues up in the Chamber
5. Personal health and well-being support (closely followed by Balancing Council with Work, and Balancing Council with Family)

Some further insights into a new (female) councillor's first year shows the steep learning curve and evidence that many newly elected councillors had little foresight about the volume, complexity and relationship challenges of their new role, and that the induction training helped to some degree but also left many challenges unaddressed (thank goodness for the mentoring program!)

"Being a councillor has been harder than expected"

*"I was so pressed for time in the first 12 months as a new councillor and mayor."
"I found myself in over my head"*

"The hard thing was balancing work, family and council"

*"Lack of proper induction was apparent... so they needed more help and support."
(from a mentor)*

"We had some very challenging problems on council.... As a new councillor with no experience in the sector, I often felt overwhelmed."

"I would hate to think how the first year would have been without the ability to pick up the phone."

"I thought it was advice on process. But then I realised that mental health support was necessary too."

"hurdles experienced by my mentee in regard to organisational culture.... Longstanding processes and procedures which perpetuated old school thinking and values.... Offering guidance on which battles to pick."

"Such a big year. I was quite overwhelmed. Took a while to grasp everything."

It was also said that the new councillors were over-whelmed with information when first elected and would benefit from the induction information being repeated after six or 12

months. Self-paced and flexible learning should be considered as options to acknowledge the busy work and life schedules of most councillors.

Recommendations:

1. Mandatory candidate training to be overhauled and delivered earlier in the election cycle on a modular basis with input from peak bodies.
2. VEC information about candidate skills, training and council meeting attendance to be more accessible
3. LGV to conduct a review of the prescribed matters (a) – (i) in the Governance and Integrity Regulations to be addressed in councillor induction training and consult with councils / councillors to determine if they are considered appropriate priorities for the induction training following the 2024 election.
4. Some induction modules to be provided by external bodies ie: Standards of Conduct, misconduct etc, gender equality.
5. Structure and timing of induction for optimal impact and retention by new councillors, and possibly repeated by request.
6. Include topics such as Governance rules, mock meetings, explanation of best methods to raise issues in the Chamber and in briefings, best practice use of Notices of Motion, navigating council processes

Question 6: How can the local government sector work to formalise a structured professional development pathway for Councillors and Mayors?

- From Set the Standard Recommendation 13: Professional Development (framework of skills, competencies and capabilities linked to career pathways).

There is undoubtedly great variation in the professional development requirements of councillors across the state to support them in their role. Some existing knowledge and experience can be transferred to the councillor role, but there is a lot of specific sector knowledge that is required. It may not be clear to all councillors that the Governance and Integrity Regulations requires that a councillor:

- Undertakes any training or professional development activities the Council decides is necessary for all Councillors to undertake in order to effectively perform the role of a councillor

Compulsory Professional Development

Make professional development compulsory with an annual, progressive program (Year 1 – Year 4), perhaps a minimum / optimum model that is offered flexibly for individual needs and recognising existing expertise and skills. A modular approach that can be delivered flexibly to consider the different life roles councillors have ie: employment, primary care responsibilities balanced with a councillor role. It should use online content and face to face learning amongst peers.

Accredited training that leads to a formal qualification or micro credentials that are transferable as well as councillors achieving a set number of 'points' each year to demonstrate they are keeping up to date with learning requirements. Content and structure should be developed in consultation with peaks MAV, VLGA, ALGWA, LGPro.

Compulsory training should not put extra pressure on already time poor councillors who have to juggle various life roles. More effective use of councillor briefing time should be considered for some topics. Programming professional development into an annual calendar so that time to attend sessions is planned for and not squeezed into already full schedules.

There should be public reporting of attendance and completion of professional development from the perspective of value-add and outcome and not just cost and expense. For some, especially in rural shires, there is a pressure to keep the cost of training and development down as it is frowned upon as a cost to ratepayers. Councils need to develop better messaging about the value of professional development to the role of a councillor, particularly given the depth and breadth of their expected knowledge of budgets, finances, advocacy strategies, statutory planning, infrastructure needs, community engagement, legislation and regulation etc. Often professional development, training, attendance at conferences are perceived to be a junket for councillors.

Mayors require extra professional development that is relevant to the specific role of the mayor as outlined in the Act ie: complaint management, media spokesperson etc.

Invest in Professional Development to ensure equity of access

Professional development for councillors should be subsidised by State Government to ensure equity of access across rural, regional, interface and metropolitan councils. There are examples of councils where budget is limited and councillors are not able to access much needed training and professional development such as attending state conferences, AICD training or coaching all of which can be extremely beneficial to the role and performance of a councillor.

Below is an example of the variation in councils' training allowance for councillors between a regional / rural and a metropolitan council.

Regional / rural council: \$2k p/a for councillor, \$3k p/a for mayor
 Metro council: \$9200 p/a for councillor

While it is necessary for a rigorous process for allowing councillors to access professional development, these processes vary across councils and this does not enable the same equity of access. Some approvals are automatic, some require a request to the CEO, some require the request to be voted upon in the Chamber. These processes should be reviewed as they can be part of the entrenched way of doing things that need to be challenged if we

expect access to professional development to be an important part of improving the culture and performance of councils.

Location of training

An analysis has not been conducted but personal experiences of rural and regional councillors suggest that most of the training is held in metropolitan Melbourne requiring non-metro councillors to incur travelling time and cost to attend. Some councils' budget allocations for training and professional development are limited and so councillors must pay for their own accommodation and expenses while attending sessions outside their municipality.

Recommendations:

1. Emphasise the importance of training and professional development to being an effective councillor and mayor (as stated in the Regulations)
2. Implement a compulsory professional development model
3. Public reporting of the value and outcome of professional development, not just cost and expense
4. Examine the barriers to professional development ie: location, cost, process. Conduct a review of councillor access and uptake of training by gender and council to understand trends
5. State Government to create equal access to training for all councillors through subsidising professional development and equalising what is available in council budgets

Question 7: How can awareness be raised on the best ways to harness social media to ensure a consistent management approach – covering monitoring, appropriate usage, and the consequences of negative usage?

Social media is an important tool for councils and councillors. It has many benefits as a two-way communication tool to increase awareness, engage and interact with community and stakeholders on local government initiatives and services. The positives should not be outweighed by the negatives, but unfortunately this does occur. There are some female councillors who have withdrawn from social media due to abuse, bullying and harassment from fellow councillors and members of the public.

There is great variation in how social media is addressed in Codes of Conduct from no mention at all to cautionary statements eg: 'minimise exposure of council and Councillors to legal and reputational risk' to oblique mentions that cross reference to other council policies such as media, internet usage and social media policies. Therefore, it is recommended that Codes of Conduct explicitly state that social media must not be used by councillors as a tool to bully, harass or abuse anyone, including members of the public, and this should be universally applied to all council Codes of Conduct by having one standardised model with

non-negotiable inclusions. Additionally, related policies such as Media and Social Media policies need to have consistent explicit statements with very clear guidelines.

Councillors should receive compulsory training (as part of Induction) from the E-safety Commissioner to understand the consequences of negative uses and strategies for how to stay safe in the online environment. It would also be useful to include case studies and any emerging case law ie: cyberbullying, defamation, and liability. Given that a significant proportion of online harassment tends to be a sexist or misogynist in nature, and that 75% of reports received by the E-safety Commission about online harms come from women and girls, a program that is recommended for councillors is 'Women in the Spotlight' and could be linked to face to face sexual harassment training recommended by VAGO to be conducted every two years. The Local Government Association of England and Wales has guidelines for Councils and councillors that could be used as a model to develop another good practice guideline. Research by Coral Ross AM ⁴ shows that both the UK and Sweden have tools for councillors to tackle online abuse and these can be copied for use in Victoria.

The potential for inappropriate social media use to contribute to an unsafe work environment and any requirement for monitoring within Councils needs to be further explored given CEOs requirements 'to carry out the Council's responsibilities as a deemed employer with respect to Councillors, as deemed workers, which arise under or with respect to the Workplace Injury and Rehabilitation and Compensation Act 2013' LGA 2020 S46 2(f).

Historically and anecdotally, councillors have fallen through the cracks of being offered any organisational support to cope with the impacts of poor behaviour, bullying, harassment, stress or anxiety that directly ensues from being elected. Clear and communicated access to health and well being support through councils' Employee Assistance Programs or similar is critical.

Recommendations:

1. Standardise inclusion and references to inappropriate social media usage by councillors in Codes of Conduct (consistent template for all councils)
2. Strengthen links between Codes of Conduct and Media Policies
3. Training for all councillors by E-safety Commissioner
4. Clarity around the obligations of the CEO to maintain a safe workplace for councillors
5. Clear pathways for councillors to access support for impacts poor behaviour and misconduct, including a state-wide 'hotline' and 'Employee Assistance Program'

Question 8: Do you think that any amendments to the Local Government Act 2020 are required to deal with the usage of social media? How should social media harassment be defined and what mechanisms could be introduced into the Act

⁴ Coral Ross AM, Churchill Fellowship Report to improve gender equality in Local Government

ALGWA Vic made a submission to the Parliamentary Inquiry into the Impacts of Social Media on Elections and Electoral Administration that was being conducted at the time of the 2020 Local Government Elections. Despite the Parliamentary Committee responsible for this Inquiry also having oversight of the Local Government Act, it had not formally included local government in its Terms of Reference, which was a disappointing oversight, but nonetheless issued a 'Finding' relating to social media use and its impact on local government elections:

FINDING 26: Social media is an increasingly important tool for campaigning in local government elections. Although the Committee has not investigated local government elections as part of this Inquiry, it may be helpful for the Local Government Act to be reviewed to ensure that social media activity is specifically and unambiguously addressed (where appropriate) and that the provisions are suitable and practicable for social media, as has been recommended for the Electoral Act⁵.

Most, if not all, councillors will acknowledge the positive and negative impacts of social media, not just on elections and campaigning, but on all aspects of life as a councillor. ALGWA Vic supports the intent of the Inquiry finding for the 'Local Government Act to be reviewed to ensure that social media activity is specifically and unambiguously addressed (where appropriate)'. This review should not just consider the impacts on elections but on the use of social media as a tool to bully, intimidate and harass. This may be by broadening the definitions included under S139 (2) and specifying in the Standards of Conduct under the LG (Governance and Integrity) Regulations (2020). There is copious evidence of the gendered nature of social media abuse and that is detrimental to the participation, health and safety of women in public life.

Recommendations:

1. Appropriate review of LGA and Regulations to include social media definitions and references.
2. Flow on to inclusion of appropriate social media use in all Codes of Conduct.

Question 9: In the context of leadership, what needs to change to empower elected representatives, CEOs, and Council staff, to call out poor Councillor behaviour and misconduct without fear of retribution?

As part of leadership training, including the importance of teamwork, conducted early in a council term, a councillor group and ELT should be required to discuss and develop 'rules of engagement' and agree how they will interact with each based on positive behaviours, the council's values and holding each other to account as per Codes of Conduct. Several councils have taken initiative and designed a framework or a 'statement of intent' as a commitment to each other and their senior staff. Recognising that the Standards of Conduct are included

⁵ Inquiry into the Impact of social media on Victorian elections and Victoria's electoral system, Parliament of Victoria, Electoral Matters Committee, September 2021

as prescribed matters for induction training in the Governance and Conduct Regulations, they focus predominantly on what not to do, what constitutes misconduct etc, and there is little explored about what positive behaviours and interactions could and should look like.

Part of this process should be a focus on ‘bystander training’ to empower people to speak up and safely and respectfully call out behaviour that is inconsistent with agreed ‘rules of engagement’. A statement could be included in Codes of Conduct such as:

“I commit to safely, respectfully and constructively bring attention to any comments and / or behaviours that make me or others feel uncomfortable, disrespected or intimidated while I am a councillor.

I will graciously accept constructive and respectful feedback should any of my comments and / or behaviours cause discomfort or offence to anyone with whom I interact with as a councillor.”

Explicitly state the costs of the “significant harm where there is bullying, sexual harassment and sexual assault in the workplace, with negative effects, including on physical and mental health” as stated in the ‘Set the Standard’ report (Deloitte Access Economics found that workplace sexual harassment costs the Australian economy and estimated \$3.8 billion in 2018. Bullying is estimated by the Productivity Commission to cost Australian employers and the economy between \$6-36 billion annually).

‘Without fear of retribution’ – It is feared because it is real and there should be none. Retribution and retaliation against someone for lodging a complaint or intending to lodge a complaint, or involved in managing a complaint is an unlawful or prohibited behaviour called ‘victimisation’ under anti-discrimination legislation and there are penalties for those who engage in these behaviours. The legal definition is when someone “subjects or threatens to subject the other person to any detriment⁶.” Activate understanding of this unlawful behaviour in the context of managing complaints and dispute resolution. Councillors may experience detriment in the complaints process but so too can those designated council officers who are responsible for the internal management of the complaints process. Victimisation should be considered as misconduct.

It is interesting to note that the LGA Act includes ‘vilification’ and not ‘victimisation’ and the Governance and Integrity Regulations include ‘victimisation’ but not ‘vilification’. Is this intentional or confusion between two similar terms with completely different meanings ie: vilification is behaviour that “incites hatred, serious contempt, revulsion or severe ridicule”⁷

Recommendations:

1. Include the importance of teamwork in leadership training

⁶ Victorian Equal Opportunity & Human Rights Commission

⁷ Victorian Equal Opportunity & Human Rights Commission

2. Develop good practice guidelines to encourage uptake of 'rules of engagement' process as early as possible in the term
3. Develop and deliver 'Bystander training' for councillors and council staff
4. Highlight costs of continued poor behaviour
5. Include definition and understanding of victimisation, as outlined in the Regulations, as misconduct.

Question 10: What can be done to better support dispute resolution at Councils?

The mayor should not be responsible for assessing and dealing with complaints or dispute resolution. Mayors can sometimes be part of the problem or block effective resolution and if there is no Deputy Mayor, it further impedes opportunities for fair and impartial resolution. Transparency, while maintaining confidentiality, is needed for all in process, including the mayor because of possible perceptions of bias due to personal relationships. This can be particularly so in rural and regional areas where there are many inter-relationships that exist across communities complicated by "everybody knows everybody".

ALGWA Vic recommends development of a 'good practice guideline' to support and resolve issues of conduct and behaviour that do not meet the threshold of misconduct (Internal Arbitration Process) but fall into the category of 'poor behaviour'.

Provide an independent and external dispute resolution option for councillors that can impartially and expertly be engaged to support councils and mayors with complaint management and resolution before a problem. This could involve an appointed panel of appropriately skilled and trained people with knowledge in local government, such as former councillors, council officers and those with legal or mediation expertise.

External support or intervention should not be perceived as a negative but as a positive corrective action, or a continuous improvement initiative.

If mayors are to continue to be part of the early informal resolution process, they must be fully and appropriately trained on how to deal with differences effectively and what a good, fair, impartial and confidential resolution process looks like. Full understanding of the principles of natural justice and procedural fairness in dealing with any complaint matters.

Recommendations:

1. A good practice guideline for managing complaints that do not meet the misconduct threshold and / or
2. Create an independent, external complaints and resolution process comprised of experts in local government, legal understanding and mediation.
3. While mayors remain the first point of contact for complaints and resolution (until any changes to the process are implemented), they must attend training to appreciate and develop the necessary skills required for complaints management.

Question 11: What types of early intervention mechanisms can be formulated and when? What do you think is an acceptable duration or timeframe for this intervention to fairly resolve a matter?

As included under response at Q9, an early intervention mechanism is for councils to work through a facilitated process to determine ‘rules of engagement’, include bystander training and strategies for responsibility and accountability consistent with expected leadership behaviours for councillors and members of executive leadership teams.

The LGA refers to ‘reasonable’ timeframes. One exception is the appointment of CMI to investigate a complaint of serious misconduct where the CMI is mandated to report with 10 days of receiving a referral to complete the investigation, and a councillor has five days to respond.

Timely response to and resolution of issues is paramount to keeping the culture and function of a council stable. Unresolved issues that drag on or are swept under the carpet can exacerbate issues and damage trust in processes and relationships. There are important steps to follow in managing complaints and each should have a ‘good practice’ indicative timeframe that allows for flexibility depending on circumstances ie: if someone is on extended leave or has health impacts that prevent participation in a process.

Optimal timeframes for consideration:

- Appropriate acknowledgement of complaint – within two days
- Discuss options for resolution as soon as practicable after receipt
- Aim to reach resolution within two weeks; no longer than one month

Recommendations:

1. Agreed ‘rules of engagement’ as early in the term as possible
2. Develop good practice timeframes for managing complaints

Question 12: How can the process for misconduct and/or poor behaviour claims be improved, or more adequate penalties for misconduct and poor behaviour be incorporated in a more effective way?

Link misconduct findings to OH&S risks recognising that councils are workplaces and implement commensurate penalties if complaints are substantiated.