

POLICY PLATFORMS

Introduction

LGMA Queensland leads, advocates for and supports local government managers through actively contributing to the advancement of local government in the state. In fulfilling this role, LGMA:

- advocates for the interests of members through representation to government, industry and other stakeholders;
- maintains watching briefs on issues of interest to members; and
- facilitates communication and the provision of information and expert advice to members, government and stakeholders.

The local government sector encompasses a wide range of interests and issues. Some are of direct relevance to the role of local government officers, some relate only to elected members, some are relevant to specific technical areas and some overlap many areas or affect the operation of local government as a sector.

LGMA Queensland is conscious of the fact that there will be a diversity of views amongst members. In undertaking to represent its members, LGMA Queensland seeks to represent the collective view of members and will therefore consult widely with members in the development of submissions, briefs and policy statements. LGMA Queensland is not a political entity and does not approach its representation from a political angle. Specifically, LGMA Queensland is not an industrial advocate and does not seek to represent individual members in employment matters, although it will advocate about general employment conditions in the interests of ensuring professional managers are attracted and retained in the sector.

In the interests of transparency, the Board of LGMA Queensland has determined to publish the key policy platforms which LGMA Queensland seeks to promote and achieve for local government in the state. These platforms reflect the preferred position of LGMA Queensland on current issues facing local government practitioners. Through the implementation of the positions identified, LGMA Queensland seeks to create the most effective and appropriate working environment for local government officers and best practice in local government. This may be through legislative, funding, operational and/or other elements of local government.

The overarching principles applying to the development of these platforms ensure that future advocacy and representation is appropriate to member needs and enhances LGMA Queensland's credibility as a professional, member-representative organisation. They provide stakeholders with a clear understanding of LGMA Queensland's stance.

These policy platforms sit under the LGMA Queensland Strategic Plan as adopted by the Board of Directors in November 2014 and as amended from time to time. The Policy Platforms will be reviewed and amended on a regular basis to reflect the changing nature of Queensland local government and the needs of LGMA Queensland members. They are not exhaustive and LGMA may undertake lobbying activities in areas not listed in order to respond to emerging issues and challenges.

For ease of understanding, Policy Platforms have been divided into three categories:

- **Sector-Wide Context** –issues impacting on the wider operation of local government.
- **Legislative framework** –the legislative environment within which local governments officers operate.
- **Officer environment** –issues which directly affect well-being and quality of working life.

1.0 Sector Wide Context

The business of local government covers many areas and disciplines and it is incumbent on officers to keep abreast of best practice initiatives and trends. However, local government officers are the experts in their own fields and through LGMA Queensland have a key role to play in shaping and developing those best practice initiatives as applied to the sector. Therefore, LGMA Queensland will represent members' knowledge and experience across a range of issues to ensure that initiatives support better operation, recognising the innovative and effective solutions developed within the sector.

LGMA Queensland will monitor and advise on national and international trends that may affect the operation of local government in Queensland. Issues such as climate change, skills and labour shortages, constitutional reform and cost shifting, can all have significant impacts on the delivery of local government services.

The position of LGMA Queensland in relation to such issues is outlined in the table below and reflects the key objective of supporting and developing a dynamic, accountable, responsive and effective local government system in Queensland.

| Theme | Element | Adopted Position |
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| 1.1 <i>Continuous Improvement</i> | 1.1.1 Collaboration | 1.1.1.1 LGMA Queensland supports formal and informal arrangements between neighbouring Councils which aim to provide efficiencies in service delivery and improve effectiveness of decision making. |
| | | 1.1.1.2 LGMA Queensland supports the notion that Local Government is a key stakeholder in regional development and should be a key partner in initiatives of either the Commonwealth or State Governments. |
| | 1.1.2 Local Government Reform | 1.1.2.1 LGMA Queensland facilitates members' continued input into reform processes through information and exploration sessions. |
| | | 1.1.2.2 LGMA Queensland establishes communications with the Government and the Opposition on reform issues. |
| | | 1.1.2.3 LGMA Queensland advocates for sufficient resources to effectively manage the impact of reform on local government officers. |
| | 1.1.3 Governance | 1.1.3.1 LGMA Queensland supports the coordinated delivery of training to officers in contemporary corporate governance practice by the Department of Local Government as a complement to the training delivered by LGMA Queensland and notes that, where possible co-delivery is a preferred option. |
| 1.1.3.2 LGMA Queensland supports LGAQ and others in efforts to improve skills and knowledge of Councillors, particularly relating to the suite of contemporary corporate governance responsibilities. | | |

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| | 1.1.4 Cost Shifting | 1.1.4.1 LGMA Queensland advocates for the full funding of mandates and other responsibilities shifted from Commonwealth and State Governments to local government. |
| | 1.1.5 Constitutional Recognition | 1.1.5.1 LGMA Queensland advocates for recognition of Local Government in the Constitution of Australia. |
| | 1.1.6 Performance measurement and reporting | <p>1.1.6.1 LGMA Queensland supports appropriate and consistent measurement and reporting of the performance of local government.</p> <p>1.1.6.2 LGMA Queensland supports the publication of reports and data that enable more informed judgements about the comparative performance of local government by interested parties.</p> |
| | 1.1.7 Labour Market Equity/Gender Balance | <p>1.1.7.1 LGMA Queensland advocates for merit-based appointments to vacancies in local government.</p> <p>1.1.7.2 LGMA Queensland supports the principles of Equal Employment Opportunity.</p> <p>1.1.7.3 LGMA Queensland advocates that gender balance issues in local government should be addressed.</p> |
| | 1.1.8 Financial Self-Sufficiency | <p>1.1.8.1 LGMA Queensland believes that local governments should seek to increase own-source revenue and to become less reliant on government funds to cover operating expenditure.</p> <p>1.1.8.2 LGMA Queensland advocates for the removal of any legislative or policy barriers (e.g. rate pegging, or developer contribution caps) that might inhibit own-source revenue generation.</p> <p>1.1.8.3 LGMA Queensland supports local governments owning, investing in and/or operating, commercial, revenue-raising ventures provided that proper due diligence has been employed and decisions to proceed taken in the overall public interest.</p> <p>1.1.8.4 LGMA Queensland recognises that Queensland is a vast State and that circumstances apply differently in different areas, particularly rural and remote locations.</p> |
| | 1.1.9 Best Value Service Delivery | 1.1.9.1 LGMA Queensland believes that local government services are most effectively delivered using a mix of in-house (day labour) staff and outsourced providers (contractors and consultants), but absolutely supports the right of individual local governments (or collectives representing local governments) having the freedom to determine the |


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| | | <p>best value means of delivering services to their communities.</p> <p>1.1.9.2 To avoid doubt, the term "best value" recognises that individual local governments may choose criteria other than simply service cost or effectiveness/efficiency to determine a method of service delivery that is in the overall public interest. For example, rural and remote communities might choose to favour local employment opportunity through day labour services to ensure stability in the local population.</p> <p>1.1.9.3 LGMA Queensland recognises that local government employees (including its own members) may be affected by decisions of local governments to choose to deliver services by means other than employed staff and advocates that suitable protections (i.e. redundancy provisions) exist in industrial agreements and employment contracts to compensate employees in such circumstances.</p> |
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2.0 Legislative Framework

The broad objectives governing LGMA Queensland's approach to the regulation of local government officers and activities are:

- Legislation should be principles-based and should not seek to micro-regulate the day-to-day activities of local government;
- Legislation should encourage best practice within local government and protect communities from ineffective or inappropriate practices;
- Legislation should be sufficiently flexible to recognise the vast diversity which exists in Queensland;
- Funding is a critical element of successful delivery of services;
- Regulation must clearly articulate roles and responsibilities of all parties;
- Local decision making is supported; and
- State government has a responsibility to coordinate services and resources to assist in service delivery and reduce impost on local government in dealing with overlapping issues.

| Theme | Element | Adopted Position |
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| 2.1 Legislation | 2.1.1 Local Government Act/Regulations | 2.1.1.1 LGMA Queensland advocates for a significant review of the Local Government Act at least once every 15 years and for other minor changes as required. 2.1.1.2 LGMA Queensland supports the (Westminster-style) separation of powers and clarity of roles between Officers and Councillors and advocates for legislation that supports this principle to ensure consistency and compatibility with respect to the unitary management role of the CEO. 2.1.1.3 LGMA Queensland advocates that the CEO be responsible for the appointment and management of all Council staff. 2.1.1.4 LGMA Queensland believes that effective management of local government best occurs when there is an honest, robust and respectful relationship between elected member and officers. 2.1.1.5 LGMA Queensland advocates for a legislative and in-practice model whereby: <ul style="list-style-type: none"> ○ Respective democratic roles are genuinely respected; and ○ Professional officers provide frank and fearless advice without fear of individual (or unreasonable) penalty or sanction for making particular recommendations in good faith and with honesty and professionalism. 2.1.1.6 LGMA Queensland advocates for the legislative indemnity of officers and assurances that the presumption of innocence is afforded when such indemnification might be sought. |

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| | | 2.1.1.7 LGMA Queensland does not support a requirement for CEOs to verify the accuracy of contents of the material interest register for Councillors and officers. |
| 2.1.2 Local Government Electoral Act | 2.1.3.1 | LGMA Queensland supports changes to the Electoral Act as outlined in the attached submission.  |
| | 2.1.3.2 | LGMA Queensland does not support a compulsory Code of Conduct for Candidates as its enforcement would place an unnecessary burden on the CEO. |
| | 2.1.3.3 | Where elections are run independent of a local government, then the body running the election should be responsible for all matters pertaining to that election. |
| 2.1.3 Associated Legislation | 2.1.3.4 | LGMA Queensland will undertake consultation and provide input on behalf of our members in relation to relevant legislation and particularly during legislative review processes. |
| 2.1.4 Crime and Corruption Act and related Acts/Regulations | 2.1.4.1 | LGMA Queensland supports the legislative imposition of proper responsibility and accountability on employers in seeking to minimise Official Misconduct in the workplace. |
| | 2.1.4.2 | LGMA Queensland acknowledges the specific responsibilities of CEO's to ensure that the employers' obligations are discharged. |
| | 2.1.4.3 | LGMA Queensland supports initiatives by the CCC to streamline process and reporting of official misconduct by employees. |
| | 2.1.4.4 | To avoid frivolous and vexatious claims being made, LGMA Queensland advocates that a preliminary assessment of allegations of misconduct be made to ensure a prima facie case exists before referrals or investigations are commenced. |
| | 2.1.4.5 | LGMA Queensland advocates that CEO's not be responsible for the investigation or determination of complaints of misconduct against councillors. |
| | 2.1.4.6 | LGMA Queensland advocates that complaints of corrupt conduct against local government CEOs are dealt with by the CCC. |
| 2.1.5 Processes of Legislative Reform | 2.1.5.1 | LGMA Queensland advocates adequate opportunity to advise State and Commonwealth Governments in early stages of drafting bills and in the consideration of implications of legislative reform. |

3.0 Officer Environment

LGMA Queensland monitors and makes representation on matters affecting members' employment, working conditions, superannuation and personal and professional development. However, LGMA Queensland is not an industrially registered organisation and does not retain legal or financial services. Therefore, LGMA Queensland cannot act as a representative of individual member interests on legal, financial or industrial issues. However, LGMA Queensland does provide mentoring support, collective advice and will refer individuals to experts for advice where appropriate.

LGMA Queensland also takes a lead role in the development of local government as a profession and seeks to enhance the professionalism of the sector as a whole as well as that of its individual members.

The position of LGMA Queensland in relation to various member issues is outlined in the table below and reflects the key principles of interest to local government officers:

- appropriate working conditions, job security and remuneration;
- clear allocation of roles and responsibilities including freedom from inappropriate intervention by Councillors or government;
- indemnity for actions; and
- access to appropriate professional development and training.

| Theme | Element | Adopted Position |
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| 3.1 Members' Employment | 3.1.1 Industrial Awards | <p>3.1.1.1 LGMA Queensland is not a registered Union or Industrial Association and as such will not act as an industrial advocate in relation to general Award matters and disputes.</p> <p>3.1.1.2 LGMA Queensland advocates for appropriate employment protection and redundancy compensation for Members particularly during periods of structural reform.</p> |
| | 3.1.2 Contract Employment | <p>3.1.2.1 LGMA Queensland supports the use of contracts of employment for senior officers and endorses a Model Employment Contract</p> <p>3.1.2.2 LGMA Queensland supports the inclusion of appropriate performance management and review processes in the model contract, including a requirement for the employer to identify and document any performance issues that need to be addressed.</p> <p>3.1.2.3 LGMA Queensland advocates for the CEO and the Mayor and councillors to have the option of utilising independent external assistance when conducting the performance review of the CEO.</p> <p>3.1.2.4 LGMA Queensland does not support the legislative imposition of maximum contract terms or mandatory advertising for CEO's and Senior Officers' roles.</p> |

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| | | 3.1.2.5 LGMA Queensland advocates for the inclusion of "no fault" termination clauses in employment contracts with a minimum severance equivalent to 12-months' salary. |
| 3.2 Welfare | 3.2.1 Remuneration | <p>3.2.1.1 LGMA Queensland does not monitor remuneration benchmarking or trending.</p> <p>3.2.1.2 LGMA Queensland supports the concept of labour market price and advocates that benchmarking should be undertaken by employer and employee to ensure that proposed remuneration is within the market price range.</p> <p>3.2.1.3 LGMA Queensland supports the definition of the 'market' to include local and state government's both within Queensland and nationally as well as the private sector for the purpose of remuneration benchmarking.</p> <p>3.2.1.4 LGMA Queensland does not support any form of legislative constraint on remuneration for senior officers and advocates for appropriate negotiation of contract terms between parties based on the specifics of the local government area and the responsibilities.</p> |
| | 3.2.2 Employment Practices | 3.2.2.1 LGMA Queensland advocates the need for employers to adhere to professional employment practices for Senior Managers and will support the legislative imposition of appropriate standards on employers. |
| | 3.2.3 Superannuation | 3.2.3.1 LGMA Queensland monitors reforms relating to the Local Government superannuation scheme and may advocate on behalf of its members with respect to any reforms. |
| 3.3 Legal obligations and entitlements | 3.3.1 Role of Officers | 3.3.1.1 LGMA Queensland supports the separation and clarity of roles between Officers and Councillors and advocates for legislative reform to support this and to ensure consistency and compatibility with respect to the unitary management role of the CEO. |
| | 3.3.2 Liability/Indemnification | <p>3.3.2.1 LGMA Queensland supports the legislative indemnification of Officers.</p> <p>3.3.2.2 LGMA Queensland advocates for legislative reform to ensure that Officers subject to legal threat are afforded the doctrine of 'innocence until proven guilty' where indemnification is required in accordance with the entitlement under the statutory indemnity.</p> |

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| 3.4 Professional Standards | 3.4.1 Training and Education | 3.4.1.1 LGMA Queensland advocates for appropriate planning and resource allocation to meet training and skills needs of officers. |
| | 3.4.2 Professional Development | 3.4.2.1 LGMA advocates for employer responsibility in resourcing required and reasonable professional development for Officers. |
| | | 3.4.2.2 LGMA Queensland advocates for employer recognition of genuine ‘Professional Development’ efforts by Officers. |
| 3.4.2.3 LGMA Queensland recognises that the credibility of a peak professional body is strengthened by its members being required to participate in a Compulsory Professional Development programme. | | |
| 3.4.3 Certification and Qualification | 3.4.3.1 LGMA Queensland does not support the legislative imposition of mandatory certification for senior management positions. | |
| | 3.4.3.2 LGMA Queensland advocates for employers’ awareness of the need for appropriate qualifications for professional and trade positions and members’ attainment of such qualifications. | |
| | 3.4.3.3 LGMA Queensland advocates for employers’ recognition of LGMA membership status. | |