



Frequently asked questions

for prospective Councillors

July 2024



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1. What is the term of a Councillor?

Following the October 2024 elections, the newly elected Council will be sworn into office of 20 November 2024 and will remain a Councillor until the next scheduled election in October 2028.

2. Can I hold down a full time job and still be a Councillor?

Yes. Being a Councillor takes time but, because there are now clear distinctions between community leadership and administration, it need not be excessive. Councillors will be involved in determining policy, setting objectives and establishing strategic directions of the Council and it is the role of the administration to implement the policy and the decisions of Council.

However there are a significant number of meetings to attend and reading of comprehensive information which does take time.

3. How many hours will be required each week?

While it is difficult to specify the exact time, it can be expected that a commitment of between 20 and 25 hours per week will be required for the purpose of going through Council business papers, attending meetings, representing Council and meeting with constituents.

Of course, the Mayor may be required to invest a greater number of hours each week as this role is one of community leadership with a strong focus on civic duties and functions. The role of the Mayor can vary between 35 to 55 hours per week.

4. How often does Council meet and how long do the meetings last?

Currently Council has an adopted four week cycle of meetings consisting of both formal and informal meetings held on Tuesday evenings.

The cycle of meetings is as follows:

- 1st Tuesday of the month – Councillor briefing (informal briefing of matters to Councillors)

These meeting generally commence at 4.00pm Tuesday afternoon and duration of the meeting is between 3 – 3 ½ hours. These meetings are held in the Corporate Centre, Sandringham as they are not a formal meeting.

- 2nd Tuesday of the month – Planning and Amenity Delegated Committee of Council (formal meeting of Council) - To consider a range of planning applications, tree removal applications and traffic management issues.

This meeting commences at 6.30pm Tuesday evening, and cannot extend past 11.30pm in accordance with the Governance Rules. In most instances the meeting concludes around 10.30pm. Planning & Amenity Committee meetings are formal meetings of Council and therefore are held in the Council Chamber, Boxshall Street Brighton.

Prior to this formal meeting Councillors have a pre-discussion meeting on the items on the agenda to provide the opportunity for Councillors to clarify any matters with Council Officers.

- 3rd Tuesday of the month – Council Meeting (formal meeting of Council to resolve on a range matters presented to the meeting).

This meeting commences at 6.30pm Tuesday evening, and cannot extend past 11.30pm in accordance with the Governance Rules. In most instances the meeting concludes around 11.00pm. Council Meetings are formal meetings of Council and therefore are held in the Council Chamber, Boxshall Street Brighton.

Prior to this formal meeting Councillors have a pre-discussion meeting on the items on the agenda to provide the opportunity for Councillors to clarify any matters with Council Officers.

- 4th Tuesday of the month – Strategic Issues Discussion (informal workshop/discussion opportunity for Councillors)

These meeting generally commence at 4.30pm Tuesday afternoon and duration of the meeting is between 3 – 3 ½ hours. These meetings are held in the Corporate Centre, Sandringham as they are not a formal meeting.

Where there is a 5th Tuesday of the month, wherever possible it will remain a spare week of meetings. Similarly during the school holiday period at least one week is kept free of meetings to assist those Councillors with children. Whilst meeting of Council and Councillors are generally confined to Tuesday evenings, Councillors may need to attend meetings of various Committees and Working Groups established on other evenings during the week. These may vary from a Monday, Wednesday or Thursday evenings.

Whilst meetings of Council and Councillors are generally confined to Tuesday evenings, Councillors may need to attend meetings of various Advisory Committees and Working Groups established on other evenings during the week. These may vary from Monday, Wednesday or Thursday evenings. It should also be noted that Special Meetings of Council are also held. Special Meetings of Council are not regular and are only called by the Mayor of the Day following consultation with the CEO to deal with special or urgent business that cannot wait until the next scheduled Council meeting. Whilst it is preferable to schedule Special Meetings on Tuesday evenings, on occasion the need arises for them to be scheduled on another week night.

5. How many Committees will I be on, and how often do Committees meet?

This will depend on the number of Committees established by Council and any other external committees that you may wish to participate in. Currently Council has 7 Advisory Committees known as:

- Bayside Arts and Gallery Advisory Committee
- Disability, Access and Inclusion Advisory Committee
- Billilla Advisory Committee
- Yalukit Willam Nature Reserve Advisory Committee
- Reconciliation Action Plan Advisory Committee
- CEO Employment Matters Advisory Committee
- Audit and Risk Committee

Councillor will be appointed to various Committees that they have a strong interest in. Generally these Committees meet quarterly and the duration of the meetings is up to 2 hours.

As far as external committees or various bodies are concerned, Councillors should not feel obliged to represent Council on any specific number of bodies as there is a time commitment involved and representation is purely on a voluntary basis. The appointment of representation on various committees and external representation is undertaken at the Annual Meeting of Council each year which provides an opportunity for councillors to share the load during the 4 year term.

6. What remuneration will Councillors be paid?

Councillors receive an allowance that is payable to Councillors monthly in advance.

The allowances are determined by the Victorian Remuneration Tribunal (VIRT). The allowance for a Councillor applicable as from 1 July 2024 is \$34,028.

The allowance for the role of Deputy Mayor applicable as from 1 July 2024 is \$54,558.

The allowance the Mayor of the City applicable as from 1 July 2024 is \$109,118.

In addition the allowance superannuation is also payable to Councillors the equivalent of the Superannuation Guarantee (currently 11.5%).

The Local Government Act also provides that a Council does not have to pay an allowance to a Councillor, should they not wish to receive an allowance.

It is expected that where a Councillor takes a leave of absence (more than a week) that they may wish to suspend their allowance during the period.

7. Will out of pocket expenses be reimbursed?

The Local Government Act provides that a Council may reimburse Councillors for necessary out-of-pocket expenses incurred while performing duties as a Councillor. Council has developed a policy relating to Councillor Support and Reimbursement policy which addresses in detail out of pocket expenses and process for reimbursement.

8. Is the remuneration subject to taxation?

The allowance paid to the Councillor forms part of the individual Councillor's taxable income and is not subject to Fringe Benefits Tax. A Councillor can claim eligible expenses against the allowance in their tax return.

9. Am I able to claim any election costs and Council expenses as a taxation deduction?

A deduction is allowable up to \$1,500 for expenses incurred in seeking election as a Councillor. The limit applies to each election contested and will apply whether the expenditure is incurred in one or more years.

10. Can a Councillor resign during their term of office?

Yes, a Councillor can resign during their term of office. Where Councillors have been elected by proportional representation, extraordinary vacancies will be filled by count back rather than through a by-election.

All of the candidates who were not elected at the general election and who are still eligible to be a councillor participate in the count back.

A count back is conducted using the ballot papers from the last election. All of the ballot papers allocated to the vacating Councillor at the time when he or she was elected are looked at again, and are distributed to the remaining candidates according to the next preference on the ballot papers.

However, a Councillor resignation can be quite disruptive to the effective functioning of the Council and should be avoided wherever possible.

11. Am I able to have any time off during the year?

Yes, Councillors may request leave of absence from meetings during the year and can take extended periods of absence. However, it is recommended that Councillors suspend their allowance during this period.

It should be noted that Councillors' attendance at formal meetings are recorded and reported through the Local Government Performance Reporting Framework, and documented within the Annual Report.

12. Do I need to be computer literate?

It is important that you understand computers generally. Each Councillor is issued with a laptop computer which will enable ongoing communication with Councillors via e-mail. The majority of communication with the community and the organisation is undertaken by email therefore Councillors are expected to have a good working knowledge of emails and calendar scheduling.

Councillors also receive a mobile phone. Councillors will be offered the necessary training at the appropriate time and on-going support will be available should they require it. Council resources must not be used for private matters.

13. How is the Mayor appointed?

Once all Councillors are sworn into the office of Councillor at the Annual Meeting of Council, the Councillors collectively elect the Mayor annually. In the interests of presenting a cohesive and united image to the community, many Councils have held an informal meeting of Councillors to discuss the selection of the Mayor where there is more than one nomination.

14. Will I have to declare any business or financial interest that I may have?

A Councillor must ensure that there is no conflict or incompatibility between their personal interests and the impartial fulfilment of their public or professional duties.

The Local Government Act provides for this by:

- (1) requiring Councillors to declare a conflict of interest or interests on matters on Council and Committee agendas; and
- (2) requiring Councillors to submit returns of interest bi-annually, setting out business interests and property holdings.

Upon taking the oath or affirmation of office as a Councillor, a Councillor is required to complete a form disclosing any interests which may be in conflict with their public duty. The Register of Interests form must be submitted within 30 days from when a Councillor takes the oath or affirmation of office. This information is recorded in a register and placed on Council's website.

The details to be included in this form relate to:

- (a) the name of any company or other body corporate or unincorporate in which you held an office whether as a director or otherwise;
- (b) the name or description of any company or body in which you hold or have held a beneficial interest unless the total value of the interest does or did not exceed \$10,000 and the total value of issued shares of the company or body exceeds \$10 million;
- (c) the address or description of any land in the municipal district of the Council or in a municipal district which adjoins the municipal district in which you had any beneficial interest other than by way of security for any debt;
- (d) a concise description of any trust in which you held a beneficial interest or of which you are a trustee and in which a member of your family held a beneficial interest;
- (e) particulars of any gift of or above the amount or value of \$500 received by you, either directly or indirectly, other than;
 - A gift received from a person who is a relative of yours; or
 - A gift received as hospitality at an event or function you attended in an official capacity as the Mayor, a Councillor, a member of Council staff or a member of a special committee.
- (f) any other substantial interest, (whether of a pecuniary nature or not), held by you or a member of your family of which you are aware and which you consider might appear to raise a material conflict between your private interest and your public duty as a Councillor member of a special committee or nominated officer.

15. What legal responsibilities and liabilities will I have as a Councillor?

The Local Government Act requires Councillors to carry out their duties with a high level of probity, and transparency. A Councillor must:

- a) act with integrity; and
- b) impartially exercise his or her responsibilities in the interest of the local community; and
- c) not improperly seek to confer an advantage or disadvantage on any person.

The community is entitled to expect:

- That the business of the Council is conducted with efficiency, effectiveness and impartiality; and
- That Councillors obey the spirit and letter of the law, and in particular, the provisions of relevant statutes, regulations and local laws.

Councillors must ensure that there is no conflict or incompatibility between their personal interests and the impartial fulfilment of their public or professional duties.

The Local Government Act indicates that a relevant person has a conflict of interest if the relevant person has:

- (a) a general conflict of interest within the meaning of section 127; or
- (b) a material conflict of interest within the meaning of section 128.

General Conflict of Interest – (Section 127 of the LGA 2020)

(1) Subject to section 129 (Exemptions), a Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

(2) For the purposes of subsection (1)—

- private interests means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;
- public duty means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

Material Conflict of Interest – (Section 128 of the LGA 2020)

(1) Subject to section 129, a Councillor has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

(2) The benefit may arise or the loss incurred—

(a) directly or indirectly; or

(b) in a pecuniary or non-pecuniary form.

(3) For the purposes of this section, any of the following is an affected person—

(a) the relevant person;

(b) a family member of the relevant person;

(c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;

(d) an employer of the relevant person, unless the employer is a public body;

(e) a business partner of the relevant person;

(f) a person for whom the relevant person is a consultant, contractor or agent;

(g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;

(h) a person from whom the relevant person has received a disclosable gift.

(4) For the purposes of subsection (3)(h), disclosable gift means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of this subsection, the prescribed amount, received from a person in the 5 years preceding the decision on the matter—

(a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or

(b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation— but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.

Exemptions (Section 129 of the LGA 2020)

A conflict of interest does not arise if any of the following applies—

- (a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;
- (b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- (c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- (d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;
- (e) the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;
- (f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;
- (g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.

Disclosure of Conflict of interest (Section 130 of the LGA 2020)

Section 130 of the Act applies in respect of a conflict of interest in respect of a matter:

- (a) to be considered at a Council meeting; or
- (b) to be considered at a meeting of a delegated committee; or
- (c) to be considered at a meeting of a community asset committee; or
- (d) that arises in the course of the exercise of a power of delegation by a member of Council staff; or
- (e) that arises in the course of the exercise of a statutory function under this Act or any other Act.

A Councillor who has a conflict of interest in respect of a matter must—

- (a) disclose the conflict of interest in the manner required by the Council's Governance Rules; and
- (b) exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

Process for declaring a conflict of interest at various meetings

A Councillor who has a conflict of interest in a matter being considered at a Council Meeting, Delegated Committee or an Advisory committee at which they are:

1.1 present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council Meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

1.2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council Meeting commences a written notice:

1.2.1 advising of the conflict of interest;

1.2.2 explaining the nature of the conflict of interest; and

1.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the matter,

and then immediately before the matter is considered at the Meeting announcing to those present that they have has a conflict of interest and that a written notice has been given to the Chief Executive Officer.

The Councillor must, in either event, leave the Council Meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the Meeting until after the matter has been disposed of.

16. What will be my responsibility to the residents of my ward?

The Councillor's main role is to represent the residents of the entire municipality. Councillors are seen as the consultative link between the Council and the community by saying that, Councillors should be actively aware of the needs and aspirations of the people in the area in order to bring an informed view to the important deliberations of formulating forward plans for the municipality as a whole.

Councillors should be responsive to residents calls, emails or face-to-face conversations.

17. What action do I take when residents ring me regarding Council matters?

On occasions constituents have approached Councillors with requests for Council to take action (requests for service) on particular matters and with complaints. Many of these relate to general operational matters.

The most efficient way for constituents to have matters dealt with is to approach the Council administration in the first instance in relation to general services and operations.

Councillors should encourage their constituents to approach the Council Administration first and to then approach the Councillor if they are dissatisfied with the service provided. Councillors should endeavour to strike a balance between being available to constituents and the demands that this places on their time. When a Councillor takes responsibility for pursuing an issue on a constituent's behalf they should lodge the issue with the appropriate Director or Manager at the earliest opportunity.

As part of monitoring performance and accountability the Council has established a computerised Customer Request Management System to record requests for service and complaints. It is the responsibility of the Chief Executive to ensure that the request is dealt with in accordance with Council's Customer Service Charter.

Councillors wishing to discuss various issues on council services should contact the appropriate Director or the Chief Executive Officer. Any issue received in this manner will be dealt with promptly and the Councillor's input acknowledged in responding to the incident.

Essentially the intention is to lessen the traditional heavy demand on a Councillor's time and give Councillors more time to devote to policy and strategic direction.

18. Is there any insurance cover for Councillors whilst on official duties?

Councillors are protected against claims in respect of actions taken, or not taken, in good faith while performing their duties as a Councillor. Insurance cover is provided in the event that a Councillor is injured while performing their duties.

19. What administrative support is available to Councillors ?

A Councillor lounge located at the Corporate Centre is available for Councillors use and the Councillors Room at the Brighton Civic Centre. However, Councillors do not have a personal office or secretary, other than the Secretary to the office of the Mayor.

The following resources are available to each Councillor:

- Laptop computer
- Printer
- iPhone (mobile phone)
- lapel (name) badges
- business cards; and

Access to these resources is coordinated through the Manager Governance.

20. If I have a partner, will they be expected to attend civic receptions and functions?

Generally no, but as a matter of protocol, partners are invited to civic receptions and functions, and on some occasions community organisations will invite both you and your partner to a function. It is entirely up to the partner should they wish to attend.

21. What information is available to assist Councillors?

Councillors are given access to all Council-held information necessary for them to properly perform their duties and meet their responsibilities; however, Councillors must not use confidential Council information to gain advantage for themselves or for any other person or body in a way which is inconsistent with their responsibilities to be impartial. Extensive provisions in the Local Government Act 2020 refer to the use of information by Councillors.

22. Advice on Meeting Procedure.

Council conducts its meetings in accordance with the procedures established by its Governance Rules adopted by the Council. A copy of the Governance Rules will be available in the Councillors Information Manual once elected or alternatively they can be found on Council's website. The Chief Executive, Director Corporate Services or the Manager Governance or Council business Lead can provide advice on meeting procedures.

23. What contact will I have with members of the staff?

Who is responsible for staff?

The role of a Councillor does not extend to the management of staff which is the role of the Chief Executive.

Councillors should recognise that they do not have authority to give directions to any member of staff. Staff are accountable to the Council, through the Chief Executive. Therefore, requests for actions by staff should be directed through the Chief Executive or the appropriate Director.

The Governance Team will be on hand to assist you, and guide you in the right direction with any requests, guidance or general information.

There should be mutual respect and understanding between Councillors and Officers in relation to their respective roles, functions and responsibilities. Close personal familiarity between individual Councillors and staff, whilst inevitable in some instances given the community-oriented nature of local government, can challenge the relationship and prove difficult from an actual and perceived basis.

24. Once elected, how do I come up to speed with Council issues?

Once Councillors are elected the Council, as an elected whole, will undergo a thorough induction process, outlining the various services provided by Council and the various issues facing the Council. The comprehensive induction program will run over a eight month period, and will require a commitment of Councillors to attend at least two meetings per week for the first 3 months.

It should be noted within the first 8 months of office Council is required to develop a Council Plan, Code of Conduct and review significant Strategic Plan including an Annual Budget. These strategic issues will be undertaken in addition to the normal business of Council meetings and the induction sessions required to assist you in undertaking the mandatory Councillor training as set out by Local Government Victoria.

25. Will I be required to make public statements?

Occasionally Councillors will be asked to make statements for various publications or press releases relating to specific ward issues and Council's Communications Team will assist Councillors in this process.

However, the Mayor of the Day is the official spokesperson for the Council, and accordingly the Mayor will make statements to the press and media on behalf of Council.

26. How do I receive Agendas, Minutes ?

Once a week all meeting agendas, minutes and correspondence addressed to Councillors are delivered to each Councillor's place of residence via courier on Tuesday / Wednesday afternoon. On some occasions late reports or agendas will be circulated electronically.

27. How will I know when various Meetings are to take place?

All Meeting requiring the attendance of Councillors will be scheduled and inputted you're your electronic diary. It is expected that Councillors would accept or decline the invitations to attend meetings. Where the attendance of Councillors at other meetings is required the meeting schedule will also reflect these meetings.

Councillors may also diarise time in the diary for personal commitments therefore the organisation will avoid booking meetings at those times.

28. If I am successful at the election on 26 October 2024, what happens next?

Following the declaration of the election which is scheduled to take place on Friday 8 November, the Chief Executive will invite Councillors elect to join him for a short meeting to outline the proposed induction program and provide an opportunity for each newly elected Councillor to meet each other. A detailed induction program will also be provided to Councillors elect to consider.

The first mandatory training session is scheduled for 11 November which is required to take place prior to the Annual Meeting of Council to be held on 19 November 2024, where Councillors elect will be sworn in.

29. Is there opportunity for me to undertake training in specific areas to gain greater skills if required?

Council provides training for Councillors, particularly in areas where a Councillor wishes to enhance their skills. Details of seminars / conferences and training programs will be shared with Councillors on a regularly basis.

30. Do I need to have a finance background to be a Councillor?

A professional background in finance related areas is not essential however it can be helpful. Council undertakes a comprehensive budget briefing process commencing in March for a period of two months prior to the adoption of the budget in June of each year. The Chief Executive and Directors provide all necessary information required for Council to develop a budget for the next financial year.

Financial reports are presented to the Council on a monthly basis and a rigorous quarterly budget review is undertaken and the results also reported to the Council. One-on-one training will be offered to Councillors to gain a greater understanding of the financial capacity of Council.

31. How do I understand the Council Meeting procedures?

Council has adopted Governance Rules which has been developed to regulate meeting proceedings at Council and Committee Meetings. The Governance Rules will assist you in understand various protocols and procedural matters within a formal meeting environment. One-on-one training will be provided to Councillors to assist them prior to any formal Council meeting.

32. Will I be required to Chair a Meeting of Council ?

Council's Governance Local Law provides that the Mayor will chair all meetings of Council at which they are present unless precluded from doing so because of an interest or by leave of absence at which point the Deputy Mayor becomes the Action Chair.

For various Special Committees, the Council usually determines the Chair at the Annual Meeting of Council together with the Chair of Council's many Advisory Committees. It is usual for the Chair to change each year. This process enables all Councillors the opportunity to gain experience at chairing meetings if they so desire.

However a process has been put in place for all Councillors, based on alphabetical rotation basis, have an opportunity to Chair Councillor Briefings. Council Officers will provide support to Councillors undertaking the role of Chair.

Thank you



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