

Municipal Monitor appointed to Strathbogie Shire Council

Report to the Minister for Local Government

1. Background

The Monitor appointment commenced on 14 September 2021 following a request by the Mayor and CEO for assistance in governance practices for the Council elected in November 2020. At that election seven Councillors were elected, six of whom had no previous local government experience. The previous experience of one Councillor was from the pre-amalgamation period of the early nineties.

The terms of reference were as follows:

1. To monitor the governance processes and practices of Strathbogie Shire Council (Council), with specific regard to the key areas of concern identified in the letter from the Mayor and Chief Executive Officer of the Council, dated 8 July 2021, including –
 - a. the Council's meeting proceedings and decision making, and councillor attendance at Council briefings, meetings and training and development sessions;
 - b. the Councillors' understanding and performance of their statutory roles and responsibilities, including the adequacy of the Council's councillor induction training program and any ongoing professional development opportunities;
 - c. the Council's Councillor Code of Conduct, councillor behaviour with respect to the Councillor Code of Conduct and processes for resolving disputes between councillors;
 - d. the Chief Executive Officer's policies and practices that manage the interactions between councillors and council staff and contractors, and compliance with those policies and practices;
 - e. the Council policies, processes and practices in relation to the health and safety of councillors and council staff; and
 - f. any other Council governance policies, processes and practices.
2. To advise on, and provide assistance and support to, the Council in relation to the Council's governance processes and practices, with specific regard to the matters raised in clause 1; and
3. To report to the Minister for Local Government, with respect to the matters in clause 1, on:
 - a. any steps or actions taken by the Council to improve its governance and the effectiveness of those steps or actions; and
 - b. any recommendations in relation to the exercise of any Ministerial power under the Act.

2. Monitoring activities

Restrictions due to the COVID19 pandemic have limited on-site attendance at meetings but virtual meetings have been conducted effectively. It was clear from discussions with the CEO and Mayor that the role clarity of an elected Councillor was a major concern. This was confirmed in the first session with Councillors which demonstrated some mistrust between Councillors and between Councillors and officers.

It was clear that many Councillors were focussed on their Ward, not the whole municipality, and on their representative, rather than governance role. Some Councillors expressed willingness to learn and admitted they had felt overwhelmed by the induction process, the preparation of the Council Plan and the annual budget all in the first few months of their term.

All Council meetings, briefings and information sessions were attended as well as individual Councillor discussions. Individual meetings were held with the CEO and with the executive team.

3. Governance Issues

It became apparent very quickly that the officers felt under siege and were consequently too defensive in their responses to Councillors and that the Councillors were delving into considerable detail which was the responsibility of the CEO. There also was an inclination by some Councillors to ask questions and propose solutions at the same time, rather than wait for advice from officers in order to properly consider options.

The CEO was advised to stand firm on role and responsibility matters with support from the Monitor. The level of preparedness for briefings and meetings varied considerably between Councillors and has been discussed with both the group and individuals to improve their contribution in both briefing discussions and formal Council meetings.

Further specific comments on issues are discussed under the Terms of Reference headings:

a. Meetings, decisions, training

Formal meetings have generally been conducted appropriately and respectfully with generally good chairing by the previous and current Mayor, but there have been instances of late changes to resolutions and reactivity to community input. Whilst detailed briefings and reviews of agenda material are conducted there is a tendency to ask about and discuss matters in those forums with limited debate in the public meetings.

This is a matter of balance and confidence between officers' time and extent of briefings and confidence of Councillors to participate in public discussion. It has been identified as something to improve and the Mayor is very open to feedback and suggestions for improvement.

b. Councillors' understanding of roles, responsibilities, induction program

The single biggest challenge for the seven new Councillors continues to be the requirements of the Local Government Act 2020 for strategic governance and the representative obligations to, and expectations of, Ward based communities. It was clear that an intensive induction program over five months was overwhelming for some Councillors and the transition from being a community member with specific interests to member of a governing body was challenging.

d. CEO policies on interactions of Councillors and staff

Interactions with Council staff are limited to CEO and the senior executive team in accordance with the adopted policy and a directive from the Mayor and CEO in February 2021. Councillors would prefer greater access to staff and in a small community may interact in other situations. Monitor advice has been clear that the current arrangements are appropriate and necessary to ensure the administration can operate effectively.

e. Council policies on health and safety

Council operates in accordance with the Workplace Health and Safety Act and senior staff have shown leadership in supporting leave periods for mental health reasons.

At the time of appointment of the Monitor it was evident that both Councillors and officers were frustrated and reluctant to build trust. A planned workshop with an organisational development facilitator had been cancelled twice and was finally undertaken with the Monitor and facilitator in October 2021 with reasonable outcomes. Frank discussion had occurred, but the

boundaries of Councillors' roles were not quickly accepted. Continued reinforcement of roles and responsibilities has been necessary to achieve some improvement in respecting CEO accountabilities and Councillor responsibilities.

f. Other policies, processes and practices

Progress has been made on revising and adopting policies, particularly where required by the new Local Government Act 2020 and the process will continue although resources are stretched for various reasons, including staff shortages, COVID related absences and performance management actions.

The CEO and her team have a common commitment to implementing the Council Plan and focussing on strategic discussions with the Council group, but some Councillors hold meetings for constituents "in their patch". This is a manifestation of the Ward system of representation and needs to be put in context for both the community member and the Councillor to understand the **governance for the whole** requirement of the Local Government Act 2020. Councillors are making good individual efforts to improve their contributions and formal meetings are conducted in a civil manner.

There is a need to shorten times for briefing sessions so that more discussion and debate happens in the Council meeting.

The progress made by Council over the last few months has been encouraging in the context of so many virtual meetings and hesitancy to adopt a team-based approach to governing the whole Shire. Reinforcement by, and support of a Municipal Monitor on a less frequent basis, would be beneficial to embed the changes.

3. Recommendations

That the Minister consider appointing a Monitor to the Shire of Strathbogie for a period of no longer than six months on the basis of two days a month.

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Municipal Monitor